



General Assembly

February Session, 2022

Raised Bill No. 5030

LCO No. 349



Referred to Committee on HIGHER EDUCATION AND
EMPLOYMENT ADVANCEMENT

Introduced by:
(HED)

***AN ACT CONCERNING UNEMPLOYMENT BENEFITS FOR ADJUNCT
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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*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] that commences during an established
41 and customary vacation period or holiday recess if such individual
42 performs such services in the period immediately before such vacation
43 period or holiday recess and there is a reasonable assurance that such
44 individual will perform such services in the period immediately
45 following such vacation period or holiday recess; [(4)] (D) with respect
46 to weeks of unemployment beginning after March 31, 1984, for services
47 described in [subdivisions (1) and (2)] subparagraphs (A) and (B) of this
48 subdivision, benefits shall not be payable on the basis of such services
49 under the 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] that is established
55 and operated exclusively for the purpose of providing such services to
56 one or more educational institutions.

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

84 will provide services in the same capacity during the second academic
85 year or term or during the period following a customary vacation period
86 or holiday recess based on the totality of circumstances of the case,
87 including, but not limited to, availability of funding, past enrollment
88 levels, the individual's level of seniority and the nature of the
89 contingencies on the offer.

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

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2022</i>	31-227(d)
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Statement of Purpose:

To require the Labor Department to consider specific circumstances when determining whether an individual who performs instructional, research or principal administrative duties at an institution of higher education is eligible to receive unemployment compensation.

[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.]