

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 26
HOUSE BILL 173

AN ACT TO AMEND CHAPTER 96 OF THE GENERAL STATUTES KNOWN AS THE
EMPLOYMENT SECURITY LAW OFFSETTING RETIREE'S BENEFITS AND
DISQUALIFYING CLAIMANTS WHO VOLUNTARILY LEAVE THEIR JOB, ARE
DISCHARGED FOR MISCONDUCT OR WHO REFUSE TO ACCEPT SUITABLE
WORK UNTIL THEY RETURN TO EMPLOYMENT AND REQUALIFY FOR
BENEFITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-14 as it appears in Volume 2C of the General Statutes of North Carolina, is amended as follows:

(1) by deleting the language now contained in subdivision (1) and substituting the following:

"For the duration of his unemployment 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 is, at the time such claim is filed, unemployed because he left work voluntarily without good cause attributable to the employer."

(2) by deleting the language now contained in subdivision (2) and substituting the following:

"For the duration of his unemployment 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 is, at the time such claim is filed, unemployed because he was discharged for misconduct connected with his work."

(3) by deleting the wording in paragraph 1 of subdivision (3) and substituting the following:

"For the duration of his unemployment 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. Provided further, an otherwise eligible individual who is attending a vocational school or training program which has been approved by the commission for such individual shall not be denied benefits because he refuses to apply for or accept suitable work during such period of training."

(4) by deleting the language now contained in subdivision (4) and substituting the following:

"For the duration of his unemployment 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."
- (5) by adding the following new subdivisions (9) and (10) to read as follows:
 - "(9) The amount of compensation payable to an individual for any week which begins after July 2, 1977, and which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of such individual shall be reduced (but not below zero) by an amount rounded to the nearest dollar equal to the amount of such pension, retirement or retired pay, annuity, or other payment which is reasonably attributable to such week.
 - (10) Any employee disqualified for the duration of his unemployment due to the provisions of (1), (2), (3) or (4) above may have that permanent disqualification removed if he meets the following three conditions:
 - a. returns to work for at least five weeks and is paid cumulative wages of at least 10 times his weekly benefit amount;
 - b. subsequently becomes unemployed through no fault of his own; and
 - c. meets the availability requirements of the law.

Provided for good cause shown the commission in its discretion may as to any permanent disqualification provided in this Chapter reduce the disqualification period to a time certain but not less than five weeks. The maximum amount of benefits due any individual whose permanent disqualification is changed to a time certain shall be reduced by an amount determined by multiplying the number of weeks of disqualification by the weekly benefit amount."

Sec. 2. This act shall become effective July 3, 1977.

In the General Assembly read three times and ratified, this the 24th day of February,

1977.