

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules
accompanies this form

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ARCHIVES DIVISION
SECRETARY OF STATE

Employment Department

Agency and Division

471

Administrative Rules Chapter Number

Align definition of "Reasonable Assurance" with federal guidance

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amending OAR 471-030-0075

Statutory Authority:

ORS 657.610

Other Authority:

Statutes Implemented:

ORS 657.167 and 657.221

Need for the Temporary Rule(s):

The temporary rule is needed to align Oregon's definition of the term "Reasonable Assurance" with recent federal guidance from the U.S. Department of Labor (U.S. DOL). The Employment Department uses the definition of the term in determining eligibility for unemployment insurance benefits for employees of educational institutions.

On December 22, 2016, the U.S. DOL issued Unemployment Insurance Program Letter (UIPL) 5-17. The letter specifies that if "the reason a claimant quit constitutes good cause under state law, then the claimant does not have a reasonable assurance of employment in the next academic year or term, or portion thereof." Oregon Administrative Rule 471-030-0075(4) currently indicates the opposite, that voluntarily quitting for good cause does not end reasonable assurance.

This temporary rule may affect employees of educational institutions who OED determines voluntarily quit with good cause and their employers.

Documents Relied Upon, and where they are available:

UIPL 5-17. A copy of the letter is available at:

http://wdr.doleta.gov/directives/attach/UIPL/UIPL_5-17_acc.pdf

Oregon Revised Statutes, available online at www.oregonlegislature.gov or from the agency; and Oregon Administrative Rules, available online at sos.oregon.gov/archives/Pages/oregon_administrative_rules.aspx or from the agency.

Justification of Temporary Rule(s):

The Employment Department must ensure that Oregon unemployment insurance (UI) law is in conformity with federal UI law. While the guidance in Unemployment Insurance Program Letter 5-17 offered by the U.S. DOL may require other changes to ensure conformity, OED is pursuing a temporary rule at this time to ensure individuals who may qualify for UI benefits under the new definition can take advantage of the change prior to any upcoming break or school recess period. OED intends to promulgate this rule permanently within the next 180 days along with any other amendments to rule the department must promulgate in order to be consistent with federal UI law.

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