

DRAFT

SUMMARY

Changes alternative amount from \$300 to 23 times minimum wage in effect in Metro for determination of earnings disregard for purposes of unemployment insurance benefits.

Creates alternative maximum amount of 23 times minimum wage in effect in Metro that individual may receive in part-time remuneration and still be deemed “unemployed” for purposes of unemployment insurance benefits.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to unemployment insurance benefits; creating new provisions; amending ORS 657.100 and 657.150; and declaring an emergency.

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

SECTION 1. ORS 657.150, as amended by section 1, chapter 1, Oregon Laws 2020 (second special session), is amended to read:

657.150. (1) An individual shall be paid benefits for weeks during the benefit year in an amount which is to be determined by taking into account the individual’s work in subject employment in the base year as provided in this section.

(2)(a) To qualify for benefits an individual must have:

(A) Worked in subject employment in the base year with total base year wages of \$1,000 or more and have total base year wages equal to or in excess of one and one-half times the wages in the highest quarter of the base year; and

(B) Have earned wages in subject employment equal to six times the individual’s weekly benefit amount in employment for service performed subsequent to the beginning of a preceding benefit year if benefits were paid

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 to the individual for any week in the preceding benefit year.

2 (b) If the individual does not meet the requirements of paragraph (a)(A)
3 of this subsection, the individual may qualify for benefits if the individual
4 has worked a minimum of 500 hours in employment subject to this chapter
5 during the base year.

6 (3) If the wages paid to an individual are not based upon a fixed period
7 of time or if wages are paid at irregular intervals or in such manner as not
8 to extend regularly over the period of employment, for the purposes of sub-
9 sections (2) to (5) of this section, the individual's wages shall be allocated
10 in accordance with rules prescribed by the Director of the Employment De-
11 partment. Such rules shall, insofar as possible, produce results the same as
12 those which would exist if the individual had been paid wages at regular
13 intervals. The director may adopt rules to attribute hours of work to an in-
14 dividual if the individual is not paid on an hourly basis or if the employer
15 does not report the number of hours worked.

16 (4) An eligible individual's weekly benefit amount shall be 1.25 percent
17 of the total wages paid in the individual's base year. However, such amount
18 shall not be less than the minimum, nor more than the maximum weekly
19 benefit amount.

20 (a) The minimum weekly benefit amount shall be 15 percent (0.1500) of the
21 state average weekly covered wage for the preceding calendar year, effective
22 for any benefit year commencing on and after the week which includes July
23 4, 1975, and the week that includes each July 4 thereafter.

24 (b) The maximum weekly benefit amount shall be:

25 (A) Fifty-five percent (0.5500) of the state average weekly covered wage
26 for calendar year 1979, effective for any benefit year commencing with and
27 after the week which includes July 4, 1980, and through any benefit year
28 commencing with the week which includes June 27, 1981.

29 (B) Fifty-five percent (0.5500) of the state average weekly covered wage
30 for calendar year 1980, effective for any benefit year commencing with and
31 after the week which includes July 4, 1981, through any benefit year com-

1 mencing with the week which includes September 27, 1981.

2 (C) Fifty-eight percent (0.5800) of the state average weekly covered wage
3 for calendar year 1980, effective for any benefit year commencing with and
4 after the week which includes October 4, 1981, through any benefit year
5 commencing with the week which includes June 27, 1982.

6 (D) Sixty percent (0.6000) of the state average weekly covered wage for
7 calendar year 1981, effective for any benefit year commencing with and after
8 the week which includes July 4, 1982, through any benefit year commencing
9 with the week which includes June 27, 1983.

10 (E) Sixty-four percent (0.6400) of the state average covered weekly wage
11 for the preceding calendar year, effective for any benefit year commencing
12 with and after the week which includes July 4, 1983, and the week which
13 includes each July 4 thereafter.

14 (c) All weekly benefit amounts, if not a multiple of \$1, shall be computed
15 to the next lower multiple of \$1.

16 (d) For the purposes of this subsection, the state average weekly covered
17 wage means an amount determined by the Employment Department by di-
18 viding the total wages paid by subject employers during the year by 52 times
19 the average monthly employment reported by subject employers for the year.

20 (5) Benefits paid to an eligible individual in a benefit year shall not ex-
21 ceed 26 times the individual's weekly benefit amount, or one-third of the base
22 year's wages paid, whichever is the lesser. If such amount is not a multiple
23 of \$1, it shall be computed to the next lower multiple of \$1.

