

**SENATE BILL NO. 2108**

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 2 of section 52-04-07 and subsections 1  
2 and 6 of section 52-06-02 of the North Dakota Century Code, relating to charging of certain  
3 benefit payments to reimbursing employers' accounts, charging of benefits to base period  
4 employers, and to the definition of a full-time student who would be disqualified from receiving  
5 benefits under the unemployment compensation insurance system.

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

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 52-04-07 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9 2. Notwithstanding subsection 1, an employer's account may not be charged for any  
10 of the following:

11 a. With benefits paid to an individual for unemployment that is directly caused by  
12 a major natural disaster declared by the president pursuant to section 102(2)  
13 of the Disaster Relief Act of 1974 [Pub. L. 93-288; 88 Stat. 143; 42 U.S.C.  
14 5122(2)], if the individual would have been eligible for disaster unemployment  
15 assistance with respect to that unemployment but for the individual's receipt of  
16 unemployment insurance benefits.

17 b. With benefits paid to an individual who, ~~during the base period~~, either:

18 (1) Left the employment of a the base-period employer voluntarily without  
19 good cause or with good cause not involving fault on the part of the  
20 base-period employer; or

21 (2) Who was discharged from employment by the base-period employer for  
22 misconduct.

23 c. As provided under section 52-06-29.

- 1           d. With benefits paid to an individual who is in training with the approval of ~~the~~  
2           bureau job service North Dakota.
- 3           e. With benefits paid to an individual who is subsequently determined not  
4           entitled to receive the benefits.
- 5           f. With benefits paid to an individual who is currently employed part time with  
6           that employer when the hiring agreement between the individual and the  
7           employer has not changed since the individual commenced work for that  
8           employer. This subdivision does not apply to an employee of a temporary  
9           help firm.

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

- 12           1. For the week in which the individual has left the individual's most recent  
13           employment voluntarily without good cause attributable to the employer, and  
14           thereafter until such time as the individual:
- 15           a. Can demonstrate that the individual has earned remuneration for personal  
16           services in employment equivalent to at least eight times the individual's  
17           weekly benefit amount as determined under section 52-06-04; and
- 18           b. Has not left the individual's most recent employment under disqualifying  
19           circumstances.

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

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

6           This subsection does not apply if the individual left employment or remains  
7 away from employment following illness or injury upon a physician's written notice  
8 or order; no benefits may be paid under this exception unless the employee has  
9 notified the employer of the physician's requirement and has offered service for  
10 suitable work to the employer upon the individual's capability of returning to  
11 employment. This exception does not apply unless the individual's capability of  
12 returning to employment and offer of service for suitable work to the employer  
13 occurs within sixty days of the last day of work. However, the cost of any benefits  
14 paid under this exception may not be charged against the account of the employer,  
15 other than a reimbursing employer, from whom the individual became separated as  
16 a result of the illness or injury. ~~The bureau~~ Job service North Dakota may request  
17 and designate a licensed physician to provide a second opinion regarding the  
18 claimant's qualification; however, no individual may be charged fees of any kind for  
19 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  
7 bona 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 6. For any week of unemployment if such individual is a student registered for ~~full~~  
15 ~~attendance~~ a full-time curriculum at, and is regularly attending, an established  
16 school, college, or university, ~~except as provided in subdivision a of~~ and the  
17 scheduled class hours are the same time period or periods as the normal work  
18 hours of the occupation from which that individual earned the majority of the wages  
19 in that individual's base period, unless that individual is authorized to receive  
20 benefits while in training pursuant to subsection 3 of section 52-06-01. However,  
21 this disqualification does not apply to ~~full-time postsecondary~~ registered  
22 for a full-time curriculum who have earned the majority of ~~their wage credits~~ the  
23 wages in their base ~~period~~ periods for services performed during weeks in which  
24 the individual was so registered and attending school ~~as a full-time postsecondary~~  
25 ~~student.~~ As used in this subsection, the term "full-time curriculum" means a course  
26 load of twelve or more credit hours or a course load found to be equivalent by rule  
27 adopted by job service North Dakota.