

House Bill 3043

Sponsored by Representative HOLVEY

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**.

Changes alternative amount from \$300 to 23 times minimum wage in effect in Metro for determination of earnings disregard for purposes of unemployment insurance benefits.

Creates alternative maximum amount of 23 times minimum wage in effect in Metro that individual may receive in part-time remuneration and still be deemed "unemployed" for purposes of unemployment insurance benefits.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to unemployment insurance benefits; creating new provisions; amending ORS 657.100 and
3 657.150; and declaring an emergency.

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

5 **SECTION 1.** ORS 657.150, as amended by section 1, chapter 1, Oregon Laws 2020 (second special
6 session), is amended to read:

7 657.150. (1) An individual shall be paid benefits for weeks during the benefit year in an amount
8 which is to be determined by taking into account the individual's work in subject employment in the
9 base year as provided in this section.

10 (2)(a) To qualify for benefits an individual must have:

11 (A) Worked in subject employment in the base year with total base year wages of \$1,000 or more
12 and have total base year wages equal to or in excess of one and one-half times the wages in the
13 highest quarter of the base year; and

14 (B) Have earned wages in subject employment equal to six times the individual's weekly benefit
15 amount in employment for service performed subsequent to the beginning of a preceding benefit year
16 if benefits were paid to the individual for any week in the preceding benefit year.

17 (b) If the individual does not meet the requirements of paragraph (a)(A) of this subsection, the
18 individual may qualify for benefits if the individual has worked a minimum of 500 hours in employ-
19 ment subject to this chapter during the base year.

20 (3) If the wages paid to an individual are not based upon a fixed period of time or if wages are
21 paid at irregular intervals or in such manner as not to extend regularly over the period of employ-
22 ment, for the purposes of subsections (2) to (5) of this section, the individual's wages shall be allo-
23 cated in accordance with rules prescribed by the Director of the Employment Department. Such
24 rules shall, insofar as possible, produce results the same as those which would exist if the individual
25 had been paid wages at regular intervals. The director may adopt rules to attribute hours of work
26 to an individual if the individual is not paid on an hourly basis or if the employer does not report
27 the number of hours worked.

28 (4) An eligible individual's weekly benefit amount shall be 1.25 percent of the total wages paid
29 in the individual's base year. However, such amount shall not be less than the minimum, nor more

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 than the maximum weekly benefit amount.

2 (a) The minimum weekly benefit amount shall be 15 percent (0.1500) of the state average weekly
 3 covered wage for the preceding calendar year, effective for any benefit year commencing on and
 4 after the week which includes July 4, 1975, and the week that includes each July 4 thereafter.

5 (b) The maximum weekly benefit amount shall be:

6 (A) Fifty-five percent (0.5500) of the state average weekly covered wage for calendar year 1979,
 7 effective for any benefit year commencing with and after the week which includes July 4, 1980, and
 8 through any benefit year commencing with the week which includes June 27, 1981.

9 (B) Fifty-five percent (0.5500) of the state average weekly covered wage for calendar year 1980,
 10 effective for any benefit year commencing with and after the week which includes July 4, 1981,
 11 through any benefit year commencing with the week which includes September 27, 1981.

12 (C) Fifty-eight percent (0.5800) of the state average weekly covered wage for calendar year 1980,
 13 effective for any benefit year commencing with and after the week which includes October 4, 1981,
 14 through any benefit year commencing with the week which includes June 27, 1982.

15 (D) Sixty percent (0.6000) of the state average weekly covered wage for calendar year 1981, ef-
 16 fective for any benefit year commencing with and after the week which includes July 4, 1982,
 17 through any benefit year commencing with the week which includes June 27, 1983.

18 (E) Sixty-four percent (0.6400) of the state average covered weekly wage for the preceding cal-
 19 endar year, effective for any benefit year commencing with and after the week which includes July
 20 4, 1983, and the week which includes each July 4 thereafter.

21 (c) All weekly benefit amounts, if not a multiple of \$1, shall be computed to the next lower
 22 multiple of \$1.

23 (d) For the purposes of this subsection, the state average weekly covered wage means an amount
 24 determined by the Employment Department by dividing the total wages paid by subject employers
 25 during the year by 52 times the average monthly employment reported by subject employers for the
 26 year.

27 (5) Benefits paid to an eligible individual in a benefit year shall not exceed 26 times the
 28 individual's weekly benefit amount, or one-third of the base year's wages paid, whichever is the
 29 lesser. If such amount is not a multiple of \$1, it shall be computed to the next lower multiple of \$1.

