

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 320
Second Edition Engrossed 5/8/91

Short Title: Tech. Changes/Empl. Sec.

(Public)

Sponsors: Senator Smith.

Referred to: Manufacturing and Labor.

March 27, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CHANGES TO THE EMPLOYMENT
3 SECURITY LAW.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 96-8 is amended by adding the following new subdivision to
6 read:

7 "(26) If two or more related corporations concurrently employ the same
8 individual and compensate the individual through a common
9 paymaster that is one of the related corporations, each related
10 corporation shall be considered to have paid as remuneration to the
11 individual only the amounts actually disbursed by it to the individual
12 and shall not be considered to have paid as remuneration to the
13 individual amounts actually disbursed to the individual by another of
14 the related corporations."

15 Sec. 2. G.S. 96-9(a) is amended by adding the following new subdivision to
16 read:

17 "(7) Effective with the quarter ending August 31, 1992, every employer
18 with 250 or more employees, and every person or organization that, as
19 agent, reports wages on a total of 250 or more employees on behalf of
20 one or more subject employers, shall file that portion of the
21 'Employer's Quarterly Tax and Wage Report' that contains the name,
22 social security number, and gross wages of each individual in

1 employment on magnetic tapes or diskettes in a format prescribed by
2 the Commission."

3 Sec. 3. G.S. 96-9(c)(2) reads as rewritten:

4 "(2) Charging of benefit payments. –

5 a. Benefits paid shall be allocated to the account of each base
6 period employer in the proportion that the base period wages
7 paid to an eligible individual in any calendar quarter by each
8 such employer bears to the total wages paid by all base period
9 employers during the base period, except as hereinafter
10 provided in paragraphs b, c, and d of this subdivision, G.S. 96-
11 9(d)(2)c, and 96-12(e)G. The amount so allocated shall be
12 multiplied by one hundred twenty percent (120%) and charged
13 to that employer's account. Benefits paid shall be charged to
14 employers' accounts upon the basis of benefits paid to claimants
15 whose benefit years have expired.

16 b. Any benefits paid to any claimant under a claim filed for a period
17 occurring after the date of such separations as are set forth in this
18 paragraph and based on wages paid prior to the date of (i) the leaving
19 of work by the claimant without good cause attributable to the
20 employer; (ii) the discharge of claimant for misconduct in connection
21 with his work; (iii) the discharge of the claimant for substantial fault as
22 that term may be defined in G.S. 96-14; (iv) the discharge of the
23 claimant solely for a bona fide inability to do the work for which he
24 was hired but only where the claimant was hired pursuant to a job
25 order placed with a local office of the Commission for referrals to
26 probationary employment (with a probationary period no longer than
27 100 days), which job order was placed in such circumstances and
28 which satisfies such conditions as the Commission may by regulation
29 prescribe and only to the extent of the wages paid during such
30 probationary employment; (v) separations made disqualifying under
31 G.S. 96-14(2B) and (6A); or (vi) separation due to leaving for
32 disability or health condition shall not be charged to the account of the
33 employer by whom the claimant was employed at the time of such
34 separation; provided, however, said employer promptly furnishes the
35 Commission with such notices regarding any separation of the
36 individual from work as are or may be required by the regulations of
37 the Commission.

38 No benefit charges shall be made to the account of any
39 employer who has furnished work to an individual who,
40 because of the loss of employment with one or more other
41 employers, becomes eligible for partial benefits while still being
42 furnished work by such employer on substantially the same
43 basis and substantially the same amount as had been made
44 available to such individual during his base period whether the

1 employments were simultaneous or successive; provided, that
2 such employer makes a written request for noncharging of
3 benefits in accordance with Commission regulations and
4 procedures.

5 No benefit charges shall be made to the account of any
6 employer where benefits are paid as a result of a decision by an
7 Adjudicator, Appeals Referee or the Commission if such
8 decision to pay benefits is ultimately reversed; nor shall any
9 such benefits paid be deemed to constitute an overpayment
10 under G.S. 96-18(g)(2), the provisions thereof notwithstanding.
11 Provided, an overpayment of benefits paid shall be established
12 in order to provide for the waiting period required by G.S. 96-
13 13(c).

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

17 d. Any benefits paid to any claimant under the following
18 conditions shall not be charged to the account of the base period
19 employer(s):

- 20 1. The benefits are paid for unemployment due directly to a
21 major natural disaster, and
- 22 2. The President has declared the disaster pursuant to the
23 Disaster Relief Act of 1970, 42 USCA 4401, **et seq.**, and
- 24 3. The benefits are paid to claimants who would have been
25 eligible for disaster unemployment assistance under this
26 Act, if they had not received unemployment insurance
27 benefits with respect to that unemployment.

28 e. 1. Any benefits paid to any claimant which are
29 based on previously uncovered employment which are
30 reimbursable by the federal government shall not be
31 charged to the experience rating account of any
32 employer.

- 33 2. For purposes of this paragraph previously uncovered
34 employment for which benefits are reimbursable by the
35 federal government means services performed before
36 July 1, 1978, in the case of a week of unemployment
37 beginning before July 1, 1978, or before January 1, 1978,
38 in the case of a week of unemployment beginning after
39 July 1, 1978, and to the extent that assistance under Title
40 II of the Emergency Jobs and Unemployment Assistance
41 Act of 1974 (SUA) was not paid to such individuals on
42 the basis of such service."

43 Sec. 4. This act is effective upon ratification.