

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 676

Short Title: UI/Implement EB Three-Year Look Back. (Public)

Sponsors: Representative Wainwright (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Commerce and Job Development, if favorable, Finance.

April 7, 2011

A BILL TO BE ENTITLED

AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA TO IMPLEMENT THE THREE-YEAR LOOK BACK PERIOD FOR FEDERALLY FUNDED EXTENDED UNEMPLOYMENT BENEFITS AS AUTHORIZED BY SECTION 502 OF THE TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010, PUBLIC LAW 111-312, WITH THE AMENDMENTS EXPIRING JANUARY 1, 2012.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 96-12.01(a1)(4)c. is amended by adding a new sub-sub-division to read:

"3. This section applies as provided under the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) as it existed on December 17, 2010, and is applicable to compensation for weeks of unemployment beginning after December 17, 2010, and ending on or before December 31, 2011, provided that:

I. The average rate of (i) insured unemployment, not seasonally adjusted, equaled or exceeded one hundred twenty percent (120%) of the average of such rates for the corresponding 13-week period ending in all of the preceding three calendar years and equaled or exceeded five percent (5%) or (ii) total unemployment, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds six and one-half percent (6.5%); and

II. The average rate of total unemployment in this State, seasonally adjusted, as determined by the United States Secretary of Labor, for the three-month period referred to in this subsection, equals or exceeds one hundred ten percent (110%) of the average for any of the corresponding three-month periods ending in the three preceding calendar years."



1           **SECTION 2.** G.S. 96-12.01 (a1)(4)e. reads as rewritten:

2           "(4) There is an "on indicator" for this State for a week if the Commission  
3           determines, in accordance with the regulations of the United States Secretary  
4           of Labor, that for the period consisting of such week and the immediate  
5           preceding 12 weeks, the rate of insured unemployment (not seasonally  
6           adjusted) under this Chapter:

7           ...  
8           e. Total extended benefit amount.

9           1. The total extended benefit amount payment to any eligible  
10           individual with respect to the applicable benefit year shall be  
11           the least of the following amounts:

12           I. Fifty percent (50%) of the total amount of regular  
13           benefits which were payable to the individual under  
14           this Chapter in the individual's applicable benefit year;  
15           or

16           II. Thirteen times the individual's weekly benefit amount  
17           that was payable to the individual under this Chapter  
18           for a week of total unemployment in the applicable  
19           benefit year.

20           2. I. Effective with respect to weeks beginning in a high  
21           unemployment period, sub-subdivision e.1. of this  
22           subdivision shall be applied by substituting:

23           A. "Eighty percent (80%)" for "fifty percent  
24           (50%)" in sub-subdivision e.1.I., and

25           B. "Twenty" for "thirteen" in sub-subdivision  
26           e.1.II.

27           II. For purposes of sub-subdivision 2.I., the term "high  
28           unemployment period" means any period during  
29           which an extended benefit period would be in effect if  
30           sub-subdivision c. of this subdivision were applied by  
31           substituting "eight percent (8%)" for six and one-half  
32           percent (6.5%)".

33           3. This subdivision applies as provided under the Tax Relief,  
34           Unemployment Insurance Reauthorization, and Job Creation  
35           Act of 2010 24 (P.L. 111-312) as it existed on December 17,  
36           2010, and is applicable to compensation for weeks of  
37           unemployment beginning after December 17, 2010, and  
38           ending on or before December 31, 2011, provided that:

39           I. The average rate of total unemployment, seasonally  
40           adjusted, as determined by the United States Secretary  
41           of Labor, for the period consisting of the most recent  
42           three months for which data for all states are  
43           published before the close of the week equals or  
44           exceeds eight percent (8%); and

45           II. The average rate of total unemployment in this State,  
46           seasonally adjusted, as determined by the United  
47           States Secretary of Labor, for the three-month period  
48           referred to in this subdivision equals or exceeds one  
49           hundred ten percent (110%) of the average for any of  
50           the corresponding three-month periods ending in the  
51           three preceding calendar years."

1           **SECTION 3.** This act is effective when it becomes law and expires January 1,  
2 2012.