



General Assembly

February Session, 2022

Substitute Bill No. 315



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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2022*):

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 that
19 such individual will perform services in any such capacity for any
20 educational institution in the second of such academic years or terms

21 pursuant to the provisions of subdivisions (2) and (3) of this subsection;
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 and such individual is not offered an opportunity to
32 perform such services for the educational institution for the second of
33 such academic years or terms, such individual shall be entitled to a
34 retroactive payment of benefits for each week for which the individual
35 filed a timely claim for benefits and for which benefits were denied
36 solely by reason of this subdivision; ~~[(3)] (C)~~ with respect to weeks of
37 unemployment beginning after March 31, 1984, for services described in
38 [subdivisions (1) and (2)] subparagraphs (A) and (B) of this subdivision,
39 benefits shall not be payable on the basis of such services to any
40 individual for any week which commences during an established and
41 customary vacation period or holiday recess if such individual performs
42 such services in the period immediately before such vacation period or
43 holiday recess and there is a reasonable assurance that such individual
44 will perform such services in the period immediately following such
45 vacation period or holiday recess; ~~[(4)] and (D)~~ with respect to weeks of
46 unemployment beginning after March 31, 1984, for services described in
47 [subdivisions (1) and (2)] subparagraphs (A) and (B) of this subdivision,
48 benefits shall not be payable on the basis of such services under the
49 circumstances prescribed in ~~[subdivisions (1), (2) and (3)]~~
50 subparagraphs (A) to (C), inclusive, of this subdivision to any individual
51 who performed such services in an educational institution while in the
52 employ of an educational service agency. For purposes of this
53 subdivision the term "educational service agency" means a
54 governmental agency or governmental entity which is established and
55 operated exclusively for the purpose of providing such services to one

56 or more educational institutions.

57 (2) With respect to the services performed by an individual in an
58 instructional, research or principal administrative capacity, as set forth
59 in subparagraph (A) of subdivision (1) of this subsection, for an
60 institution of higher education in the state, as defined in section 3-22a,
61 the administrator, as defined in subsection (c) of section 31-222, shall
62 determine whether such individual has reasonable assurance of
63 performing such services in the second of two succeeding academic
64 years or terms pursuant to the circumstances described in subparagraph
65 (A) of subdivision (1) of this subsection or in the period immediately
66 following a customary vacation period or holiday recess pursuant to the
67 circumstances described in subparagraph (C) of subdivision (1) of this
68 subsection on a case-by-case basis. Reasonable assurance shall be
69 established when (A) the institution of higher education has made an
70 offer of employment to such individual for the second academic year or
71 term or for the period following a customary vacation period or holiday
72 recess, whether such offer is written, oral or implied, (B) such offer was
73 made by an employee of the institution of higher education with
74 authority to make such offer, (C) such offer is for services in the same
75 capacity as the services the individual provided in the first academic
76 year or term or in the period before a customary vacation period or
77 holiday recess, (D) the salary or wages in the offer of employment are in
78 an amount not less than ninety per cent of the amount paid to such
79 individual during the first academic year or term or during the period
80 before a customary vacation period or holiday recess, (E) such offer is
81 not contingent on factors within the control of the institution of higher
82 education, including, but not limited to, course programming,
83 allocation of available funding, program modifications or facility
84 availability, and (F) it is highly probable that such individual will
85 provide services in the same capacity during the second academic year
86 or term or during the period following a customary vacation period or
87 holiday recess based on the totality of circumstances of the case,
88 including, but not limited to, availability of funding, past enrollment
89 levels, the individual's level of seniority and the nature of the

90 contingencies on the offer.

91 (3) Not later than ten days before the last day of an academic year or
92 term, each institution of higher education in the state shall submit to the
93 Labor Department, in the form and manner prescribed by the
94 administrator, (A) a list of individuals who performed services in an
95 instructional, research or principal administrative capacity, as set forth
96 in subparagraph (A) of subdivision (1) of this subsection, for such
97 institution and who do not have a reasonable assurance of providing
98 such services in the same capacity during the second academic year or
99 term or during the period following a customary vacation period or
100 holiday recess, including such individual's name and Social Security
101 number, and (B) a list of individuals who performed such services
102 described in subparagraph (A) of subdivision (1) of this subsection for
103 such institution and who have a reasonable assurance of providing such
104 services in the same capacity during the second academic year or term
105 or during the period following a customary vacation period or holiday
106 recess. The list described in subparagraph (B) of this subdivision shall
107 include with it a description of the manner in which reasonable
108 assurance was provided to each individual, including, but not limited
109 to, (i) whether an offer was made in writing, orally or implied, (ii) the
110 nature of any contingencies in the offer, and (iii) the information
111 communicated to the individual about the offer. Such information may
112 be considered by the administrator, but shall not, on its own,
113 demonstrate conclusive evidence regarding reasonable assurance in any
114 case. The administrator shall consider the failure of any institution to
115 submit such information as establishing a rebuttable presumption of the
116 lack of reasonable assurance to an individual of performing the services
117 described in subparagraph (A) of subdivision (1) of this subsection
118 during the second academic year or term or during the period following
119 a customary vacation period or holiday recess. In the event an
120 institution gives an individual reasonable assurance that is not honored
121 in the subsequent academic term, unemployment benefits shall be
122 retroactive to the date of the institution's attestation of reasonable
123 assurance or the date that attestation of assurance is required.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	31-227(d)

Statement of Legislative Commissioners:

In Section 1(d)(3), "shall include with a description" was changed to "shall include with it a description" for clarity.

LAB *Joint Favorable Subst. -LCO*