

SENATE BILL REPORT

SB 6804

As of March 3, 2000

Title: An act relating to eligibility requirements for unemployment insurance for employees of educational institutions.

Brief Description: Modifying eligibility requirements for unemployment insurance for employees of educational institutions.

Sponsors: Senators Fairley, Kline and Kohl-Welles; by request of Employment Security Department.

Brief History:

Committee Activity: Labor & Workforce Development: 2/1/2000.

SENATE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Staff: Joanne Conrad (786-7472)

Background: Qualification of teachers, researchers and principals working in educational institutions for unemployment insurance benefits during school breaks generally depends upon whether the applicant for unemployment had already been working at a school and whether there is a contract or "reasonable assurance" that they will work again in the next term. Unemployment benefits are generally unavailable during school breaks, in cases of ongoing school employment.

In a recent case, *Pechman v. the Employment Security Department*, 77 Wn App. 725, the appellate court held that a teacher could continue to receive a portion of her unemployment benefits based upon previous employment at a different school than the one employing her as a substitute teacher. The court reasoned that the controlling statute distinguished between base year employment at a particular school compared with previous and ongoing employment at "any" school. The court held that a former full-time teacher who become a substitute teacher in a different school was eligible during school holidays to receive partial unemployment benefits based upon the teacher's prior full-time employment.

Federal law, however, is not concerned with which educational institution was the employer during the base period. Instead, federal law focuses on whether any services were performed at any school, and requires that any and all base year wage credits earned at any and all educational institutions disqualify a teacher for unemployment benefits during school breaks, if the teacher will be returning to work at any educational institution.

Summary of Bill: Unemployment insurance eligibility continues to be determined on a case-by-case basis, in accordance with current agency practice, but terminology is clarified regarding employment at educational institutions. Any and all base year wage credits earned in any and all educational institutions are considered when determining eligibility for

unemployment insurance benefits during school breaks or other situations in conformity with federal law.

The key term reasonable assurance– is defined as not including an employment agreement that is contingent upon enrollment, funding or program changes.

Appropriation: None.

Fiscal Note: Available.

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