

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota
2 Century Code, relating to imposition of a fee by job service North Dakota on employers for
3 employees utilizing the return to employer status; and to provide a continuing appropriation.

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

5 **SECTION 1.** A new section to chapter 52-04 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Return to employer fee - Continuing appropriation.**

8 1. The bureau shall impose a fee upon an employer utilizing the return to employer
9 status for any individual who has worked for the employer within the base period of
10 the claimant's unemployment insurance claim to the date of claim and for which the
11 employer is also the claimant's last employer. Any fee paid under this section may
12 not be considered as an unemployment contribution under this chapter and may
13 not be used in determining unemployment insurance tax rates. A fee paid under
14 this section is nonrefundable. An employer making payments in lieu of
15 contributions is not eligible to pay the return to employer fee under this section.

16 2. a. The bureau shall calculate the fee based upon the employer's number of
17 claimants designated as returning to employment multiplied by one hundred
18 dollars. The number of claimants designated as returning to employment
19 must be calculated as follows using twelve-month periods ending June
20 thirtieth of each year:

21 (1) If an employer is liable for twelve through twenty-three months
22 immediately preceding June thirtieth, add the most recent one year of
23 claimants designated as returning to employer and divide by one.

- 1 (2) If an employer is liable for twenty-four through thirty-five months
2 immediately preceding June thirtieth, add the most recent two years of
3 claimants designated as returning to employer in each of the most
4 recent two years and divide by two.
- 5 (3) If an employer is liable for thirty-six months or more immediately
6 preceding June thirtieth, add the most recent three years of claimants
7 designated as returning to employer in each of the most recent three
8 years and divide by three.
- 9 b. After completing the calculations under subdivision a, the bureau shall round
10 the resulting number to the next highest whole number and multiply that whole
11 number by one hundred dollars.
- 12 c. If an employer's coverage began after July first of the preceding year, the
13 employer shall pay a fee of five hundred dollars or one hundred dollars times
14 the number of claimants designated as returning to employer during the
15 twelve preceding months, whichever is greater.
- 16 3. By September first of each year, the bureau shall send a notice to each employer's
17 address of record indicating that the utilization of the return to employer status for
18 the twelve-month period beginning October first is conditional upon payment of the
19 fee stated within the notice, and any other balance due to the bureau being paid by
20 September thirtieth of that year. An employer with any balance due as of October
21 first may not utilize the return to employment status during the twelve months
22 ending September thirtieth of the subsequent year. The payment of the fee by an
23 employer applies to any claim filed on or after October first of each year and
24 continues to September thirtieth of the following year.
- 25 4. Upon payment by an employer of the return to employer fee under this section, a
26 qualifying employee of the employer who is laid off due to a lack of work and
27 through no fault of the employee is eligible for return to employer status and is not
28 required to search for work during any period of unemployment for claims with a
29 claim date between October first and September thirtieth of the subsequent year.

- 1 5. The bureau may allow continuation of return to employer status for a claimant of an
2 employer that has paid the return to employer fee, notwithstanding a period of
3 intervening employment of the claimant with another employer.
- 4 6. Any fees collected under this section must be deposited in the federal advance
5 interest repayment fund provided for under section 52-04-22 and may be used for
6 the purpose of administration of the unemployment insurance program.