

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 575
HOUSE BILL 414

1 AN ACT TO AMEND CHAPTER 96, GENERAL STATUTES OF NORTH CAROLINA, AS
2 AMENDED, KNOWN AS THE EMPLOYMENT SECURITY LAW TO PROVIDE: TO
3 MAKE GENERAL STATUTES 96-4(e) CONFORM TO GENERAL STATUTES 138-5
4 WITH RESPECT TO PER DIEM PAY FOR MEMBERS OF STATE BOARDS, ETC.; TO
5 MODIFY LAW WITH RESPECT TO APPEALS FROM THE SUPERIOR COURT TO
6 HIGHER COURTS TO CONFORM WITH THE JUDICIAL DEPARTMENT ACT OF
7 1965 (CHAPTER 7A OF THE GENERAL STATUTES); STATE TREASURERS BOND
8 TO COVER UNEMPLOYMENT INSURANCE FUND; TO CLARIFY CERTAIN
9 PROVISIONS OF SAID CHAPTER BY DEFINING THE WORDS "WEEK,"
10 "AVERAGE WEEKLY INSURED WAGE," "VACATION WEEK." AND "PARTIALLY
11 UNEMPLOYED WEEK"; TO MODIFY CONTRIBUTIONS RATE TABLES; TO
12 CHANGE ELIGIBILITY REQUIREMENTS OF CLAIMANTS WITH RESPECT TO
13 VOCATIONAL SCHOOL AND TRAINING PROGRAMS AND TO PROVIDE
14 DISQUALIFICATIONS FOR FAILURE TO ACCEPT TRAINING WITHOUT GOOD
15 CAUSE, AND FURTHER, TO PROVIDE DISQUALIFICATIONS FOR SEPARATION
16 FROM SUCH TRAINING COURSES WITHOUT GOOD CAUSE OR MISCONDUCT,
17 AND TO PROVIDE NO CHARGE TO THE ACCOUNT OF THE EMPLOYERS OF
18 ANY BENEFITS PAID TO ANY CLAIMANT WHILE ATTENDING TRAINING
19 PROGRAMS OR VOCATIONAL SCHOOLS; TO MODIFY BENEFIT TABLES;
20 CERTAIN PRIVILEGED COMMUNICATIONS WITH RESPECT TO INFORMATION
21 GIVEN BY CLAIMANTS, AND TO FURTHER CLARIFY CERTAIN PROVISIONS OF
22 SAID CHAPTER.

23
24 The General Assembly of North Carolina do enact:
25

26 **Section 1.** That Article 1, Chapter 96, Section 96-4(e). General Statutes of North
27 Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby
28 amended by striking out the last sentence in said paragraph and inserting the following:

29 "Each member of the State Advisory Council attending actual meetings of such council
30 shall be paid the same amount per diem for his services as is provided for the members of other
31 State boards, commissions and committees, who receive compensation for their services,
32 including necessary time spent in traveling to and from his place of residence within the State
33 to the place of meeting while engaged in the discharge of the duties of his office, and his actual
34 mileage and subsistence as allowed to State officials."

35 **Sec. 2.** That Article 1, Chapter 96, Section 96-4(n), General Statutes of North
36 Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby
37 amended by striking out the last sentence therein and inserting in lieu thereof the following:

38 "Either party may appeal to the appellate division from the judgment of the Superior Court
39 under the same rules and regulations as are prescribed by law for appeals, except that if an
40 appeal shall be taken on behalf of the Employment Security Commission of North Carolina it
41 shall not be required to give any undertaking or make any deposit to secure the cost of such
42 appeal and such court may advance the cause on its docket so as to give the same a speedy
43 hearing."

Sec. 3. That Article 1, Chapter 96, Section 96-6(b), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby amended by striking out the last two sentences thereof and inserting in lieu thereof the following:

"The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the Unemployment Insurance Fund provided for under this Chapter. Such liability on the official bond shall be effective immediately upon the enactment of this provision, and such liability shall exist in addition to any liability upon any separate bond existent on the effective date of this provision, or which may be given in the future. All sums recovered on any surety bond for losses sustained by the Unemployment Insurance Fund shall be deposited in said fund."

