

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

D

SENATE BILL 116

Education/Higher Education Committee Substitute Adopted 2/24/21
House Committee Substitute Favorable 6/2/21
Fourth Edition Engrossed 6/3/21
Proposed Conference Committee Substitute S116-PCCS45441-TM-3

Short Title: Putting North Carolina Back to Work Act.

(Public)

Sponsors:

Referred to:

February 22, 2021

A BILL TO BE ENTITLED

AN ACT TO WITHDRAW FROM THE FEDERAL PANDEMIC UNEMPLOYMENT
COMPENSATION (FPUC) AND THE MIXED EARNERS UNEMPLOYMENT
COMPENSATION (MEUC) AGREEMENT, TO APPROPRIATE TO THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES THE SUM OF TWO
HUNDRED FIFTY MILLION DOLLARS FROM THE CHILD CARE AND
DEVELOPMENT BLOCK GRANT UNDER THE AMERICAN RESCUE PLAN ACT, TO
REQUIRE INDIVIDUALS TO RESPOND TO EMPLOYER REQUESTS, AND TO MAKE
ADMINISTRATIVE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Purpose. – The purpose of this section is to withdraw from the FPUC and MEUC agreement that provides additional payments to unemployment insurance claimants through September 6, 2021.

SECTION 1.(b) Limit Authority. – Notwithstanding G.S. 96-17(d)(1)a. and any other provision of law, the Division of Employment Security, Department of Commerce, is not authorized to administer payments under the FPUC and MEUC programs after the effective date of this section.

SECTION 1.(c) Continuing Authority. – This section has no effect upon the authority of the Division of Employment Security, Department of Commerce, to administer payments under the FPUC and MEUC programs paid or accrued before the effective date of this section. Such payments may be paid, adjudicated, collected, or otherwise administered after the effective date of this section.

SECTION 1.(d) This section is effective on the earliest date meeting both of the following conditions: (i) the date is a Saturday and (ii) the date is 30 days after this act becomes law.

SECTION 2.(a) If the Division of Employment Security, Department of Commerce, ceases to administer payments under the FPUC and MEUC programs on or before August 14, 2021, then there is appropriated from federal Child Care and Development Block Grant funds received pursuant to the American Rescue Plan Act of 2021, P.L. 117-2, to the Department of Health and Human Services, Division of Child Development and Early Education, the sum of two hundred fifty million dollars (\$250,000,000) in nonrecurring funds to be used for subsidized child care for eligible children.

SECTION 2.(b) This section becomes effective July 1, 2021.



* S 1 1 6 - P C C S 4 5 4 4 1 - T M - 3 *

1 **SECTION 3.** For purposes of this act, the following definitions apply:

- 2 (1) FPUC. – The Federal Pandemic Unemployment Compensation program
3 authorized by section 2104 of the Coronavirus Aid, Relief, and Economic
4 Security (CARES) Act of 2020, P.L. 116-136, as amended.
5 (2) MEUC. – The Mixed Earners Unemployment Compensation program
6 authorized by section 2104 of the Coronavirus Aid, Relief, and Economic
7 Security (CARES) Act of 2020, P.L. 116-136, as amended.

8 **SECTION 4.(a)** G.S. 96-14.9 reads as rewritten:

9 "**§ 96-14.9. Weekly certification.**

10 ...

11 (e) **Actively Seeking Work.** – The Division's determination of whether an individual is
12 actively seeking work is based upon the following:

- 13 (1) The individual is registered for employment services, as required by the
14 Division.
15 (2) The individual has engaged in an active search for employment that is
16 appropriate in light of the employment available in the labor market and the
17 individual's skills and capabilities.
18 (3) The individual has made at least three job contacts with potential employers
19 during the week. ~~An individual may satisfy one of the weekly job contacts by~~
20 ~~attending a reemployment activity offered by a local career center. The~~
21 ~~Division shall verify the suitability of the activity for the credit and the~~
22 ~~claimant's attendance at the activity.~~
23 (4) The individual has maintained a record of the individual's work search efforts.
24 The record must include the potential employers contacted, the method of
25 contact, and the date contacted. The record must also include whether any of
26 the potential employers have made an interview request and, if so, the
27 responses made under subsection (f1) of this section. The individual must
28 provide the record to the Division upon request.

29 (f) **Suitable Work.** – The Division's determination of whether an employment offer is
30 suitable must vary based upon the individual's length of unemployment as follows:

- 31 (1) During the first 10 weeks of a benefit period, the Division may consider all of
32 the following:
33 a. The degree of risk involved to the individual's health, safety, and
34 morals.
35 b. The individual's physical fitness and prior training and experience.
36 c. The individual's prospects for securing local work in the individual's
37 customary occupation.
38 d. The distance of the available work from the individual's residence.
39 e. The individual's prior earnings.
40 (2) During the remaining weeks of a benefit period, the Division must consider
41 any employment offer paying one hundred twenty percent (120%) of the
42 individual's weekly benefit amount to be suitable work. The weekly benefit
43 amount considered under this subdivision only includes benefits paid under
44 this Chapter.

45 (f1) An individual who has received an interview request by an employer offering suitable
46 work under this section must respond to the employer in the following manner:

- 47 (1) Respond to the interview request within 48 hours using the contact
48 information provided by the employer.
49 (2) Schedule an interview following an interview request received under
50 subdivision (1) of this subsection within seven days if the employer has made

1 available to the individual an opportunity to interview during that same period,
2 or a period outside of seven days if mutually agreed upon by both parties.
3 (3) Appear for an interview scheduled under subdivision (2) of this subsection.
4 (4) Attend any reemployment activity associated with the interview request if
5 required by an employer in their normal course of recruitment. A
6 reemployment activity under this subdivision may include drug testing, skills
7 assessments, or other similar reemployment activities.

8 An employer may report any violation of this subsection by an individual to the Division.
9 The Division shall audit all violations reported by an employer under this subsection to determine
10 if the violation would impact the individual's eligibility to receive benefits. The Division shall
11 utilize a private third-party firm if necessary to satisfy the audit requirements of this subsection.

12 "

13 **SECTION 4.(b)** G.S. 96-14.11 reads as rewritten:

14 **"§ 96-14.11. Disqualification for the remaining weeks of the benefit period.**

15 ...

16 (b1) Interview Response. – An individual is disqualified for any remaining benefits if the
17 Division determines that the individual has failed, without good cause, to satisfy any of the
18 requirements set forth in G.S. 96-14.9(f1) three or more times during a benefit year.

19 "

20 **SECTION 4.(c)** This section is effective when it becomes law and applies to claims
21 with weekly certification under G.S. 96-14.9 filed on or after that date.

22 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
23 law.