

HOUSE BILL NO. 1198

Introduced by

Representative Keiser

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 limitations on the number of job-attached unemployment insurance
3 claimants and soliciting employer information; and to provide an effective date.

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 **Identification of job-attached employees - Exemption from work search**
8 **requirement - Definitions.**

9 1. Job service North Dakota shall adopt administrative rules setting out a procedure
10 or procedures for identifying a limited number of estimated annual future claimants
11 who may be considered job-attached as defined in this section. The number of
12 job-attached claimants in any calendar year may not exceed thirty percent of the
13 estimated number of initial claims to be filed in that calendar year. To assist job
14 service North Dakota in identifying those claimants, a covered employer may
15 submit a list of no more than thirty percent of the employer's maximum quarterly
16 workforce, that the employer desires to have job service North Dakota consider
17 job-attached. Job service North Dakota shall within thirty days of the effective date
18 of this Act, publish the format for the list allowed by this section. Employers who
19 desire to submit a list pursuant to this section must do so between December first
20 and fifteenth of each calendar year. The procedure used by job service North
21 Dakota to identify claimants who will be considered job-attached must be the result
22 of random selection, except that job service North Dakota may include the persons
23 identified on any list submitted by a covered employer as authorized in this
24 subsection. Any person filing an unemployment insurance claim who has not been

1 identified by job service North Dakota pursuant to this subsection may not be
2 considered job-attached and will be required to actively seek work during each
3 week that the person certifies continuing eligibility for unemployment insurance,
4 unless excused pursuant to other provisions of law.

5 2. Job service North Dakota shall treat those persons identified as job-attached
6 pursuant to subsection 1, who file an unemployment insurance claim during the
7 calendar year for which they are so identified, as exempt from the requirement to
8 be actively seeking work for a period of not to exceed twenty weeks.

9 3. As used in this section:

10 a. "Certifies continuing eligibility" means action taken by an unemployment
11 insurance claimant to report the claimant's continuing eligibility for weekly
12 unemployment insurance benefits.

13 b. "Job-attached" means a claimant identified pursuant to subsection 1 who is
14 temporarily laid off from employment and who is likely to be reemployed upon
15 the completion of the necessary layoff period, and who will not be required to
16 actively seek work for a period not to exceed twenty weeks during each of
17 which the claimant is certifying continuing eligibility for unemployment
18 insurance benefits.

19 c. "Maximum quarterly workforce" means the maximum number of employees
20 listed on the employer's unemployment insurance contribution reports for the
21 first four of the last five reported quarters, or on such fewer number of
22 reported quarters as may be available.

23 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2006.