Sec. 4. That Article 2, Chapter 96, Section 96-8(10)b, General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby amended by adding after the word "than" in the third line and before the word "three" the following:

"the equivalent of

Sec. 5. That Article 2, Chapter 96, Section 96-8(14), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby amended by striking out such subsection (14) and inserting in lieu thereof the following:

"(14) 'Week' means such period of seven consecutive calendar days as the Commission may by regulations prescribe."

Sec. 6. That Article 2, Chapter 96, Section 96-8, General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby amended by adding thereto a new subdivision numbered (22) to read as follows:

"(22) Average weekly insured wage. 'Average Weekly Insured Wage' is the quotient obtained by dividing the total of the wages, as defined in Section 96-8(12) and (13), reported by all insured employers by the monthly average in insured employment under this Chapter during the immediately preceding calendar year and further dividing the quotient obtained by 52 to obtain a weekly rate. (For this computation the data as released annually in the Employment Security Commission's publication 'North Carolina Insured Employment and Wage Payment' shall be used). The quotient thus obtained shall be deemed to be the average weekly wage for such year."

Sec. 7. That Article 2, Chapter 96, Section 96-9(b)(3), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C, be and the same is hereby amended by striking out the entire subsection (3) and inserting in lieu thereof the following:

"(3) a. The applicable schedule of rates for a calendar year prior to January 1, 1970, shall be determined by the fund ratio resulting when the total amount available for benefits in the unemployment insurance fund, as of the computation date, is divided by the total amount of the taxable payroll of all subject employers for the twelve month period ending June 30, preceding such computation date. Schedule A,B,C,D,E,F,G, or H appearing on the line opposite such fund ratio in the table below shall be applicable in determining and assigning each eligible employer's contribution rate for the calendar year immediately following the computation date:

FUND RATIO SCHEDULES

When Fund Ratio is:		Applicable
As Much As	But Less Than	Schedule
—	4.5%	A
4.5%	5.5%	B

1	5.5%	6.5%	C
2	6.5%	7.5%	D
3	7.5%	8.5%	E
4	8.5%	9.5%	F
5	9.5%	10.5%	G
6	10.5% and in excess thereof		H
7	Variations from the standard rate of contributions shall be determined and assigned with		
8	respect to each calendar year, to employers whose accounts have a credit balance and who are		
9	eligible therefor according to each such employer's credit reserve ratio, and each such employer		
10	shall be assigned the contribution rate appearing in the applicable schedule A,B,C,D,E,F,G, or		
11	H on the line opposite his credit reserve ratio as set forth in the Experience Rating Formula		
12	below:		

EXPERIENCE RATING FORMULA

When the Credit Reserve Ratio is:

As Much As

But Less Than

Schedules (%)

		A	B	C	D	E	F	G	H
16	—	1.4%	2.7	2.7	2.7	2.7	2.7	2.7	2.7
17	1.4%	1.6%	2.7	2.7	2.7	2.7	2.7	2.7	2.5
18	1.6%	1.8%	2.7	2.7	2.7	2.7	2.7	2.5	2.3
19	1.8%	2.0%	2.7	2.7	2.7	2.7	2.5	2.3	2.1
20	2.0%	2.2%	2.7	2.7	2.7	2.7	2.5	2.3	1.9
21	2.2%	2.4%	2.7	2.7	2.7	2.5	2.3	2.1	1.7
22	2.4%	2.6%	2.7	2.7	2.5	2.3	2.1	1.9	1.5
23	2.6%	2.8%	2.7	2.5	2.3	2.1	1.9	1.7	1.3
24	2.8%	3.0%	2.5	2.3	2.1	1.9	1.7	1.5	1.1
25	3.0%	3.2%	2.3	2.1	1.9	1.7	1.5	1.3	0.9
26	3.2%	3.4%	2.1	1.9	1.7	1.5	1.3	1.1	0.7
27	3.4%	3.6%	1.9	1.7	1.5	1.3	1.1	0.9	0.5
28	3.6%	3.8%	1.7	1.5	1.3	1.1	0.9	0.7	0.4
29	3.8%	4.0%	1.5	1.3	1.1	0.9	0.7	0.5	0.3
30	4.0%	4.2%	1.3	1.1	0.9	0.7	0.5	0.4	0.2
31	4.2%	4.4%	1.1	0.9	0.7	0.5	0.4	0.3	0.1
32	4.4% and in excess thereof		0.9	0.7	0.5	0.4	0.3	0.2	0.1

"b. The foregoing rates shall be assigned to eligible employers with respect to insured taxable wages applicable to all periods prior to January 1, 1970, in accordance with the foregoing Fund Ratio Schedule and Experience Rating Formula.

