

House Bill 3140

Sponsored by Representative SHIELDS

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 **as introduced**.

Eliminates waiting week requirement for eligibility for unemployment insurance benefits.
Sunsets for weeks ending after May 30, 2010.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to unemployment insurance benefits; creating new provisions; amending ORS 657.155,
3 657.165, 657.267, 657.268, 657.340 and 657.357; repealing sections 2 and 4, chapter 23, Oregon
4 Laws 2008; and declaring an emergency.

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

6 **SECTION 1.** ORS 657.155, as amended by section 3, chapter 23, Oregon Laws 2008, is amended
7 to read:

8 657.155. (1) An unemployed individual shall be eligible to receive benefits with respect to any
9 week only if the Director of the Employment Department finds that:

10 (a) The individual has registered for work at and thereafter has continued to report at an em-
11 ployment office in accordance with such rules as the director may prescribe. However, the director
12 may, by rule, waive or alter either or both of the requirements of this subsection as to individuals
13 attached to regular jobs and as to such other types of cases or situations with respect to which the
14 director finds that compliance with such requirements would be oppressive, or would be inconsistent
15 with the purposes of this chapter; provided, that no such rule conflicts with ORS 657.255.

16 (b) The individual has made a claim for benefits with respect to such week in accordance with
17 ORS 657.260.

18 (c) The individual is able to work, is available for work, and is actively seeking and unable to
19 obtain suitable work. No individual participating in a community work and training program, as
20 defined in ORS 411.855, shall, solely by reason thereof, be unavailable for work within the meaning
21 of this section.

22 *[(d) The individual has been unemployed for a waiting period of one week, unless the Governor*
23 *has waived the required waiting period as provided in section 2, chapter 23, Oregon Laws 2008.]*

24 *[(e)]* **(d)** The individual is not disqualified from benefits or ineligible for benefits under any other
25 section of this chapter.

26 *[(f)]* **(e)** The individual is qualified for benefits under ORS 657.150.

27 (2) An individual who leaves the normal labor market area of the individual for the major por-
28 tion of any week is presumed to be unavailable for work within the meaning of this section. This
29 presumption may be overcome if the individual establishes to the satisfaction of the director that
30 the individual has conducted a bona fide search for work and has been reasonably accessible to
31 suitable work in the labor market area in which the individual spent the major portion of the week

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 to which the presumption applies.

2 (3) The director shall either promptly allow credit or pay benefits for any week for which ben-
 3 efits are claimed or promptly give notice of denial thereof in the manner provided in ORS 657.267
 4 and 657.268.

5 **SECTION 2.** ORS 657.155, as amended by section 3, chapter 23, Oregon Laws 2008, and section
 6 1 of this 2009 Act, is amended to read:

7 657.155. (1) An unemployed individual shall be eligible to receive benefits with respect to any
 8 week only if the Director of the Employment Department finds that:

9 (a) The individual has registered for work at and thereafter has continued to report at an em-
 10 ployment office in accordance with such rules as the director may prescribe. However, the director
 11 may, by rule, waive or alter either or both of the requirements of this subsection as to individuals
 12 attached to regular jobs and as to such other types of cases or situations with respect to which the
 13 director finds that compliance with such requirements would be oppressive, or would be inconsistent
 14 with the purposes of this chapter; provided, that no such rule conflicts with ORS 657.255.

15 (b) The individual has made a claim for benefits with respect to such week in accordance with
 16 ORS 657.260.

17 (c) The individual is able to work, is available for work, and is actively seeking and unable to
 18 obtain suitable work. No individual participating in a community work and training program, as
 19 defined in ORS 411.855, shall, solely by reason thereof, be unavailable for work within the meaning
 20 of this section.

21 **(d) The individual has been unemployed for a waiting period of one week.**

22 [(d)] (e) The individual is not disqualified from benefits or ineligible for benefits under any other
 23 section of this chapter.

24 [(e)] (f) The individual is qualified for benefits under ORS 657.150.

