
OLR Bill Analysis

sHB 5030

AN ACT CONCERNING UNEMPLOYMENT BENEFITS FOR ADJUNCT FACULTY.

SUMMARY

By law, Connecticut higher education institutions' instructional, research, or principal administrative employees are ineligible to receive unemployment benefits for weeks of unemployment (1) between two successive academic years; (2) between two regular terms, regardless of whether they are successive; or (3) during a customary vacation period or holiday recess, if they are likely to be rehired. The labor commissioner makes this ineligibility determination based on whether the employee has a contract or a "reasonable assurance" that he or she will work in any capacity for an educational institution in the subsequent academic year or term or period following the vacation or holiday recess (i.e., "once courses resume").

This bill requires the commissioner to determine on a case-by-case basis whether there is reasonable assurance for these higher education employees' rehiring. It establishes multiple factors that must collectively be present for the commissioner to find that reasonable assurance exists.

Lastly, the bill creates new reporting duties for higher education institutions, requiring them to submit two employee lists to the Department of Labor (DOL) at the end of an academic year or term to help inform the commissioner's reasonable assurance findings.

EFFECTIVE DATE: July 1, 2022

REASONABLE ASSURANCE DETERMINATION

Under the bill, the labor commissioner must determine that several factors are present when finding that a higher education employee has reasonable assurance to be rehired and is ineligible to receive unemployment benefits. These factors are as follows:

1. the higher education institution has made a written, oral, or implied offer to employ the person once courses resume;
2. the offer was made by an employee of the institution who is authorized to make it;
3. the offer is for the same type of services that the person provided and for wages or a salary that equals at least 90% of the amount paid to the person, in the aggregate, by each institution for which he or she worked in the first academic year or term or in the period before the customary vacation or holiday recess;
4. the offer is not contingent on factors within the institution's control, including course programming, available funding allocation, program modifications, or facility availability; and
5. it is highly probable that the person will provide services in the same capacity once course resume, based on the totality of the circumstances, including funding availability, past enrollment levels, the person's seniority level, and the nature of the contingencies on the offer.

HIGHER EDUCATION EMPLOYEE LISTS

Under the bill, Connecticut higher education institutions must submit two employee lists to DOL at least 10 days before the last day of an academic year or term. The first list must contain the names and social security numbers of people who (1) served in an instructional, research, or principal administrative capacity for the institution and (2) do not have reasonable assurance of providing the same services in the same capacity once courses resume.

The second list must contain employees who performed the same services and have reasonable assurance of providing these services in the same capacity once courses resume. However, the second list must also describe how the institution provided reasonable assurance to these employees, including (1) whether an offer was made in writing, orally, or implied; (2) the nature of any offer contingencies; and (3) the information about the offer communicated to the employee.

The bill allows the labor commissioner to consider these two lists when making reasonable assurance determinations, but the lists cannot be the sole, conclusive evidence of reasonable assurance, or lack thereof, in any case. It also requires the commissioner to consider an institution's failure to submit this information as establishing a rebuttable presumption of the lack of reasonable assurance of an employee's rehiring.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 15 Nay 8 (03/03/2022)