

Senate Bill 357

Sponsored by Senator ROSENBAUM

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**.

Permits determination of eligibility for unemployment benefits using alternative base year under certain circumstances.

A BILL FOR AN ACT

1
2 Relating to eligibility for unemployment benefits; creating new provisions; and amending ORS
3 657.150.

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

5 **SECTION 1.** ORS 657.150 is amended to read:

6 657.150. (1) An individual shall be paid benefits for weeks during the benefit year in an amount
7 which is to be determined by taking into account the individual's work in subject employment in the
8 base year as provided in this section.

9 (2)(a) To qualify for benefits an individual must have:

10 (A) Worked in subject employment in the base year with total base year wages of \$1,000 or more
11 and have total base year wages equal to or in excess of one and one-half times the wages in the
12 highest quarter of the base year; and

13 (B) Have earned wages in subject employment equal to six times the individual's weekly benefit
14 amount in employment for service performed subsequent to the beginning of a preceding benefit year
15 if benefits were paid to the individual for any week in the preceding benefit year.

16 (b) If the individual does not meet the requirements of paragraph (a)(A) of this subsection, the
17 individual may qualify for benefits if the individual has worked a minimum of 500 hours in employ-
18 ment subject to this chapter during the base year.

19 **(c) If the individual does not meet the requirements of paragraph (a)(A) or (b) of this**
20 **subsection, the individual may qualify for benefits based on wage and employment informa-**
21 **tion received by the Employment Department from the individual's employers for the most**
22 **recently completed calendar quarter. Nothing in this paragraph may be construed to pro-**
23 **hibit the department from using any additional wage and employment information about the**
24 **individual to determine the individual's monetary eligibility. The individual's base year shall**
25 **be extended to include the most recently completed calendar quarter.**

26 (3) If the wages paid to an individual are not based upon a fixed period of time or if wages are
27 paid at irregular intervals or in such manner as not to extend regularly over the period of employ-
28 ment, for the purposes of subsections (2) to (5) of this section, the individual's wages shall be allo-
29 cated in accordance with rules prescribed by the Director of the Employment Department. Such
30 rules shall, insofar as possible, produce results the same as those which would exist if the individual
31 had been paid wages at regular intervals. The director may adopt rules to attribute hours of work

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 an individual if the individual is not paid on an hourly basis or if the employer does not report
2 the number of hours worked.

3 (4) An eligible individual's weekly benefit amount shall be 1.25 percent of the total wages paid
4 in the individual's base year. However, such amount shall not be less than the minimum, nor more
5 than the maximum weekly benefit amount.

6 (a) The minimum weekly benefit amount shall be 15 percent (0.1500) of the state average weekly
7 covered wage for the preceding calendar year, effective for any benefit year commencing on and
8 after the week which includes July 4, 1975, and the week that includes each July 4 thereafter.

9 (b) The maximum weekly benefit amount shall be[.]

10 [(A) *Fifty-five percent (0.5500) of the state average weekly covered wage for calendar year 1979,*
11 *effective for any benefit year commencing with and after the week which includes July 4, 1980, and*
12 *through any benefit year commencing with the week which includes June 27, 1981.]*

13 [(B) *Fifty-five percent (0.5500) of the state average weekly covered wage for calendar year 1980,*
14 *effective for any benefit year commencing with and after the week which includes July 4, 1981, through*
15 *any benefit year commencing with the week which includes September 27, 1981.]*

16 [(C) *Fifty-eight percent (0.5800) of the state average weekly covered wage for calendar year 1980,*
17 *effective for any benefit year commencing with and after the week which includes October 4, 1981,*
18 *through any benefit year commencing with the week which includes June 27, 1982.]*

19 [(D) *Sixty percent (0.6000) of the state average weekly covered wage for calendar year 1981, effec-*
20 *tive for any benefit year commencing with and after the week which includes July 4, 1982, through any*
21 *benefit year commencing with the week which includes June 27, 1983.]*

22 [(E) *Sixty-four*] **64** percent (0.6400) of the state average covered weekly wage for the preceding
23 calendar year, effective for any benefit year commencing with and after the week which includes
24 July 4, 1983, and the week which includes each July 4 thereafter.

25 (c) All weekly benefit amounts, if not a multiple of \$1, shall be computed to the next lower
26 multiple of \$1.

27 (d) For the purposes of this subsection, the state average weekly covered wage means an amount
28 determined by the [*Employment*] department by dividing the total wages paid by subject employers
29 during the year by 52 times the average monthly employment reported by subject employers for the
30 year.

31 (5) Benefits paid to an eligible individual in a benefit year shall not exceed 26 times the indi-
32 vidual's weekly benefit amount, or one-third of the base year's wages paid, whichever is the lesser.
33 If such amount is not a multiple of \$1, it shall be computed to the next lower multiple of \$1.

34 (6) An eligible unemployed individual who has employment in any week shall have the individ-
35 ual's weekly benefit amount reduced by the amount of earnings paid or payable that exceeds
36 whichever is the greater of the following amounts:

37 (a) Ten times the minimum hourly wage established by the laws of this state; or

38 (b) One-third of the individual's weekly benefit amount.

39 (7) Payment which has been, is or will be paid to an individual for a holiday or vacation shall
40 be considered as earnings in the determination of the amount of benefits payable with respect to the
41 week in which the holiday or vacation falls in the same manner as provided in subsection (6) of this
42 section. However, if payment for the holiday or vacation is paid more than 45 days prior to the
43 holiday or vacation or is delayed more than 45 days following the end of the week in which the
44 holiday or vacation falls, the provisions of this section do not apply and previously reduced benefits
45 shall be adjusted accordingly.

1 (8) Payment which has been, or will be made to an individual as a member of a reserve compo-
2 nent of the Armed Forces of the United States, including the organized militia of the State of
3 Oregon, for the performance of inactive duty training shall not be considered as earnings in the
4 determination of the amount of benefits payable.

5 **SECTION 2. The amendments to ORS 657.150 by section 1 of this 2009 Act apply only to**
6 **claims for benefits filed on or after the effective date of this 2009 Act.**

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