

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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SENATE BILL 329

Short Title: UI/Some Formerly Disabled Workers Eligible. (Public)

Sponsors: Senator Cook (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

March 19, 2013

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA
3 TO MAKE ELIGIBLE FOR UNEMPLOYMENT INSURANCE BENEFITS
4 INDIVIDUALS SEPARATED FROM EMPLOYMENT THROUGH NO FAULT OF
5 THEIR OWN FOLLOWING A PERIOD OF DISABILITY LEAVE GRANTED BY THE
6 EMPLOYER.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** Effective until July 1, 2013, G.S. 96-13(a) is amended by adding a
9 new subdivision to read:

10 "**§ 96-13. Benefit eligibility conditions.**

11 (a) An unemployed individual shall be eligible to receive benefits with respect to any
12 week only if the Division finds that –

13 ...
14 (7) Individuals, prior to separation from employment due to no fault of their
15 own, were (i) on short-term or long-term disability leave from the employer
16 immediately before separation, (ii) medically released from the disability
17 leave period after being deemed to be able to return to work with the
18 employer and therefore no longer eligible for disability leave status with the
19 employer, and (iii) not employed by another employer during the disability
20 period."

21 **SECTION 1.(b)** Effective until July 1, 2013, G.S. 96-12(b)(1) is amended by
22 adding a new sub-subdivision to read:

23 "(b) (1) a. Repealed by Session Laws 1977, c. 727, s. 52.

24 b. An individual who is totally unemployed shall be paid the
25 individual's weekly benefit amount. The weekly benefit amount for
26 an individual is the amount of the high-quarter wages paid to the
27 individual in the individual's base period, divided by 26 and, if the
28 quotient is not a whole dollar, rounded to the next lower whole
29 dollar. If this amount is less than fifteen dollars (\$15.00), the
30 individual is not eligible for benefits.

31 c. Repealed by Session Laws 1981, c. 160, s. 17.

32 d. Individuals shall be paid a weekly benefit if the individuals, prior to
33 separation from employment due to no fault of their own, were (i) on
34 short-term or long-term disability leave from the employer
35 immediately before separation, (ii) medically released from the
36 disability leave period after being deemed to be able to return to



1 work with the employer and therefore no longer eligible for disability
2 leave status with the employer, and (iii) not employed by another
3 employer during the disability period."

4 **SECTION 1.(c)** Effective until July 1, 2013, G.S. 96-14 is amended by adding a
5 new subdivision to read:

6 "(13) Notwithstanding any other provision of this Chapter, no otherwise eligible
7 individuals shall be denied benefits for any weeks if it is determined by the
8 Division that the individuals, prior to separation from employment due to no
9 fault of their own, were (i) on short-term or long-term disability leave from
10 the employer immediately before separation, (ii) medically released from the
11 disability leave period after being deemed to be able to return to work with
12 the employer and therefore no longer eligible for disability leave status with
13 the employer, and (iii) not employed by another employer during the
14 disability period."

15 **SECTION 2.** Effective July 1, 2013, G.S. 96-14.1, as enacted by Section 5 of S.L.
16 2013-2, is amended by adding a new subdivision to read:

17 "(f) Notwithstanding any other provision of this Article, no otherwise eligible
18 individuals shall be denied benefits for any weeks if it is determined by the Division that the
19 individuals, prior to separation from employment due to no fault of their own, were (i) on
20 short-term or long-term disability leave from the employer immediately before separation, (ii)
21 medically released from the disability leave period after being deemed to be able to return to
22 work with the employer and therefore no longer eligible for disability leave status with the
23 employer, and (iii) not employed by another employer during the disability period."

24 **SECTION 3.** This act is effective when it becomes law and applies to claims filed
25 on or after that date.