
SENATE BILL 6804

State of Washington

56th Legislature

2000 Regular Session

By Senators Fairley, Kline and Kohl-Welles; by request of Employment Security Department

Read first time 01/31/2000. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to eligibility requirements for unemployment
2 insurance for employees of educational institutions; amending RCW
3 50.44.050 and 50.44.053; creating a new section; and declaring an
4 emergency.

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

6 **Sec. 1.** RCW 50.44.050 and 1998 c 233 s 2 are each amended to read
7 as follows:

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

13 (1) Benefits based on service in an instructional, research, or
14 principal administrative capacity for ~~((an))~~ any educational
15 institution shall not be paid to an individual for any week of
16 unemployment which commences during the period between two successive
17 academic years or between two successive academic terms within an
18 academic year (or, when an agreement provides instead for a similar
19 period between two regular but not successive terms within an academic

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

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

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

30 (4) Benefits shall not be paid (as specified in subsections (1),
31 (2), or (3) of this section) based on any services described in
32 subsections (1) or (2) of this section to any individual who performed
33 such services in an educational institution while in the employ of an
34 educational service district which is established pursuant to chapter
35 28A.310 RCW and exists to provide services to local school districts.

36 (5) As used in this section, "academic year" means: Fall, winter,
37 spring, and summer quarters or comparable semesters unless, based upon
38 objective criteria including enrollment and staffing, the quarter or

1 comparable semester is not in fact a part of the academic year for the
2 particular institution.

3 **Sec. 2.** RCW 50.44.053 and 1998 c 233 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. The term "reasonable assurance"
9 does not include an agreement that is contingent on enrollment,
10 funding, or program changes. A person shall not be deemed to be
11 performing services "in the same capacity" unless those services are
12 rendered under the same terms or conditions of employment in the
13 ensuing year as in the first academic year or term.

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

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

--- END ---