

1 H.235

2 Introduced by Representative Casey of Montpelier

3 Referred to Committee on

4 Date:

5 Subject: Labor; unemployment compensation; eligibility; employment; partial
6 unemployment benefits

7 Statement of purpose of bill as introduced: This bill proposes to provide that
8 wages earned for work that would not qualify an individual to receive
9 unemployment insurance benefits shall not be counted when determining an
10 individual's weekly unemployment insurance benefit amount, and to make
11 individuals who work for an educational institution in any capacity other than
12 an instructional, research, or principal administrative capacity eligible for
13 unemployment insurance between academic terms.

14 An act relating to unemployment insurance eligibility and benefits

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 21 V.S.A. § 1338a is amended to read:

17 § 1338a. DISREGARDED EARNINGS

18 (a) An individual shall be deemed “partially unemployed” in any week of
19 less than full-time work if the wages earned by the individual with respect to
20 ~~such~~ the week are less than the weekly benefit amount the individual would be

1 entitled to receive if totally unemployed and eligible. ~~As used in~~ For purposes
2 of this section, “wages” in any one week includes only that amount of
3 remuneration earned by the individual in employment, rounded to the nearest
4 dollar that is in excess of 50 percent of the individual’s weekly ~~wage~~ wages in
5 employment.

6 * * *

7 Sec. 2. 21 V.S.A. § 1343 is amended to read:

8 § 1343. CONDITIONS

9 * * *

10 (c) Benefits are payable on the basis of service in employment as defined in
11 subdivisions 1301(6)(A)(ix) and (x) of this subchapter, in the same amount, on
12 the same terms, and subject to the same conditions as benefits payable on the
13 basis of other service subject to this chapter, except that:

14 (1) With respect to services performed in an instructional, research, or
15 principal administrative capacity for an educational institution, benefits shall
16 not be payable on the basis of ~~such~~ the services for any week of unemployment
17 commencing during the period between two successive academic years or
18 terms (or, when an agreement provides instead for a similar period between
19 two regular but not successive terms, during such period) or during a period of
20 paid sabbatical leave provided for in the individual’s contract, to any
21 individual if the individual performs ~~such~~ the services in the first of the

1 academic years or terms and if there is a contract or reasonable assurance that
2 the individual will perform services in any such capacity for any educational
3 institution in the second of the academic years or terms.

4 ~~(2) With respect to services performed in any other capacity for an~~
5 ~~educational institution, benefits shall not be payable on the basis of such~~
6 ~~services to any individual for any week of unemployment that commences~~
7 ~~during a period between two successive academic years or terms if the~~
8 ~~individual performs such services in the first of the academic years or terms~~
9 ~~and there is a reasonable assurance that the individual will perform such~~
10 ~~services for any educational institution in the second of the academic years or~~
11 ~~terms, except that if benefits are denied to any individual under this~~
12 ~~subdivision and the individual was not offered an opportunity to perform such~~
13 ~~services for the educational institution for the second of the academic years or~~
14 ~~terms, the individual shall be entitled to a retroactive payment of the benefits~~
15 ~~for each week for which the individual filed a timely claim for benefits and for~~
16 ~~which benefits were denied solely by reason of this subdivision. [Repealed.]~~

17 (3) With respect to any services described in subdivision (1) ~~or (2)~~ of
18 this subsection, benefits shall not be payable on the basis of services in any
19 such capacities to any individual for any week that commences during an
20 established and customary vacation period or holiday recess if the individual
21 performs ~~such~~ the services in the period immediately before the vacation

1 period or holiday recess, and there is a reasonable assurance that the individual
2 will perform ~~such~~ the services in the period immediately following the
3 vacation period or holiday recess.

4 (4) With respect to any services described in subdivision (1) ~~or (2)~~ of
5 this subsection, benefits shall not be payable on the basis of services in any
6 such capacities as specified in subdivisions (1), ~~(2)~~, and (3) of this subsection
7 to any individual who performed ~~such~~ the services in an educational institution
8 while in the employ of an educational service agency. As used in this
9 subdivision, the term “educational service agency” means a governmental
10 agency or governmental entity that is established and operated exclusively for
11 the purpose of providing such services to one or more educational institutions.

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13 Sec. 3. EFFECTIVE DATE

14 This act shall take effect on passage.