24 (6) An eligible unemployed individual who has employment in any week
25 shall have the individual's weekly benefit amount reduced, but not below
26 zero, by the amount of earnings paid or payable that exceeds the greater of:

27 (a) **[\$300] An amount equal to 23 times the minimum wage in effect**
28 **under ORS 653.025 (2); or**

29 (b) One-third of the individual's weekly benefit amount.

30 (7) Payment which has been, is or will be paid to an individual for a
31 holiday or vacation shall be considered as earnings in the determination of

the amount of benefits payable with respect to the week in which the holiday or vacation falls in the same manner as provided in subsection (6) of this section. However, if payment for the holiday or vacation is paid more than 45 days prior to the holiday or vacation or is delayed more than 45 days following the end of the week in which the holiday or vacation falls, the provisions of this section do not apply and previously reduced benefits shall be adjusted accordingly.

(8) Payment that has been, or will be, made to an individual as a member of a reserve component of the Armed Forces of the United States, including the organized militia of the State of Oregon, for the performance of inactive duty training shall not be considered as earnings in the determination of the amount of benefits payable.

SECTION 2. The amendments to ORS 657.150 by section 1 of this 2021 Act apply to weeks beginning on or after the effective date of this 2021 Act and before January 1, 2022.

SECTION 3. ORS 657.150, as amended by sections 1 and 3, chapter 1, Oregon Laws 2020 (second special session), is amended to read:

657.150. (1) An individual shall be paid benefits for weeks during the benefit year in an amount which is to be determined by taking into account the individual's work in subject employment in the base year as provided in this section.

(2)(a) To qualify for benefits an individual must have:

(A) Worked in subject employment in the base year with total base year wages of \$1,000 or more and have total base year wages equal to or in excess of one and one-half times the wages in the highest quarter of the base year; and

(B) Have earned wages in subject employment equal to six times the individual's weekly benefit amount in employment for service performed subsequent to the beginning of a preceding benefit year if benefits were paid to the individual for any week in the preceding benefit year.

(b) If the individual does not meet the requirements of paragraph (a)(A)

of this subsection, the individual may qualify for benefits if the individual has worked a minimum of 500 hours in employment subject to this chapter during the base year.

(3) If the wages paid to an individual are not based upon a fixed period of time or if wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, for the purposes of subsections (2) to (5) of this section, the individual's wages shall be allocated in accordance with rules prescribed by the Director of the Employment Department. Such rules shall, insofar as possible, produce results the same as those which would exist if the individual had been paid wages at regular intervals. The director may adopt rules to attribute hours of work to an individual if the individual is not paid on an hourly basis or if the employer does not report the number of hours worked.

(4) An eligible individual's weekly benefit amount shall be 1.25 percent of the total wages paid in the individual's base year. However, such amount shall not be less than the minimum, nor more than the maximum weekly benefit amount.

(a) The minimum weekly benefit amount shall be 15 percent (0.1500) of the state average weekly covered wage for the preceding calendar year, effective for any benefit year commencing on and after the week which includes July 4, 1975, and the week that includes each July 4 thereafter.

(b) The maximum weekly benefit amount shall be:

(A) Fifty-five percent (0.5500) of the state average weekly covered wage for calendar year 1979, effective for any benefit year commencing with and after the week which includes July 4, 1980, and through any benefit year commencing with the week which includes June 27, 1981.

(B) Fifty-five percent (0.5500) of the state average weekly covered wage for calendar year 1980, effective for any benefit year commencing with and after the week which includes July 4, 1981, through any benefit year commencing with the week which includes September 27, 1981.

(C) Fifty-eight percent (0.5800) of the state average weekly covered wage

for calendar year 1980, effective for any benefit year commencing with and after the week which includes October 4, 1981, through any benefit year commencing with the week which includes June 27, 1982.

(D) Sixty percent (0.6000) of the state average weekly covered wage for calendar year 1981, effective for any benefit year commencing with and after the week which includes July 4, 1982, through any benefit year commencing with the week which includes June 27, 1983.

(E) Sixty-four percent (0.6400) of the state average covered weekly wage for the preceding calendar year, effective for any benefit year commencing with and after the week which includes July 4, 1983, and the week which includes each July 4 thereafter.

