

**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.