

House Bill 3508

Sponsored by Representative GORSEK

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 **as introduced**.

Provides that unemployment insurance benefits are payable during summer term to community college instructor who has received assignment for previous summer term. Codifies presumption that instructor at public university or community college does not have reasonable assurance of performing services for public university or community college in following academic term.

A BILL FOR AN ACT

1
2 Relating to unemployment insurance benefits; creating new provisions; and amending ORS 657.167.

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

4 **SECTION 1.** ORS 657.167 is amended to read:

5 657.167. *[(1)]* **(1)(a)** Benefits based on service in an instructional, research or principal adminis-
6 trative capacity for an educational institution or institution of higher education shall be payable to
7 an individual in the same amount, on the same terms and subject to the same conditions as benefits
8 payable on the basis of other service subject to this chapter[, *except that*].

9 **(b) Notwithstanding paragraph (a) of this subsection, and except as provided in paragraph**
10 **(c) of this subsection,** benefits [*shall not be paid based on such services for any*] **are not payable**
11 **on service described in paragraph (a) of this subsection for a week of unemployment com-**
12 **mencing during the period between two successive academic years or, when an agreement provides**
13 **instead for a similar period between two regular terms, whether or not successive, or during a pe-**
14 **riod of paid sabbatical leave provided for in the individual's contract and if [*such*] **the** individual**
15 **performs [*such*] **the** services in the first of [*such*] **the** academic years or terms and if there is a**
16 **contract or a reasonable assurance that [*such*] **the** individual will perform services in [*any*] such**
17 **capacity for any institution in the second of [*such*] **the** academic years or terms.**

18 **(c) Benefits are payable for a week of unemployment commencing during the summer**
19 **term of a community college to an instructor who has received an assignment for a previous**
20 **summer term.**

21 **(d) For purposes of this subsection, a part-time or full-time instructor at a public uni-**
22 **versity listed in ORS 352.002 or a community college, as defined in ORS 341.005, is presumed**
23 **not to have a reasonable assurance that the instructor will perform services for the public**
24 **university or community college in a second academic year or term.**

25 **(e) All [*services*] service described in this subsection performed** by an individual for an in-
26 stitution shall be deemed in instructional, research or principal administrative capacity if at least
27 50 percent of the individual's time is spent in such activities.

28 **(2)** With respect to any services described in subsection (1) of this section, compensation payable
29 on the basis of [*such*] **the** services shall be denied to any individual for any week that commences
30 during an established and customary vacation period or holiday recess if [*such*] **the** individual per-

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 forms [such] **the** services in the period immediately before [such] **the** vacation period or holiday
2 recess, and there is reasonable assurance that [such] **the** individual will perform [such] **the** services
3 or any services described in ORS 657.221 (1) in the period immediately following [such] **the** vacation
4 period or holiday recess.

5 (3) With respect to any services described in subsection (1) of this section, benefits based on
6 [such] **the** services shall be denied as specified in subsections (1) and (2) of this section to any in-
7 dividual who performed [such] **the** service in an institution while in the employ of an education
8 service district established by ORS chapter 334, providing 50 percent or more of the individual's
9 time is spent in instructional, research or principal administrative capacity in [such] **the** institution.

10 (4) The provisions of subsections (1), (2) and (3) of this section apply only to service performed
11 for:

12 (a) An educational institution or institution of higher education operated by a nonprofit em-
13 ploying unit;

14 (b) This state;

15 (c) A political subdivision of this state; or

16 (d) An Indian tribe.

17 **SECTION 2. The amendments to ORS 657.167 by section 1 of this 2015 Act apply to ser-**
18 **vices performed on or after the effective date of this 2015 Act.**

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