

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SENATE BILL 116
RATIFIED BILL**

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.

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

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

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



"§ 96-14.9. Weekly certification.

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

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

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

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

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

- (1) Respond to the interview request within 48 hours using the contact information provided by the employer.
- (2) Schedule an interview following an interview request received under subdivision (1) of this subsection within seven days if the employer has made available to the individual an opportunity to interview during that same period, or a period outside of seven days if mutually agreed upon by both parties.
- (3) Appear for an interview scheduled under subdivision (2) of this subsection.
- (4) Attend any reemployment activity associated with the interview request if required by an employer in their normal course of recruitment. A reemployment activity under this subdivision may include drug testing, skills assessments, or other similar reemployment activities.

An employer may report any violation of this subsection by an individual to the Division. The Division shall audit all violations reported by an employer under this subsection to determine

if the violation would impact the individual's eligibility to receive benefits. The Division shall utilize a private third-party firm if necessary to satisfy the audit requirements of this subsection.
...."

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

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

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

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

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

In the General Assembly read three times and ratified this the 24th day of June, 2021.

s/ Mark Robinson
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2021