

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 340
Committee Substitute Favorable 4/26/95
Third Edition Engrossed 5/4/95
Senate Commerce Committee Substitute Adopted 6/8/95

Short Title: Drug Test/Unemp. Benefits.

(Public)

Sponsors:

Referred to:

March 2, 1995

A BILL TO BE ENTITLED
AN ACT TO PROVIDE THAT AN INDIVIDUAL WHO IS UNABLE TO PASS A
CONTROLLED SUBSTANCE EXAMINATION IS INELIGIBLE FOR
UNEMPLOYMENT BENEFITS UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-13(a)(3) reads as rewritten:

"(3) ~~He~~ The individual is able to work, and is available for work: Provided that, unless temporarily excused by Commission regulations, no individual shall be deemed available for work unless he establishes to the satisfaction of the Commission that he is actively seeking work: Provided further, that an individual customarily employed in seasonal employment shall, during the period of nonseasonal operations, show to the satisfaction of the Commission that such individual is actively seeking employment which such individual is qualified to perform by past experience or training during such nonseasonal period: Provided further, however, that no individual shall be considered available for work for any week not to exceed two in any calendar year in which the

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1 Commission finds that his unemployment is due to a vacation. In
2 administering this proviso, benefits shall be paid or denied on a payroll-
3 week basis as established by the employing unit. A week of
4 unemployment due to a vacation as provided herein means any payroll
5 week within which the equivalent of three customary full-time working
6 days consist of a vacation period. For the purpose of this subdivision,
7 any unemployment which is caused by a vacation period and which
8 occurs in the calendar year following that within which the vacation
9 period begins shall be deemed to have occurred in the calendar year
10 within which such vacation period begins. For purposes of this
11 subdivision, no individual shall be deemed available for work during
12 any week that the individual tests positive for a controlled substance if
13 (i) the test is a controlled substance examination administered under
14 Article 20 of Chapter 95 of the General Statutes, (ii) the test is required
15 as a condition of hire for a job, and (iii) the job would be suitable work
16 for the claimant. The employer shall report to the Commission, in
17 accordance with regulations adopted by the Commission, each claimant
18 that tests positive for a controlled substance under this subdivision. For
19 the purposes of this subdivision, no individual shall be deemed available
20 for work during any week in which he is registered at and attending an
21 established school, or is on vacation during or between successive
22 quarters or semesters of such school attendance, or on vacation between
23 yearly terms of such school attendance. Except: (i) Any person who was
24 engaged in full-time employment concurrent with his school attendance,
25 who is otherwise eligible, shall not be denied benefits because of school
26 enrollment and attendance. Except: (ii) Any otherwise qualified
27 unemployed individual who is attending a vocational school or training
28 program which has been approved by the Commission for such
29 individual shall be deemed available for work. However, any
30 unemployment insurance benefits payable with respect to any week for
31 which a training allowance is payable pursuant to the provisions of a
32 federal or State law, shall be reduced by the amount of such allowance
33 which weekly benefit amount shall be rounded to the nearest lower full
34 dollar amount (if not a full dollar amount). The Commission may
35 approve such training course for an individual only if:

- 36 1. a. Reasonable employment opportunities for
37 which the individual is fitted by training and experience
38 do not exist in the locality or are severely curtailed;
- 39 b. The training course relates to an occupation or skill for
40 which there are expected to be reasonable opportunities
41 for employment; and

- 1 c. The individual, within the judgment of the Commission,
2 has the required qualifications and the aptitude to
3 complete the course successfully; or,
4 2. Such approval is required for the Commission to receive the
5 benefits of federal law."

6 Sec. 2. This act becomes effective October 1, 1995.