Enrolled

Senate Bill 1534

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CHAPTER ....

AN ACT

Relating to unemployment insurance; creating new provisions; amending ORS 657.221; and declaring an emergency.

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

SECTION 1. ORS 657.221 is amended to read:

657.221. (1)**(a)** Benefits based on services performed in other than an instructional, research or principal administrative capacity for an educational institution or institution of higher education shall be payable to an individual in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to this chapter. [*However:*]

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

[*(b)*] **(c) Notwithstanding paragraph (b) of this subsection,** if benefits are denied to an individual for any week under paragraph [*(a)*] **(b)** of this subsection and [*such*] **the** individual was not offered an opportunity to perform such services for the institution for the second of [*such*] **the** academic years or terms, [*such*] **the** individual shall be entitled, if otherwise eligible, to payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of paragraph [*(a)*] **(b)** of this subsection.

[*(2) With respect to the application of this section, the following shall apply:*]

[*(a)*] **(2)(a)** An [*employee*] **individual who performs services described in subsection (1) of this section and** who terminates an employee-employer relationship by electing not to accept an offer of work for a subsequent academic year or term, other than by reason of labor negotiations or a labor dispute in progress, shall be deemed to have voluntarily left work. The effective date of [*such*] leaving shall be the date **on which** the individual notifies the institution of the election not to accept the offer of work for the subsequent period, except that if [*such*] **the** individual continues to work under the terms of a previously existing contract or agreement, the effective date of leaving shall be the last day worked for the institution.

(b) [*In the event*] **If** the institution does not extend to the individual an offer of work or provide a reasonable assurance the individual is expected to return to work for the institution following the period between the academic years or terms, the separation from work shall be considered an involuntary leaving or layoff.

(3) [*With respect to any*] **Benefits payable on the basis of** services described in subsection (1) of this section[*, compensation payable on the basis of such services*] shall be denied to [*any*] **an** individual for any week that commences during an established and customary vacation period or holiday recess if [*such*] **the** individual performs [*such*] **the** services in the period immediately before [*such*] **the** vacation period or holiday recess, and there is reasonable assurance that [*such*] **the** individual will perform [*such*] **the** services or any services described in ORS 657.167 (1) in the period immediately following [*such*] **the** vacation period or holiday recess.

(4) [*With respect to any*] **Benefits payable on the basis of** services described in subsection (1) of this section[*, benefits based on such services*] shall be denied as specified in subsections (1) and (3) of this section to [*any*] **an** individual who performed [*such*] **the** services in an institution while in the employ of an education service district established by ORS chapter 334[*, providing*] **if** 50 percent or more of the individual's time is in the performance of services in [*such*] **the** institution.

(5) Subsections (1) and (3) of this section do not apply to a claim for benefits based on the performance of services described in subsection (1) of this section if the individual filing the claim voluntarily left work, with good cause, with the institution for which the services were performed.

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

(a) A nonprofit employing unit;

(b) This state;

(c) A political subdivision; or

(d) An Indian tribe.

(7)(a) If the United States Secretary of Labor serves notice that any provisions of this section, or rules adopted under this section, fail to meet the requirements of the Social Security Act or the Federal Unemployment Tax Act, the nonconforming provisions or rules shall no longer be of any force or effect.

(b) The Director of the Employment Department shall notify the Legislative Counsel as soon as practicable after receipt of the notice described in paragraph (a) of this subsection.

<u>SECTION 2.</u> **The amendments to ORS 657.221 by section 1 of this 2016 Act apply to claims for benefits filed in any week, as defined in ORS 657.010, that begins on or after the effective date of this 2016 Act.**

<u>SECTION 3.</u> **This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.**

Passed by Senate February 9, 2016

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House February 24, 2016

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Tina Kotek, Speaker of House

Received by Governor:

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Approved:

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Kate Brown, Governor

Filed in Office of Secretary of State:

.......................M.,.., 2016

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Jeanne P. Atkins, Secretary of State