"c. The applicable schedule of rates for the calendar year 1970 and thereafter shall be determined by the fund ratio resulting when the total amount available for benefits in the unemployment insurance fund, as of the computation date, August 1, is divided by the total amount of the taxable payroll of all subject employers for the twelve-month period ending June 30 preceding such computation date. Schedule A,B,C,D,E,F,G,H, or I appearing on the line opposite such fund ratio in the table below shall be applicable in determining and assigning each eligible employer's contribution rate for the calendar year immediately following the computation date:

FUND RATIO SCHEDULES

When the Fund Ratio is:

As Much As

But Less Than

Applicable

Schedule

1	—	3.5%	A
2	3.5%	4.5%	B
3	4.5%	5.5%	C
4	5.5%	6.5%	D
5	6.5%	7.5%	E
6	7.5%	8.5%	F
7	8.5%	9.5%	G
8	9.5%	10.5%	H
9	10.5% and in excess thereof		I

"Variations from the standard rate of contributions shall be determined and assigned with respect to each calendar year, to employers whose accounts have a credit balance and who are eligible therefor according to each such employer's credit reserve ratio, and each such employer shall be assigned the contribution rate appearing in the applicable schedule A,B,C,D,E,F,G,H, or I on the line opposite his credit reserve ratio as set forth in the Experience Rating Formula below:

EXPERIENCE RATING FORMULA

When the Credit Reserve Ratio is:

As Much As	But Less Than	Rate Schedules (%)									
		A	B	C	D	E	F	G	H	I	
—	1.4%	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.5
1.4%	1.6%	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.5	2.3
1.6%	1.8%	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.5	2.3	2.1
1.8%	2.0%	2.7	2.7	2.7	2.7	2.7	2.7	2.5	2.3	2.1	1.9
2.0%	2.2%	2.7	2.7	2.7	2.7	2.5	2.3	2.1	1.9	1.7	1.5
2.2%	2.4%	2.7	2.7	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3
2.4%	2.6%	2.7	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.1
2.6%	2.8%	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.1	0.9
2.8%	3.0%	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.1	0.9	0.7
3.0%	3.2%	2.3	2.1	1.9	1.7	1.5	1.3	1.1	0.9	0.7	0.5
3.2%	3.4%	2.1	1.9	1.7	1.5	1.3	1.1	0.9	0.7	0.5	0.4
3.4%	3.6%	1.9	1.7	1.5	1.3	1.1	0.9	0.7	0.5	0.4	0.3
3.6%	3.8%	1.7	1.5	1.3	1.1	0.9	0.7	0.5	0.4	0.3	0.2
3.8%	4.0%	1.5	1.3	1.1	0.9	0.7	0.5	0.4	0.3	0.2	0.1
4.0%	4.2%	1.3	1.1	0.9	0.7	0.5	0.4	0.3	0.2	0.1	0.1
4.2%	4.4%	1.1	0.9	0.7	0.5	0.4	0.3	0.2	0.1	0.1	0.1
4.4% and in excess thereof		0.9	0.7	0.5	0.4	0.3	0.2	0.1	0.1	0.1	

"d. New rates shall be assigned to eligible employers effective January 1, 1970, and each January 1 thereafter in accordance with the foregoing Fund Ratio Schedule and Experience Rating Formula.

"e. Each employer whose account as of any computation date occurring after August 1, 1964, shows a debit balance shall be assigned the rate of contributions appearing on the line opposite his debit ratio as set forth in the following Rate Schedule for Overdrawn Accounts:

RATE SCHEDULE FOR OVERDRAWN ACCOUNTS BEGINNING WITH THE CALENDAR YEAR 1966

When the Debit Ratio is:

As Much As	But Less Than	Assigned Rate
0.0%	0.3%	2.9%
0.3%	0.6%	3.1%
0.6%	0.9%	3.3%

1	0.9%	1.2%	3.5%
2	1.2%	1.5%	3.7%
3	1.5%	1.8%	3.9%
4	1.8%	2.1%	4.1%
5	2.1%	2.4%	4.3%
6	2.4%	2.7%	4.5%
7	2.7% and over		4.7%

"New rates with respect to overdrawn accounts shall be assigned to employers effective January 1, 1966, in accordance with the foregoing Rate Schedule for Overdrawn Accounts; provided, however, that rates applicable to the year 1965 and prior years thereto shall be assigned in accordance with the provisions of General Statutes 96-9(b)(3) c of the law as such existed prior to June 3, 1965.

