

HOUSE BILL NO. 1274

Introduced by

Representatives B. Koppelman, K. Koppelman, Louser, D. Ruby

Senator Burckhard

1 A BILL for an Act to amend and reenact subsection 2 of section ~~52-06-02~~52-04-07 of the North
2 Dakota Century Code, relating to ~~disqualification from unemployment insurance benefits for~~
3 ~~individuals with court imposed work restrictions~~relief from charging of benefits paid to accounts
4 of base-period employers that discharge individuals from employment due to undisclosed court-
5 imposed work restrictions.

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

7 ~~**SECTION 1. AMENDMENT.** Subsection 2 of section 52-06-02 of the North Dakota Century~~
8 ~~Code is amended and reenacted as follows:~~

9 ~~2. For the week in which the individual has been discharged for misconduct in connection~~
10 ~~with the individual's most recent employment and thereafter until such time as the~~
11 ~~individual:~~

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

16 ~~b. Has not left the individual's most recent employment under disqualifying~~
17 ~~circumstances.~~

18 ~~For the purpose of this subsection, "most recent employment" means employment~~
19 ~~with any employer for whom the claimant last worked and was discharged for~~
20 ~~misconduct in connection with the claimant's employment or with any employer, in~~
21 ~~insured work, for whom the claimant last worked and earned wages equal to or~~
22 ~~exceeding ten times the claimant's weekly benefit amount. For the purpose of this~~
23 ~~subsection, a claimant with court imposed restrictions limiting the ability to perform~~
24 ~~services must be deemed to have been discharged for misconduct in connection with~~

~~the claimant's most recent employment if the employer no longer has work available
within the claimant's restrictions.~~

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

2. Notwithstanding subsection 1, an employer's account may not be charged for any of the following:
 - a. With benefits paid to an individual for unemployment that is directly caused by a major natural disaster declared by the president pursuant to section 102(2) of the Disaster Relief Act of 1974 [Pub. L. 93-288; 88 Stat. 143; 42 U.S.C. 5122(2)], if the individual would have been eligible for disaster unemployment assistance with respect to that unemployment but for the individual's receipt of unemployment insurance benefits.
 - b. With benefits paid to an individual who:
 - (1) Left the employment of the base-period employer voluntarily without good cause or with good cause not involving fault on the part of the base-period employer;
 - (2) Was discharged from employment by the base-period employer for misconduct; or
 - (3) Was separated from employment with the most recent employer for reasons directly attributable to domestic violence, stalking, or sexual assault.
 - c. As provided under section 52-06-29.
 - d. With benefits paid to an individual who is in training with the approval of job service North Dakota.
 - e. With benefits paid to an individual who is subsequently determined not entitled to receive the benefits.
 - f. With benefits paid to an individual who is currently employed part time with that employer when the hiring agreement between the individual and the employer has not changed since the individual commenced work for that employer. This subdivision does not apply to an employee of a temporary help firm.
 - g. With benefits paid to an individual who was separated from employment with the most recent employer for reasons directly attributable to court-imposed probation

1
2
3

or parole restrictions that limit the ability of the individual to perform services and that were undisclosed by the individual upon request by the employer at the time of hire.