

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED 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 52-04-07 and subsection 2 of
2 section 52-06-02 of the North Dakota Century Code, relating to benefits paid and
3 disqualification from unemployment insurance benefits for individuals with court imposed work
4 restrictions.

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

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

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

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

16 b. With benefits paid to an individual who:

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

20 (2) Was discharged from employment by the base-period employer for
21 misconduct; or

22 (3) Was separated from employment with the most recent employer for reasons
23 directly attributable to domestic violence, stalking, or sexual assault.

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

- 1 d. With benefits paid to an individual who is in training with the approval of job
2 service North Dakota.
- 3 e. With benefits paid to an individual who is subsequently determined not entitled to
4 receive the benefits.
- 5 f. With benefits paid to an individual who is currently employed part time with that
6 employer when the hiring agreement between the individual and the employer
7 has not changed since the individual commenced work for that employer. This
8 subdivision does not apply to an employee of a temporary help firm.
- 9 g. With benefits paid to an individual who was separated from employment with the
10 most recent employer for reasons directly attributable to newly imposed or
11 modified court imposed restrictions limiting the individual's ability to perform
12 services.

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

- 15 2. For the week in which the individual has been discharged for misconduct in connection
16 with the individual's most recent employment and thereafter until such time as the
17 individual:
- 18 a. Can demonstrate that the individual has earned remuneration for personal
19 services in employment from and after the date of the unemployment
20 compensation claim filing, equivalent to at least ten times the individual's weekly
21 benefit amount as determined under section 52-06-04; and
- 22 b. Has not left the individual's most recent employment under disqualifying
23 circumstances.

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

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