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**SENATE BILL 6423**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** Senators Schow, Heavey and Winsley; by request of Employment Security Department

Read first time 01/19/98. Referred to Committee on Commerce & Labor.

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

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

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

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

31       NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
32 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

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