

HOUSE BILL REPORT

SB 5316

As Passed House:

April 11, 2001

Title: An act relating to reasonable assurance of employment for employees of educational institutions.

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

Sponsors: By Senators Prentice and Winsley; by request of Employment Security Department.

Brief History:

Committee Activity:

Commerce & Labor: 3/21/01 [DP].

Floor Activity:

Passed House: 4/11/01, 87-0.

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.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt, Kenney, Lisk and McMorris.

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 re-employment.

Reasonable assurance is defined as a written, verbal, or implied agreement that the individual will be re-employed 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 of unemployment that begin after March 31, 2001.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Testified: None.