

CHAPTER 529

AN ACT

SB 242

Relating to unemployment insurance; creating new provisions; amending ORS 657.312, 657.385 and 657.390; and declaring an emergency.

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

SECTION 1. ORS 657.312 is amended to read:

657.312. (1) The Director of the Employment Department may enter into an intergovernmental agreement with the federal government for the purposes of:

(a) Offsetting against liquidated state debt monies that the federal government owes to the debtor; and

(b) Sharing information as necessary to make offsets under paragraph (a) of this subsection.

(2) The director may request an offset against liquidated state debt under this section only if:

(a) The debt is legally enforceable;

(b) The debt is past due;

(c) The debt was caused by the debtor's:

(A) Willfully making a false statement or misrepresentation, or willfully failing to report a material fact, to obtain any benefits under this chapter;

(B) Failure to report earnings or to report earnings accurately; or

(C) Failure to make contributions to the Unemployment Compensation Trust Fund for which the state has determined the debtor to be liable and that remain uncollected;

(d) The debtor's appeal period for contesting the debt and the element of causation described in paragraph (c) of this subsection has expired; and

(e) The director has provided at least 60 days' advance written notice to the debtor that the debt will be offset pursuant to this section and that the debtor has the right to request administrative review under rules adopted by the director pursuant to subsection (5) of this section.

(3)(a) The director may pay a fee charged by the federal government for processing a request for an offset under subsection (1) of this section.

(b) The net amount received from the federal government after deduction of fees charged under paragraph (a) of this subsection shall be offset against the debt.

(4)(a) The director may pay a fee charged by the Department of Revenue pursuant to ORS 293.250 for processing a request to offset against liquidated state debt a state tax refund owed to the debtor.

(b) The net amount received from the Department of Revenue after deduction of fees charged under paragraph (a) of this subsection shall be offset against the debt.

(5) The director shall adopt rules consistent with federal requirements for debt offsets requested under this section that establish the requirements for the advance written notice provided to debtors, and the

procedures pursuant to which a debtor may obtain administrative review, under this section.

SECTION 2. ORS 657.385 is amended to read:

657.385. (1) An individual who is eligible for shared work benefits under ORS 657.370 to 657.390 shall be paid, with respect to any week of unemployment, a weekly shared work unemployment insurance benefit amount. Such amount shall be equal to the individual's regular weekly benefit amount multiplied by the nearest full percentage of reduction of the individual's regular weekly hours of work, as set forth in the employer's plan. The benefit payment under ORS 657.370 to 657.390, if not a multiple of one dollar, shall be rounded to the nearest dollar, and an even one-half dollar shall be rounded to the next higher multiple of one dollar.

(2) The provisions of ORS 657.150 (6) shall not apply to earnings from the shared work employer of an individual eligible for payments under ORS 657.370 to 657.390 unless the resulting payment would be less than the regular benefit payment for which the individual would otherwise be eligible under ORS 657.150 (6) without regard to shared work unemployment insurance benefits.

(3) *An individual shall be disqualified for benefits payable under ORS 657.370 to 657.390 for any week in which paid work is performed for the shared work employer in excess of the reduced hours as set forth in the approved plan.*

(4) (3) Except as otherwise provided by [or inconsistent with] ORS 657.370 to 657.390, all provisions of this chapter and [the rules of] **rules adopted by** the Director of the Employment Department apply to ORS 657.370 to 657.390. The director may adopt such rules as [is deemed] **the director considers** necessary to [make distinctions and requirements to] carry out the purposes of ORS 657.370 to 657.390.

SECTION 3. ORS 657.390 is amended to read:

657.390. (1) *[An employer who participates in an approved shared work plan after December 31, 1993, shall pay into the Unemployment Compensation Trust Fund an amount equivalent to all shared work benefits paid to employees of the employer under the plan during any rating period for which the employer's benefit ratio, expressed as a percentage rounded to the nearest 0.1 percent, is in excess of the employer's tax rate for the rating period]* **A shared work employer shall be charged for shared work benefits in the manner provided in this chapter for charging employers for regular benefits or extended benefits.**

(2) *[All reimbursement obligations arising under this section are in addition to and separate from any other obligation imposed under this chapter.]* **Notwithstanding subsection (1) of this section or any other provision of law to the contrary, a shared work employer may not be charged for any portion of shared work benefits paid with respect to which federal law:**

(a) Permits the noncharging of benefits paid; and

(b) Provides for the funding of shared work benefits.

[(3)(a) At the end of each calendar quarter, the Director of the Employment Department shall determine the amount of reimbursement due to the fund from each employer participant in a shared work plan and shall bill each employer for the amount determined.]

[(b) Notwithstanding paragraph (a) of this subsection, an amount may not be billed to an employer during any rating period described in subsection (1) of this section in which federal law provides for 100 percent of the funding of shared work benefits.]

[(c) The reimbursement shall be subject to the same interest, penalty and collection provisions as any other reimbursement of unemployment insurance contributions provided for under this chapter.]

[(4) Notwithstanding ORS 657.471 or any other provision to the contrary, no benefit charges that are reimbursable under this section may be included in

an employer's benefit charges for any purpose in any rating period.]

SECTION 4. (1) The amendments to ORS 657.312 by section 1 of this 2015 Act apply to requests for offsets against liquidated state debt made on or after the effective date of this 2015 Act.

(2) The amendments to ORS 657.385 by section 2 of this 2015 Act apply to weeks that begin on or after the effective date of this 2015 Act.

(3) The amendments to ORS 657.390 by section 3 of this 2015 Act apply to charges to shared work employers made on or after the effective date of this 2015 Act.

SECTION 5. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Approved by the Governor June 22, 2015
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