"f. The computation date for all contribution rates shall be August 1 of the calendar year preceding the calendar year with respect to which such rates are effective.

"g. Any employer may at any time make a voluntary contribution, additional to the contributions required under this Chapter, to the fund to be credited to his account, and such voluntary contributions when made shall for all intents and purposes be deemed "contributions required" as said term is used in G.S. 96-8(8). Any voluntary contributions so made by an employer within thirty days after the date of mailing by the Commission pursuant to G.S. 96-9(c)(3) herein, of notification of contribution rate contained in cumulative account statement and computation of rate, shall be credited to his account as of the previous July 31. Provided, however, any voluntary contribution made as provided herein after July 31 of any year shall not be considered a part of the balance of the unemployment insurance fund for the purposes of G.S. 96-9(b)(3) until the following July 31. The Commission in accepting a voluntary contribution shall not be bound by any condition stipulated in or made a part of such voluntary contribution by any employer.

"h. If, within the calendar month in which the computation date occurs, the Commission finds that any employing unit has failed to file any report required in connection therewith or has filed a report which the Commission finds incorrect or insufficient, the Commission shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to it at the time and shall notify the employing unit thereof by registered mail addressed to its last known address. Unless such employing unit shall file the report or a corrected or sufficient report, as the case may be, within fifteen days after the mailing of such notice, the Commission shall compute such employing unit's rate of contributions on the basis of such estimates, and the rate as so determined shall be subject to increases but not to reduction, on the basis of subsequently ascertained information."

Sec. 8. That Article 2, Chapter 96, Section 96-9(c)(2), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby amended by adding thereto a new subdivision (c) to read as follows:

"c. Any benefits paid to any claimant who is attending a vocational school or training program as provided in 96-13(3) shall not be charged to the account of the base period employer(s)."

Sec. 9. That Article 2, Chapter 96, Section 96-12(b), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby amended by striking out the entire subsection (b) and inserting in lieu thereof the following:

"(b) (1) Each eligible individual whose benefit year begins on and after the first day of July, 1965, and prior to the first day of August, 1969, and who is totally unemployed during any week as defined by General Statutes 96-8(10)a, shall be paid benefits with respect to such week or weeks at the rate per week appearing in the following table in Column II opposite which in Column I appear the wages paid to such individual during his base period with respect to employment, provided he has been paid qualifying wages in other than the high quarter of his base period in at least an amount equal to that appearing in Column III opposite his assigned weekly benefit amount which appears in Column II:

	Column I Wages Paid During Base Period	Column II Assigned Weekly Benefit Amount	Column III Non-High Quarter Wages Required
Less than	\$ 550.00.....	Ineligible	
As much as	550.00 but not more than \$ 649.99.....	\$12.00	\$110.00
As much as	650.00 but not more than \$ 749.99.....	14.00	130.00
As much as	750.00 but not more than \$ 949.99.....	16.00	150.00
As much as	950.00 but not more than \$1,149.99.....	18.00	190.00
As much as	1,150.00 but not more than \$1,349.99.....	20.00	230.00
As much as	\$1,350.00 but not more than \$1,549.99.....	\$22.00	\$270.00
As much as	1,550.00 but not more than \$1,749.99.....	24.00	310.00
As much as	1,750.00 but not more than \$1,949.99.....	26.00	350.00
As much as	1,950.00 but not more than \$2,149.99.....	28.00	390.00
As much as	2,150.00 but not more than \$2,349.99.....	30.00	430.00
As much as	2,350.00 but not more than \$2,599.99.....	32.00	470.00
As much as	2,600.00 but not more than \$2,999.99.....	34.00	520.00
As much as	3,000.00 but not more than \$3,399.99.....	36.00	600.00
As much as	3,400.00 but not more than \$3,799.99.....	38.00	680.00
As much as	3,800.00 but not more than \$4,199.99.....	40.00	760.00
As much as	4,200.00 and over.....	42.00	840.00