25 (2) An individual who leaves the normal labor market area of the individual for the major por-
 26 tion of any week is presumed to be unavailable for work within the meaning of this section. This
 27 presumption may be overcome if the individual establishes to the satisfaction of the director that
 28 the individual has conducted a bona fide search for work and has been reasonably accessible to
 29 suitable work in the labor market area in which the individual spent the major portion of the week
 30 to which the presumption applies.

31 (3) The director shall either promptly allow credit or pay benefits for any week for which ben-
 32 efits are claimed or promptly give notice of denial thereof in the manner provided in ORS 657.267
 33 and 657.268.

34 **SECTION 3.** ORS 657.165 is amended to read:

35 657.165. No week shall be counted as a week of unemployment for the purposes of [ORS 657.155
 36 (1)(d)] **determining waiting period eligibility:**

37 (1) Unless it occurs within the benefit year that includes the week for which the unemployed
 38 individual claims payment of benefits.

39 (2) If benefits have been paid with respect thereto.

40 (3) Unless the unemployed individual was **otherwise** eligible for benefits [*with respect thereto*]
 41 as provided in ORS 657.150, 657.155 to 657.176, 657.184, 657.186, 657.200 to 657.213 and 657.221[, *ex-*
 42 *cept for the requirements of ORS 657.155 (1)(d)*].

43 **SECTION 4.** ORS 657.165, as amended by section 3 of this 2009 Act, is amended to read:

44 657.165. No week shall be counted as a week of unemployment for the purposes of [*determining*
 45 *waiting period eligibility*] **ORS 657.155 (1)(d):**

1 (1) Unless it occurs within the benefit year that includes the week for which the unemployed
 2 individual claims payment of benefits.

3 (2) If benefits have been paid with respect thereto.

4 (3) Unless the unemployed individual was otherwise eligible for benefits as provided in ORS
 5 657.150, 657.155 to 657.176, 657.184, 657.186, 657.200 to 657.213 and 657.221, **except for the re-**
 6 **quirements of ORS 657.155 (1)(d).**

7 **SECTION 5.** ORS 657.267 is amended to read:

8 657.267. (1) An authorized representative shall promptly examine each claim [*for waiting week*
 9 *credit or*] for benefits and, on the basis of the facts available, make a decision to allow or deny the
 10 claim. Information furnished by the claimant, the employer or the employer's agents on forms pro-
 11 vided by the Employment Department pursuant to the authorized representative's examination shall
 12 be accompanied by a signed statement that such information is true and correct to the best of the
 13 individual's knowledge. Notice of the decision need not be given to the claimant if the claim is al-
 14 lowed but, if the claim is denied, written notice shall be given to the claimant. If the claim is denied,
 15 the written notice shall include a statement of the reasons for denial, and if the claim is denied
 16 under any provision of ORS 657.176, the notice also shall set forth the specific material facts ob-
 17 tained from the employer and used by the authorized representative to support the reasons of the
 18 denial. The written notice shall state the reasons for the decision.

19 (2) If the claim is denied under any provision of ORS 657.176, written notice of such decision
 20 shall be given to the employing unit which, in the opinion of the Director of the Employment De-
 21 partment, is most directly involved with the facts and circumstances relating to the disqualification.

22 (3) Notice of a decision that was wholly or partially based on information filed with the director
 23 in writing within 10 days after the notice provided for in ORS 657.265 shall be given to any em-
 24 ploying unit that has so filed such information.

25 (4) If a decision to allow payment made pursuant to this section does not require notice, that
 26 decision may be amended by an authorized representative. The amendment shall be made by written
 27 notice which provides for a right of appeal pursuant to ORS 657.269. The amendment must be issued
 28 within one year of the original decision to allow payment, except in cases of alleged willful mis-
 29 representation or fraud. A decision requiring notice, made pursuant to this section, may be amended
 30 unless it has become a final decision under ORS 657.269.

