

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 278
Committee Substitute Favorable 4/26/99
Senate Finance Committee Substitute Adopted 7/1/99

Short Title: TANF Separation Noncharged/AB.

(Public)

Sponsors:

Referred to:

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS TO PROVIDE
3 THAT THE ONE HUNDRED-DAY NONCHARGE PERIOD EXTENDS TO
4 CERTAIN RECIPIENTS OF THE STATE'S WORK FIRST PROGRAM
5 SEPARATED FOR A BONA FIDE INABILITY TO WORK.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 96-9(c)(2)b. reads as rewritten:

8 "b. Any benefits paid to any claimant under a claim filed for a period
9 occurring after the date of such separations as are set forth in this
10 paragraph and based on wages paid prior to the date of (i) the
11 leaving of work by the claimant without good cause attributable
12 to the employer; (ii) the discharge of claimant for misconduct in
13 connection with his work; (iii) the discharge of the claimant for
14 substantial fault as that term may be defined in G.S. 96-14; (iv)
15 the discharge of the claimant solely for a bona fide inability to do
16 the work for which he was hired but only where the claimant was
17 hired pursuant to a job order placed with a local office of the
18 Commission for referrals to probationary employment (with a

1 probationary period no longer than 100 days), which job order
2 was placed in such circumstances and which satisfies such
3 conditions as the Commission may by regulation prescribe and
4 only to the extent of the wages paid during such probationary
5 employment; (v) separations made disqualifying under G.S. 96-
6 14(2b) and (6a); ~~or~~ (vi) separation due to leaving for disability or
7 health ~~condition~~ condition; or (vii) separation of claimant solely
8 for a bona fide inability to do the work for which the claimant
9 was hired, but only where the claimant in the last calendar
10 quarter preceding the quarter in which the claimant was paid
11 wages by the employer was a recipient of Work First Program
12 assistance by an agency of the State and the claimant's period of
13 employment was 100 days or less, shall not be charged to the
14 account of the employer by whom the claimant was employed at
15 the time of such separation; provided, however, said employer
16 promptly furnishes the Commission with such notices regarding
17 any separation of the individual from work as are or may be
18 required by the regulations of the Commission.

19 No benefit charges shall be made to the account of any
20 employer who has furnished work to an individual who, because
21 of the loss of employment with one or more other employers,
22 becomes eligible for partial benefits while still being furnished
23 work by such employer on substantially the same basis and
24 substantially the same amount as had been made available to
25 such individual during his base period whether the employments
26 were simultaneous or successive; provided, that such employer
27 makes a written request for noncharging of benefits in
28 accordance with Commission regulations and procedures.

29 No benefit charges shall be made to the account of any
30 employer for benefit years ending on or before June 30, 1992,
31 where benefits were paid as a result of a discharge due directly to
32 the reemployment of a veteran mandated by the Veteran's
33 Reemployment Rights Law, 38 USCA § 2021, et seq.

34 No benefit charges shall be made to the account of any
35 employer where benefits are paid as a result of a decision by an
36 Adjudicator, Appeals Referee or the Commission if such decision
37 to pay benefits is ultimately reversed; nor shall any such benefits
38 paid be deemed to constitute an overpayment under G.S. 96-
39 18(g)(2), the provisions thereof notwithstanding. Provided, an
40 overpayment of benefits paid shall be established in order to
41 provide for the waiting period required by G.S. 96-13(c)."

42 Section 2. This act becomes effective August 1, 1999, and applies to
43 unemployment insurance claims filed on or after that date.