

SB 495 A STAFF MEASURE SUMMARY

Carrier: Sen. Gorsek

Senate Committee On Labor and Business

Action Date: 03/09/21

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 4-0-1-0

Yeas: 4 - Hansell, Jama, Lieber, Riley

Exc: 1 - Kennemer

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 2/2, 3/4, 3/9

WHAT THE MEASURE DOES:

Defines "instructional capacity" to exclude services performed as instructional assistant for purposes of unemployment insurance benefits. Declares emergency, effective on September 1, 2021.

ISSUES DISCUSSED:

- Treatment of instructional assistants under current unemployment insurance (UI) laws
- Benefits of providing consistent UI treatment to instructional assistants regardless of percent of time spent in instructional work
- Importance of maintaining conformity with federal UI regulations

EFFECT OF AMENDMENT:

Establishes effective date of September 1, 2021.

BACKGROUND:

The unemployment insurance (UI) program has special provisions that apply to people who work for educational institutions, generally restricting employees from receiving UI benefits during school breaks, including summer break. Federal law affords little flexibility to states in applying those laws to employees performing instructional, research, or principal administrative work, but provides greater flexibility on their application to people who perform other types of services, such as bus drivers, janitorial workers, and school nurses. Failure to maintain conformity with federal UI laws may lead to a denial of federal UI administrative grants and federal tax credits for businesses that pay Oregon's unemployment insurance tax.

Oregon law currently prohibits a person who engages in instructional work on behalf of an educational institution for at least 50 percent of their work time from receiving UI benefits for any week of unemployment commencing during the period of two successive academic years or terms if the employee has reasonable assurance of resuming services in the period immediately following the vacation period or holiday recess.

Senate Bill 495 A seeks to provide consistent treatment of instructional assistants who apply for UI benefits by clarifying that performing services in an instructional capacity does not include work performed as an instructional assistant. The measure retains the "reasonable assurance" test, meaning instructional assistants who seek UI benefits for weeks that begin during two successive academic years or terms will still need to show they do not have a reasonable assurance that their work will resume at the end of the vacation period or holiday recess in order to be eligible to receive those benefits.