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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY
BENEFITS

Introduced By: Senators Gallo, and Miller

Date Introduced: March 10, 2011

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-44-68 of the General Laws in Chapter 28-44 entitled
2 "Employment Security - Benefits" is hereby amended to read as follows:

3 **28-44-68. Benefit payments for services with nonprofit organizations and**
4 **educational institutions and governmental entities.** -- Benefits based on service in employment
5 for nonprofit organizations and educational institutions and governmental entities covered by
6 chapters 42 -- 44 of this title shall be payable in the same amounts on the same terms and subject
7 to the same conditions as benefits payable on the basis of other services subject to chapters 42 --
8 44 of this title, except that:

9 (1) With respect to services performed after December 31, 1977, in an instructional,
10 research, or principal administrative capacity for an educational institution (including elementary
11 and secondary schools and institutions of higher education) benefits shall not be paid based on
12 those services for any week of unemployment commencing during the period between two (2)
13 successive academic years or during a similar period between two (2) regular but not successive
14 terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any
15 individual if that individual performs those services in the first of such academic years (or terms)
16 and if there is a contract or a reasonable assurance that such individual will perform services in
17 any such capacity for any educational institution in the second of those academic years or terms.
18 Section 28-44-63 shall apply with respect to those services prior to January 1, 1978.

1 (2) With respect to services in any other capacity for an educational institution, including
2 elementary and secondary schools and institutions of higher education, compensation payable for
3 weeks of unemployment beginning on or after April 1, 1984, on the basis of the services shall be
4 denied to any individual for any week which commences during a period between two (2)
5 successive academic years or terms if that individual performs those services in the first of those
6 academic years or terms and there is a reasonable assurance that the individual will perform those
7 services in the second of those academic years or terms, except that if compensation is denied to
8 any individual for any week under this subdivision and the individual was not offered an
9 opportunity to perform the services for the educational institution for the second of the academic
10 years or terms, the individual shall be entitled to a retroactive payment of the compensation for
11 each week for which the individual filed a timely claim for compensation and for which
12 compensation was denied solely by reason of this subdivision.

13 (3) With respect to any services described in subdivisions (1) and (2) of this section,
14 compensation payable for weeks of unemployment beginning on or after April 1, 1984, on the
15 basis of those services shall be denied to any individual for any week which commences during
16 an established and customary vacation period or holiday recess if that individual performs those
17 services in the period immediately before that vacation period or holiday recess, and there is a
18 reasonable assurance that the individual will perform those services in the period immediately
19 following that vacation period or holiday recess, except that if compensation is denied to any
20 individual for any week under this subdivision and the individual was not offered an opportunity
21 to perform the services for the educational institution for the second (2nd) of the academic years or
22 terms, the individual shall be entitled to a retroactive payment of the compensation for each week
23 for which the individual filed a timely claim for compensation and for which compensation was
24 denied solely by reason of this subdivision.

25 (4) With respect to any services described in subdivisions (1) and (2) of this section,
26 compensation payable for weeks of unemployment beginning on or after April 1, 1984, on the
27 basis of services in that capacity shall be denied as specified in subdivisions (2) or (3) of this
28 section to any individual who performed those services in an educational institution while in the
29 employ of an educational service agency, and for this purpose the term "educational service
30 agency" means a governmental agency or governmental entity which is established and operated
31 exclusively for the purpose of providing those services to one or more educational institutions.

32 (a) "Reasonable assurance" means ~~a~~ an oral or written agreement by the employer that
33 the employee will perform services in the same or similar capacity during the ensuing academic
34 year, term or remainder of a term. Further, reasonable assurance would not exist if the economic

1 terms and conditions of the position offered in the ensuing academic period are substantially less
2 than the terms and conditions of the position in the first period.

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would enable school employees, that are not offered the opportunity to return to
2 perform services for an educational institution, immediately after an established and customary
3 vacation period or holiday to receive unemployment benefits. For the purpose of unemployment
4 compensation eligibility, it would allow educational employees to orally enter agreements with
5 employers promising their hire.

6 This act would take effect upon passage.

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