

Introduced by

Representative S. Kelsh

1 A BILL for an Act to amend and reenact section 52-04-07 of the North Dakota Century Code,
2 relating to unemployment benefits chargeable against a nonprofit organization as a base period
3 employer.

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

5 **SECTION 1. AMENDMENT.** Section 52-04-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **52-04-07. Benefits paid chargeable to accounts of base-period employers.**

- 8 1. Benefits paid to an individual must be charged against the accounts of the individual's
9 base-period employers. The amount of benefits so chargeable against each
10 base-period employer's account must bear the same ratio to the benefits paid to an
11 individual as the base-period wages paid to the individual by such employer bear to
12 the total amount of the base-period wages paid to the individual by all of the
13 individual's base-period employers.
- 14 2. Notwithstanding subsection 1, an employer's account may not be charged for any of
15 the following:
- 16 a. With benefits paid to an individual for unemployment that is directly caused by a
17 major natural disaster declared by the president pursuant to section 102(2) of the
18 Disaster Relief Act of 1974 [Pub. L. 93-288; 88 Stat. 143; 42 U.S.C. 5122(2)], if
19 the individual would have been eligible for disaster unemployment assistance
20 with respect to that unemployment but for the individual's receipt of
21 unemployment insurance benefits.
- 22 b. With benefits paid to an individual who either:

- 1 (1) Left the employment of the base-period employer voluntarily without good
2 cause or with good cause not involving fault on the part of the base-period
3 employer; or
- 4 (2) Who was discharged from employment by the base-period employer for
5 misconduct.
- 6 c. As provided under section 52-06-29.
- 7 d. With benefits paid to an individual who is in training with the approval of job
8 service North Dakota.
- 9 e. With benefits paid to an individual who is subsequently determined not entitled to
10 receive the benefits.
- 11 f. With benefits paid to an individual who is currently employed part time with that
12 employer when the hiring agreement between the individual and the employer
13 has not changed since the individual commenced work for that employer. This
14 subdivision does not apply to an employee of a temporary help firm.
- 15 3. Subsection 2 does not apply to benefit payments which are financed under a
16 reimbursable method.
- 17 4. Any nonprofit organization which elects to make payments in lieu of contributions into
18 the unemployment compensation fund as provided in section 52-04-18 is not liable to
19 make such payments with respect to the benefits paid to any individual whose
20 base-period wages include wages for previously uncovered services as defined in
21 subsection 3 of section 52-06-04 to the extent that the unemployment compensation
22 fund is reimbursed for such benefits pursuant to section 121 of Pub. L. 94-566.
- 23 5. Notwithstanding subsection 1, a nonprofit organization that elects to make payments
24 in lieu of contributions into the unemployment compensation fund as provided in
25 section 52-04-18 is not liable to make such payments with respect to the benefits paid
26 to any individual whose base-period wages include wages paid by the nonprofit
27 organization if the individual left employment with the nonprofit organization voluntarily
28 without good cause attributable to the nonprofit organization employer.
- 29 6. Notwithstanding the provisions of subsection 1, an employer's account may not be
30 charged with benefits paid for previously uncovered services as defined in

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Legislative Assembly

- 1 subsection 3 of section 52-06-04 to the extent that the unemployment compensation
- 2 fund is reimbursed for such benefits pursuant to section 121 of Pub. L. 94-566.