30 (6) An eligible unemployed individual who has employment in any week shall have the
 31 individual's weekly benefit amount reduced, but not below zero, by the amount of earnings paid or
 32 payable that exceeds the greater of:

33 (a) **[\$300] An amount equal to 23 times the minimum wage in effect under ORS 653.025**
 34 **(2);** or

35 (b) One-third of the individual's weekly benefit amount.

36 (7) Payment which has been, is or will be paid to an individual for a holiday or vacation shall
 37 be considered as earnings in the determination of the amount of benefits payable with respect to the
 38 week in which the holiday or vacation falls in the same manner as provided in subsection (6) of this
 39 section. However, if payment for the holiday or vacation is paid more than 45 days prior to the
 40 holiday or vacation or is delayed more than 45 days following the end of the week in which the
 41 holiday or vacation falls, the provisions of this section do not apply and previously reduced benefits
 42 shall be adjusted accordingly.

43 (8) Payment that has been, or will be, made to an individual as a member of a reserve component
 44 of the Armed Forces of the United States, including the organized militia of the State of Oregon, for
 45 the performance of inactive duty training shall not be considered as earnings in the determination

1 of the amount of benefits payable.

2 **SECTION 2. The amendments to ORS 657.150 by section 1 of this 2021 Act apply to weeks**
 3 **beginning on or after the effective date of this 2021 Act and before January 1, 2022.**

4 **SECTION 3.** ORS 657.150, as amended by sections 1 and 3, chapter 1, Oregon Laws 2020 (second
 5 special session), is amended to read:

6 657.150. (1) An individual shall be paid benefits for weeks during the benefit year in an amount
 7 which is to be determined by taking into account the individual's work in subject employment in the
 8 base year as provided in this section.

9 (2)(a) To qualify for benefits an individual must have:

10 (A) Worked in subject employment in the base year with total base year wages of \$1,000 or more
 11 and have total base year wages equal to or in excess of one and one-half times the wages in the
 12 highest quarter of the base year; and

13 (B) Have earned wages in subject employment equal to six times the individual's weekly benefit
 14 amount in employment for service performed subsequent to the beginning of a preceding benefit year
 15 if benefits were paid to the individual for any week in the preceding benefit year.

16 (b) If the individual does not meet the requirements of paragraph (a)(A) of this subsection, the
 17 individual may qualify for benefits if the individual has worked a minimum of 500 hours in employ-
 18 ment subject to this chapter during the base year.

19 (3) If the wages paid to an individual are not based upon a fixed period of time or if wages are
 20 paid at irregular intervals or in such manner as not to extend regularly over the period of employ-
 21 ment, for the purposes of subsections (2) to (5) of this section, the individual's wages shall be allo-
 22 cated in accordance with rules prescribed by the Director of the Employment Department. Such
 23 rules shall, insofar as possible, produce results the same as those which would exist if the individual
 24 had been paid wages at regular intervals. The director may adopt rules to attribute hours of work
 25 to an individual if the individual is not paid on an hourly basis or if the employer does not report
 26 the number of hours worked.

27 (4) An eligible individual's weekly benefit amount shall be 1.25 percent of the total wages paid
 28 in the individual's base year. However, such amount shall not be less than the minimum, nor more
 29 than the maximum weekly benefit amount.

30 (a) The minimum weekly benefit amount shall be 15 percent (0.1500) of the state average weekly
 31 covered wage for the preceding calendar year, effective for any benefit year commencing on and
 32 after the week which includes July 4, 1975, and the week that includes each July 4 thereafter.

33 (b) The maximum weekly benefit amount shall be:

34 (A) Fifty-five percent (0.5500) of the state average weekly covered wage for calendar year 1979,
 35 effective for any benefit year commencing with and after the week which includes July 4, 1980, and
 36 through any benefit year commencing with the week which includes June 27, 1981.

37 (B) Fifty-five percent (0.5500) of the state average weekly covered wage for calendar year 1980,
 38 effective for any benefit year commencing with and after the week which includes July 4, 1981,
 39 through any benefit year commencing with the week which includes September 27, 1981.

40 (C) Fifty-eight percent (0.5800) of the state average weekly covered wage for calendar year 1980,
 41 effective for any benefit year commencing with and after the week which includes October 4, 1981,
 42 through any benefit year commencing with the week which includes June 27, 1982.

43 (D) Sixty percent (0.6000) of the state average weekly covered wage for calendar year 1981, ef-
 44 fective for any benefit year commencing with and after the week which includes July 4, 1982,
 45 through any benefit year commencing with the week which includes June 27, 1983.

1 (E) Sixty-four percent (0.6400) of the state average covered weekly wage for the preceding cal-
 2 endar year, effective for any benefit year commencing with and after the week which includes July
 3 4, 1983, and the week which includes each July 4 thereafter.

4 (c) All weekly benefit amounts, if not a multiple of \$1, shall be computed to the next lower
 5 multiple of \$1.

