

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1075

Short Title: UI Modifications/Increase Benefits/Funds. (Public)

Sponsors: Representatives Alston, Batch, Holley, and Hunt (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Finance, if favorable, Rules, Calendar, and Operations of the House

May 14, 2020

A BILL TO BE ENTITLED

AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS BY INCREASING BENEFIT ELIGIBILITY TO A TWENTY-SIX WEEK PERIOD AND THE MAXIMUM WEEKLY BENEFIT AMOUNT TO FOUR HUNDRED FIFTY DOLLARS, BASING THE CALCULATION OF THE BENEFIT AMOUNT ON THE AVERAGE OF THE TWO HIGHEST PAID QUARTERS, PROVIDING BENEFITS IN CASES WHERE AN INDIVIDUAL LEAVES EMPLOYMENT FOR SPOUSAL RELOCATION OR HEALTH REASONS OR DUE TO AN UNDUE HARDSHIP, AND APPROPRIATING FUNDS TO INFORM THE PUBLIC OF THESE CHANGES; AND AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FEASIBILITY OF ESTABLISHING A SHORT-TERM COMPENSATION PROGRAM TO BENEFIT EMPLOYERS AND EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 96-14.2(a) reads as rewritten:

"(a) Weekly Benefit Amount. – The weekly benefit amount for an individual who is totally unemployed is an amount equal to the average of the wages paid to the individual in the last two completed quarters ~~two highest paid quarters~~ of the individual's base period divided by 52 and rounded to the next lower whole dollar. If this amount is less than fifteen dollars (\$15.00), the individual is not eligible for benefits. The weekly benefit amount may not exceed ~~three hundred fifty dollars (\$350.00)~~ four hundred fifty dollars (\$450.00)."

SECTION 2. G.S. 96-14.3 reads as rewritten:

"§ 96-14.3. Duration of benefits.

(a) ~~Duration.—The number of weeks an individual is allowed to receive unemployment benefits depends on the seasonal adjusted statewide unemployment rate that applies to the six-month base period in which the claim is filed. One six-month base period begins on January 1 and one six-month base period begins on July 1. For the base period that begins January 1, the average of the seasonal adjusted unemployment rates for the State for the preceding months of July, August, and September applies. For the base period that begins July 1, the average of the seasonal adjusted unemployment rates for the State for the preceding months of January, February, and March applies. The Division must use the most recent seasonal adjusted unemployment rate determined by the U.S. Department of Labor, Bureau of Labor Statistics, and not the rate as revised in the annual benchmark.~~

Seasonal Adjusted Unemployment Rate	Number of Weeks
Less than or equal to 5.5%	12



1	Greater than 5.5% up to 6%	13
2	Greater than 6% up to 6.5%	14
3	Greater than 6.5% up to 7%	15
4	Greater than 7% up to 7.5%	16
5	Greater than 7.5% up to 8%	17
6	Greater than 8% up to 8.5%	18
7	Greater than 8.5% up to 9%	19
8	Greater than 9%	20

9 (a1) Maximum Duration. – An eligible individual is entitled to receive unemployment
 10 benefits for a maximum period of 26 weeks, unless the benefit period is extended expressly by
 11 State or federal law.

12 (b) Total Benefits. – The total benefits paid to an individual equals the individual's
 13 weekly benefit amount allowed under G.S. 96-14.2 multiplied by ~~the number of weeks allowed~~
 14 ~~under subsection (a) of this section.26."~~

15 **SECTION 3.** G.S. 96-14.8 reads as rewritten:

16 "**§ 96-14.8. Military spouse relocation-Spousal relocation, undue family hardship, health**
 17 **reasons, and domestic violence are good causes for leaving.**

18 An individual is not disqualified for benefits for leaving work for one of the reasons listed in
 19 this section. Benefits paid on the basis of this section are not chargeable to the employer's
 20 account:

21 (1) Military spouse relocation. – Leaving work to accompany the individual's
 22 spouse to a new place of residence because the spouse has been reassigned
 23 from one military assignment to another.

24 (2) Domestic violence. – Leaving work for reasons of domestic violence if the
 25 individual reasonably believes that the individual's continued employment
 26 would jeopardize the safety of the individual or of any member of the
 27 individual's immediate family. For purposes of this subdivision, an individual
 28 is a victim of domestic violence if one or more of the following applies:

29 a. The individual has been adjudged an aggrieved party as set forth by
 30 Chapter 50B of the General Statutes.

31 b. There is evidence of domestic violence, sexual offense, or stalking.
 32 Evidence of domestic violence, sexual offense, or stalking may
 33 include any one or more of the following:

34 1. Law enforcement, court, or federal agency records or files.

35 2. Documentation from a domestic violence or sexual assault
 36 program if the individual is alleged to be a victim of domestic
 37 violence or sexual assault.

38 3. Documentation from a religious, medical, or other professional
 39 from whom the individual has sought assistance in dealing
 40 with the alleged domestic violence, sexual abuse, or stalking.

41 c. The individual has been granted program participant status pursuant to
 42 G.S. 15C-4 as the result of domestic violence committed upon the
 43 individual or upon a minor child with or in the custody of the
 44 individual by another individual who has or has had a familial
 45 relationship with the individual or minor child.

46 (3) Health reasons. – Where an individual leaves work due solely to a disability
 47 incurred or other health condition, whether or not related to the work, and the
 48 individual shows:

49 a. That, at the time of leaving, an adequate disability or health condition
 50 of the employee, of a minor child who is in the legally recognized
 51 custody of the individual, of an aged or disabled parent of the

1 individual, or of a disabled member of the individual's immediate
2 family, either medically diagnosed or otherwise shown by competent
3 evidence, existed to justify the leaving and prevented the employee
4 from doing other alternative work offered by the employer which pays
5 the minimum wage or eighty-five percent (85%) of the individual's
6 regular wage, whichever is greater; and

7 b. That, at a reasonable time prior to leaving, the individual gave the
8 employer notice of the disability or health condition.

9 (4) Undue family hardship. – Arises when an individual is unable to accept a
10 particular shift because the individual is unable to obtain (i) child care during
11 the shift for a minor child under 14 years of age who is in the legally
12 recognized custody of the individual or (ii) elder care during that shift for an
13 aged or disabled parent of the individual.

14 (5) Spousal relocation. – Leaving work to accompany the claimant's spouse to a
15 new place of residence where the spouse has secured work in a location that
16 is too far removed for the claimant reasonably to continue to work."

17 **SECTION 4.** There is appropriated from the General Fund to the Department of
18 Commerce, Division of Employment Security, the sum of one hundred thousand dollars
19 (\$100,000) for the 2020-2021 fiscal year to conduct a statewide public information campaign
20 notifying the public of the modifications made by this act.

21 **SECTION 5.** The Legislative Research Commission (LRC) shall study the
22 feasibility of establishing an unemployment insurance work-sharing or short-term compensation
23 program to benefit employers and employees in this State. The LRC shall report its findings,
24 together with any proposed legislation, to the 2021 General Assembly upon its regular convening.

25 **SECTION 6.** Section 4 of this act becomes effective July 1, 2020. The remainder of
26 this act is effective when it becomes law, with Sections 1, 2, and 3 applying to claims for
27 unemployment insurance benefits filed on or after that date.