

House Bill 2198

Sponsored by Representative SCHARF (Presession filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would restore the parts of UI law that used to restrict the benefits for some nonprofessional staff at schools and colleges. (Flesch Readability Score: 62.1).

Restores former provisions restricting the payment of unemployment insurance benefits to certain nonprofessional educational workers that were repealed by enrolled Senate Bill 489 (2023).

A BILL FOR AN ACT

1
2 Relating to unemployment insurance benefits for nonprofessional educational workers; creating new
3 provisions; and amending ORS 657.221.

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

5 **SECTION 1.** ORS 657.221 is amended to read:

6 657.221. *[(1)]* **(1)(a)** Benefits based on services performed in other than an instructional, research
7 or principal administrative capacity for an educational institution or institution of higher education
8 shall be payable to an individual in the same amount, on the same terms and subject to the same
9 conditions as benefits payable on the basis of other service subject to this chapter.

10 **(b) Notwithstanding paragraph (a) of this subsection, benefits shall not be paid on the**
11 **basis of such services for any week of unemployment that commences during a period be-**
12 **tween two successive academic years or terms if the individual performs such services in the**
13 **first academic year or term and there is a reasonable assurance that the individual will**
14 **perform any such services in the second academic year or term for any institution.**

15 **(c) Notwithstanding paragraph (b) of this subsection, if benefits are denied to an indi-**
16 **vidual for any week under paragraph (b) of this subsection and such individual was not of-**
17 **fered an opportunity to perform such services for the institution for the second of such**
18 **academic years or terms, such individual shall be entitled, if otherwise eligible, to payment**
19 **of benefits for each week for which the individual filed a timely claim for benefits and for**
20 **which benefits were denied solely by reason of paragraph (b) of this subsection.**

21 **(2) With respect to the application of this section, the following shall apply:**

22 **(a) An employee who terminates an employee-employer relationship by electing not to**
23 **accept an offer of work for a subsequent academic year or term, other than by reason of**
24 **labor negotiations or a labor dispute in progress, shall be deemed to have voluntarily left**
25 **work. The effective date of such leaving shall be the date on which the individual notifies the**
26 **institution of the election not to accept the offer of work for the subsequent period, except**
27 **that if such individual continues to work under the terms of a previously existing contract**
28 **or agreement, the effective date of leaving shall be the last day worked for the institution.**

29 **(b) If the institution does not extend to the individual an offer of work or provide a rea-**
30 **sonable assurance the individual is expected to return to work for the institution following**

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 period between the academic years or terms, the separation from work shall be consid-
2 ered an involuntary leaving or layoff.

3 (3) With respect to any services described in subsection (1)(a) of this section, compen-
4 sation payable on the basis of such services shall be denied to any individual for any week
5 that commences during an established and customary vacation period or holiday recess if
6 such individual performs such services in the period immediately before such vacation period
7 or holiday recess, and there is reasonable assurance that such individual will perform such
8 services or any services described in ORS 657.167 (1) in the period immediately following such
9 vacation period or holiday recess.

10 (4) With respect to any services described in subsection (1)(a) of this section, benefits
11 based on such services shall be denied as specified in subsections (1) and (3) of this section
12 to any individual who performed such services in an institution while in the employ of an
13 education service district established by ORS chapter 334, providing 50 percent or more of
14 the individual's time is in the performance of services in such institution.

15 (5) Subsections (1)(b), (3) and (4) of this section do not apply to benefits that are other-
16 wise payable based on services consisting of:

- 17 (a) The operation or maintenance of facilities;
- 18 (b) Janitorial services;
- 19 (c) School food preparation and service;
- 20 (d) Early intervention services and support for such services; or
- 21 (e) Prekindergarten services and support for such services.

22 [(2)] (6) [*This section applies*] Subsections (1), (3) and (4) of this section apply only to service
23 performed for an educational institution or institution of higher education operated by:

- 24 (a) A nonprofit employing unit;
- 25 (b) This state;
- 26 (c) A political subdivision of this state; or
- 27 (d) An Indian tribe.

28 **SECTION 2.** The amendments to ORS 657.221 by section 1 of this 2025 Act apply to weeks
29 of unemployment beginning on or after the effective date of this 2025 Act.

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