

EMPLOYMENT SECURITY COMMISSION OF NORTH CAROLINA

Interoffice Communication

Date: April 23, 1982

TO: Holders of Interpretation Manual

FROM: Glenn R. Jernigan, Chairman

SUBJECT: Interpretation No. 256

In accordance with Interpretation No. 252, the attached Interpretation No. 256 has been adopted as an official Interpretation by the Commission and shall be distributed to all holders of the Interpretations.

Any questions about this Interpretation should be directed to the office of the Chief Counsel at (919) 733-4636.

Attachment

EMPLOYMENT SECURITY COMMISSION OF NORTH CAROLINA

INTERPRETATION NO. 256

TO: Employment Security Commission

FROM: T. S. Whitaker, Chief Counsel

SUBJECT: Unemployment of Part-Time Claimants

We have received inquiries recently asking whether part-time workers are eligible for unemployment insurance benefits. Interpretation No. 253 concerned a situation in which a claimant had full-time work with one employer and part-time work with another employer. The question to be resolved in this Interpretation is whether a part-time worker is eligible to receive unemployment insurance benefits if his part-time work at the time a claim is filed is substantially the same as it has been contemplated by both the employer and the claimant to be. The mere acceptance of a cut in hours from forty (40) to twenty (20) for a day or a week will not in most cases be sufficient to show a change in the hours contemplated but the acceptance for several months would. The sixty (60) percent formula in determining partial unemployment applies to the particular work and the particular claimant. If a claimant accepted a job for twenty (20) hours per week with an employer, and the employer continues to fulfill its obligations under the contract of employment by continuing to provide twenty (20) hours of work per week, we are of the opinion the claimant is not partially unemployed. If we use the twenty (20) hours per week example, the claimant only would be partially unemployed if he worked fewer than twelve (12) hours per week.

We reach this result because of the specific wording of G. S. 96-8(10) a.1. and b.2. which contains no limitation or definition of what full-time work is. It is our opinion that the Employment Security Law is intended to provide unemployment insurance protection only to those who are unemployed through no fault of their own. Any claimant who worked for a certain number of hours cannot be considered unemployed by any definition unless his hours are reduced to less than sixty (60) percent of those contemplated in the work. Therefore, a claimant is not unemployed and not eligible for unemployment insurance benefits until and unless the work provides him less than sixty (60) percent of the hours contemplated by his normal and usual schedule, whether the hours originally contemplated were forty (40) hours, thirty (30) hours, twenty (20) hours, or even less.

It should be noted that if a claimant had been on a twenty (20) hour schedule and then is totally separated from the work, the claimant in order to be eligible would have to be available for and seek part-time work, full-time work, temporary and permanent work, and not limit his availability to work of twenty (20) hours per week.

Adopted as an official Interpretation by the Commission on April 19, 1982.