

Enrolled Senate Bill 637

Sponsored by Senator ROSENBAUM; Senators BOQUIST, MONNES ANDERSON, VERGER, Representatives BAILEY, BARKER, BARNHART, BEYER, BOONE, CANNON, CLEM, DOHERTY, FREDERICK, GARRETT, GELSER, GREENLICK, HOLVEY, HOYLE, HUNT, KOMP, KOTEK, MATTHEWS, READ, ROBLAN, SCHAUFLEER, TOMEI

CHAPTER

AN ACT

Relating to extended benefit periods; creating new provisions; amending ORS 657.321; and declaring an emergency.

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

SECTION 1. ORS 657.321, as amended by section 4, chapter 6, Oregon Laws 2010, is amended to read:

657.321. As used in ORS 657.321 to 657.329 unless the context requires otherwise:

(1) "Eligibility period" of an individual means:

(a) The period consisting of the weeks in the individual's benefit year that begin in an extended benefit period and, if the benefit year ends within the extended benefit period, any subsequent weeks that begin in the extended benefit period; or

(b) A period provided for by rule of the Employment Department under section 6, chapter 6, Oregon Laws 2010.

(2) "Exhaustee" means an individual who, with respect to any week of unemployment in the individual's eligibility period:

(a) Has received prior to such week, all of the regular benefits that were available to the individual under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in the current benefit year that includes such week (provided that an individual shall be deemed to have received all of the regular benefits that were available to the individual, although as a result of a pending appeal with respect to wages or employment that were not considered in the original monetary determination in the current benefit year, the individual may subsequently be determined to be entitled to added regular benefits); or

(b)(A) The individual's benefit year having expired prior to such week, has no, or insufficient, wages and employment to establish a new benefit year that would include such week;

(B) Has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and

(C) Has not received and is not seeking, or the appropriate agency has finally determined that the individual is not entitled to receive, unemployment benefits under the unemployment compensation law of Canada.

(3)(a) "Extended benefit period" means a period that:

(A) Begins with the third week after a week for which there is a state “on” indicator; and
(B) Ends with the third week after the first week for which there is a state “off” indicator or the 13th consecutive week of such period, whichever occurs later.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, no extended benefit period may begin by reason of a state “on” indicator before the 14th week following the end of a prior extended benefit period that was in effect with respect to this state.

(c) There is a state “on” indicator for any week for which the Director of the Employment Department determines, in accordance with regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding 12 weeks:

(A) The rate of insured unemployment (not seasonally adjusted) equaled or exceeded five percent and equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week periods ending in each of the preceding two calendar years;

(B) The rate of insured unemployment (not seasonally adjusted) equaled or exceeded six percent;
[or]

(C) With respect to benefits for weeks of unemployment beginning after March 6, 1993:

(i) The average rate of total unemployment (seasonally adjusted), as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week equaled or exceeded 6.5 percent; and

(ii) The average rate of total unemployment in the state (seasonally adjusted), as determined by the United States Secretary of Labor, for the three-month period referred to in sub-subparagraph (i) of this subparagraph, equaled or exceeded 110 percent of such average for either or both of the corresponding three-month periods ending in the two preceding calendar years[.]; **or**

(D) With respect to benefits for weeks of unemployment beginning after the effective date of this 2011 Act, and ending on or before December 31, 2011, or the date established in federal law permitting this provision:

(i) The average rate of total unemployment (seasonally adjusted), as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week equals or exceeds 6.5 percent; and

(ii) The average rate of total unemployment in the state (seasonally adjusted), as determined by the United States Secretary of Labor, for the three-month period referred to in sub-subparagraph (i) of this subparagraph, equals or exceeds 110 percent of such average for any or all of the corresponding three-month periods ending in the three preceding calendar years.

(d) There is a state “off” indicator for any week for which the director determines, in accordance with regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding 12 weeks, none of the options specified in subsection (3)(c) of this section results in an “on” indicator.

(4) “Extended benefits” means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this chapter for weeks of unemployment in the individual’s eligibility period.

(5) “High unemployment period” means any period during which an extended benefit period would be in effect if subsection (3)(c)(C)(i) **or (D)(i)** of this section were applied by substituting “eight percent” for “6.5 percent.”

(6) “Rate of insured unemployment,” for the purpose of subsection (3)(c) and (d) of this section, means the percentage derived by dividing:

(a) The average weekly number of regular continued weeks of unemployment claimed by individuals in this state with respect to the most recent 13-consecutive-week period, as determined by the director on the basis of reports to the United States Secretary of Labor, by

(b) The average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters before the end of such 13-week period.

