

## ● NORTH DAKOTA UNEMPLOYMENT COMPENSATION LAW

*STATUTORY CITATION:* N.D. Cent. Code §§ 52-01-01 – 52-07.1-09

*GENERAL SUMMARY:* The North Dakota Unemployment Compensation Law establishes a state unemployment compensation fund, into which most employers are compelled to pay contributions in proportion to their taxable payroll and from which cash benefits are paid to temporarily jobless workers who have recent earnings from insured employment. The requirement to pay UI taxes on their workers' behalf generally applies to employers who (1) paid at least \$1,500 in wages in any calendar quarter of the current or preceding calendar year, or (2) employed at least one person for some part of a day in each of 20 different calendar weeks this year or last.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**EMPLOYER CONTRIBUTIONS** — Unemployment insurance contributions are payable by each farm operator or other agricultural establishment that (1) paid cash remuneration of \$20,000 or more for agricultural labor during any calendar quarter in the current or preceding calendar year, or (2) employed 10 or more workers in agricultural labor for some portion of a day in each of 20 different calendar weeks in the current or preceding calendar year. The amount of an employer's contributions is figured as an annually assigned percentage of the total wages paid to each employee over the calendar year, up to a per-worker wage limit equal to 70 percent of the statewide average annual payroll.

**ELIGIBILITY FOR BENEFITS** — An unemployed individual not otherwise disqualified is eligible to receive unemployment benefits only if the state administering agency finds that the worker (1) has made a claim for benefits, (2) has registered for work at the state employment office, (3) is able to work, available for suitable work, and actively seeking work, (4) has been unemployed for a waiting period of one week, (5) has, during the first four of the last five completed calendar quarters immediately preceding the initial claim for benefits, earned wages for insured work in at least two such quarters totaling not less than 1½ times the earnings in the one quarter in which the worker's wages were highest, and (6) has a weekly benefit amount, discussed below, equal to at least \$43.

**AMOUNT OF BENEFITS** — A claimant's weekly benefit amount is roughly defined as 1/65 of the sum of (1) the worker's total wages for insured work paid during the two quarters of the four-quarter base period in which wages were highest, and (2) one-half the wages paid during the third-highest quarter. With respect to a particular week of unemployment, an eligible claimant is entitled to a UI payment equal to the worker's weekly benefit amount, minus any wages earned from part-time employment that week in excess of 60 percent of the weekly benefit amount.

### *SPECIAL NOTES OR ADVISORIES*

**LIABILITY OF CREW LEADERS AND LABOR CONTRACTORS** — For purposes of determining liability for payment of unemployment contributions, in cases where farmworkers performing agricultural labor are furnished to a farm operator by a crew leader who (1) is registered under the Migrant and Seasonal Agricultural Worker Protection Act, (2) pays members of the crew their earnings, and (3) has not entered into a written agreement with the farm operator under which the crew leader is designated as an employee of the farm operator, the crew leader is treated as the workers' employer. Under any other circumstances, crew members are considered employees of the farm operator, and wages paid to the workers by the crew leader are deemed to be wages paid by the farm operator.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Unemployment Insurance Tax and Field Services, Job Service North Dakota, Bismarck, North Dakota 58506 (701-328-2814)*. The Job Service administers all aspects of the unemployment compensation program, including determination of UI tax liability and collection of UI taxes from liable employers, determination of eligibility for UI benefits and payment of benefits to eligible unemployed workers, and resolution of appeals by employers and workers. UI claims may be filed by automated phone service, at 701-328-4995, or online at <https://apps.nd.gov/jsnd/uiiaclaims/login.htm>.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.