

**SENATE BILL NO. 2106**

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 subsections 1 and 2 of section 52-06-02 of the North  
2 Dakota Century Code, relating to overcoming disqualification from unemployment  
3 compensation benefits.

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

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

- 7 1. For the week in which the individual has left the individual's most recent  
8 employment voluntarily without good cause attributable to the employer, and  
9 thereafter until such time as the individual:
- 10 a. Can demonstrate that the individual has earned remuneration for personal  
11 services in employment from and after the date of the unemployment  
12 compensation claim filing, equivalent to at least eight times the individual's  
13 weekly benefit amount as determined under section 52-06-04; and
  - 14 b. Has not left the individual's most recent employment under disqualifying  
15 circumstances.

16 A temporary employee of a temporary help firm is deemed to have left  
17 employment voluntarily if the employee does not contact the temporary help firm  
18 for reassignment before filing for benefits. Failure to contact the temporary help  
19 firm is not deemed a voluntary leaving of employment unless the claimant was  
20 advised of the obligation to contact the temporary help firm upon completion of an  
21 assignment and advised that unemployment benefits may be denied for failure to  
22 contact the temporary help firm. As used in this subsection, "temporary employee"  
23 means an employee assigned to work for a client of a temporary help firm; and  
24 "temporary help firm" means a firm that hires that firm's own employees and

1 assigns these employees to a client to support or supplement the client's workforce  
2 in a work situation such as employee absence, temporary skill shortage, seasonal  
3 workload, a special assignment, and a special project.

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

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

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

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

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

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

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

17          2. For the week in which the individual has been discharged for misconduct in  
18          connection with the individual's most recent employment and thereafter until such  
19          time as the individual:

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

24          b. Has not left the individual's most recent employment under disqualifying  
25          circumstances.

26          For the purpose of this subsection, "most recent employment" means employment  
27          with any employer for whom the claimant last worked and was discharged for  
28          misconduct in connection with the claimant's employment or with any employer, in  
29          insured work, for whom the claimant last worked and earned wages equal to or  
30          exceeding ten times the claimant's weekly benefit amount.