

House Bill 3320

Sponsored by Representative DEMBROW

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**.

Provides that unemployment insurance benefits are payable during summer term to community college instructor who has received assignment for previous summer term. Codifies presumption that instructor at state institution of higher education or community college does not have reasonable assurance of performing services for institution or community college in following academic term.

A BILL FOR AN ACT

1
2 Relating to unemployment insurance benefits; creating new provisions; and amending ORS 657.167.

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

4 **SECTION 1.** ORS 657.167 is amended to read:

5 657.167. *[(1)]* **(1)(a)** Benefits based on service in an instructional, research or principal adminis-
6 trative capacity for an educational institution or institution of higher education shall be payable to
7 an individual in the same amount, on the same terms and subject to the same conditions as benefits
8 payable on the basis of other service subject to this chapter[, *except that*].

9 **(b) Notwithstanding paragraph (a) of this subsection, and except as provided in paragraph**
10 **(c) of this subsection,** benefits [*shall not be paid based on such services for any*] **are not payable**
11 **on service described in paragraph (a) of this subsection for a week of unemployment com-**
12 **mencing during the period between two successive academic years or, when an agreement provides**
13 **instead for a similar period between two regular terms, whether or not successive, or during a pe-**
14 **riod of paid sabbatical leave provided for in the individual's contract and if [*such*] **the** individual**
15 **performs [*such*] **the** services in the first of [*such*] **the** academic years or terms and if there is a**
16 **contract or a reasonable assurance that [*such*] **the** individual will perform services in [*any*] such**
17 **capacity for any institution in the second of [*such*] **the** academic years or terms.**

18 **(c) Benefits are payable for a week of unemployment commencing during the summer**
19 **term of a community college to an instructor who has received an assignment for a previous**
20 **summer term.**

21 **(d) For purposes of this subsection, a part-time or full-time instructor at a state insti-**
22 **tution of higher education listed in ORS 352.002 or a community college as defined in ORS**
23 **341.005 is presumed not to have a reasonable assurance that the instructor will perform**
24 **services for the state institution of higher education or community college in a second aca-**
25 **demie year or term.**

26 **(e) All [*services*] service described in this subsection performed** by an individual for an in-
27 stitution shall be deemed in instructional, research or principal administrative capacity if at least
28 50 percent of the individual's time is spent in such activities.

29 **(2)** With respect to any services described in subsection (1) of this section, compensation payable
30 on the basis of such services shall be denied to any individual for any week that commences during

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 an established and customary vacation period or holiday recess if such individual performs such
2 services in the period immediately before such vacation period or holiday recess, and there is rea-
3 sonable assurance that such individual will perform such services or any services described in ORS
4 657.221 (1) in the period immediately following such vacation period or holiday recess.

5 (3) With respect to any services described in subsection (1) of this section, benefits based on
6 such services shall be denied as specified in subsections (1) and (2) of this section to any individual
7 who performed such service in an institution while in the employ of an education service district
8 established by ORS chapter 334, providing 50 percent or more of the individual's time is spent in
9 instructional, research or principal administrative capacity in such institution.

10 (4) The provisions of subsections (1), (2) and (3) of this section apply only to service performed
11 for:

12 (a) An educational institution or institution of higher education operated by a nonprofit em-
13 ploying unit;

14 (b) This state;

15 (c) A political subdivision of this state; or

16 (d) An Indian tribe.

17 **SECTION 2. The amendments to ORS 657.167 by section 1 of this 2011 Act apply to ser-**
18 **vices performed on or after the effective date of this 2011 Act.**

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