



General Assembly

January Session, 2023

Raised Bill No. 6791

LCO No. 4714



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING UNEMPLOYMENT BENEFITS FOR ADJUNCT HIGHER EDUCATION FACULTY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 31-227 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2023*):

4 (d) (1) Benefits based on service in employment defined in
5 [subdivisions (1) (C) and (D)] subparagraphs (C) and (D) of subdivision
6 (1) of subsection (a) of section 31-222 shall be payable in the same
7 amount, on the same terms and subject to the same conditions as
8 compensation payable on the basis of other service subject to this
9 chapter; except that [(1)] (A) with respect to weeks of unemployment
10 beginning after December 31, 1977, benefits shall not be paid based on
11 service performed in an instructional, research or principal
12 administrative capacity for an educational institution for any week of
13 unemployment commencing during the period between two successive
14 academic years, or during a similar period between two regular terms,
15 whether or not successive, or during a period of paid sabbatical leave
16 provided for in the individual's contract, to any individual if such
17 individual performs such services in the first of such academic years [(or

18 terms)] or terms and [if] there is a contract or a reasonable assurance,
19 subject to the provisions of subdivisions (2) and (3) of this subsection,
20 that such individual will perform services in any such capacity for any
21 educational institution in the second of such academic years or terms;
22 [(2)] (B) with respect to weeks of unemployment beginning after
23 October 29, 1983, for service performed in any other capacity for an
24 educational institution, benefits shall not be paid on the basis of such
25 services to any individual for any week which commences during a
26 period between two successive academic years or terms if such
27 individual performs such services in the first of such academic years or
28 terms and there is a reasonable assurance that such individual will
29 perform such services in the second of such academic years or terms,
30 except that if benefits are denied to any individual under this
31 [subdivision] subparagraph and such individual is not offered an
32 opportunity to perform such services for the educational institution for
33 the second of such academic years or terms, such individual shall be
34 entitled to a retroactive payment of benefits for each week for which the
35 individual filed a timely claim for benefits and for which benefits were
36 denied solely by reason of this [subdivision; (3)] subparagraph; (C) with
37 respect to weeks of unemployment beginning after March 31, 1984, for
38 services described in [subdivisions (1) and (2)] subparagraphs (A) and
39 (B) of this subdivision, benefits shall not be payable on the basis of such
40 services to any individual for any week which commences during an
41 established and customary vacation period or holiday recess if such
42 individual performs such services in the period immediately before
43 such vacation period or holiday recess and there is a reasonable
44 assurance that such individual will perform such services in the period
45 immediately following such vacation period or holiday recess; [(4)] and
46 (D) with respect to weeks of unemployment beginning after March 31,
47 1984, for services described in [subdivisions (1) and (2)] subparagraphs
48 (A) and (B) of this subdivision, benefits shall not be payable on the basis
49 of such services under the circumstances prescribed in [subdivisions (1),
50 (2) and (3)] subparagraphs (A) to (C), inclusive, of this subdivision to
51 any individual who performed such services in an educational
52 institution while in the employ of an educational service agency. For

53 purposes of this subdivision the term "educational service agency"
54 means a governmental agency or governmental entity which is
55 established and operated exclusively for the purpose of providing such
56 services to one or more educational institutions.

57 (2) The administrator shall, on a case-by-case basis, determine
58 whether an individual who performs services described in
59 subparagraph (A) of subdivision (1) of this subsection for an institution
60 of higher education in the state, as defined in section 3-22a, has
61 reasonable assurance that such individual will perform such services for
62 such institution in any such capacity in the second of two succeeding
63 academic years or terms pursuant to subparagraph (A) of subdivision
64 (1) of this subsection or in the period immediately following an
65 established or customary vacation period or holiday recess pursuant to
66 subparagraph (C) of subdivision (1) of this subsection. Such reasonable
67 assurance shall be established when:

68 (A) Such institution has made a written, oral or implied offer of
69 employment to such individual for either the second academic year or
70 term or for the period following an established or customary vacation
71 period or holiday recess;

72 (B) Such offer was made by an employee of such institution with
73 authority to make such offer;

74 (C) Such offer is for services in the same capacity as the services such
75 individual performed for such institution in the first academic year or
76 term or in the period before an established or customary vacation period
77 or holiday recess;

78 (D) The wages or salary in such offer are in an amount not less than
79 ninety per cent of the amount paid to such individual during the first
80 academic year or term or during the period before an established or
81 customary vacation period or holiday recess;

82 (E) Such offer is not contingent on factors within the control of such
83 institution of higher education, including, but not limited to, course

84 programming, allocation of available funding, program modifications
85 or facility availability; and

86 (F) Based on the totality of the circumstances, it is highly probable
87 that such individual will provide services for such institution in the
88 same capacity during the second academic year or term or during the
89 period following an established or customary vacation period or
90 holiday recess, including, but not limited to, availability of funding, past
91 enrollment levels, the individual's level of seniority and the nature of
92 the contingencies on the offer.

93 (3) Not later than ten days prior to the last day of an academic year
94 or term, each institution of higher education in the state shall submit to
95 the Labor Department, in the form and manner prescribed by the
96 administrator, the following:

97 (A) A list of individuals who performed services described in
98 subparagraph (A) of subdivision (1) of this subsection for the institution
99 who have not been given reasonable assurance that such individuals
100 will perform such services in the same capacity during the second
101 academic year or term or during the period following an established or
102 customary vacation period or holiday recess; and

103 (B) A list of individuals who performed services described in
104 subparagraph (A) of subdivision (1) of this subsection for the institution
105 who have been given reasonable assurance that such individuals will
106 perform such services in the same capacity during the second academic
107 year or term or during the period following an established or customary
108 vacation period or holiday recess. Such list shall include a description of
109 the manner in which such reasonable assurance was provided to each
110 individual listed, including, but not limited to, (i) whether an offer was
111 made in writing, orally or implied, (ii) the nature of any contingencies
112 in the offer, and (iii) the information communicated to the individual
113 about the offer. Such information may be considered by the
114 administrator in the administrator's determination of reasonable
115 assurance pursuant to subdivision (2) of this subsection, provided no

116 such information that is not accompanied by additional evidence shall
117 be conclusive evidence regarding the provision of reasonable assurance
118 in any case.

119 (4) Failure to submit the information required pursuant to
120 subdivision (3) of this subsection by an institution of higher education
121 in the state shall create a rebuttable presumption that no reasonable
122 assurance was provided to an individual that such individual would
123 perform the services described in subparagraph (A) of subdivision (1)
124 of this subsection during the second academic year or term or during
125 the period following an established or customary vacation period or
126 holiday recess.

127 (5) If an institution of higher education in the state gives an individual
128 reasonable assurance that is not honored in the subsequent academic
129 term, unemployment compensation shall be retroactive to the date of
130 such institution's attestation of reasonable assurance or the date that
131 attestation of assurance is required.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	31-227(d)

Statement of Purpose:

To require the Labor Commissioner to determine, for purposes of unemployment benefits, whether an individual who performs instructional, research or principal administrative duties at an institution of higher education has reasonable assurance that such individual will perform services in any such capacity for the succeeding academic year or term.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]