

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

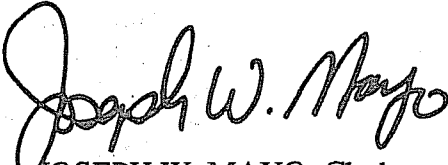
No. 1200

H.P. 886

House of Representatives, April 8, 1993

An Act Concerning Unemployment Benefits for Certain School Employees.

Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative OLIVER of Portland.
Cosponsored by Senator: BUSTIN of Kennebec.

Be it enacted by the People of the State of Maine as follows:

2
4 Sec. 1. 26 MRSA §1192, sub-§7, ¶B, as amended by PL 1983, c.
13, §7, is further amended to read:

6 B. With respect to weeks of unemployment beginning after
7 September 30, 1982 and before October 31, 1993, in any other
8 capacity other than those described in paragraph A for an
9 educational institution, benefits shall may not be paid on
10 the basis of those services to any individual for any week
11 which that commences during a period between 2 successive
12 academic years or terms if the individual performs those
13 services in the first of the academic years or terms and
14 there is annual written reasonable assurance that the
15 individual will perform the services in the 2nd ~~of--that~~
16 academic year or ~~terms term~~; except that if benefits are
17 denied to any individual under this paragraph and the
18 individual was not offered an opportunity to perform the
19 services for the educational institution for the 2nd of
20 those academic years or terms, the individual shall ~~be~~ is
21 entitled to a retroactive payment of benefits for each week
22 for which the individual filed a timely claim for benefits
23 and for which benefits were denied solely by reason of this
24 paragraph;

26 Sec. 2. 26 MRSA §1192, sub-§7, ¶C, as amended by PL 1977, c.
27 585, §2, is further amended to read:

28 C. With respect to weeks of unemployment beginning after
29 December 31, 1977, benefits shall may not be denied paid to
30 any individual in an instructional, research or principal
31 administrative capacity for an educational institution for
32 any week which that commences during an established and
33 customary vacation period or holiday recess if such that
34 individual performs any services ~~described in paragraphs A~~
35 ~~or--B~~ in the period immediately before such that vacation
36 period or holiday recess, and there is annual written
37 reasonable assurance that such the individual will perform
38 any ~~such~~ those services in the period immediately following
39 such that vacation period or holiday recess.;

42 Sec. 3. 26 MRSA §1192, sub-§7, ¶C-1 is enacted to read:

44 C-1. With respect to weeks of unemployment beginning after
45 December 31, 1977 but before October 31, 1993, benefits may
46 not be paid to any individual in any capacity other than
47 those described in paragraph C for an educational
48 institution for any week that commences during an
49 established and customary vacation period or holiday recess
50 if that individual performs any services in the period

2 immediately before that vacation period or holiday recess
3 and there is annual written reasonable assurance that the
4 individual will perform those services in the period
5 immediately following that vacation period or holiday
6 recess; and

7 **Sec. 4. 26 MRSA §1192, sub-§7, ¶D,** as enacted by PL 1979, c.
8 515, §14, is amended to read:

10 D. With respect to weeks of unemployment beginning after
11 June 30, 1979, benefits shall may not be denied paid to an
12 individual who performed services in an educational
13 institution while in the employ of an educational service
14 agency ~~for any week which commences during a period~~
15 ~~described in paragraphs A, B and C~~ if benefits would be
16 denied under this subsection if that individual performs any
17 services described in paragraphs A or B in the first of
18 these periods, as specified in the applicable paragraph, and
19 there is a contract or a reasonable assurance as applicable
20 in the appropriate paragraph, that the individual will
21 perform these services in the 2nd of these periods, as
22 applicable in the appropriate paragraph were employed
23 directly by the educational institution. For purposes of
24 this paragraph the term "educational service agency" means a
25 governmental agency or governmental entity which that is
26 established and operated exclusively for the purposes of
27 providing these services to one or more educational
28 institutions.

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STATEMENT OF FACT

34 This bill amends the Employment Security Law so that certain
35 employees working in an educational institution may be eligible
36 for unemployment benefits during periods when the school is not
37 in session. Prior to 1991, the Federal Unemployment Tax Act
38 required that the State deny benefits to those individuals.
39 Public Law 102-164, Section 302(a)(1) and Section 302(a)(2)
40 amended the federal law so that the states are no longer required
41 to deny benefits to those individuals.

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