

**PROPOSED AMENDMENTS TO
SENATE BILL 470**

1 On page 1 of the printed bill, line 3, after “ORS” delete the rest of the
2 line and insert “657.221; and declaring an emergency.”.

3 Delete lines 5 through 29 and delete page 2 and insert:

4 **“SECTION 1.** ORS 657.221 is amended to read:

5 “657.221. (1)(a) Benefits based on services performed in other than an in-
6 structional, research or principal administrative capacity for an educational
7 institution or institution of higher education shall be payable to an individ-
8 ual in the same amount, on the same terms and subject to the same condi-
9 tions as benefits payable on the basis of other service subject to this chapter.
10 [*However:*]

11 “[*(a)*] **(b) Notwithstanding paragraph (a) of this subsection,** benefits
12 shall not be paid on the basis of such services for any week of unemployment
13 that commences during a period between two successive academic years or
14 terms if the individual performs [*such*] **the** services in the first academic year
15 or term and there is a reasonable assurance that the individual will perform
16 [*any*] such services in the second academic year or term for any
17 institution[; *except that*].

18 “[*(b)*] **(c) Notwithstanding paragraph (b) of this subsection,** if benefits
19 are denied to an individual for any week under paragraph [*(a)*] **(b)** of this
20 subsection and [*such*] **the** individual was not offered an opportunity to per-
21 form such services for the institution for the second of [*such*] **the** academic
22 years or terms, [*such*] **the** individual shall be entitled, if otherwise eligible,

1 to payment of benefits for each week for which the individual filed a timely
2 claim for benefits and for which benefits were denied solely by reason of
3 paragraph [(a)] **(b)** of this subsection.

4 “[(2) *With respect to the application of this section, the following shall ap-*
5 *ply:*]

6 “[(a)] **(2)(a)** An [*employee*] **individual who performs services described**
7 **in subsection (1) of this section and** who terminates an employee-employer
8 relationship by electing not to accept an offer of work for a subsequent ac-
9 ademic year or term, other than by reason of labor negotiations or a labor
10 dispute in progress, shall be deemed to have voluntarily left work. The ef-
11 fective date of [*such*] leaving shall be the date **on which** the individual no-
12 tifies the institution of the election not to accept the offer of work for the
13 subsequent period, except that if [*such*] **the** individual continues to work
14 under the terms of a previously existing contract or agreement, the effective
15 date of leaving shall be the last day worked for the institution.

16 “(b) [*In the event*] **If** the institution does not extend to the individual an
17 offer of work or provide a reasonable assurance the individual is expected
18 to return to work for the institution following the period between the aca-
19 demic years or terms, the separation from work shall be considered an in-
20 voluntary leaving or layoff.

21 “(3) [*With respect to any*] **Benefits payable on the basis of** services de-
22 scribed in subsection (1) of this section[, *compensation payable on the basis*
23 *of such services*] shall be denied to [*any*] **an** individual for any week that
24 commences during an established and customary vacation period or holiday
25 recess if [*such*] **the** individual performs [*such*] **the** services in the period
26 immediately before [*such*] **the** vacation period or holiday recess, and there
27 is reasonable assurance that [*such*] **the** individual will perform [*such*] **the**
28 services or any services described in ORS 657.167 (1) in the period imme-
29 diately following [*such*] **the** vacation period or holiday recess.

30 “(4) [*With respect to any*] **Benefits payable on the basis of** services de-

1 scribed in subsection (1) of this section[, *benefits based on such services*] shall
2 be denied as specified in subsections (1) and (3) of this section to [*any*] **an**
3 individual who performed such services in an institution while in the employ
4 of an education service district established by ORS chapter 334[, *providing*]
5 **if** 50 percent or more of the individual’s time is in the performance of ser-
6 vices in such institution.

7 **“(5) For purposes of subsections (1) and (3) of this section, an indi-**
8 **vidual who performs services described in subsection (1) of this section**
9 **and who terminates an employee-employer relationship for good cause**
10 **does not have reasonable assurance of performing services for that**
11 **employer in the subsequent academic year or term.**

12 “[~~(5)~~] **(6)** The provisions of subsections (1), (3) and (4) of this section shall
13 [*only*] apply **only** to service performed for an educational institution or in-
14 stitution of higher education operated by:

15 “(a) A nonprofit employing unit;

16 “(b) This state;

17 “(c) A political subdivision; or

18 “(d) An Indian tribe.

19 **“(7) If the United States Secretary of Labor serves notice that any**
20 **provisions of this section, or rules adopted under this section, fail to**
21 **meet the requirements of the Social Security Act or the Federal Un-**
22 **employment Tax Act, the nonconforming provisions or rules shall no**
23 **longer be of any force or effect.**

24 **“SECTION 2. The amendments to ORS 657.221 by section 1 of this**
25 **2015 Act apply to terminations of employer-employee relationships oc-**
26 **curring in any week, as defined in ORS 657.010, that begins on or after**
27 **the effective date of this 2015 Act.**

28 **“SECTION 3. This 2015 Act being necessary for the immediate**
29 **preservation of the public peace, health and safety, an emergency is**
30 **declared to exist, and this 2015 Act takes effect on its passage.”.**

