1	H.746
2	Introduced by Representative LaBounty of Lyndon
3	Referred to Committee on
4	Date:
5	Subject: Labor; unemployment compensation; eligibility; employment; partial
6	unemployment benefits
7	Statement of purpose of bill as introduced: This bill proposes to provide that
8	wages earned for work that would not qualify an individual to receive
9	unemployment insurance benefits shall not be counted when determining an
10	individual's weekly unemployment insurance benefit amount, and to make
11	individuals who work for an educational institution in any capacity other than
12	an instructional, research, or principal administrative capacity eligible for
13	unemployment insurance benefits between academic terms.
14	An act relating to unemployment insurance eligibility and benefits
15	It is hereby enacted by the General Assembly of the State of Vermont:
16	Sec. 1. 21 V.S.A. § 1301 is amended to read:
17	§ 1301. DEFINITIONS
18	As used in this chapter:
19	* * *
20	(9) "Total and partial unemployment."

employment.

19

20

1	(A) An individual shall be deemed "totally unemployed" in any week
2	during which the individual performs no services and with respect to which no
3	wages are earned by him or her the individual.
4	(B) An individual shall be deemed "partially unemployed" in any
5	week of less than full-time work if the wages earned in employment by him or
6	her the individual with respect to such the week are less than the weekly
7	benefit amount he or she the individual would be entitled to receive if totally
8	unemployed and eligible.
9	* * *
10	Sec. 2. 21 V.S.A. § 1338a is amended to read:
11	§ 1338a. DISREGARDED EARNINGS
12	(a) An individual shall be deemed "partially unemployed" in any week of
13	less than full-time work if the wages earned by the individual with respect to
14	such the week are less than the weekly benefit amount the individual would be
15	entitled to receive if totally unemployed and eligible. As used in For purposes
16	of this section, "wages" in any one week includes only that amount of
17	remuneration earned by the individual in employment, rounded to the nearest
18	dollar, that is in excess of 50 percent of the individual's weekly wage wages in

* * *

1 Sec. 3. 21 V.S.A. § 1343 is amended to read:

§ 1343. CONDITIONS

3 ***

- (c) After March 31, 1984 benefits Benefits are payable on the basis of service in employment as defined in subdivisions 1301(6)(A)(ix) and (x) of this title, in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter, except that:
- (1) With respect to services performed in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be payable on the basis of such the services for any week of unemployment commencing during the period between two successive academic years or terms (or, when an agreement provides instead for a similar period between two regular but not successive terms, during such period) or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such the individual performs such the services in the first of such the academic years or terms and if there is a contract or reasonable assurance that such the individual will perform services in any such capacity for any educational institution in the second of such the academic years or terms.
- (2) With respect to services performed in any other capacity for an educational institution benefits shall not be payable on the basis of such

services to any individual for any week of unemployment that commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services for any educational institution in the second of such academic years or terms, except that if benefits are denied to any individual under this subdivision and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of the benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subdivision.

[Repealed.]

(3) With respect to any services described in subdivision (1) or (2) of this subsection, benefits shall not be payable on the basis of services in any such capacities to any individual for any week that commences during an established and customary vacation period or holiday recess if such the individual performs such the services in the period immediately before such the vacation period or holiday recess, and there is a reasonable assurance that such the individual will perform such the services in the period immediately following such the vacation period or holiday recess.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

this subsection, benefits shall not be payable on the basis of services in any
such capacities as specified in subdivisions (1) , (2) , and (3) to any individual
who performed such the services in an educational institution while in the
employ of an educational service agency. As used in this subdivision, the terr
"educational service agency" means a governmental agency or governmental
entity that is established and operated exclusively for the purpose of providing
such services to one or more educational institutions.
* * *