

D R A F T

SUMMARY

Provides that certain statutory provisions relating to eligibility of individuals who perform certain services for educational institutions for unemployment insurance benefits during period between two successive academic years or terms or an established and customary vacation period or holiday recess do not apply to claim filed by individual who voluntarily left work with good cause.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to unemployment insurance; creating new provisions; amending
3 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 in-
7 structional, research or principal administrative capacity for an educational
8 institution or institution of higher education shall be payable to an individ-
9 ual in the same amount, on the same terms and subject to the same condi-
10 tions as benefits payable on the basis of other service subject to this chapter.

11 [*However:*]

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

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 *[(b)]* **(c) Notwithstanding paragraph (b) of this subsection**, if benefits
2 are denied to an individual for any week under paragraph *[(a)]* **(b)** of this
3 subsection and *[such]* **the** individual was not offered an opportunity to per-
4 form such services for the institution for the second of *[such]* **the** academic
5 years or terms, *[such]* **the** individual shall be entitled, if otherwise eligible,
6 to payment of benefits for each week for which the individual filed a timely
7 claim for benefits and for which benefits were denied solely by reason of
8 paragraph *[(a)]* **(b)** of this subsection.

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

11 *[(a)]* **(2)(a) An [employee] individual who performs services described**
12 **in subsection (1) of this section and** who terminates an employee-employer
13 relationship by electing not to accept an offer of work for a subsequent ac-
14 ademic year or term, other than by reason of labor negotiations or a labor
15 dispute in progress, shall be deemed to have voluntarily left work. The ef-
16 fective date of *[such]* leaving shall be the date **on which** the individual no-
17 tifies the institution of the election not to accept the offer of work for the
18 subsequent period, except that if *[such]* **the** individual continues to work
19 under the terms of a previously existing contract or agreement, the effective
20 date of leaving shall be the last day worked for the institution.

21 (b) *[In the event]* **If** the institution does not extend to the individual an
22 offer of work or provide a reasonable assurance the individual is expected
23 to return to work for the institution following the period between the aca-
24 demic years or terms, the separation from work shall be considered an in-
25 voluntary leaving or layoff.

26 (3) *[With respect to any]* **Benefits payable on the basis of** services de-
27 scribed in subsection (1) of this section~~*[, compensation payable on the basis*~~
28 ~~*of such services]*~~ shall be denied to *[any]* **an** individual for any week that
29 commences during an established and customary vacation period or holiday
30 recess if *[such]* **the** individual performs *[such]* **the** services in the period
31 immediately before *[such]* **the** vacation period or holiday recess, and there

1 is reasonable assurance that *[such]* **the** individual will perform *[such]* **the**
2 services or any services described in ORS 657.167 (1) in the period imme-
3 diately following *[such]* **the** vacation period or holiday recess.

4 (4) *[With respect to any]* **Benefits payable on the basis of** services de-
5 scribed in subsection (1) of this section~~, *benefits based on such services*~~ shall
6 be denied as specified in subsections (1) and (3) of this section to *[any]* **an**
7 individual who performed *[such]* **the** services in an institution while in the
8 employ of an education service district established by ORS chapter 334~~,
9 *providing*~~ **if** 50 percent or more of the individual's time is in the performance
10 of services in *[such]* **the** institution.

11 **(5) Subsections (1) and (3) of this section do not apply to a claim for**
12 **benefits based on the performance of services described in subsection**
13 **(1) of this section if the individual filing the claim voluntarily left**
14 **work, with good cause, with the institution for which the services were**
15 **performed.**

16 ~~*[(5)]*~~ **(6)** The provisions of subsections (1), (3) and (4) of this section shall
17 ~~*[only]*~~ **only** to service performed for an educational institution or in-
18 stitution of higher education operated by:

- 19 (a) A nonprofit employing unit;
- 20 (b) This state;
- 21 (c) A political subdivision; or
- 22 (d) An Indian tribe.

23 **(7)(a) If the United States Secretary of Labor serves notice that any**
24 **provisions of this section, or rules adopted under this section, fail to**
25 **meet the requirements of the Social Security Act or the Federal Un-**
26 **employment Tax Act, the nonconforming provisions or rules shall no**
27 **longer be of any force or effect.**

28 **(b) The Director of the Employment Department shall notify the**
29 **Legislative Counsel as soon as practicable after receipt of the notice**
30 **described in paragraph (a) of this subsection.**

31 **SECTION 2. The amendments to ORS 657.221 by section 1 of this**

1 **2016 Act apply to claims for benefits filed in any week, as defined in**
2 **ORS 657.010, that begins on or after the effective date of this 2016 Act.**

3 **SECTION 3. This 2016 Act being necessary for the immediate pres-**
4 **ervation of the public peace, health and safety, an emergency is de-**
5 **clared to exist, and this 2016 Act takes effect on its passage.**

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