

1 H.175

2 Introduced by Representatives Casey of Montpelier and Headrick of

3 Burlington

4 Referred to Committee on

5 Date:

6 Subject: Labor; unemployment insurance; eligibility; adjunct faculty

7 Statement of purpose of bill as introduced: This bill proposes to clarify that an
8 individual teaching at an institution of higher education on an adjunct or
9 contingent basis will be eligible to receive unemployment insurance between
10 academic years if the individual does not have a reasonable assurance of future
11 employment with the institution.

12 An act relating to clarifying the right of adjunct faculty to receive
13 unemployment insurance benefits

14 It is hereby enacted by the General Assembly of the State of Vermont:

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

16 § 1343. CONDITIONS

17 * * *

18 (c) Benefits are payable on the basis of service in employment as defined in
19 subdivisions 1301(6)(A)(ix) and (x) of this subchapter, in the same amount, on

1 the same terms, and subject to the same conditions as benefits payable on the
2 basis of other service subject to this chapter, except that:

3 (1) With respect to services performed in an instructional, research, or
4 principal administrative capacity for an educational institution, benefits shall
5 not be payable on the basis of such services for any week of unemployment
6 commencing during the period between two successive academic years or
7 terms (or, when an agreement provides instead for a similar period between
8 two regular but not successive terms, during such period) or during a period of
9 paid sabbatical leave provided for in the individual's contract, to any
10 individual if the individual performs such services in the first of the academic
11 years or terms and if there is a contract or reasonable assurance that the
12 individual will perform services in any such capacity for any educational
13 institution in the second of the academic years or terms.

14 (2) With respect to services performed in any other capacity for an
15 educational institution, benefits shall not be payable on the basis of such
16 services to any individual for any week of unemployment that commences
17 during a period between two successive academic years or terms if the
18 individual performs such services in the first of the academic years or terms
19 and there is a reasonable assurance that the individual will perform such
20 services for any educational institution in the second of the academic years or
21 terms, except that if benefits are denied to any individual under this

1 subdivision and the individual was not offered an opportunity to perform such
2 services for the educational institution for the second of the academic years or
3 terms, the individual shall be entitled to a retroactive payment of the benefits
4 for each week for which the individual filed a timely claim for benefits and for
5 which benefits were denied solely by reason of this subdivision.

6 (3) With respect to any services described in subdivision (1) or (2) of
7 this subsection, benefits shall not be payable on the basis of services in any
8 such capacities to any individual for any week that commences during an
9 established and customary vacation period or holiday recess if the individual
10 performs such services in the period immediately before the vacation period or
11 holiday recess, and there is a reasonable assurance that the individual will
12 perform such services in the period immediately following the vacation period
13 or holiday recess. To the extent permitted by federal law, as used in this
14 subdivision, the term “reasonable assurance” means that all of the following
15 requirements shall be met:

16 (A) The educational institution has made an offer of employment in
17 the following academic year or term that is either written, oral, or implied.

18 (B) The offer of employment in the following academic year or term
19 was made by an individual with actual authority to offer employment.

20 (C) The employment offered in the following academic year or term
21 shall be in the same capacity as in the then-current academic year or term.

1 (D) The economic conditions of the employment offered may not be
2 considerably less in the following academic year or term than in the then-
3 current academic year or term. As used in this subdivision (D), “considerably
4 less” means that the individual will earn less than 90 percent of the amount the
5 individual earned in the then-current academic year or term.

6 (E) The offer of employment in the following academic year or term
7 is not contingent upon a factor or factors within the educational institution’s
8 control, such as course programming, allocation of available funding, final
9 course offerings, program changes, or facility availability.

10 (F) Based on the totality of the circumstances, it is highly probable
11 that there is a job available for the individual in the following academic term or
12 year. If a job offer contains a contingency, primary weight should be given to
13 the contingent nature of the offer of employment. Contingencies that are not
14 necessarily within the educational institution’s control, such as funding,
15 enrollment, and seniority, may be taken into consideration, but the existence of
16 any one contingency should not determine whether it is highly probable that
17 there is a job available for the claimant in the following academic year or term.

18 (4) With respect to any services described in subdivision (1) or (2) of
19 this subsection, benefits shall not be payable on the basis of services in any
20 such capacities as specified in subdivisions (1), (2), and (3) of this subsection
21 to any individual who performed such services in an educational institution

1 while in the employ of an educational service agency. As used in this
2 subdivision, the term “educational service agency” means a governmental
3 agency or governmental entity that is established and operated exclusively for
4 the purpose of providing such services to one or more educational institutions.

5 * * *

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on July 1, 2025.