

Commerce & Labor Committee

HB 1177

Brief Description: Ensuring that reasonable assurance continues to apply to employees of educational institutions.

Sponsors: Representatives Kenney, B. Chandler, Conway, Clements and Keiser.

Brief Summary of Bill

- *Modifies the definition of reasonable assurance– for faculty members who work at community or technical colleges and who have offers of employment in the next academic year or term conditioned on enrollment, funding, or program changes.*

Hearing Date: 1/31/01

Staff: Jill Reinmuth (786-7134).

Background:

Federal law requires the states to deny unemployment insurance benefits to certain individuals who work for educational institutions. Benefits may not be paid to these individuals for unemployment that occurs between two successive academic years or terms if the individual has reasonable assurance– of reemployment.

Reasonable assurance– is defined as a written, verbal, or implied agreement that the individual will be reemployed in the same capacity in the next academic year or term as in the previous academic year or term. Academic year– includes fall, winter, spring, and summer quarters or comparable semesters, unless objective criteria, including enrollment and staffing, show that the term is not in fact part of the educational institution’s academic year.

Summary of Bill:

The definition of reasonable assurance– is modified as follows:

- *A faculty member who is tenured or who holds tenure track status is considered to have reasonable assurance,– unless advised otherwise by a college.*
- *A faculty member who works at a community or technical college and who has an offer of employment in the next academic year or term conditioned on enrollment, funding, or program changes is presumed not to have reasonable assurance.–*

The burden of overcoming the presumption that a faculty member does not have reasonable assurance– is on the community or technical college.

The determination of reasonable assurance– is made on a case-by-case basis by the total weight of the evidence, with primary weight being given to the contingent nature of an offer conditioned on enrollment, funding, or program changes.

These changes apply to weeks that begin after March 31, 2001.

Rules Authority: *The bill does not contain provisions addressing the rule-making powers of an agency.*

Appropriation: *None.*

Fiscal Note: *Requested on January 29, 2001.*

Effective Date: *The bill contains an emergency clause and takes effect immediately.*