"(2) Each eligible individual whose benefit year begins on and after the first day of August, 1969, and who is totally unemployed as defined by Section 96-8(10)a, shall be paid benefits with respect to such week or weeks at the rate per week appearing in the following table in Column II opposite which in Column I appear the wages paid to such individual during his base period with respect to employment; provided he has been paid qualifying wages in other than the high quarter of his base period in at least an amount equal to that appearing in Column III opposite his assigned weekly benefit amount which appears in Column II:

Column I		Column II	Column III
Wages Paid During Base Period:		Weekly	Non-High
As Much As	But Less Than	Benefit	Quarter Wages
Less than \$550		Amount	Required
		Ineligible	
\$ 550	\$ 650	\$12	\$ 165
650	750	14	195
750	850	16	225
850	950	18	255
950	1,050	20	285
1,050	1,150	22	315
1,150	1,300	24	345
1,300	1,450	26	390
1,450	1,600	28	435
1,600	1,800	30	480
1,800	2,000	32	540
2,000	2,200	34	600
2,200	2,500	36	660
\$2,500	\$ 2,800	\$38	\$ 750
2,800	3,100	40	840
3,100	3,400	42	930
3,400	3,800	44	1,020
3,800	4,200	46	1,140
4,200	4,600	48	1,260
4,600 and over		50	1,380

"(3) Notwithstanding any of the foregoing provisions of this Section, beginning August 1, 1969, and at each August 1 thereafter, a maximum weekly benefit amount shall be computed. It is derived by multiplying the average weekly insured wage obtained in accordance with Section 96-8(22) by fifty percentum (50%), rounded to the nearest multiple of two dollars. After determining the maximum weekly benefit amount available the Commission shall extend the benefit schedule, if required, by an appropriate modification of the pattern of base period wages required in Column I, the Assigned Weekly Benefit in Column II and Non-Higher Quarter Earnings Required in Column III. The new maximum rate determined in the aforesaid manner shall be effective only to each eligible individual whose benefit year begins on or after such August 1 of the year the computation is made.

"(4) Qualifying Wages for Exhaustees. — An individual who has exhausted his maximum benefit entitlement in his last previous benefit year who files a claim for benefits on or after July 1, 1961, shall not be entitled to benefits unless he has been paid qualifying wages required in Section 96-12(b)(2) and since the beginning date of his last established previous benefit year and

before the date upon which he files his new benefit claim has been paid wages equal to at least ten times the weekly benefit amount of the new benefit year claim. Such wages must have been earned with an employer subject to the provisions of this Chapter or some other state employment security law or in federal service as defined in Title XV of the Social Security Act."

Sec. 10. That Article 2, Chapter 96, Section 96-13(3), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby amended by striking out the sentence on Line 26 which reads as follows:

"A week of unemployment due to a vacation as provided herein means any payroll week within which as much as sixty percent of the full time working hours consist of a vacation period."

and inserting the following:

"A week of unemployment due to a vacation as provided herein means any payroll week within which the equivalent of three customary full-time working days consist of a vacation period."

Sec. 11. That Article 2, Chapter 96, Section 96-13(3), General Statutes of North Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby amended by striking out the period (.) following the last word in the last sentence of such subsection and adding thereto the following:

": Provided further, however, effective July 1, 1969, an unemployed individual who is attending a vocational school or training program which has been approved by the Commission for such individual shall be deemed available for work if such individual is not receiving a training allowance pursuant to the provisions of a Federal or State Law. The Commission may approve such training course for an individual only if: (a) Reasonable employment opportunities for which the individual is fitted by training and experience do not exist in the locality or are severely curtailed; (b) The training course relates to an occupation or skill for which there are expected to be reasonable opportunities for employment; and (c) The individual, within the judgment of the Commission, has the required qualifications and the aptitude to complete the course successfully."

