

SB 495 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Prepared By: Tyler Larson, LPRO Analyst

Meeting Dates: 2/2

WHAT THE MEASURE DOES:

Defines "instructional capacity" to exclude instructional assistants from scope of statutes prohibiting payment of unemployment insurance benefits to professional employees of educational institution for weeks of unemployment commencing during period between two successive academic years or terms. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The unemployment insurance (UI) program has special provisions that apply to people who work for educational institutions, generally restricting employees from receiving UI benefits during school breaks, including summer break. Federal law affords little flexibility to states in applying those laws to employees performing instructional, research, or principal administrative work, but provides greater flexibility on their application to people who perform other types of services, such as bus drivers, janitorial workers, and school nurses. Failure to maintain conformity with federal UI laws may lead to a denial of federal tax credits for businesses that pay Oregon's unemployment insurance tax.

Oregon law currently prohibits a person who engages in instructional work on behalf of an educational institution for at least 50 percent of their work time from the receipt of UI benefits for any week of unemployment commencing during the period of two successive academic years or terms.

Senate Bill 495 defines "instructional capacity" to exclude services performed as an instructional assistant, allowing instructional assistants to seek regular UI benefits for any week of unemployment, even for weeks that begin during two successive academic years or terms. If the measure is enacted, and the U.S. Secretary of Labor serves notice that any provision of the state's UI law fails to conform with applicable federal law, the nonconforming provisions or rules will no longer have any force or effect.