

A-Engrossed
Senate Bill 470

Ordered by the Senate April 24
Including Senate Amendments dated April 24

Sponsored by Senator DEMBROW; Senators BEYER, MONNES ANDERSON, MONROE, ROBLAN, Representatives BARNHART, BUCKLEY, FREDERICK, GOMBERG, GORSEK, GREENLICK, HOLVEY, KENY-GUYER (Pre-session filed.)

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.

[Allows payment of] **For purposes of** unemployment insurance benefits *[to]*, **provides that** certain individuals *[performing]* **who perform** services in other than instructional, research or principal administrative capacity for educational institutions *[for weeks of unemployment commencing between two successive academic years or during established and customary vacation period or holiday recess.]* **and who terminate employee-employer relationship for good cause do not have reasonable assurance of performing services for that employer in subsequent academic year or term. Provides that, if United States Secretary of Labor serves notice that certain provisions or rules adopted under provisions fail to meet requirements of Social Security Act or Federal Unemployment Tax Act, nonconforming provisions or rules will have no force or effect.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to unemployment insurance benefits for certain educational institution employees; creating
3 new provisions; amending ORS 657.221; and declaring an emergency.

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

5 **SECTION 1.** ORS 657.221 is amended to read:

6 657.221. (1)(a) Benefits based on services performed in other than an instructional, research or
7 principal administrative capacity for an educational institution or institution of higher education
8 shall be payable to an individual in the same amount, on the same terms and subject to the same
9 conditions as benefits payable on the basis of other service subject to this chapter. *[However:]*

10 *[(a)]* **(b) Notwithstanding paragraph (a) of this subsection,** benefits shall not be paid on the
11 basis of such services for any week of unemployment that commences during a period between two
12 successive academic years or terms if the individual performs *[such]* **the** services in the first aca-
13 demic year or term and there is a reasonable assurance that the individual will perform *[any]* such
14 services in the second academic year or term for any institution; *except that*.

15 *[(b)]* **(c) Notwithstanding paragraph (b) of this subsection,** if benefits are denied to an indi-
16 vidual for any week under paragraph *[(a)]* **(b)** of this subsection and *[such]* **the** individual was not
17 offered an opportunity to perform such services for the institution for the second of *[such]* **the** aca-
18 demic years or terms, *[such]* **the** individual shall be entitled, if otherwise eligible, to payment of
19 benefits for each week for which the individual filed a timely claim for benefits and for which ben-
20 efits were denied solely by reason of paragraph *[(a)]* **(b)** of this subsection.

21 *[(2) With respect to the application of this section, the following shall apply:]*

22 *[(a)]* **(2)(a) An [employee] individual who performs services described in subsection (1) of**

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 **this section and** who terminates an employee-employer relationship by electing not to accept an
 2 offer of work for a subsequent academic year or term, other than by reason of labor negotiations
 3 or a labor dispute in progress, shall be deemed to have voluntarily left work. The effective date of
 4 [such] leaving shall be the date **on which** the individual notifies the institution of the election not
 5 to accept the offer of work for the subsequent period, except that if [such] **the** individual continues
 6 to work under the terms of a previously existing contract or agreement, the effective date of leaving
 7 shall be the last day worked for the institution.

8 (b) *[In the event]* **If** the institution does not extend to the individual an offer of work or provide
 9 a reasonable assurance the individual is expected to return to work for the institution following the
 10 period between the academic years or terms, the separation from work shall be considered an in-
 11 voluntary leaving or layoff.

12 (3) *[With respect to any]* **Benefits payable on the basis of** services described in subsection (1)
 13 of this section[, *compensation payable on the basis of such services*] shall be denied to [any] **an** indi-
 14 vidual for any week that commences during an established and customary vacation period or holiday
 15 recess if [such] **the** individual performs [such] **the** services in the period immediately before [such]
 16 **the** vacation period or holiday recess, and there is reasonable assurance that [such] **the** individual
 17 will perform [such] **the** services or any services described in ORS 657.167 (1) in the period imme-
 18 diately following [such] **the** vacation period or holiday recess.

19 (4) *[With respect to any]* **Benefits payable on the basis of** services described in subsection (1)
 20 of this section[, *benefits based on such services*] shall be denied as specified in subsections (1) and
 21 (3) of this section to [any] **an** individual who performed such services in an institution while in the
 22 employ of an education service district established by ORS chapter 334[, *providing*] **if** 50 percent or
 23 more of the individual's time is in the performance of services in such institution.

24 **(5) For purposes of subsections (1) and (3) of this section, an individual who performs**
 25 **services described in subsection (1) of this section and who terminates an employee-employer**
 26 **relationship for good cause does not have reasonable assurance of performing services for**
 27 **that employer in the subsequent academic year or term.**

28 *[(5)]* **(6)** The provisions of subsections (1), (3) and (4) of this section shall *[only]* apply **only** to
 29 service performed for an educational institution or institution of higher education operated by:

- 30 (a) A nonprofit employing unit;
- 31 (b) This state;
- 32 (c) A political subdivision; or
- 33 (d) An Indian tribe.

34 **(7) If the United States Secretary of Labor serves notice that any provisions of this sec-**
 35 **tion, or rules adopted under this section, fail to meet the requirements of the Social Security**
 36 **Act or the Federal Unemployment Tax Act, the nonconforming provisions or rules shall no**
 37 **longer be of any force or effect.**

38 **SECTION 2.** The amendments to ORS 657.221 by section 1 of this 2015 Act apply to ter-
 39 minations of employer-employee relationships occurring in any week, as defined in ORS
 40 657.010, that begins on or after the effective date of this 2015 Act.

41 **SECTION 3.** This 2015 Act being necessary for the immediate preservation of the public
 42 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
 43 on its passage.