
SUBSTITUTE SENATE BILL 6423

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Commerce & Labor (originally sponsored by Senators Schow, Heavey and Winsley; by request of Employment Security Department)

Read first time 02/05/98.

1 AN ACT Relating to unemployment compensation for part-time faculty;
2 amending RCW 50.44.050 and 50.44.053; creating a new section; and
3 declaring an emergency.

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

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

7 Except as otherwise provided in subsections (1) through (4) of this
8 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

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

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

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

29 (4) Benefits shall not be paid (as specified in subsections (1),
30 (2), or (3) of this section) based on any services described in
31 subsections (1) or (2) of this section to any individual who performed
32 such services in an educational institution while in the employ of an
33 educational service district which is established pursuant to chapter
34 28A.310 RCW and exists to provide services to local school districts.

35 (5) As used in subsection (1) of this section, "academic year"
36 means(~~(, with respect to services described in subsection (1) of this~~
37 ~~section performed by part time faculty at community colleges and~~
38 ~~technical colleges:)) fall, winter, spring, and summer quarters or~~
39 comparable semesters unless, based upon objective criteria including

1 enrollment and staffing, the quarter or comparable semester is not in
2 fact a part of the academic year for the particular institution.

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

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

16 NEW SECTION. **Sec. 3.** If any part of this act is found to be in
17 conflict with federal requirements that are a prescribed condition to
18 the allocation of federal funds to the state or the eligibility of
19 employers in this state for federal unemployment tax credits, the
20 conflicting part of this act is inoperative solely to the extent of the
21 conflict, and the finding or determination does not affect the
22 operation of the remainder of this act. Rules adopted under this act
23 must meet federal requirements that are a necessary condition to the
24 receipt of federal funds by the state or the granting of federal
25 unemployment tax credits to employers in this state.

26 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 immediately.

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