

SB 495 -1 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

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Meeting Dates: 2/2, 3/4

WHAT THE MEASURE DOES:

Defines "instructional capacity" to exclude services performed as instructional assistant. Declares emergency, effective on passage.

REVENUE: no impact

FISCAL: minimal impact

ISSUES DISCUSSED:

- Treatment of instructional assistants under current UI laws
- Importance of maintaining conformity with federal UI regulations

EFFECT OF AMENDMENT:

-1 Establishes effective date of September 1, 2021.

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 UI administrative grants and 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 if the employee has reasonable assurance of resuming services in the period immediately following the vacation period or holiday recess.

Senate Bill 495 seeks to provide consistent treatment of instructional assistants who apply for UI benefits by removing them from the 50 percent threshold for instructional staff. The measure retains the "reasonable assurance" test, meaning instructional assistants who seek UI benefits for weeks that begin during two successive academic years or terms will still need to show they do not have reasonable assurance that their work will resume at the end of the vacation period or holiday recess in order to be deemed eligible to receive those benefits.