

1 **SHB 2947 - H AMDS 1036 ADOPTED 3-3-98**

2 By Representative McMorris

3 On page 1, after line 4, insert the following:

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 clarify requirements related to unemployment compensation for employees
6 at educational institutions.

7 The legislature finds that, unless clarified, Washington's
8 unemployment compensation law may be out of conformity with the federal
9 unemployment tax act, which finding poses a significant economic risk
10 to the state's private employers and to the administration of the
11 state's unemployment insurance system. It is the intent of the
12 legislature, by the 1998 chapter . . . amendments to RCW 50.44.050 and
13 50.44.053 (sections 1 and 2 of this act), to bring Washington's
14 unemployment compensation law into conformity with federal law in these
15 areas of concern.

16 The legislature finds that some instructional staff at the state's
17 educational institutions receive an appointment of employment for an
18 indefinite period while others may face circumstances that do not
19 provide a reasonable expectation of employment during an ensuing
20 academic year or term.

21 Therefore, it is the intent of the legislature that the employment
22 security department continue to make determinations of educational
23 employees' eligibility for unemployment compensation for the period
24 between academic years or terms based on a finding of reasonable
25 assurance that the employee will have employment for the ensuing
26 academic year or term and that the determination in each employee's
27 case is made on an individual basis, consistent with federal
28 guidelines. This determination must take into consideration
29 contingencies that may exist in fact in an individual case. The 1998
30 chapter . . . amendment to RCW 50.44.053 (section 2 of this act) is not
31 intended to change the practice used by the employment security
32 department when determining reasonable assurance. If, during fact-
33 finding, there is a disagreement about whether an individual has
34 reasonable assurance, the educational institution must provide
35 documentation that reasonable assurance exists for that individual.-

1 On page 3, after line 15, insert the following:

2 NEW SECTION. **Sec. 3.** 1995 c 296 s 4 (uncodified) is repealed.-

3 Renumber the remaining sections consecutively, correct any internal
4 references accordingly and correct the title.

EFFECT: Provides an intent section that:

(1) Recognizes the need to bring the state's unemployment compensation law into conformity with federal law;

(2) Recognizes that there are instructional staff at the state's educational institutions that have less assurance of returning to employment in an ensuing academic year or term than others;

(3) Declares that the Legislature intends the Employment Security Department to continue handling determinations of eligibility for unemployment compensation in cases involving a finding of reasonable assurance on a case by case basis consistent with federal guidelines and to consider contingencies that exist in each individual case;

(4) Further declares that removing reference to contingent agreements is not intended to change the practice of the Employment Security Department when determining reasonable assurance.