



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 471

EMPLOYMENT DEPARTMENT

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Conformity of Administrative Rules to address passage of SB 496

EFFECTIVE DATE: 04/20/2022

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CONTACT: Anne Friend
503-947-1471
anne.friend@employ.oregon.gov

875 Union Street NE
Director's Office
Salem, OR 97311

Filed By:
Anne Friend
Rules Coordinator

AMEND: 471-030-0074

RULE TITLE: School Employees

NOTICE FILED DATE: 01/25/2022

RULE SUMMARY: As it is currently written, OAR 471-030-0074 clarifies that employees of educational institutions who are employed in the operation or maintenance of facilities, or janitorial services are exempt from the between and within term denial provisions provided in ORS 657.221 provided the work was performed for an educational institution. SB 496 added additional services to ORS 657.221 (5) that are exempt from the denial provisions. To reflect the changes to ORS 657.221 (5), OAR 471-030-0074 (3) needs to be updated to read: "The provisions of 657.221 (5) shall apply when the individual performs the majority of their job duties in the occupation while working in the industry classified as educational services." This will allow future exemptions to be added to ORS 657.221 (5) without the need for additional rulemaking.

RULE TEXT:

- (1) The effective date of this rule shall apply retroactively to September 1, 2021.
- (2) An "academic year" is the time frame within 12 months and separated by break periods in which an educational institution, program(s) within an educational institution, or location(s) of an educational institution ordinarily operates to provide courses of study.
- (3) The provisions of 657.221 (5) shall apply when the individual performs the majority of their job duties in the occupation while working in the industry classified as educational services.
- (4) ORS 657.167 and 657.221 apply when the individual claiming benefits was not unemployed, as defined by ORS 657.100, during the relevant period in the preceding academic year or term. The relevant period is:
 - (a) The week prior to the holiday or vacation period when the week(s) claimed commenced during a holiday or vacation period.
 - (b) The prior academic year or term when the week(s) claimed commenced during a customary recess period between academic terms or years, unless there is a specific agreement providing for services between regular, but not successive terms.
 - (c) The last academic year or term when the week(s) claimed commenced during a recess between non-consecutive academic terms or years when there is a specific agreement providing for services between regular, but not successive

terms.

(5) The provisions of ORS 657.167 and 657.221 apply regardless of whether or not the individual performed services only during an academic year or in a year-round position.

(6) When an individual performs services for more than one educational institution, any wages earned by the individual working for an institution for which there is a contract or reasonable assurance are excluded from the determination of the individual's weekly and maximum benefit amount during the period between academic year, term or remainder of a term.

(7) In accordance with ORS 657.660, each educational institution shall provide the Employment Department, annually, the time frames for their break, vacation, or holiday periods. Failure to do so will result in a determination based on the shortest established time frames for similar institutions.

STATUTORY/OTHER AUTHORITY: ORS 657.610, 657.100(3)

STATUTES/OTHER IMPLEMENTED: 657.100(3), ORS 657.221, 657.167