

# Senate Bill 722

Sponsored by Senator COURTNEY, Representative MITCHELL; Senators JOHNSON, STEINER HAYWARD

## 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**.

Authorizes Director of Employment Department to prescribe rules that provide individual may not be excluded from being deemed unemployed solely because of service performed for employing unit under legal compulsion for which individual has not received pay on individual's regular payday. Provides that individual continues to be deemed unemployed until earlier of date on which individual begins to receive payment on regular payday or individual permanently ceases work for employing unit.

Provides state-funded program to pay unemployment benefits to individuals on active duty in U.S. Coast Guard and stationed in this state who are legally compelled to provide regular service in U.S. Coast Guard without receiving compensation due to lapse of federal appropriations and who would otherwise be eligible for unemployment compensation for ex-servicemembers under federal law. Appropriates moneys to Employment Department for purposes of paying benefits and costs necessary to administer benefit program.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to government benefits; creating new provisions; amending ORS 657.100; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 657.100 is amended to read:

6 657.100. (1) An individual is deemed "unemployed" in any week during which the individual  
7 performs no services and with respect to which no remuneration for services performed is paid or  
8 payable to the individual, or in any week of less than full-time work if the remuneration paid or  
9 payable to the individual for services performed during the week is less than the individual's weekly  
10 benefit amount.

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

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

19 **(4)(a) Notwithstanding subsections (1) and (2) of this section, rules prescribed by the di-**  
20 **rector under subsection (3) of this section may provide that an individual may not be ex-**  
21 **cluded from being deemed unemployed solely because of service:**

22 **(A) Performed for an employing unit that is legally compelling the individual to perform**  
23 **the service; and**

24 **(B) For which the individual has not received payment on the individual's regular payday.**

25 **(b) An individual who is deemed unemployed pursuant to this subsection shall continue**

**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 be so deemed until the earlier of the date on which:

2 (A) The individual begins to receive payment for the service on the individual's regular  
3 payday; or

4 (B) The individual permanently ceases work for the employing unit.

5 **SECTION 2.** The amendments to ORS 657.100 by section 1 of this 2019 Act apply to claims  
6 for benefits by individuals described in ORS 657.100 (4) filed in any week, as defined in ORS  
7 657.010, that began or begins on or after December 22, 2018.

8 **SECTION 3.** (1) An individual is entitled to benefits under this section if, at the time the  
9 individual files a claim for the benefits, the individual:

10 (a) Is on active duty in the United States Coast Guard and stationed in this state;

11 (b) Is legally compelled to perform service in the United States Coast Guard for the  
12 individual's regular hours of work;

13 (c) Is not receiving payment for the service because of the lapse of federal appropri-  
14 ations; and

15 (d) Would otherwise be eligible for unemployment compensation for ex-servicemembers  
16 as provided under 5 U.S.C. chapter 85.

17 (2) Except for the eligibility requirements under subsection (1) of this section, benefits  
18 under this section shall be subject to the same requirements and procedures as regular  
19 benefits as defined in ORS 657.158.

20 (3) If an individual who receives benefits under this section receives back pay from the  
21 federal government with respect to the period for which the individual received the benefits,  
22 the back pay shall be considered earnings for that period.

23 (4) An individual who is entitled to benefits under this section shall continue to be so  
24 entitled until the earlier of the date on which:

25 (a) The individual begins to receive payment on the individual's regular payday for ser-  
26 vice performed in the United States Coast Guard; or

27 (b) The individual permanently ceases active duty in the United States Coast Guard.

28 (5) The Director of the Employment Department may prescribe rules as the director  
29 deems necessary with respect to benefits under this section.

30 (6) Notwithstanding ORS 657.815, benefits payable under this section and under rules  
31 prescribed by the director pursuant to this section, and the costs necessary for the Em-  
32 ployment Department to administer this section and any rules prescribed by the director  
33 pursuant to this section, shall be paid using the moneys appropriated to the department  
34 under section 5 of this 2019 Act.

35 **SECTION 4.** Section 3 of this 2019 Act applies to claims for benefits under section 3 of  
36 this 2019 Act filed in any week, as defined in ORS 657.010, that began or begins on or after  
37 December 22, 2018.

38 **SECTION 5.** There is appropriated to the Employment Department, out of the General  
39 Fund, the amount of \$\_\_\_\_\_ for the purposes of paying:

40 (1) Benefits under section 3 of this 2019 Act and under any rules prescribed by the Di-  
41 rector of the Employment Department pursuant to section 3 of this 2019 Act; and

42 (2) The costs necessary for the department to administer section 3 of this 2019 Act and  
43 any rules prescribed by the director pursuant to section 3 of this 2019 Act.

44 **SECTION 6.** This 2019 Act being necessary for the immediate preservation of the public  
45 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect

1 **on its passage.**

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