31 **SECTION 6.** ORS 657.267, as amended by section 5 of this 2009 Act, is amended to read:

32 657.267. (1) An authorized representative shall promptly examine each claim **for waiting week**
 33 **credit or** for benefits and, on the basis of the facts available, make a decision to allow or deny the
 34 claim. Information furnished by the claimant, the employer or the employer's agents on forms pro-
 35 vided by the Employment Department pursuant to the authorized representative's examination shall
 36 be accompanied by a signed statement that such information is true and correct to the best of the
 37 individual's knowledge. Notice of the decision need not be given to the claimant if the claim is al-
 38 lowed but, if the claim is denied, written notice shall be given to the claimant. If the claim is denied,
 39 the written notice shall include a statement of the reasons for denial, and if the claim is denied
 40 under any provision of ORS 657.176, the notice also shall set forth the specific material facts ob-
 41 tained from the employer and used by the authorized representative to support the reasons of the
 42 denial. The written notice shall state the reasons for the decision.

43 (2) If the claim is denied under any provision of ORS 657.176, written notice of such decision
 44 shall be given to the employing unit which, in the opinion of the Director of the Employment De-
 45 partment, is most directly involved with the facts and circumstances relating to the disqualification.

1 (3) Notice of a decision that was wholly or partially based on information filed with the director
 2 in writing within 10 days after the notice provided for in ORS 657.265 shall be given to any em-
 3 ploying unit that has so filed such information.

4 (4) If a decision to allow payment made pursuant to this section does not require notice, that
 5 decision may be amended by an authorized representative. The amendment shall be made by written
 6 notice which provides for a right of appeal pursuant to ORS 657.269. The amendment must be issued
 7 within one year of the original decision to allow payment, except in cases of alleged willful mis-
 8 representation or fraud. A decision requiring notice, made pursuant to this section, may be amended
 9 unless it has become a final decision under ORS 657.269.

10 **SECTION 7.** ORS 657.268 is amended to read:

11 657.268. When a base-year employer files information in writing with the Director of the Em-
 12 ployment Department within 10 days of its knowledge of an occurrence raising any issue not previ-
 13 ously decided based upon specific investigation, an authorized representative shall promptly
 14 reexamine the subject claim [*for waiting week credit or*] for benefits. On the basis of the facts
 15 available, the authorized representative shall promptly make a decision. Written notice stating the
 16 reasons for the decision shall be given to both the claimant and the base-year employer that has
 17 filed such information.

18 **SECTION 8.** ORS 657.268, as amended by section 7 of this 2009 Act, is amended to read:

19 657.268. When a base-year employer files information in writing with the Director of the Em-
 20 ployment Department within 10 days of its knowledge of an occurrence raising any issue not previ-
 21 ously decided based upon specific investigation, an authorized representative shall promptly
 22 reexamine the subject claim **for waiting week credit or** for benefits. On the basis of the facts
 23 available, the authorized representative shall promptly make a decision. Written notice stating the
 24 reasons for the decision shall be given to both the claimant and the base-year employer that has
 25 filed such information.

26 **SECTION 9.** ORS 657.340 is amended to read:

27 657.340. (1) Dislocated workers approved for professional technical training may not be denied
 28 unemployment insurance benefits solely because they are attending professional technical training,
 29 nor shall such individual be denied benefits by reason of leaving work to enter such training if the
 30 work left was part-time or temporary or paid less than 80 percent of the individual's average weekly
 31 wage during the base year.

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

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

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

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

1 additional benefits as provided in ORS 657.331 to 657.334.

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

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

6 (i) High energy costs;

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

8 (iii) Secondary effects of foreign trade; or

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

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

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

16 **SECTION 10.** ORS 657.340, as amended by section 9 of this 2009 Act, is amended to read:

17 657.340. (1) Dislocated workers approved for professional technical training may not be denied
18 unemployment insurance benefits solely because they are attending professional technical training,
19 nor shall such individual be denied benefits by reason of leaving work to enter such training if the
20 work left was part-time or temporary or paid less than 80 percent of the individual's average weekly
21 wage during the base year.