6 (d) For the purposes of this subsection, the state average weekly covered wage means an amount
 7 determined by the Employment Department by dividing the total wages paid by subject employers
 8 during the year by 52 times the average monthly employment reported by subject employers for the
 9 year.

10 (5) Benefits paid to an eligible individual in a benefit year shall not exceed 26 times the
 11 individual's weekly benefit amount, or one-third of the base year's wages paid, whichever is the
 12 lesser. If such amount is not a multiple of \$1, it shall be computed to the next lower multiple of \$1.

13 (6) An eligible unemployed individual who has employment in any week shall have the
 14 individual's weekly benefit amount reduced, but not below zero, by the amount of earnings paid or
 15 payable that exceeds the greater of:

16 (a) *[Ten times the minimum hourly wage established by the laws of this state]* **An amount equal**
 17 **to 23 times the minimum wage in effect under ORS 653.025 (2);** or

18 (b) One-third of the individual's weekly benefit amount.

19 (7) Payment which has been, is or will be paid to an individual for a holiday or vacation shall
 20 be considered as earnings in the determination of the amount of benefits payable with respect to the
 21 week in which the holiday or vacation falls in the same manner as provided in subsection (6) of this
 22 section. However, if payment for the holiday or vacation is paid more than 45 days prior to the
 23 holiday or vacation or is delayed more than 45 days following the end of the week in which the
 24 holiday or vacation falls, the provisions of this section do not apply and previously reduced benefits
 25 shall be adjusted accordingly.

26 (8) Payment that has been, or will be, made to an individual as a member of a reserve component
 27 of the Armed Forces of the United States, including the organized militia of the State of Oregon, for
 28 the performance of inactive duty training shall not be considered as earnings in the determination
 29 of the amount of benefits payable.

30 **SECTION 4. The amendments to ORS 657.150 by section 3 of this 2021 Act apply to weeks**
 31 **beginning on or after January 1, 2022.**

32 **SECTION 5.** ORS 657.100 is amended to read:

33 657.100. (1) An individual is deemed "unemployed" in any week during which the individual
 34 performs no services and with respect to which no remuneration for services performed is paid or
 35 payable to the individual, or in any week of less than full-time work if the remuneration paid or
 36 payable to the individual for services performed during the week is less than the individual's weekly
 37 benefit amount **or 23 times the minimum wage in effect under ORS 653.025 (2), whichever is**
 38 **greater.**

39 (2) For the purposes of ORS 657.155 (1), an individual who performs full-time services in any
 40 week for an employing unit is not unemployed even though remuneration is neither paid nor payable
 41 to the individual for the services performed; however, nothing in this subsection shall prevent an
 42 individual from meeting the definition of "unemployed" as used in this section solely by reason of
 43 the individual's performance of volunteer services without remuneration for a charitable institution
 44 or a governmental entity.

45 (3) The Director of the Employment Department shall prescribe rules as the director deems

1 necessary with respect to the various types of unemployment.

2 **SECTION 6. The amendments to ORS 657.100 by section 5 of this 2021 Act apply to weeks**
3 **beginning on or after the effective date of this 2021 Act and before January 1, 2023.**

4 **SECTION 7.** ORS 657.100, as amended by section 54, chapter 700, Oregon Laws 2019, is
5 amended to read:

6 657.100. (1) An individual is deemed “unemployed” in any week during which the individual
7 performs no services and with respect to which no remuneration for services performed is paid or
8 payable to the individual, or in any week of less than full-time work if the remuneration paid or
9 payable to the individual for services performed during the week is less than the individual’s weekly
10 benefit amount **or 23 times the minimum wage in effect under ORS 653.025 (2), whichever is**
11 **greater.**

12 (2) For the purposes of ORS 657.155 (1), an individual who performs full-time services in any
13 week for an employing unit is not unemployed even though remuneration is neither paid nor payable
14 to the individual for the services performed; however, nothing in this subsection shall prevent an
15 individual from meeting the definition of “unemployed” as used in this section solely by reason of
16 the individual’s performance of volunteer services without remuneration for a charitable institution
17 or a governmental entity.

18 (3) An individual may not be deemed “unemployed” under this section for any week in which the
19 individual is receiving family and medical leave insurance benefits under ORS chapter 657B.

20 (4) The Director of the Employment Department shall prescribe rules as the director deems
21 necessary with respect to the various types of unemployment.

22 **SECTION 8. The amendments to ORS 657.100 by section 7 of this 2021 Act apply to weeks**
23 **beginning on or after January 1, 2023.**

24 **SECTION 9. This 2021 Act being necessary for the immediate preservation of the public**
25 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
26 **on its passage.**

27