



General Assembly

February Session, 2022

***Raised Bill No. 315***

LCO No. 2564



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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*  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 wages or salary 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 a description of the manner in which reasonable assurance  
108 was provided to each individual, including, but not limited to, (i)  
109 whether an offer was made in writing, orally or implied, (ii) the nature  
110 of any contingencies in the offer, and (iii) the information communicated  
111 to the individual about the offer. Such information may be considered  
112 by the administrator, but shall not, on its own, demonstrate conclusive  
113 evidence regarding reasonable assurance in any case. The administrator  
114 shall consider the failure of any institution to submit such information  
115 as establishing a rebuttable presumption of the lack of reasonable  
116 assurance to an individual of performing the services described in  
117 subparagraph (A) of subdivision (1) of this subsection during the second  
118 academic year or term or during the period following a customary

119 vacation period or holiday recess. In the event an institution gives an  
120 individual reasonable assurance that is not honored in the subsequent  
121 academic term, unemployment benefits shall be retroactive to the date  
122 of the institution's attestation of reasonable assurance or the date that  
123 attestation of assurance is required.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2022	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.]*