22 (2) Notwithstanding provisions of this chapter relating to availability for work, actively seeking
23 work or refusal to accept suitable work, dislocated workers approved for professional technical
24 training and otherwise eligible for benefits are not ineligible for such benefits **or waiting week**
25 **credit** because of attendance in professional technical training.

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

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

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

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

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

41 (i) High energy costs;

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

43 (iii) Secondary effects of foreign trade; or

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

45 (B) Resulted from the workers' return to service in the Oregon National Guard or military re-

1 serve forces of the United States following a change in status from serving under Title 32 to serving
 2 under Title 10 of the United States Code at a time designated by the President of the United States
 3 by executive order as a period of combatant activities.

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

6 **SECTION 11.** ORS 657.357 is amended to read:

7 657.357. Notwithstanding the requirements or restrictions of ORS 657.335 to 657.360 or the pro-
 8 visions of this chapter relating to availability for work, actively seeking work or refusal to accept
 9 suitable work, an unemployed individual participating in an apprenticeship program who is other-
 10 wise eligible for unemployment insurance benefits shall not be ineligible for such benefits [*or waiting*
 11 *week credit*] solely by reason of attending a program of related instruction established in accordance
 12 with ORS 660.157 when such attendance does not exceed five weeks during the benefit year of the
 13 individual and when such attendance is required as a condition of the individual's continued em-
 14 ployment and shall be considered to be in a program of instruction with the approval of the Director
 15 of the Employment Department if the individual:

16 (1) Provides the director with a copy of that individual's effective apprenticeship agreement ap-
 17 proved in accordance with the requirements of ORS 660.002 to 660.210; and

18 (2) Establishes to the satisfaction of the director that the training is scheduled by a work-related
 19 entity other than the claimant.

20 **SECTION 12.** ORS 657.357, as amended by section 11 of this 2009 Act, is amended to read:

21 657.357. Notwithstanding the requirements or restrictions of ORS 657.335 to 657.360 or the pro-
 22 visions of this chapter relating to availability for work, actively seeking work or refusal to accept
 23 suitable work, an unemployed individual participating in an apprenticeship program who is other-
 24 wise eligible for unemployment insurance benefits shall not be ineligible for such benefits **or waiting**
 25 **week credit** solely by reason of attending a program of related instruction established in accord-
 26 ance with ORS 660.157 when such attendance does not exceed five weeks during the benefit year
 27 of the individual and when such attendance is required as a condition of the individual's continued
 28 employment and shall be considered to be in a program of instruction with the approval of the Di-
 29 rector of the Employment Department if the individual:

30 (1) Provides the director with a copy of that individual's effective apprenticeship agreement ap-
 31 proved in accordance with the requirements of ORS 660.002 to 660.210; and

32 (2) Establishes to the satisfaction of the director that the training is scheduled by a work-related
 33 entity other than the claimant.

34 **SECTION 13. Sections 2 and 4, chapter 23, Oregon Laws 2008, are repealed.**

35 **SECTION 14. The amendments to ORS 657.155, 657.165, 657.267, 657.268, 657.340 and 657.357**
 36 **by sections 2, 4, 6, 8, 10 and 12 of this 2009 Act become operative May 30, 2010.**

37 **SECTION 15. (1) The amendments to ORS 657.155, 657.165, 657.267, 657.268, 657.340 and**
 38 **657.357 by sections 1, 3, 5, 7, 9 and 11 of this 2009 Act apply to weeks, as defined in ORS**
 39 **657.010 (15), beginning on or after the effective date of this 2009 Act and ending before May**
 40 **31, 2010.**

41 **(2) The amendments to ORS 657.155, 657.165, 657.267, 657.268, 657.340 and 657.357 by**
 42 **sections 2, 4, 6, 8, 10 and 12 of this 2009 Act apply to weeks, as defined in ORS 657.010 (15),**
 43 **ending after May 30, 2010.**

44 **SECTION 16. This 2009 Act being necessary for the immediate preservation of the public**
 45 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**

1 **on its passage.**

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