

HOUSE BILL NO. 1276

Introduced by

Representatives Amerman, Maragos, Mock

Senators Nelson, Schneider, Triplett

1 A BILL for an Act to amend and reenact subsection 3 of section 52-01-01, subdivision b of
2 subsection 2 of section 52-04-07, and subsection 1 of section 52-06-02 of the North Dakota
3 Century Code, relating to eligibility for unemployment compensation benefits; and to declare an
4 emergency.

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

6 **SECTION 1. AMENDMENT.** Subsection 3 of section 52-01-01 of the North Dakota Century
7 Code is amended and reenacted as follows:

- 8 3. "Base period" means the:
- 9 a. The first four of the last five completed calendar quarters immediately preceding
10 the first day of an individual's benefit year. In a combined-wage claim, the base
11 period must be that of the paying state; or
- 12 b. For a benefit year for an individual who does not have sufficient wages in the
13 base period as defined under subdivision a to qualify for benefits, the individual's
14 four most recently completed calendar quarters before the individual's benefit
15 year if that period qualifies the individual for benefits and if those quarters were
16 not previously used to establish a prior valid benefit year.

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

- 19 b. With benefits paid to an individual ~~who either:~~
- 20 (1) ~~Left~~ Who left the employment of the base-period employer voluntarily without
21 good cause or with good cause not involving fault on the part of the
22 base-period employer; or
- 23 (2) Who was discharged from employment by the base-period employer for
24 misconduct; or

1 (3) Who was separated from employment due to domestic violence, sexual
2 assault, the need to care for a family member, or the need to relocate for a
3 spouse as provided for under subsection 1 of section 52-06-02.

4 **SECTION 3. AMENDMENT.** Subsection 1 of section 52-06-02 of the North Dakota Century
5 Code is amended and reenacted as follows:

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

- 9 a. Can demonstrate that the individual has earned remuneration for personal
10 services in employment from and after the date of the unemployment
11 compensation claim filing, equivalent to at least eight times the individual's
12 weekly benefit amount as determined under section 52-06-04; and
13 b. Has not left the individual's most recent employment under disqualifying
14 circumstances.

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

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

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

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

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

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

28 This subsection does not apply if the individual leaves work which is two hundred
29 road miles [321.87 kilometers] or more, as measured on a one-way basis, from the
30 individual's home to accept work which is less than two hundred road miles [321.87

1 kilometers] from the individual's home provided the work is a bona fide job offer with a
2 reasonable expectation of continued employment.

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

9 This subsection does not apply if the individual is separated from employment
10 due to domestic violence or sexual assault that is verified by reasonable
11 documentation and which causes the individual to reasonably believe the individual's
12 continuing employment would jeopardize the safety of the individual or of the
13 individual's spouse, parent, or minor child. For purposes of this subsection, reasonable
14 documentation of domestic violence or sexual assault includes a court order for
15 protection or other documentation of equitable relief by the court; a police record
16 documenting domestic violence; medical documentation of domestic violence or
17 sexual assault; documentation the perpetrator of the domestic violence or sexual
18 assault has been convicted of a crime involving domestic violence; or a written
19 statement that the individual or the individual's spouse, parent, or minor child is a
20 victim of domestic violence or sexual assault provided by a social worker, member of
21 the clergy, shelter worker, attorney, or other professional who has assisted the
22 applicant in dealing with the domestic violence or sexual assault; or a reliable
23 statement from another individual with knowledge of the domestic violence or sexual
24 assault that the individual or the individual's spouse, parent, or minor child is a victim
25 of domestic violence or sexual assault.

26 This subsection does not apply if an individual is separated from employment due
27 to the need to care for the individual's spouse, parent, or minor child who has a
28 verified illness or disability that necessitates the care of the ill or disabled individual of
29 the individual's spouse, parent, or minor child for a period of time which is longer than
30 the employer is willing to grant a leave of absence, paid or otherwise.

1 This subsection does not apply if an individual is separated from employment due
2 to the need to relocate to accompany the individual's spouse to a place from which it is
3 impracticable for the individual to commute.

4 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.