(7) "Regular benefits" means benefits payable to an individual under this chapter or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.

(8) "State law" means the unemployment insurance law of any state, approved by the United States Secretary of Labor under section 3304 of the Internal Revenue Code.

SECTION 2. ORS 657.321, as amended by section 4, chapter 6, Oregon Laws 2010, and section 1 of this 2011 Act, is amended to read:

657.321. As used in ORS 657.321 to 657.329 unless the context requires otherwise:

(1) "Eligibility period" of an individual means:

(a) The period consisting of the weeks in the individual's benefit year that begin in an extended benefit period and, if the benefit year ends within the extended benefit period, any subsequent weeks that begin in the extended benefit period; or

(b) A period provided for by rule of the Employment Department under section 6, chapter 6, Oregon Laws 2010.

(2) "Exhaustee" means an individual who, with respect to any week of unemployment in the individual's eligibility period:

(a) Has received prior to such week, all of the regular benefits that were available to the individual under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in the current benefit year that includes such week (provided that an individual shall be deemed to have received all of the regular benefits that were available to the individual, although as a result of a pending appeal with respect to wages or employment that were not considered in the original monetary determination in the current benefit year, the individual may subsequently be determined to be entitled to added regular benefits); or

(b)(A) The individual's benefit year having expired prior to such week, has no, or insufficient, wages and employment to establish a new benefit year that would include such week;

(B) Has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and

(C) Has not received and is not seeking, or the appropriate agency has finally determined that the individual is not entitled to receive, unemployment benefits under the unemployment compensation law of Canada.

(3)(a) "Extended benefit period" means a period that:

(A) Begins with the third week after a week for which there is a state "on" indicator; and

(B) Ends with the third week after the first week for which there is a state "off" indicator or the 13th consecutive week of such period, whichever occurs later.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, no extended benefit period may begin by reason of a state "on" indicator before the 14th week following the end of a prior extended benefit period that was in effect with respect to this state.

(c) There is a state "on" indicator for any week for which the Director of the Employment Department determines, in accordance with regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding 12 weeks:

(A) The rate of insured unemployment (not seasonally adjusted) equaled or exceeded five percent and equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week periods ending in each of the preceding two calendar years;

(B) The rate of insured unemployment (not seasonally adjusted) equaled or exceeded six percent;

or

(C) With respect to benefits for weeks of unemployment beginning after March 6, 1993:

(i) The average rate of total unemployment (seasonally adjusted), as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week equaled or exceeded 6.5 percent; and

(ii) The average rate of total unemployment in the state (seasonally adjusted), as determined by the United States Secretary of Labor, for the three-month period referred to in sub-subparagraph (i) of this subparagraph, equaled or exceeded 110 percent of such average for either or both of the corresponding three-month periods ending in the two preceding calendar years.[: or]

[(D) With respect to benefits for weeks of unemployment beginning after the effective date of this 2011 Act, and ending on or before December 31, 2011, or the date established in federal law permitting this provision:]

[(i) The average rate of total unemployment (seasonally adjusted), as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week equals or exceeds 6.5 percent; and]

[(ii) The average rate of total unemployment in the state (seasonally adjusted), as determined by the United States Secretary of Labor, for the three-month period referred to in sub-subparagraph (i) of this subparagraph, equals or exceeds 110 percent of such average for any or all of the corresponding three-month periods ending in the three preceding calendar years.]

(d) There is a state “off” indicator for any week for which the director determines, in accordance with regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding 12 weeks, none of the options specified in subsection (3)(c) of this section results in an “on” indicator.

(4) “Extended benefits” means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this chapter for weeks of unemployment in the individual’s eligibility period.

(5) “High unemployment period” means any period during which an extended benefit period would be in effect if subsection (3)(c)(C)(i) [or (D)(i)] of this section were applied by substituting “eight percent” for “6.5 percent.”

(6) “Rate of insured unemployment,” for the purpose of subsection (3)(c) and (d) of this section, means the percentage derived by dividing:

(a) The average weekly number of regular continued weeks of unemployment claimed by individuals in this state with respect to the most recent 13-consecutive-week period, as determined by the director on the basis of reports to the United States Secretary of Labor, by

(b) The average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters before the end of such 13-week period.

(7) “Regular benefits” means benefits payable to an individual under this chapter or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.

(8) “State law” means the unemployment insurance law of any state, approved by the United States Secretary of Labor under section 3304 of the Internal Revenue Code.

SECTION 3. The amendments to ORS 657.321 by section 2 of this 2011 Act apply to weeks, as defined in ORS 657.010, that begin on or after January 1, 2012.

SECTION 4. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by Senate March 21, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House March 23, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State