

Rule Caption: Reasonable Assurance Defined

Purpose: The Oregon Employment Department is filing a temporary rule to align the definition of the term "Reasonable Assurance" with federal guidance.

Please note: **Boldfaced type** in an amended section is new language; *[italic and bracketed]* is existing rule language to be omitted.

471-030-0075

"Reasonable Assurance" Defined

(1) With respect to the application of ORS 657.167 and 657.221, "reasonable assurance" means a written contract, written notification or any agreement, express or implied, that the employee will perform services immediately following the academic year, term, vacation period or holiday recess which is in the same or similar capacity unless the economic terms and conditions of the employment in the second year or period are substantially less than the employment in the first year or period. A finding of reasonable assurance may be based on the totality of circumstances.

(2) As used in this rule, "substantially less" means:

- (a) The gross weekly wage offered is less than 90% of the gross weekly wage earned in the prior academic year or term which preceded the weeks of unemployment or,
- (b) The average number of hours the individual will be working is less than 90% of the average number of hours worked in the prior academic year or term, which preceded the weeks of unemployment;
- (c) For the purpose of this section, employer paid benefits are not to be considered.

(3) With respect to (1) of this rule, "same or similar capacity" refers to the type of services provided: i.e., a "professional" capacity as provided by ORS 657.167 or a "nonprofessional" capacity as provided by 657.221.

(4) **An individual who voluntarily quits work for good cause, as defined under OAR 471-030-0038, does not have [R]reasonable assurance with the employer from whom the person quit** *[cannot be ended or abated by any unilateral action of the individual. A decision to quit work, even for good cause, and even if the employer accepts the resignation, does not end or abate reasonable assurance].*

Stat. Auth.: ORS 657

Stats. Implemented: ORS 657.167 & 657.221

Hist.: 1DE 150, f. & ef. 2-9-76; 1DE 152, f. 9-28-77, ef. 10-4-77; 1DE 1-1984, f. & ef. 3-21-84; 1DE 3-1985, f. & ef. 12-16-85; ED 4-2004, f. 7-30-04, cert. ef. 8-1-04; ED 13-2006(Temp), f. 12-1-06, cert. ef. 12-3-06 thru 6-1-07; ED 1-2007, f. & cert. ef. 1-29-07

Rule Text: OAR 471-030-0075

Links:

Rules listing:

<http://www.oregon.gov/EMPLOY/Agency/Pages/OED%20Administrative%20Rules.asp>

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