

# HOUSE BILL REPORT

## HB 2440

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*As Reported By House Committee on:  
Commerce & Labor*

**Title:** An act relating to unemployment compensation for employees of educational institutions.

**Brief Description:** Concerning unemployment compensation for employees of educational institutions.

**Sponsor(s):** Representatives Heavey, May, Prentice, Spanel, R. King, Jones, Jacobsen, Franklin, Basich and J. Kohl.

**Brief History:**

Reported by House Committee on:  
Commerce & Labor, January 30, 1992, DP.

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**HOUSE COMMITTEE ON  
COMMERCE & LABOR**

**Majority Report:** *Do pass.* Signed by 6 members:  
Representatives Heavey, Chair; Franklin; Jones; R. King;  
O'Brien; and Prentice.

**Minority Report:** *Do not pass.* Signed by 5 members:  
Representatives G. Cole, Vice Chair; Fuhrman, Ranking  
Minority Member; Lisk, Assistant Ranking Minority Member;  
Vance; and Wilson.

**Staff:** Chris Cordes (786-7117).

**Background:** Federal law requires the states to deny unemployment insurance benefits to certain employees who work for educational institutions during the school year. Unemployment compensation may not be paid to these employees for unemployment that occurs between two successive academic terms if the employee has reasonable assurance that he or she will be reemployed for the same services in the next academic term. "Reasonable assurance" is defined as a written, verbal, or implied agreement that the employee will be reemployed in the same capacity.

Until 1991, this federal requirement applied to all employees of educational institutions. However, the federal Emergency Unemployment Compensation Act of 1991 gives the states the option of denying unemployment benefits between

academic terms to employees who are not employed in instructional, research, or administrative capacities.

**Summary of Bill:** Educational employees who are not employed in instructional, research, or administrative capacities are permitted to receive unemployment benefits for periods of unemployment between academic terms. The change applies to weeks of unemployment beginning on or after April 5, 1992.

If an instructional, research, or principal administrative employee of an educational institution receives an offer of employment for the next academic term that is contingent on funding, enrollment, or program changes, the offer does not constitute a reasonable assurance of continued employment for purposes of denying unemployment benefits.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Congress recognized that classified school employees should not be treated differently from other workers. When they are unemployed at the end of the school year through no fault of their own, they should be eligible for benefits. They have low paying jobs and no guarantee that they will have a job when school starts again. In one case, these employees were not even given an opportunity to apply for summer jobs that the school filled. For community college instructors, there is no "reasonable assurance" that a teaching job will still be there the next quarter. A teaching position may be canceled the day before classes start. Professionals should not be treated this way.

**Testimony Against:** Schools pay the cost of unemployment compensation out of their school budgets. Any increase in this cost means a reduction in money available for programs and other school requirements. The classified employees know when they take the job, that it will last only nine months. Community colleges need flexibility in hiring part-time staff to meet uncertain enrollment demands.

**Witnesses:** (In favor): Larry Kenney, Washington State Labor Council; Mark Brown, Washington Federation of State Employees; David Westberg, International Union of Operating Engineers; Sam Kinville, Washington State Council of County and City Employees; Wendy Rader-Konofalski, Washington Federation of Teachers; Michael Doane; Lynn McKinnon, Public School Employees of Washington; Alice Dunn; Bob Maier, Washington Education Association; and Deborah Senn, Service Employees International Union.

(Opposed): Larry Lael, State Board for Community and Technical Colleges; Greg Paus, Washington Association of School Administrators; Lorraine Wilson, Washington State School Directors Association; John Kuamme, Tacoma School District; Robert Lynn, Educational Service District 189; and Clif Finch, Association of Washington Business.

(No position): Graeme Sackrison, Employment Security Department.