

EMPLOYMENT SECURITY COMMISSION OF NORTH CAROLINA
RALEIGH, NORTH CAROLINA

INTERPRETATION NO. 101

TO: R. F. Martin, Director

FROM: R. B. Overton, Senior Attorney

RE: Earnings Reportable and Availability of Claimant Serving on Jury,
National Guard, United States Army Reserve Corps, or as Election
Official.

You have requested by note on memorandum dated January 5, 1951, from Mr. Teague to Mr. John R. Branham that we give you a combined interpretation on the above subject.

The question of jury duty was passed upon by an interpretation rendered by Honorable Adrian J. Newton, Chief Counsel of the Unemployment Compensation Commission, on October 4, 1940. The ideas expressed by Mr. Newton were adopted by the Commission as an official Statement of Policy and are embodied in Statement of Policy No. 43, which I need not repeat herein. This Statement of Policy holds that an individual serving on jury is available for work and that the sums paid him for such service shall not be reported as earnings.

The status of individuals serving in the National Guard or United States Army Reserve Corps was passed upon by Mr. Holoman in memorandum dated July 26, 1947. Nothing has been issued by the Commission or the Legal Department that would countermand or overrule Mr. Holoman's interpretation or ruling to the effect that such individuals would not be deemed totally unemployed during any week in which they perform services in the National Guard or the United States Army Reserve Corps and for which remuneration was payable. We reiterate that ruling. An examination of the rulings of other states sustains us in this position.

As to the status of individuals serving as election officials, it is the conclusion and opinion of the writer that such individual are engaged in employment and would not be deemed totally unemployed in any week during which they performed services as such officials, either as judge, registrar, or poll holder; and, therefore, such individuals should be required to report earnings received during such weeks or earnings to be received for services rendered during such weeks, and benefits paid accordingly.

Adopted as an Official Interpretation of the Commission on January 30, 1951.