

HOUSE BILL NO. 1083

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 subsection 1 of section 52-06-02 of the North Dakota
2 Century Code, relating to disqualification for purposes of determining unemployment
3 compensation benefits; to provide an effective date; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 52-06-02 of the North Dakota
6 Century Code is 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 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
17 for reassignment before filing for benefits. Failure to contact the temporary help
18 firm is not deemed a voluntary leaving of employment unless the claimant was
19 advised of the obligation to contact the temporary help firm upon completion of an
20 assignment and advised that unemployment benefits may be denied for failure to
21 contact the temporary help firm. As used in this subsection, "temporary employee"
22 means an employee assigned to work for a client of a temporary help firm; and
23 "temporary help firm" means a firm that hires that firm's own employees and
24 assigns these employees to a client to support or supplement the client's work

1 force in a work situation such as employee absence, temporary skill shortage,
2 seasonal workload, a special assignment, and a special project.

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

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

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

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

29 For the purpose of this subsection, "most recent employment" means
30 employment with any employer for whom the claimant last worked and voluntarily
31 quit without good cause attributable to the employer or with any employer, in

1 insured work, for whom the claimant last worked and earned wages equal to or
2 exceeding eight times the individual's weekly benefit amount.

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

8 This subsection does not apply if the individual voluntarily leaves most recent
9 employment to accept a bona fide job offer with a base period employer who laid
10 off the individual and with whom the individual has a demonstrated job attachment.

11 For the purposes of this exception, "demonstrated job attachment" requires
12 earnings in each of six months during the five calendar quarters before the
13 calendar quarter in which the individual files the claim for benefits.

14 **SECTION 2. EFFECTIVE DATE.** This Act is retroactively effective to January 1, 2001.

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