

Senate Bill 42

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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**.

Reverses amendments to statute made by Enrolled Senate Bill 1534 (2016) that were determined by United States Secretary of Labor to be out of conformity with federal law.

A BILL FOR AN ACT

1
2 Relating to unemployment insurance; amending ORS 657.221.

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

4 **SECTION 1.** ORS 657.221, as amended by section 1, chapter 15, Oregon Laws 2016, is amended
5 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 [(b)] (a) [Notwithstanding paragraph (a) of this subsection,] Benefits shall not be paid on the basis
11 of such services for any week of unemployment that commences during a period between two suc-
12 cessive academic years or terms if the individual performs [the] **such** services in the first academic
13 year or term and there is a reasonable assurance that the individual will perform [the] **any such**
14 services in the second academic year or term for any institution[.]; **except that**

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

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

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

30 (b) [If] **In the event** the institution does not extend to the individual an offer of work or provide

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 a reasonable assurance the individual is expected to return to work for the institution following the
 2 period between the academic years or terms, the separation from work shall be considered an in-
 3 voluntary leaving or layoff.

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

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

16 *[(5) Subsections (1) and (3) of this section do not apply to a claim for benefits based on the per-*
 17 *formance of services described in subsection (1) of this section if the individual filing the claim volun-*
 18 *tarily left work, with good cause, with the institution for which the services were performed.]*

19 *[(6)]* (5) The provisions of subsections (1), (3) and (4) of this section shall **only** apply *[only]* to
 20 service performed for an educational institution or institution of higher education operated by:

- 21 (a) A nonprofit employing unit;
- 22 (b) This state;
- 23 (c) A political subdivision; or
- 24 (d) An Indian tribe.

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

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

31