Sec. 12. That Article 2, Chapter 96, Sections 96-14(3), (4), (5), (6), and (7), General Statutes of North Carolina, as such appear in the 1965 Replacement Volume 2C be and the same are hereby amended by striking out said subsections (3), (4), (5), (6), and (7) and inserting in lieu thereof the following:

"(3) For not less than four, nor more than twelve consecutive weeks of unemployment, which occur within a benefit year, beginning with the first day of the first week after the disqualifying act occurs with respect to which week an individual files a claim for benefits if it is determined by the Commission that such individual has failed without good cause (i) to apply for available suitable work when so directed by the employment office of the Commission; or (ii) to accept suitable work when offered him; or (iii) to return to his customary self-employment (if any) when so directed by the Commission; and the maximum amount of benefits due said individual during his then current benefit year shall be reduced by an amount determined by multiplying the number of such consecutive weeks of unemployment by the weekly benefit amount.

"In determining whether or not any work is suitable for an individual, the Commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work

in his customary occupation, and the distance of the available work from his residence.

"Notwithstanding any other provisions of this Chapter, no work shall be deemed suitable and benefits shall not be denied under this Chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

"a. If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

"b. If the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

"c. If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

"(4) For not less than four nor more than twelve consecutive weeks of unemployment which occur within a benefit year, beginning with the first day of the first week after the disqualifying act occurs with respect to which week an individual files a claim for benefits if it is determined by the Commission that: (a) Such individual has failed without good cause to attend a vocational school or training program when so directed by the Commission; (b) Such individual has discontinued his training course without good cause; or (c) If the individual is separated from his training course or vocational school due to misconduct; and the maximum amount of benefits due said individual during his current benefit year shall be reduced by an amount determined by multiplying the number of such consecutive weeks of unemployment by the weekly benefit amount.

Provided, however, that in any case where any week or weeks of disqualification as provided in subdivisions (1), (2), (3), and (4) of this Section have not elapsed on account of the termination of an individual's benefit year, such remaining week or weeks of disqualification shall be applicable in the next benefit year at the then current benefit amount of such individual; provided such new benefit year is established by the individual within twelve months from the date of the ending of the preceding benefit year. When any individual who has been disqualified as provided in subdivisions (1), (2), (3), and (4) of this Section returns to employment or training before the disqualifying period has elapsed, the remaining week or weeks of disqualification shall be cancelled and no deduction based on such weeks shall be made from the maximum amount of benefits of such individual; provided such individual shows the fact of employment or training to the satisfaction of the Commission.

"(5) For any week with respect to which the Commission finds that his total or partial unemployment is caused by a labor dispute in active progress on or after July 1, 1961, at the factory, establishment, or other premises at which he is or was last employed or caused after such date by a labor dispute at another place, either within or without this State, which is owned or operated by the same employing unit which owns or operates the factory, establishment, or other premises at which he is or was last employed and which supplies materials or services necessary to the continued and usual operation of the premises at which he is or was last employed. Provided, that an individual disqualified under the provisions of this subdivision shall continue to be disqualified thereunder after the labor dispute has ceased to be

- 1 in active progress for such period of time as is reasonably necessary and
2 required to physically resume operations in the method of operating in use at
3 the plant, factory, or establishment of the employing unit.
- 4 "(6) If the Commission finds he is customarily self-employed and can reasonably
5 return to self-employment.
- 6 "(7) For any week after June 30, 1939, with respect to which he shall have and
7 assert any right to unemployment benefits under an employment security law
8 of either the federal or a state government, other than the State of North
9 Carolina.
- 10 "(8) For any week with respect to which he has received any sum from the
11 employer pursuant to an order of the National Labor Relations Board or by
12 private agreement, consent or arbitration for loss of pay by reason of
13 discharge. When the amount so paid by the employer is in a lump sum and
14 covers a period of more than one week, such amount shall be allocated to the
15 weeks in the period on a pro rata basis; provided further that if the amount so
16 prorated to a particular week is less than the benefits which would otherwise
17 be due under this Chapter, he shall be entitled to receive for such week, if
18 otherwise eligible, benefits as provided under Section 96-12 of this Chapter.

