

1 **HB 2251** - H AMD 567

2 By Representative Carlson

3 Strike everything after the enacting clause and insert the  
4 following:

5 "Sec. 1. RCW 50.44.050 and 1995 c 296 s 2 are each amended to  
6 read as follows:

7 Except as otherwise provided in subsections (1) through (4) of  
8 this section, benefits based on services in employment covered by  
9 or pursuant to this chapter shall be payable on the same terms and  
10 subject to the same conditions as compensation payable on the basis  
11 of other service subject to this title.

12 (1) Benefits based on service in an instructional, research or  
13 principal administrative capacity for an educational institution  
14 shall not be paid to an individual for any week of unemployment  
15 which commences during the period between two successive academic  
16 years or between two successive academic terms within an academic  
17 year (or, when an agreement provides instead for a similar period  
18 between two regular but not successive terms within an academic  
19 year, during such period) if such individual performs such services  
20 in the first of such academic years or terms and if there is a  
21 contract or reasonable assurance that such individual will perform  
22 services in any such capacity for any educational institution in  
23 the second of such academic years or terms. Any employee of a  
24 common school district who is presumed to be reemployed pursuant to  
25 RCW 28A.405.210 shall be deemed to have a contract for the ensuing  
26 term.

27 (2) Benefits shall not be paid based on services in any other  
28 capacity for an educational institution for any week of  
29 unemployment which commences during the period between two  
30 successive academic years or between two successive academic terms  
31 within an academic year, if such individual performs such services  
32 in the first of such academic years or terms and there is a  
33 reasonable assurance that such individual will perform such  
34 services in the second of such academic years or terms: PROVIDED,  
35 That if benefits are denied to any individual under this subsection  
36 and that individual was not offered an opportunity to perform such

1 services for the educational institution for the second of such  
2 academic years or terms, the individual is entitled to a  
3 retroactive payment of benefits for each week for which the  
4 individual filed a timely claim for benefits and for which benefits  
5 were denied solely by reason of this subsection.

6 (3) Benefits shall not be paid based on any services described  
7 in subsections (1) and (2) of this section for any week of  
8 unemployment which commences during an established and customary  
9 vacation period or holiday recess if such individual performs such  
10 services in the period immediately before such vacation period or  
11 holiday recess, and there is a reasonable assurance that such  
12 individual will perform such services in the period immediately  
13 following such vacation period or holiday recess.

14 (4) Benefits shall not be paid (as specified in subsections  
15 (1), (2), or (3) of this section) based on any services described  
16 in subsections (1) or (2) of this section to any individual who  
17 performed such services in an educational institution while in the  
18 employ of an educational service district which is established  
19 pursuant to chapter 28A.310 RCW and exists to provide services to  
20 local school districts.

21 (5) As used in(~~(subsection (1) of)~~) this section, "academic  
22 year" means(~~(, with respect to services described in subsection (1)~~  
23 ~~of this section performed by part-time faculty at community~~  
24 ~~colleges and technical colleges;)~~) fall, winter, spring, and  
25 summer quarters or comparable semesters unless, based upon  
26 objective criteria including enrollment and staffing, the quarter  
27 or comparable semester is not in fact a part of the academic year  
28 for the particular institution.

29 **Sec. 2.** RCW 50.44.053 and 1995 c 296 s 3 are each amended to  
30 read as follows:

31 The term "reasonable assurance," as used in RCW 50.44.050,  
32 means a written, verbal, or implied agreement that the employee  
33 will perform services in the same capacity during the ensuing  
34 academic year or term as in the first academic year or term.  
35 However,~~(with respect to services described in RCW 50.44.050(1)~~  
36 ~~performed by part-time faculty for community colleges and technical~~  
37 ~~colleges,)~~) the term "reasonable assurance" does not include an

1 agreement that is contingent on enrollment, funding, or program  
2 changes. A person shall not be deemed to be performing services  
3 "in the same capacity" unless those services are rendered under the  
4 same terms or conditions of employment in the ensuing year as in  
5 the first academic year or term.

6 NEW SECTION. **Sec. 3.** If any part of this act is found to be  
7 in conflict with federal requirements that are a prescribed  
8 condition to the allocation of federal funds to the state or the  
9 eligibility of employers in this state for federal unemployment tax  
10 credits, the conflicting part of this act is inoperative solely to  
11 the extent of the conflict, and such finding or determination does  
12 not affect the operation of the remainder of this act. Rules  
13 adopted under this act must meet federal requirements that are a  
14 necessary condition to the receipt of federal funds by the state or  
15 the granting of federal unemployment tax credits to employers in  
16 this state.

17 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act apply with  
18 respect to weeks of unemployment beginning on the Sunday following  
19 the effective date of this section.

20 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of  
22 the state government and its existing public institutions, and  
23 takes effect immediately."

24 Correct the title.

**EFFECT:** The amendment (1) restores the current definition of "academic year" and "reasonable assurance" for the purposes of determining unemployment compensation for public/nonprofit educational employees, but deletes the restriction in current law that applied these definitions only to part-time faculty and community and technical colleges. Therefore, for all educational employees, summer quarter is included as part of the academic year unless shown otherwise, and "reasonable assurance" of continued employment does not include assurance that is contingent on enrollment, funding, or program changes; and (2) adds an immediate effective date, with the bill

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applying to weeks of unemployment beginning the first Sunday  
after the effective date.