

1 **HB 2251 - H AMD 611**

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 or
9 pursuant to this chapter shall be payable on the same terms and subject
10 to the same conditions as compensation payable on the basis of other
11 service subject to this title.

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

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

1 retroactive payment of benefits for each week for which the individual
2 filed a timely claim for benefits and for which benefits were denied
3 solely by reason of this subsection.

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

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

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

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

27 The term "reasonable assurance," as used in RCW 50.44.050, means
28 a written, verbal, or implied agreement that the employee will perform
29 services in the same capacity during the ensuing academic year or term
30 as in the first academic year or term. However, (~~with respect to~~
31 ~~services described in RCW 50.44.050(1) performed by part-time faculty~~
32 ~~for community colleges and technical colleges,)~~) the term "reasonable
33 assurance" does not include an agreement that is contingent on
34 enrollment, funding, or program changes. A person shall not be deemed
35 to be performing services "in the same capacity" unless those services

1 are rendered under the same terms or conditions of employment in the
2 ensuing year as in the first academic year or term.

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

13 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act apply to weeks
14 of unemployment beginning on or after the Sunday following the
15 effective date of this section.

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

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