
HOUSE BILL 2251

State of Washington 55th Legislature 1997 Regular Session

By Representatives Huff, Clements and Carlson

Read first time 03/13/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to unemployment compensation eligibility for
2 educational employees; and amending RCW 50.44.050 and 50.44.053.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

11 (1) Benefits based on service in an instructional, research or
12 principal administrative capacity for an educational institution shall
13 not be paid to an individual for any week of unemployment which
14 commences during the period between two successive academic years or
15 between two successive academic terms within an academic year (or, when
16 an agreement provides instead for a similar period between two regular
17 but not successive terms within an academic year, during such period)
18 if such individual performs such services in the first of such academic
19 years or terms and if there is a contract or reasonable assurance that

1 such individual will perform services in any such capacity for any
2 educational institution in the second of such academic years or terms.
3 Any employee of a common school district who is presumed to be
4 reemployed pursuant to RCW 28A.405.210 shall be deemed to have a
5 contract for the ensuing term.

6 (2) Benefits shall not be paid based on services in any other
7 capacity for an educational institution for any week of unemployment
8 which commences during the period between two successive academic years
9 or between two successive academic terms within an academic year, if
10 such individual performs such services in the first of such academic
11 years or terms and there is a reasonable assurance that such individual
12 will perform such services in the second of such academic years or
13 terms: PROVIDED, That if benefits are denied to any individual under
14 this subsection and that individual was not offered an opportunity to
15 perform such services for the educational institution for the second of
16 such academic years or terms, the individual is entitled to a
17 retroactive payment of benefits for each week for which the individual
18 filed a timely claim for benefits and for which benefits were denied
19 solely by reason of this subsection.

20 (3) Benefits shall not be paid based on any services described in
21 subsections (1) and (2) of this section for any week of unemployment
22 which commences during an established and customary vacation period or
23 holiday recess if such individual performs such services in the period
24 immediately before such vacation period or holiday recess, and there is
25 a reasonable assurance that such individual will perform such services
26 in the period immediately following such vacation period or holiday
27 recess.

28 (4) Benefits shall not be paid (as specified in subsections (1),
29 (2), or (3) of this section) based on any services described in
30 subsections (1) or (2) of this section to any individual who performed
31 such services in an educational institution while in the employ of an
32 educational service district which is established pursuant to chapter
33 28A.310 RCW and exists to provide services to local school districts.

34 ~~(5) ((As used in subsection (1) of this section, "academic year"~~
35 ~~means, with respect to services described in subsection (1) of this~~
36 ~~section performed by part time faculty at community colleges and~~
37 ~~technical colleges: Fall, winter, spring, and summer quarters or~~
38 ~~comparable semesters unless, based upon objective criteria including~~
39 ~~enrollment and staffing, the quarter or comparable semester is not in~~

1 ~~fact a part of the academic year for the particular institution)) As~~
2 ~~used in subsections (1) and (2) of this section, "academic year"~~
3 ~~includes fall, winter, and spring quarters and comparable semesters but~~
4 ~~does not include summer quarters or summer semesters unless, based upon~~
5 ~~objective criteria including enrollment and staffing, it is in fact a~~
6 ~~part of the academic year for the particular institution.~~

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

9 The term "reasonable assurance," as used in RCW 50.44.050, means a
10 written, verbal, or implied agreement that the employee will perform
11 services in the same capacity during the ensuing academic year or term
12 as in the first academic year or term. ~~((However, with respect to~~
13 ~~services described in RCW 50.44.050(1) performed by part-time faculty~~
14 ~~for community colleges and technical colleges, the term "reasonable~~
15 ~~assurance" does not include an agreement that is contingent on~~
16 ~~enrollment, funding, or program changes.)) A person shall not be
17 deemed to be performing services "in the same capacity" unless those
18 services are rendered under the same terms or conditions of employment
19 in the ensuing year as in the first academic year or term.~~

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