19 **Sec. 13.** That Article 2, Chapter 96, Section 96-15(i), General Statutes of North
20 Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby
21 amended by striking out the two sentences beginning on line 23 and ending on line 27, which
22 read as follows:

23 "An appeal may be taken from the decision of the superior court as provided in civil cases.
24 The Commission shall have the right of appeal to the Supreme Court from a decision or
25 judgment of the superior court and for such purpose shall be deemed to be an aggrieved party."
26 and inserting in lieu thereof the following:

27 "An appeal may be taken from the judgment of the superior court, as provided in civil
28 cases. The Commission shall have the right of appeal to the appellate division from a decision
29 or judgment of the superior court and for such purpose shall be deemed to be an aggrieved
30 party."

31 **Sec. 14.** That Article 2, Chapter 96, Section 96-15, General Statutes of North
32 Carolina, as such appears in the 1965 Replacement Volume 2C be and the same is hereby
33 amended by adding thereto a new subdivision lettered "(j)" to read as follows:

34 "(j) Information obtained by any employee of the Commission from an employer or the
35 claimant with respect to a claim for benefits shall not be published or opened to public
36 inspection i other than to public employees in the performance of their public duties in any
37 manner revealing the claimant's identity or his rights to potential benefits or the amount of
38 benefits paid except as provided below. Any individual, as well as any interested employer may
39 be supplied with information as to his potential benefit rights from such claim records. Any
40 claimant at a hearing before a Claims Deputy or an Appeals Tribunal or the Commission shall
41 be supplied with information from such records to the extent necessary for the proper
42 presentation of his claims. All reports, statements, information, and communications of every
43 character with respect to a claim for benefits so made or given to the Commission, its deputies,
44 agents, examiners and employees, whether same be written, oral or in the form of testimony at
45 any hearing, or whether obtained by the Commission from the claimant or the employer or the
46 employer's books and records, shall be absolute privileged communications in any civil or
47 criminal proceedings except proceedings involving the administration of this Chapter:
48 Provided, nothing herein contained shall operate to relieve any claimant or employing unit from
49 disclosing any information required by this Chapter or as prescribed by the Commission
50 involving the administration of this Chapter. Any employee or member of the Commission who
51 violates any provision of this Section shall be fined not less than twenty dollars (\$20,00) nor

more than two hundred dollars (\$200.00), or imprisoned for not longer than ninety days, or both."

Sec. 15. That Article 2, Chapter 96, Section 96-8(17), General Statutes of North Carolina, such as appears in the 1965 Replacement Volume 2C be and the same is hereby amended by striking out said subsection (17) and inserting in lieu thereof the following:

"(17) a. As to claims filed on or after July 1, 1965 and prior to August 1, 1969, by individuals who do not have benefit years in progress, 'benefit year' with respect to any such individual means the one-year period beginning with the first day of the first week with respect to which the individual first registers for work and files a valid claim for benefits. A valid claim shall be deemed to have been filed if such individual, at the time the claim is filed, is unemployed and has been paid wages in his base period amounting to at least the minimum qualifying wages as set forth in the applicable table in General Statutes 96-12 and, in addition, must have been paid wages in other than the high quarter of his base period equal to at least twenty per cent (20%) of the minimum required base period earnings for his assigned weekly benefit amount as shown in the applicable table in General Statutes 96-12. When such individual has in his last established benefit year exhausted his maximum benefit entitlement, he must also have met the provisions of General Statutes 96-12(b)(4). After the termination of such benefit year, the next benefit year shall be the next one-year period beginning with the first day of the first week with respect to which such individual registers for work and files a valid claim.

"b. As to claims filed on and after August 1, 1969, by individuals who do not have benefit years in progress, 'benefit year' with respect to any such individual means the one-year period beginning with the first day of the first week with respect to which the individual first registers for work and files a valid claim for benefits. A valid claim shall be deemed to have been filed if such individual, at the time the claim is filed, is unemployed and has been paid wages in his base period amounting to at least the minimum qualifying wages as set forth in the applicable table in General Statutes 96-12 and, in addition, must have been paid wages in other than the high quarter of his base period equal to at least thirty per cent (30%) of the minimum required base period earnings for his assigned weekly benefit amount as shown in the applicable table in General Statutes 96-12. When such individual has in his last established benefit year exhausted his maximum benefit entitlement, he must also have met the provisions of General Statutes 96-12(b)(4). After the termination of such benefit year, the next benefit year shall be the next one-year period beginning with the first day of the first week with respect to which such individual registers for work and files a valid claim."

Sec. 16. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 17. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1969.