

**A-Engrossed**  
**Senate Bill 1701**

Ordered by the Senate August 10  
Including Senate Amendments dated August 10

Sponsored by JOINT COMMITTEE ON THE SECOND SPECIAL SESSION OF 2020

**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.

Provides that unemployed individual receiving unemployment insurance benefits **for weeks ending before January 1, 2022**, who has earnings from less than full-time employment may earn greater of \$300 or one-third of individual's weekly benefit amount before individual's weekly benefit amount is reduced.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to unemployment insurance benefits; creating new provisions; amending ORS 657.150; and  
3 declaring an emergency.

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

5 **SECTION 1.** ORS 657.150 is amended to read:

6 657.150. (1) An individual shall be paid benefits for weeks during the benefit year in an amount  
7 which is to be determined by taking into account the individual's work in subject employment in the  
8 base year as provided in this section.

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

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

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

16 (b) If the individual does not meet the requirements of paragraph (a)(A) of this subsection, the  
17 individual may qualify for benefits if the individual has worked a minimum of 500 hours in employ-  
18 ment subject to this chapter during the base year.

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

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

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

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

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

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

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

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

20 (E) Sixty-four percent (0.6400) of the state average covered weekly wage for the preceding cal-  
21 endar year, effective for any benefit year commencing with and after the week which includes July  
22 4, 1983, and the week which includes each July 4 thereafter.

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

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

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

32 (6) An eligible unemployed individual who has employment in any week shall have the  
33 individual's weekly benefit amount reduced, **but not below zero**, by the amount of earnings paid  
34 or payable that exceeds [*whichever is*] the greater of [*the following amounts*]:

35 (a) [*Ten times the minimum hourly wage established by the laws of this state*] **\$300**; or

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

37 (7) Payment which has been, is or will be paid to an individual for a holiday or vacation shall  
38 be considered as earnings in the determination of the amount of benefits payable with respect to the  
39 week in which the holiday or vacation falls in the same manner as provided in subsection (6) of this  
40 section. However, if payment for the holiday or vacation is paid more than 45 days prior to the  
41 holiday or vacation or is delayed more than 45 days following the end of the week in which the  
42 holiday or vacation falls, the provisions of this section do not apply and previously reduced benefits  
43 shall be adjusted accordingly.

44 (8) Payment [*which*] **that** has been, or will be, made to an individual as a member of a reserve  
45 component of the Armed Forces of the United States, including the organized militia of the State

1 of Oregon, for the performance of inactive duty training shall not be considered as earnings in the  
2 determination of the amount of benefits payable.

3 **SECTION 2. The amendments to ORS 657.150 by section 1 of this 2020 second special**  
4 **session Act apply to benefits payable for weeks beginning on or after the effective date of**  
5 **this 2020 second special session Act, and ending before January 1, 2022.**

6 **SECTION 3.** ORS 657.150, as amended by section 1 of this 2020 second special session Act, is  
7 amended to read:

8 657.150. (1) An individual shall be paid benefits for weeks during the benefit year in an amount  
9 which is to be determined by taking into account the individual's work in subject employment in the  
10 base year as provided in this section.

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

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

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

18 (b) If the individual does not meet the requirements of paragraph (a)(A) of this subsection, the  
19 individual may qualify for benefits if the individual has worked a minimum of 500 hours in employ-  
20 ment subject to this chapter during the base year.

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

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

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

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

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

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

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

45 (D) Sixty percent (0.6000) of the state average weekly covered wage for calendar year 1981, ef-

1 fective for any benefit year commencing with and after the week which includes July 4, 1982,  
2 through any benefit year commencing with the week which includes June 27, 1983.

3 (E) Sixty-four percent (0.6400) of the state average covered weekly wage for the preceding cal-  
4 endar year, effective for any benefit year commencing with and after the week which includes July  
5 4, 1983, and the week which includes each July 4 thereafter.

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

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

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

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

18 (a) **[\$300] Ten times the minimum hourly wage established by the laws of this state; or**

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

20 (7) Payment which has been, is or will be paid to an individual for a holiday or vacation shall  
21 be considered as earnings in the determination of the amount of benefits payable with respect to the  
22 week in which the holiday or vacation falls in the same manner as provided in subsection (6) of this  
23 section. However, if payment for the holiday or vacation is paid more than 45 days prior to the  
24 holiday or vacation or is delayed more than 45 days following the end of the week in which the  
25 holiday or vacation falls, the provisions of this section do not apply and previously reduced benefits  
26 shall be adjusted accordingly.

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

31 **SECTION 4. The amendments to ORS 657.150 by section 3 of this 2020 second special**  
32 **session Act apply to benefits payable for weeks ending on or after January 1, 2022.**

33 **SECTION 5. This 2020 second special session Act being necessary for the immediate**  
34 **preservation of the public peace, health and safety, an emergency is declared to exist, and**  
35 **this 2020 second special session Act takes effect on its passage.**

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