

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

3

HOUSE BILL 340
Committee Substitute Favorable 4/26/95
Third Edition Engrossed 5/4/95

Short Title: Drug Test/Unemp. Benefits.

(Public)

Sponsors:

Referred to:

March 2, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT AN INDIVIDUAL WHO IS UNABLE TO PASS A
2 CONTROLLED SUBSTANCE EXAMINATION IS INELIGIBLE FOR
3 UNEMPLOYMENT BENEFITS UNDER CERTAIN CIRCUMSTANCES.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 96-13(a)(3) reads as rewritten:

7 "(3) ~~He~~ The individual is able to work, and is available for work: Provided
8 that, unless temporarily excused by Commission regulations, no
9 individual shall be deemed available for work unless he establishes to
10 the satisfaction of the Commission that he is actively seeking work:
11 Provided further, that an individual customarily employed in seasonal
12 employment shall, during the period of nonseasonal operations, show to
13 the satisfaction of the Commission that such individual is actively
14 seeking employment which such individual is qualified to perform by
15 past experience or training during such nonseasonal period: Provided
16 further, however, that no individual shall be considered available for
17 work for any week not to exceed two in any calendar year in which the
18 Commission finds that his unemployment is due to a vacation. In

1 administering this proviso, benefits shall be paid or denied on a payroll-
2 week basis as established by the employing unit. A week of
3 unemployment due to a vacation as provided herein means any payroll
4 week within which the equivalent of three customary full-time working
5 days consist of a vacation period. For the purpose of this subdivision,
6 any unemployment which is caused by a vacation period and which
7 occurs in the calendar year following that within which the vacation
8 period begins shall be deemed to have occurred in the calendar year
9 within which such vacation period begins. For purposes of this
10 subdivision, no individual shall be deemed available for work during
11 any week that the individual tests positive for a controlled substance as
12 defined in G.S. 95-231 that is required as a condition of hire for a job
13 which would have been suitable work for that claimant. The employer
14 shall report to the Commission in accordance with regulations adopted
15 by the Commission that the claimant has tested positive for a controlled
16 substance as defined in G.S. 95-231. For the purposes of this
17 subdivision, no individual shall be deemed available for work during
18 any week in which he is registered at and attending an established
19 school, or is on vacation during or between successive quarters or
20 semesters of such school attendance, or on vacation between yearly
21 terms of such school attendance. Except: (i) Any person who was
22 engaged in full-time employment concurrent with his school attendance,
23 who is otherwise eligible, shall not be denied benefits because of school
24 enrollment and attendance. Except: (ii) Any otherwise qualified
25 unemployed individual who is attending a vocational school or training
26 program which has been approved by the Commission for such
27 individual shall be deemed available for work. However, any
28 unemployment insurance benefits payable with respect to any week for
29 which a training allowance is payable pursuant to the provisions of a
30 federal or State law, shall be reduced by the amount of such allowance
31 which weekly benefit amount shall be rounded to the nearest lower full
32 dollar amount (if not a full dollar amount). The Commission may
33 approve such training course for an individual only if:

- 34 1. a. Reasonable employment opportunities for
35 which the individual is fitted by training and experience
36 do not exist in the locality or are severely curtailed;
- 37 b. The training course relates to an occupation or skill for
38 which there are expected to be reasonable opportunities
39 for employment; and
- 40 c. The individual, within the judgment of the Commission,
41 has the required qualifications and the aptitude to
42 complete the course successfully; or,

- 1 2. Such approval is required for the Commission to receive the
2 benefits of federal law."
3 Sec. 2. This act becomes effective October 1, 1995.