

HOUSE BILL REPORT

HB 1177

As Reported by House Committee On:

Commerce & Labor

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: Representatives Kenney (co-prime sponsor), B. Chandler (co-prime sponsor), Conway, Clements and Keiser.

Brief History:

Committee Activity:

Commerce & Labor: 1/31/01, 2/23/01 [DP].

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 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.

Appropriation: None.

Fiscal Note: Requested on January 29, 2001.

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

Testimony For: This bill has a narrow scope. It restores protection for part-time faculty at community colleges. It resolves issues that prompted litigation over their claims for unemployment benefits. This bill will result in consistency, predictability, and fairness, without raising conformity issues.

Testimony Against: None.

Testified: Wendy Rader-Konofalski, Washington Federation of Teachers; Jeff Johnson, Washington State Labor Council; and Paul Trause, Employment Security Department.

