

Senate Bill 1534

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Workforce and General Government)

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 certain statutory provisions relating to eligibility of individuals who perform certain services for educational institutions for unemployment insurance benefits during period between two successive academic years or terms or established and customary vacation period or holiday recess do not apply to claim filed by individual who voluntarily left work with good cause.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to unemployment insurance; creating new provisions; amending ORS 657.221; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 657.221 is amended to read:

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

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

15 [(b)] **(c) Notwithstanding paragraph (b) of this subsection**, if benefits are denied to an indi-
16 vidual for any week under paragraph [(a)] **(b)** of this subsection and [*such*] **the** individual was not
17 offered an opportunity to perform such services for the institution for the second of [*such*] **the** aca-
18 demic years or terms, [*such*] **the** individual shall be entitled, if otherwise eligible, to payment of
19 benefits for each week for which the individual filed a timely claim for benefits and for which ben-
20 efits were denied solely by reason of paragraph [(a)] **(b)** of this subsection.

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

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

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 shall be the last day worked for the institution.

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

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

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

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

22 ~~[(5)]~~ **(6)** The provisions of subsections (1), (3) and (4) of this section shall *[only]* apply **only** to
 23 service performed for an educational institution or institution of higher education operated by:

- 24 (a) A nonprofit employing unit;
- 25 (b) This state;
- 26 (c) A political subdivision; or
- 27 (d) An Indian tribe.

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

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

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

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