



General Assembly

Substitute Bill No. 6791

January Session, 2023



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2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2023*):

4 (d) (1) Benefits based on service in employment defined in
5 [subdivisions (1) (C) and (D)] subparagraphs (C) and (D) of
6 subdivision (1) of subsection (a) of section 31-222 shall be payable in
7 the same amount, on the same terms and subject to the same
8 conditions as compensation payable on the basis of other service
9 subject to this chapter; except that [(1)] (A) with respect to weeks of
10 unemployment beginning after December 31, 1977, benefits shall not
11 be paid based on service performed in an instructional, research or
12 principal administrative capacity for an educational institution for any
13 week of unemployment commencing during the period between two
14 successive academic years, or during a similar period between two
15 regular terms, whether or not successive, or during a period of paid
16 sabbatical leave provided for in the individual's contract, to any
17 individual if such individual performs such services in the first of such
18 academic years [(or terms)] or terms and [if] there is a contract or a
19 reasonable assurance, subject to the provisions of subdivisions (2) and

20 (3) of this subsection, that such individual will perform services in any
21 such capacity for any educational institution in the second of such
22 academic years or terms; [(2)] (B) with respect to weeks of
23 unemployment beginning after October 29, 1983, for service performed
24 in any other capacity for an educational institution, benefits shall not
25 be paid on the basis of such services to any individual for any week
26 which commences during a period between two successive academic
27 years or terms if such individual performs such services in the first of
28 such academic years or terms and there is a reasonable assurance that
29 such individual will perform such services in the second of such
30 academic years or terms, except that if benefits are denied to any
31 individual under this [subdivision] subparagraph and such individual
32 is not offered an opportunity to perform such services for the
33 educational institution for the second of such academic years or terms,
34 such individual shall be entitled to a retroactive payment of benefits
35 for each week for which the individual filed a timely claim for benefits
36 and for which benefits were denied solely by reason of this
37 [subdivision; (3)] subparagraph; (C) with respect to weeks of
38 unemployment beginning after March 31, 1984, for services described
39 in [subdivisions (1) and (2)] subparagraphs (A) and (B) of this
40 subdivision, benefits shall not be payable on the basis of such services
41 to any individual for any week which commences during an
42 established and customary vacation period or holiday recess if such
43 individual performs such services in the period immediately before
44 such vacation period or holiday recess and there is a reasonable
45 assurance that such individual will perform such services in the period
46 immediately following such vacation period or holiday recess; [(4)]
47 and (D) with respect to weeks of unemployment beginning after
48 March 31, 1984, for services described in [subdivisions (1) and (2)]
49 subparagraphs (A) and (B) of this subdivision, benefits shall not be
50 payable on the basis of such services under the circumstances
51 prescribed in [subdivisions (1), (2) and (3)] subparagraphs (A) to (C),
52 inclusive, of this subdivision to any individual who performed such
53 services in an educational institution while in the employ of an
54 educational service agency. For purposes of this subdivision the term

55 "educational service agency" means a governmental agency or
56 governmental entity which is established and operated exclusively for
57 the purpose of providing such services to one or more educational
58 institutions.

59 (2) The administrator shall, on a case-by-case basis, determine
60 whether an individual who performs services described in
61 subparagraph (A) of subdivision (1) of this subsection for an institution
62 of higher education in the state, as defined in section 3-22a, has
63 reasonable assurance that such individual will perform such services
64 for such institution in any such capacity in the second of two
65 succeeding academic years or terms pursuant to subparagraph (A) of
66 subdivision (1) of this subsection or in the period immediately
67 following an established or customary vacation period or holiday
68 recess pursuant to subparagraph (C) of subdivision (1) of this
69 subsection. Such reasonable assurance shall be established when:

70 (A) Such institution has made a written, oral or implied offer of
71 employment to such individual for either the second academic year or
72 term or for the period following an established or customary vacation
73 period or holiday recess;

74 (B) Such offer was made by an employee of such institution with
75 authority to make such offer;

76 (C) Such offer is for services in the same capacity as the services
77 such individual performed for such institution in the first academic
78 year or term or in the period before an established or customary
79 vacation period or holiday recess;

80 (D) The wages or salary in such offer are in an amount not less than
81 ninety per cent of the amount paid to such individual during the first
82 academic year or term or during the period before an established or
83 customary vacation period or holiday recess;

84 (E) Such offer is not contingent on factors within the control of such
85 institution of higher education, including, but not limited to, course

86 programming, allocation of available funding, program modifications
87 or facility availability; and

88 (F) Based on the totality of the circumstances, it is highly probable
89 that such individual will provide services for such institution in the
90 same capacity during the second academic year or term or during the
91 period following an established or customary vacation period or
92 holiday recess, including, but not limited to, availability of funding,
93 past enrollment levels, the individual's level of seniority and the nature
94 of the contingencies on the offer.

95 (3) Not later than ten days prior to the last day of an academic year
96 or term, each institution of higher education in the state shall submit to
97 the Labor Department, in the form and manner prescribed by the
98 administrator, the following:

99 (A) A list of individuals who performed services described in
100 subparagraph (A) of subdivision (1) of this subsection for the
101 institution who have not been given reasonable assurance that such
102 individuals will perform such services in the same capacity during the
103 second academic year or term or during the period following an
104 established or customary vacation period or holiday recess; and

105 (B) A list of individuals who performed services described in
106 subparagraph (A) of subdivision (1) of this subsection for the
107 institution who have been given reasonable assurance that such
108 individuals will perform such services in the same capacity during the
109 second academic year or term or during the period following an
110 established or customary vacation period or holiday recess. Such list
111 shall include a description of the manner in which such reasonable
112 assurance was provided to each individual listed, including, but not
113 limited to, (i) whether an offer was made in writing, orally or implied,
114 (ii) the nature of any contingencies in the offer, and (iii) the
115 information communicated to the individual about the offer. Such
116 information may be considered by the administrator in the
117 administrator's determination of reasonable assurance pursuant to

118 subdivision (2) of this subsection, provided no such information that is
119 not accompanied by additional evidence shall be conclusive evidence
120 regarding the provision of reasonable assurance in any case.

121 (4) If an institution of higher education in the state gives an
122 individual reasonable assurance that is not honored in the subsequent
123 academic term, unemployment compensation shall be retroactive to
124 the date of such institution's attestation of reasonable assurance or the
125 date that attestation of assurance is required if such individual is
126 otherwise eligible for unemployment compensation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	31-227(d)

LAB *Joint Favorable Subst.*