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HOUSE BILL 2440

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Heavey, May, Prentice, Spanel, R. King, Jones, Jacobsen, Franklin, Basich and J. Kohl

Read first time 01/16/92. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to unemployment compensation for employees of  
2 educational institutions; amending RCW 50.44.050 and 50.44.053;  
3 creating new sections; and declaring an emergency.

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

5            **Sec. 1.** RCW 50.44.050 and 1990 c 33 s 587 are each amended to read  
6 as follows:

7            Except as otherwise provided in subsections (1) through (~~(4)~~) (3)  
8 of this 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

1 commences during the period between two successive academic years or  
2 terms (or, when an agreement provides instead for a similar period  
3 between two regular but not successive terms, during such period) if  
4 such individual performs such services in the first of such academic  
5 years or terms and if there is a contract or reasonable assurance that  
6 such individual will perform services in any such capacity for any  
7 educational institution in the second of such academic years or terms.  
8 Any employee of a common school district who is presumed to be  
9 reemployed pursuant to RCW 28A.405.210 shall be deemed to have a  
10 contract for the ensuing term.

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

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

1 individual will perform such services in the period immediately  
2 following such vacation period or holiday recess.

3 ~~((4))~~ (3) Benefits shall not be paid (as specified in  
4 subsection(~~(s-(1))~~) (1) or (2)(~~(, or (3))~~) of this section) based on  
5 any services described in subsection(~~(s)~~) (1) (~~(or (2))~~) of this  
6 section to any individual who performed such services in an educational  
7 institution while in the employ of an educational service district  
8 which is established pursuant to chapter 28A.310 RCW and exists to  
9 provide services to local school districts.

10 **Sec. 2.** RCW 50.44.053 and 1985 ex.s. c 5 s 9 are each amended to  
11 read as follows:

12 The term "reasonable assurance," as used in RCW 50.44.050, means a  
13 written, verbal, or implied agreement that the employee will perform  
14 services in the same capacity during the ensuing academic year or term  
15 as in the first academic year or term. A person shall not be deemed to  
16 be performing services "in the same capacity" unless those services are  
17 rendered under the same terms or conditions of employment in the  
18 ensuing year as in the first academic year or term. An offer of  
19 employment that is contingent on funding, enrollment, or program  
20 changes does not constitute a reasonable assurance of employment.

21 NEW SECTION. **Sec. 3.** Section 1 of this act shall apply to  
22 weeks of unemployment beginning on or after April 5, 1992.

23 NEW SECTION. **Sec. 4.** If any part of this act is found to be  
24 in conflict with federal requirements that are a prescribed condition  
25 to the allocation of federal funds to the state or the eligibility of  
26 employers in this state for federal unemployment tax credits, the  
27 conflicting part of this act is hereby declared to be inoperative

1 solely to the extent of the conflict, and such finding or determination  
2 shall not affect the operation of the remainder of this act. The rules  
3 under this act shall meet federal requirements that are a necessary  
4 condition to the receipt of federal funds by the state or the granting  
5 of federal unemployment tax credits to employers in this state.

6 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of the  
8 state government and its existing public institutions, and shall take  
9 effect immediately.