

Fifty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2108

Introduced by

Industry, Business and Labor Committee

(At the request of Job Service North Dakota)

1 A BILL for an Act to amend and reenact subsection 2 of section 52-04-07 and subsections 1
2 and 6 of section 52-06-02 of the North Dakota Century Code, relating to charging of certain
3 benefit payments to reimbursing employers' accounts, charging of benefits to base period
4 employers, and to the definition of a full-time student who would be disqualified from receiving
5 benefits under the unemployment compensation insurance system.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 52-04-07 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 2. Notwithstanding subsection 1, an employer's account may not be charged for any
10 of the following:

11 a. With benefits paid to an individual for unemployment that is directly caused by
12 a major natural disaster declared by the president pursuant to section 102(2)
13 of the Disaster Relief Act of 1974 [Pub. L. 93-288; 88 Stat. 143; 42 U.S.C.
14 5122(2)], if the individual would have been eligible for disaster unemployment
15 assistance with respect to that unemployment but for the individual's receipt of
16 unemployment insurance benefits.

17 b. With benefits paid to an individual who, ~~during the base period~~, either:

18 (1) Left the employment of a the base-period employer voluntarily without
19 good cause or with good cause not involving fault on the part of the
20 base-period employer; or

21 (2) Who was discharged from employment by the base-period employer for
22 misconduct.

23 c. As provided under section 52-06-29.

- d. With benefits paid to an individual who is in training with the approval of ~~the~~
bureau job service North Dakota.
- e. With benefits paid to an individual who is subsequently determined not
entitled to receive the benefits.
- f. With benefits paid to an individual who is currently employed part time with
that employer when the hiring agreement between the individual and the
employer has not changed since the individual commenced work for that
employer. This subdivision does not apply to an employee of a temporary
help firm.

SECTION 2. AMENDMENT. Subsections 1 and 6 of section 52-06-02 of the North
Dakota Century Code are amended and reenacted as follows:

1. For the week in which the individual has left the individual's most recent
employment voluntarily without good cause attributable to the employer, and
thereafter until such time as the individual:
 - a. Can demonstrate that the individual has earned remuneration for personal
services in employment equivalent to at least eight times the individual's
weekly benefit amount as determined under section 52-06-04; and
 - b. Has not left the individual's most recent employment under disqualifying
circumstances.

A temporary employee of a temporary help firm is deemed to have left
employment voluntarily if the employee does not contact the temporary help firm
for reassignment before filing for benefits. Failure to contact the temporary help
firm is not deemed a voluntary leaving of employment unless the claimant was
advised of the obligation to contact the temporary help firm upon completion of an
assignment and advised that unemployment benefits may be denied for failure to
contact the temporary help firm. As used in this subsection, "temporary employee"
means an employee assigned to work for a client of a temporary help firm; and
"temporary help firm" means a firm that hires that firm's own employees and
assigns these employees to a client to support or supplement the client's workforce
in a work situation such as employee absence, temporary skill shortage, seasonal
workload, a special assignment, and a special project.

1 This subsection does not apply if ~~the bureau~~ job service North Dakota
2 determines that the individual in an active claim filing status accepted work which
3 the individual could have refused with good cause under section 52-06-36 and
4 terminated such employment with the same good cause and within the first ten
5 weeks after starting work.

6 This subsection does not apply if the individual left employment or remains
7 away from employment following illness or injury upon a physician's written notice
8 or order; no benefits may be paid under this exception unless the employee has
9 notified the employer of the physician's requirement and has offered service for
10 suitable work to the employer upon the individual's capability of returning to
11 employment. This exception does not apply unless the individual's capability of
12 returning to employment and offer of service for suitable work to the employer
13 occurs within sixty days of the last day of work. However, the cost of any benefits
14 paid under this exception may not be charged against the account of the employer,
15 other than a reimbursing employer, from whom the individual became separated as
16 a result of the illness or injury. ~~The bureau~~ Job service North Dakota may request
17 and designate a licensed physician to provide a second opinion regarding the
18 claimant's qualification; however, no individual may be charged fees of any kind for
19 the cost of such second opinion.

20 This subsection does not apply if the individual left the most recent
21 employment because of an injury or illness caused or aggravated by the
22 employment; no benefits may be paid under this exception unless the individual
23 leaves employment upon a physician's written notice or order, the individual has
24 notified the employer of the physician's requirement, and there is no reasonable
25 alternative but to leave employment.

26 For the purpose of this subsection, an individual who left the most recent
27 employment in anticipation of discharge or layoff must be deemed to have left
28 employment voluntarily and without good cause attributable to the employer.

29 For the purpose of this subsection, "most recent employment" means
30 employment with any employer for whom the claimant last worked and voluntarily
31 quit without good cause attributable to the employer or with any employer, in

insured work, for whom the claimant last worked and earned wages equal to or exceeding eight times the individual's weekly benefit amount.

This subsection does not apply if the individual leaves work which is two hundred road miles [321.87 kilometers] or more, as measured on a one-way basis, from the individual's home to accept work which is less than two hundred road miles [321.87 kilometers] from the individual's home provided the work is a bona fide job offer with a reasonable expectation of continued employment.

This subsection does not apply if the individual voluntarily leaves most recent employment to accept a bona fide job offer with a base period employer who laid off the individual and with whom the individual has a demonstrated job attachment. For the purposes of this exception, "demonstrated job attachment" requires earnings in each of six months during the five calendar quarters before the calendar quarter in which the individual files the claim for benefits.

6. For any week of unemployment if such individual is a student registered for ~~full attendance~~ a full-time curriculum at, and is regularly attending, an established school, college, or university, ~~except as provided in subdivision a of and the scheduled class hours are the same time period or periods as the normal work hours of the occupation from which that individual earned the majority of the wages in that individual's base period, unless that individual is authorized to receive benefits while in training pursuant to subsection 3 of section 52-06-01.~~ However, this disqualification does not apply to ~~full-time postsecondary~~ registered for a full-time curriculum students who have earned the majority of ~~their wage credits~~ the wages in their base ~~period~~ periods for services performed during weeks in which the individual was so registered and attending school ~~as a full-time postsecondary student.~~ As used in this subsection, the term "full-time curriculum" means a course load of twelve or more credit hours or a course load found to be equivalent by rule adopted by job service North Dakota.