

Enrolled
House Bill 3178

Sponsored by Representative HOLVEY; Representatives ALONSO LEON, BYNUM, CAMPOS, DEXTER, EVANS, FAHEY, GOMBERG, GRAYBER, KOTEK, KROPF, MEEK, NERON, POWER, PRUSAK, REYNOLDS, RUIZ, SMITH WARNER, SOLLMAN, VALDERRAMA, WILDE, WILLIAMS, WITT, Senator GELSER (at the request of Commissioner of the Bureau of Labor and Industries Val Hoyle)

CHAPTER

AN ACT

Relating to unemployment; creating new provisions; amending ORS 657.100 and section 63, chapter 700, Oregon Laws 2019; and declaring an emergency.

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

SECTION 1. Section 63, chapter 700, Oregon Laws 2019, is amended to read:

Sec. 63. (1)(a) [*Sections 8, 11, 14, 16 to 31, 37, 41, 43 to 48, 49a and 61 of this 2019 Act*] **ORS 657B.070, 657B.080, 657B.110, 657B.130, 657B.150, 657B.175, 657B.180, 657B.190, 657B.210, 657B.220, 657B.230, 657B.240, 657B.250, 657B.260, 657B.280, 657B.290, 657B.300, 657B.310, 657B.320, 657B.330, 657B.370, 657B.390, 657B.410, 657B.440, 657B.460, 657B.470, 657B.900, 657B.910 and 657B.920** become operative on January 1, 2022.

(b) [*Sections 3 to 7, 9, 10, 12, 13, 15, 42 and 50 of this 2019 Act*] **ORS 657B.015, 657B.020, 657B.025, 657B.030, 657B.040, 657B.050, 657B.060, 657B.090, 657B.100, 657B.120 and 657B.200 and section 50, chapter 700, Oregon Laws 2019,** become operative on January 1, 2023.

(c) The amendments to ORS 410.619 by sections 52 and 53, [*of this 2019 Act*] **chapter 700, Oregon Laws 2019,** become operative on January 1, 2022.

(d) The amendments to ORS [657.100,] 657.471 and 659A.162 by sections [54,] 55 and 56, [*of this 2019 Act*] **chapter 700, Oregon Laws 2019,** become operative on January 1, 2023.

(e) The amendments to ORS 659A.885 by sections 57 and 58, [*of this 2019 Act*] **chapter 700, Oregon Laws 2019,** become operative January 1, 2025.

(2) The Employment Department and the Department of Revenue may take any action before the operative dates specified in subsection (1) of this section that is necessary to enable the departments to exercise, on and after the operative dates specified in subsection (1) of this section, the duties, functions and powers conferred on the departments by [*sections 1 to 51 of this 2019 Act*] **ORS chapter 657B.**

SECTION 2. 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*].

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

SECTION 3. The amendments to ORS 657.100 by section 2 of this 2021 Act apply to weeks beginning on or after the effective date of this 2021 Act and before January 2, 2022.

SECTION 4. ORS 657.100, as amended by section 54, chapter 700, Oregon Laws 2019, and section 2 of this 2021 Act, 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.**

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

SECTION 5. The amendments to ORS 657.100 by section 4 of this 2021 Act apply to weeks beginning on or after January 2, 2022, and before January 1, 2023.

SECTION 6. ORS 657.100, as amended by section 54, chapter 700, Oregon Laws 2019, and sections 2 and 4 of this 2021 Act, 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.

(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.

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

SECTION 7. The amendments to ORS 657.100 by section 6 of this 2021 Act apply to weeks beginning on or after January 1, 2023.

SECTION 8. 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.

Passed by House April 5, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 6, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State