A-Engrossed

House Bill 2440

Ordered by the House April 9
Including House Amendments dated April 9

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Governor John A. Kitzhaber, M.D., for Employment Department)

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.

[*Requires reduction of benefits payable to unemployment insurance claimant who receives award of back pay for time period during which benefits were received.*]
Provides that individual is available for work when individual is required to be outside individual's normal labor market area to apply for suitable employment within individual's normal labor market.
Declares emergency, effective on passage.

1 **A BILL FOR AN ACT**

2 Relating to unemployment insurance benefits; creating new provisions; amending ORS 657.155; and

3 declaring an emergency.

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

5 **SECTION 1.** ORS 657.155 is amended to read:

6 657.155. (1) An unemployed individual shall be eligible to receive benefits with respect to any

7 week only if the Director of the Employment Department finds that:

8 (a) The individual has registered for work at and thereafter has continued to report at an em-

9 ployment office in accordance with such rules as the director may prescribe. However, the director

10 may, by rule, waive or alter either or both of the requirements of this subsection as to individuals

11 attached to regular jobs and as to such other types of cases or situations with respect to which the

12 director finds that compliance with such requirements would be oppressive, or would be inconsistent

13 with the purposes of this chapter; provided, that no such rule conflicts with ORS 657.255.

14 (b) The individual has made a claim for benefits with respect to such week in accordance with

15 ORS 657.260.

16 (c) The individual is able to work, is available for work, and is actively seeking and unable to

17 obtain suitable work. No individual participating in a community work and training program, as

18 defined in ORS 411.855, shall, solely by reason thereof, be unavailable for work within the meaning

19 of this section.

20 (d) The individual has been unemployed for a waiting period of one week, unless the Governor

21 has waived the required waiting period as provided in ORS 401.186.

22 (e) The individual is not disqualified from benefits or ineligible for benefits under any other

23 section of this chapter.

24 (f) The individual is qualified for benefits under ORS 657.150.

25 (2)**(a)** An individual who leaves the **individual's** normal labor market area [*of the individual*] for

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 the major portion of any week is presumed to be unavailable for work within the meaning of this

2 section.

3 **(b)** [*This*] **The** presumption **described in paragraph (a) of this subsection** may be overcome

4 if the individual establishes to the satisfaction of the director that the individual**:**

5 **(A)** Has conducted a bona fide search for work and has been reasonably accessible to suitable

6 work in the labor market area in which the individual spent the major portion of the week to which

7 the presumption applies[.]**; or**

8 **(B) Was required to be outside the individual's normal labor market area to apply for**

9 **suitable employment within the individual's normal labor market.**

10 (3) The director shall either promptly allow credit or pay benefits for any week for which ben-

11 efits are claimed or promptly give notice of denial thereof in the manner provided in ORS 657.267

12 and 657.268.

13 **SECTION 2. The amendments to ORS 657.155 by section 1 of this 2015 Act apply to weeks**

14 **beginning on or after the effective date of this 2015 Act.**

15 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**

16 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**

17 **on its passage.**

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