

Sixty-second
Legislative Assembly
of North Dakota

SENATE BILL NO. 2245

Introduced by

Senators Dever, Schneider, Triplett

Representatives N. Johnson, Maragos, S. Meyer

1 A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 52-04-07 and
2 subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to eligibility for
3 unemployment compensation benefits; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subdivision b of subsection 2 of section 52-04-07 of the North
6 Dakota Century Code is amended and reenacted as follows:

7 b. With benefits paid to an individual who ~~either~~:

8 (1) Left the employment of the base-period employer voluntarily without good
9 cause or with good cause not involving fault on the part of the base-period
10 employer; ~~or~~

11 (2) ~~Who was~~ Was discharged from employment by the base-period employer for
12 misconduct; ~~or~~

13 (3) ~~Who was~~ Was separated from employment ~~due with the base-period~~
14 employer for reasons directly attributable to domestic violence or sexual
15 assault.

16 **SECTION 2. AMENDMENT.** Subsection 1 of section 52-06-02 of the North Dakota Century
17 Code is amended and reenacted as follows:

18 1. For the week in which the individual has left the individual's most recent employment
19 voluntarily without good cause attributable to the employer, and thereafter until such
20 time as the individual:

21 a. Can demonstrate that the individual has earned remuneration for personal
22 services in employment from and after the date of the unemployment
23 compensation claim filing, equivalent to at least eight times the individual's
24 weekly benefit amount as determined under section 52-06-04; and

1 b. Has not left the individual's most recent employment under disqualifying
2 circumstances.

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

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

19 This subsection does not apply if the individual left employment or remains away
20 from employment following illness or injury upon a physician's written notice or order;
21 no benefits may be paid under this exception unless the employee has notified the
22 employer of the physician's requirement and has offered service for suitable work to
23 the employer upon the individual's capability of returning to employment. This
24 exception does not apply unless the individual's capability of returning to employment
25 and offer of service for suitable work to the employer occurs within sixty days of the
26 last day of work. However, the cost of any benefits paid under this exception may not
27 be charged against the account of the employer, other than a reimbursing employer,
28 from whom the individual became separated as a result of the illness or injury. Job
29 service North Dakota may request and designate a licensed physician to provide a
30 second opinion regarding the claimant's qualification; however, no individual may be
31 charged fees of any kind for the cost of such second opinion.

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

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

10 For the purpose of this subsection, "most recent employment" means
11 employment with any employer for whom the claimant last worked and voluntarily quit
12 without good cause attributable to the employer or with any employer, in insured work,
13 for whom the claimant last worked and earned wages equal to or exceeding eight
14 times the individual's weekly benefit amount.

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

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

26 This subsection does not apply if the ~~individual is separated~~ reason for separation
27 from the individual's employment due is directly attributable to domestic violence or
28 sexual assault that is verified by ~~reasonable documentation and which causes the~~
29 ~~individual to reasonably believe the individual's continuing~~ that substantiates the
30 individual's reason for separation from the most recent employment and such
31 continued employment would jeopardize the safety of the individual or of the

1 individual's spouse, parent, or minor child. For purposes of this subsection, ~~reasonable~~
2 ~~documentation of domestic violence or sexual assault~~ includes a court order ~~for,~~
3 ~~protection order, restraining order,~~ or other ~~documentation of equitable relief by the~~
4 ~~court; a police record documenting domestic violence; medical documentation of~~
5 ~~domestic violence or sexual assault; documentation the perpetrator of the domestic~~
6 ~~violence or sexual assault has been convicted of a crime involving domestic violence;~~
7 ~~a written statement that the individual or the individual's spouse, parent, or minor child~~
8 ~~is a victim of domestic violence or sexual assault;~~ record filed with a court; a police
9 record; a medical record indicating domestic violence or sexual assault; or a written
10 affidavit provided by a social worker, member of the clergy, shelter worker, attorney, or
11 other professional who has assisted the applicant in dealing with the domestic
12 violence or sexual assault; ~~or a reliable statement from another individual with~~
13 ~~knowledge of the domestic violence or sexual assault that the individual or the~~
14 ~~individual's spouse, parent, or minor child is a victim of domestic violence or sexual~~
15 ~~assault.~~

16 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.