

A-Engrossed
House Bill 3396

Ordered by the House May 11
Including House Amendments dated May 11

Sponsored by COMMITTEE ON BUSINESS AND LABOR (at the request of Northwest Workers' Justice Project)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Changes provisions relating to eligibility of dislocated workers for training and changes type of training provided. Modifies eligibility of part-time workers for unemployment benefits if workers seek additional education. Limits amount expended each biennium for benefits paid to eligible workers.]

Defines "economically distressed worker training" and "eligible economically distressed workers" for purposes of unemployment insurance benefits.

A BILL FOR AN ACT

1
2 Relating to training for unemployment insurance claimants; amending ORS 657.335, 657.340 and
3 657.350; and repealing ORS 657.342.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 657.335 is amended to read:

6 657.335. As used in ORS 657.335 to 657.360:

7 (1) **"Economically distressed worker training" means:**

8 (a) **Training and education that provides occupation-specific skills required in growth and**
9 **demand occupations, as determined by the Director of the Employment Department; or**

10 (b) **Retraining and basic education, including literacy skills, designed to prepare an indi-**
11 **vidual, within a reasonable period not to exceed three years, for gainful employment or**
12 **self-employment that is likely to become full-time employment that pays at least 110 percent**
13 **of the minimum wage established under ORS 653.025.**

14 [(1)] (2) **"Eligible dislocated workers" means individuals who:**

15 (a) Have been terminated or laid off or who have received a notice of termination or layoff, are
16 eligible for or have exhausted their entitlement to unemployment compensation and are unlikely to
17 return to their previous industry or occupation;

18 (b) Have been terminated or have received a notice of termination of employment, as a result
19 of any permanent closure of or any substantial layoff at a plant, facility or enterprise;

20 (c) Are long term unemployed and have limited opportunities for employment or reemployment
21 in the same or a similar occupation in the area in which such individuals reside, including older
22 individuals who may have substantial barriers to employment by reason of age;

23 (d) Were self-employed, including farmers and ranchers, and are unemployed as a result of gen-
24 eral economic conditions in the community in which they reside or because of natural disasters; or

25 (e) Returned to service in the Oregon National Guard or the military reserve forces of the
26 United States following active duty service as set forth in ORS 657.340 (3)(d).

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **(3) “Eligible economically distressed workers” means individuals who are unemployed as**
2 **described in ORS 657.100, who are eligible for benefits under ORS 657.150 unless otherwise**
3 **disqualified under this chapter and who, for the entire preceding calendar year, have been:**

4 **(a) Employed at work paying less than 110 percent of the minimum wage established**
5 **under ORS 653.025;**

6 **(b) Unemployed while seeking full-time work; or**

7 **(c) Employed in only temporary or part-time work.**

8 [(2)] **(4) “Professional technical training” means professional and technical training or retraining**
9 **and basic education, including literacy skills, designed to prepare individuals for gainful employment**
10 **in recognized or new occupations or to prepare individuals to become self-employed. The term does**
11 **not include programs of instruction for an individual (including transfer credit programs of instruc-**
12 **tion given at community colleges) which are primarily intended to lead toward a baccalaureate or**
13 **higher degree or training that has for its purpose the preparation of individuals for employment in**
14 **occupations which require a baccalaureate or higher degree from institutions of higher education**
15 **unless approved by the director [of the *Employment Department*].**

16 **SECTION 2.** ORS 657.340 is amended to read:

17 657.340. (1)**(a) Dislocated workers approved for professional technical training or economically**
18 **distressed workers approved for economically distressed worker training may not be denied**
19 **unemployment insurance benefits solely because [they] these workers are attending professional**
20 **technical training or economically distressed worker training.[, nor shall such individual]**

21 **(b) Eligible economically distressed workers or eligible dislocated workers may not be**
22 **denied benefits by reason of leaving work to enter [such] economically distressed worker training**
23 **or professional technical training if the work left was part-time or temporary or paid less than**
24 **[80 percent of the individual's average weekly wage during the base year] 110 percent of the mini-**
25 **imum wage established under ORS 653.025.**

26 **(c) Eligible economically distressed workers approved for economically distressed worker**
27 **training may not be denied unemployment insurance benefits for refusing to accept work if**
28 **the work offered is part-time or temporary or pays less than 110 percent of the minimum**
29 **wage established under ORS 653.025.**

30 (2) Notwithstanding provisions of this chapter relating to availability for work, actively seeking
31 work or refusal to accept suitable work, **eligible economically distressed workers or eligible**
32 **dislocated workers who are approved for economically distressed worker training or professional**
33 **technical training and who are otherwise eligible for benefits are not ineligible for [such] the ben-**
34 **efits or waiting week credit because of attendance in [professional technical] the training.**

35 (3)(a) Eligible dislocated workers who file valid unemployment compensation claims, upon ex-
36 haustion of regular benefits, are eligible, subject to the availability of funds, for supplemental ben-
37 efits from 1 to 26 times the individual's most recent weekly benefit amount based upon the amount
38 needed to continue or complete approved professional technical training.

39 (b) Supplemental benefits shall be paid under the same terms and conditions as regular benefits
40 under this chapter, except that the Director of the Employment Department may extend the benefit
41 year of an individual attending an approved professional technical training program a sufficient
42 number of weeks to allow the individual to complete the training program.

43 (c) Supplemental benefits under ORS 657.335 to 657.360 may be paid only when the eligible dis-
44 located worker is not eligible to receive extended benefits as provided in ORS 657.321 to 657.329 or
45 additional benefits as provided in ORS 657.331 to 657.334.

1 (d) Supplemental benefits may be paid only to eligible dislocated workers whose unemployment,
2 as determined by the director:

3 (A) Is substantially due to the lack of employment opportunities in the workers' local labor
4 market resulting from:

5 (i) High energy costs;

6 (ii) Extended drought conditions and the attendant economic conditions;

7 (iii) Secondary effects of foreign trade; or

8 (iv) A shift of production to another state or territory of the United States; or

9 (B) Resulted from the workers' return to service in the Oregon National Guard or military re-
10 serve forces of the United States following a change in status from serving under Title 32 to serving
11 under Title 10 of the United States Code at a time designated by the President of the United States
12 by executive order as a period of combatant activities.

13 (4) The receipt of supplemental benefits is conditioned upon the individual's demonstrating sat-
14 isfactory progress and attendance in professional technical training.

15 **SECTION 3.** ORS 657.350 is amended to read:

16 657.350. The Director of the Employment Department[, *in consultation with the Department of*
17 *Community Colleges and Workforce Development,*] shall [*promulgate*] **adopt** rules as necessary for the
18 administration of ORS 657.335 to 657.360, including but not limited to procedures for approval,
19 undertaking periodic reviews for continued approval, or for disapproval of professional technical
20 training **and economically distressed worker training** for [*an individual*] **eligible individuals. The**
21 **director shall consult with the Department of Community Colleges and Workforce Develop-**
22 **ment on rulemaking to ensure that all programs for eligible workers provide integrated and**
23 **appropriate training and education.**

24 **SECTION 4.** ORS 657.342 is repealed.
25 _____