(c) All weekly benefit amounts, if not a multiple of \$1, shall be computed to the next lower multiple of \$1.

(d) For the purposes of this subsection, the state average weekly covered wage means an amount determined by the Employment Department by dividing the total wages paid by subject employers during the year by 52 times the average monthly employment reported by subject employers for the year.

(5) Benefits paid to an eligible individual in a benefit year shall not exceed 26 times the individual's weekly benefit amount, or one-third of the base year's wages paid, whichever is the lesser. If such amount is not a multiple of \$1, it shall be computed to the next lower multiple of \$1.

(6) An eligible unemployed individual who has employment in any week shall have the individual's weekly benefit amount reduced, but not below zero, by the amount of earnings paid or payable that exceeds the greater of:

(a) *[Ten times the minimum hourly wage established by the laws of this state]* **An amount equal to 23 times the minimum wage in effect under ORS 653.025 (2);** or

(b) One-third of the individual's weekly benefit amount.

(7) Payment which has been, is or will be paid to an individual for a holiday or vacation shall be considered as earnings in the determination of the amount of benefits payable with respect to the week in which the holiday

1 or vacation falls in the same manner as provided in subsection (6) of this
2 section. However, if payment for the holiday or vacation is paid more than
3 45 days prior to the holiday or vacation or is delayed more than 45 days
4 following the end of the week in which the holiday or vacation falls, the
5 provisions of this section do not apply and previously reduced benefits shall
6 be adjusted accordingly.

7 (8) Payment that has been, or will be, made to an individual as a member
8 of a reserve component of the Armed Forces of the United States, including
9 the organized militia of the State of Oregon, for the performance of inactive
10 duty training shall not be considered as earnings in the determination of the
11 amount of benefits payable.

12 **SECTION 4. The amendments to ORS 657.150 by section 3 of this**
13 **2021 Act apply to weeks beginning on or after January 1, 2022.**

14 **SECTION 5. ORS 657.100 is amended to read:**

15 657.100. (1) An individual is deemed “unemployed” in any week during
16 which the individual performs no services and with respect to which no
17 remuneration for services performed is paid or payable to the individual, or
18 in any week of less than full-time work if the remuneration paid or payable
19 to the individual for services performed during the week is less than the
20 individual’s weekly benefit amount **or 23 times the minimum wage in ef-**
21 **fect under ORS 653.025 (2), whichever is greater.**

22 (2) For the purposes of ORS 657.155 (1), an individual who performs full-
23 time services in any week for an employing unit is not unemployed even
24 though remuneration is neither paid nor payable to the individual for the
25 services performed; however, nothing in this subsection shall prevent an in-
26 dividual from meeting the definition of “unemployed” as used in this section
27 solely by reason of the individual’s performance of volunteer services with-
28 out remuneration for a charitable institution or a governmental entity.

29 (3) The Director of the Employment Department shall prescribe rules as
30 the director deems necessary with respect to the various types of unemploy-
31 ment.

SECTION 6. The amendments to ORS 657.100 by section 5 of this 2021 Act apply to weeks beginning on or after the effective date of this 2021 Act and before January 1, 2023.

SECTION 7. ORS 657.100, as amended by section 54, chapter 700, Oregon Laws 2019, is amended to read:

657.100. (1) An individual is deemed “unemployed” in any week during which the individual performs no services and with respect to which no remuneration for services performed is paid or payable to the individual, or in any week of less than full-time work if the remuneration paid or payable to the individual for services performed during the week is less than the individual’s weekly benefit amount **or 23 times the minimum wage in effect under ORS 653.025 (2), whichever is greater.**

(2) For the purposes of ORS 657.155 (1), an individual who performs full-time services in any week for an employing unit is not unemployed even though remuneration is neither paid nor payable to the individual for the services performed; however, nothing in this subsection shall prevent an individual from meeting the definition of “unemployed” as used in this section solely by reason of the individual’s performance of volunteer services without remuneration for a charitable institution or a governmental entity.

(3) An individual may not be deemed “unemployed” under this section for any week in which the individual is receiving family and medical leave insurance benefits under ORS chapter 657B.

(4) The Director of the Employment Department shall prescribe rules as the director deems necessary with respect to the various types of unemployment.

SECTION 8. The amendments to ORS 657.100 by section 7 of this 2021 Act apply to weeks beginning on or after January 1, 2023.

SECTION 9. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.