

House Bill 3178

Sponsored by Representative HOLVEY (at the request of Commissioner of the Bureau of Labor and Industries Val Hoyle)

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**.

Temporarily removes condition for being deemed "unemployed" that individual's weekly remuneration for part-time work must be less than individual's weekly unemployment insurance benefit amount. Restores condition for weeks beginning on or after January 2, 2022.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to unemployment; creating new provisions; amending ORS 657.100 and section 63, chapter
3 700, Oregon Laws 2019; and declaring an emergency.

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

5 **SECTION 1.** Section 63, chapter 700, Oregon Laws 2019, is amended to read:

6 **Sec. 63.** (1)(a) [*Sections 8, 11, 14, 16 to 31, 37, 41, 43 to 48, 49a and 61 of this 2019 Act*] **ORS**
7 **657B.070, 657B.080, 657B.110, 657B.130, 657B.150, 657B.175, 657B.180, 657B.190, 657B.210,**
8 **657B.220, 657B.230, 657B.240, 657B.250, 657B.260, 657B.280, 657B.290, 657B.300, 657B.310,**
9 **657B.320, 657B.330, 657B.370, 657B.390, 657B.410, 657B.440, 657B.460, 657B.470, 657B.900,**
10 **657B.910 and 657B.920** become operative on January 1, 2022.

11 (b) [*Sections 3 to 7, 9, 10, 12, 13, 15, 42 and 50 of this 2019 Act*] **ORS 657B.015, 657B.020,**
12 **657B.025, 657B.030, 657B.040, 657B.050, 657B.060, 657B.090, 657B.100, 657B.120 and 657B.200 and**
13 **section 50, chapter 700, Oregon Laws 2019,** become operative on January 1, 2023.

14 (c) The amendments to ORS 410.619 by sections 52 and 53, [*of this 2019 Act*] **chapter 700,**
15 **Oregon Laws 2019,** become operative on January 1, 2022.

16 (d) The amendments to ORS [*657.100,*] 657.471 and 659A.162 by sections [*54,*] 55 and 56, [*of this*
17 *2019 Act*] **chapter 700, Oregon Laws 2019,** become operative on January 1, 2023.

18 (e) The amendments to ORS 659A.885 by sections 57 and 58, [*of this 2019 Act*] **chapter 700,**
19 **Oregon Laws 2019,** become operative January 1, 2025.

20 (2) The Employment Department and the Department of Revenue may take any action before the
21 operative dates specified in subsection (1) of this section that is necessary to enable the departments
22 to exercise, on and after the operative dates specified in subsection (1) of this section, the duties,
23 functions and powers conferred on the departments by [*sections 1 to 51 of this 2019 Act*] **ORS**
24 **chapter 657B.**

25 **SECTION 2.** ORS 657.100, as amended by section 54, chapter 700, Oregon Laws 2019, is
26 amended to read:

27 657.100. (1) An individual is deemed "unemployed" in any week during which the individual
28 performs no services and with respect to which no remuneration for services performed is paid or
29 payable to the individual, or in any week of less than full-time work [*if the remuneration paid or*
30 *payable to the individual for services performed during the week is less than the individual's weekly*

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 *benefit amount*].

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

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

10 [(4)] (3) The Director of the Employment Department shall prescribe rules as the director deems
 11 necessary with respect to the various types of unemployment.

12 **SECTION 3. The amendments to ORS 657.100 by section 2 of this 2021 Act apply to weeks**
 13 **beginning on or after the effective date of this 2021 Act and before January 2, 2022.**

14 **SECTION 4.** ORS 657.100, as amended by section 54, chapter 700, Oregon Laws 2019, and sec-
 15 tion 2 of this 2021 Act, is amended to read:

16 657.100. (1) An individual is deemed “unemployed” in any week during which the individual
 17 performs no services and with respect to which no remuneration for services performed is paid or
 18 payable to the individual, or in any week of less than full-time work **if the remuneration paid or**
 19 **payable to the individual for services performed during the week is less than the individual’s**
 20 **weekly benefit amount.**

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

27 (3) The Director of the Employment Department shall prescribe rules as the director deems
 28 necessary with respect to the various types of unemployment.

29 **SECTION 5. The amendments to ORS 657.100 by section 4 of this 2021 Act apply to weeks**
 30 **beginning on or after January 2, 2022, and before January 1, 2023.**

31 **SECTION 6.** ORS 657.100, as amended by section 54, chapter 700, Oregon Laws 2019, and
 32 sections 2 and 4 of this 2021 Act, 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.

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

44 **(3) An individual may not be deemed “unemployed” under this section for any week in**
 45 **which the individual is receiving family and medical leave insurance benefits under ORS**

1 **chapter 657B.**

2 [(3)] (4) The Director of the Employment Department shall prescribe rules as the director deems
3 necessary with respect to the various types of unemployment.

4 **SECTION 7. The amendments to ORS 657.100 by section 6 of this 2021 Act apply to weeks**
5 **beginning on or after January 1, 2023.**

6 **SECTION 8. This 2021 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
8 **on its passage.**

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