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April 10, 2017

ENGROSSED HOUSE
BILL NO. 1621

By: Rogers of the House

and

Stanislawski of the Senate

An Act relating to labor; adding certain definitions; providing that benefits of education service contractor shall be payable in same amount, terms and conditions of other service subject to certain act; providing certain exceptions; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-209.1 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. As used in this section only:

1. "Educational service contractor" means a private business entity that has contracted with one or more educational institutions to provide workers on-site or on-campus that are assigned to accomplish tasks deemed necessary by the educational institution; and

2. "Educational institution" means a school, school system, college or university providing elementary, secondary,

1 career/technology or higher education and which is operated by an
2 entity as defined in paragraphs (3) or (4) of Section 1-210 of Title
3 40 of the Oklahoma Statutes.

4 B. Benefits based on service in employment of an educational
5 service contractor shall be payable in the same amount, on the same
6 terms and subject to the same conditions as benefits payable on the
7 basis of other service subject to the Employment Security Act of
8 1980, except that:

9 1. With respect to service performed in an instructional,
10 research or principal administrative capacity for an educational
11 institution, benefits shall not be paid based on services for any
12 week of unemployment commencing during the period between two (2)
13 successive academic years, during a similar period between two
14 regular but not successive terms or during a period of paid
15 sabbatical leave provided for in the individual's contract, to any
16 individual if the individual performs services in the first academic
17 year or term and if there is a contract or a reasonable assurance
18 that the individual will perform services in any capacity for any
19 educational institution in the second academic year or term; and

20 2. With respect to services performed in any other capacity for
21 an educational institution, benefits shall not be paid on the basis
22 of services to any individual for any week which commences during a
23 period between two (2) successive academic years or terms if the
24 individual performs services in the first academic year or term and

1 there is a reasonable assurance that the individual will perform
2 services in the second academic year or term, except that if
3 compensation is denied to any individual under this paragraph and
4 the individual was not offered an opportunity to perform services
5 for the educational institution for the second academic year or
6 term, the individual shall be entitled to a retroactive payment of
7 compensation for each week for which the individual filed a timely
8 claim for compensation and for which compensation was denied solely
9 by reason of this clause.

10 SECTION 2. This act shall become effective November 1, 2017.

11 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
12 April 10, 2017 - DO PASS
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