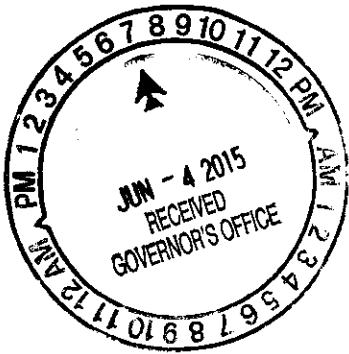


ACT No. 2015 - 453

1 HB71
2 164800-2
3 By Representative Williams (P)
4 RFD: Education Policy
5 First Read: 03-MAR-15



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ENROLLED, An Act,

To amend Section 25-4-70, Code of Alabama 1975, relating to unemployment compensation; to provide that employees of private companies that provide direct services to schools may not receive unemployment benefits during breaks in employment occasioned by holidays, fall and winter breaks, and summer vacation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 25-4-70, Code of Alabama 1975, is amended to read as follows:

"§25-4-70.

"(a) After contributions have been due under this chapter for two years, benefits shall become payable from the fund to any employee who thereafter is or becomes unemployed and eligible for benefits, and shall be paid through unemployment offices or such other agencies at such times and in such manner as the director may prescribe.

"(b) Benefits based on service in employment defined in subdivisions (a) (2) and (a) (3) of Section 25-4-10 shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this chapter; except, that:

"(1) With respect to any week of unemployment beginning after December 31, 1977, benefits shall not be paid

1 based on service in an instructional, research, or principal
2 administrative capacity for any educational institution for
3 any such week commencing during the period between two
4 successive academic years, or during a similar period between
5 two regular terms, whether or not successive, or during a
6 period of paid sabbatical leave provided for in the
7 individual's contract, to any individual if such individual
8 performs such services in the first of such academic years (or
9 terms) and if there is a contract or reasonable assurance that
10 such individual will perform services in any such capacity for
11 any educational institution in the second of such academic
12 years or terms.

13 "(2) With respect to any week of unemployment
14 beginning after April 3, 1983, benefits shall not be paid on
15 the basis of service in any other capacity for an educational
16 institution, to any individual for any such week which
17 commences during a period between two successive academic
18 years or terms if such individual performs such services in
19 the first of such academic years or terms and there is a
20 reasonable assurance that such individual will perform such
21 services in the second of such academic years or terms, except
22 that if compensation is denied to any individual under this
23 subdivision (2) for weeks of unemployment beginning on or
24 after April 3, 1983, and such individual was not offered an
25 opportunity to perform such services for the educational

1 institution for the second of such academic years or terms,
2 such individual shall be entitled to a retroactive payment of
3 benefits for each week for which the individual filed a timely
4 claim for benefits and for which benefits were denied solely
5 by reason of this subdivision (2); provided further that such
6 individual has given notice that the opportunity to return was
7 not offered or was withdrawn to the director in such manner
8 and within such time as the director by regulation shall
9 prescribe.

10 " (3) With respect to any week of unemployment
11 beginning on or after April 1, 1984, benefits shall not be
12 paid based on services in any capacity described in
13 subdivisions (1) and (2) to any individual for any week which
14 commences during an established and customary vacation period
15 or holiday recess if such individual performs such services in
16 the period immediately before such vacation period or holiday
17 recess, and there is a reasonable assurance that such
18 individual will perform such services in the period
19 immediately following such vacation period or holiday recess.
20 The term "employment" shall include services performed in the
21 employ of an Indian tribe, as herein defined, provided such
22 service is excluded from employment as defined in FUTA by
23 reason of Section 3306(c)(7), and is not otherwise excluded
24 from employment under this chapter for purposes of this
25 section. The exclusion from employment in Section 25-4-10(b)

1 shall be applicable to services performed in the employ of an
2 Indian tribe.

3 "(4) With respect to any week of unemployment
4 beginning on or after April 1, 1984, benefits shall not be
5 paid on the basis of services described in subdivisions (1)
6 and (2) of this subsection in any such capacities as specified
7 in subdivisions (1), (2), and (3) to any individual who
8 performed such services in an educational institution while in
9 the employ of an educational service agency. For the purposes
10 of this subdivision the term "educational service agency"
11 shall mean a governmental agency or governmental entity which
12 is established and operated exclusively for the purpose of
13 providing such services to one or more educational
14 institutions.

15 "(5) With respect to weeks of unemployment beginning
16 on or after April 1, 1984, benefits shall not be paid with
17 respect to services to which Sections 25-4-8(a)(7),
18 25-4-8(a)(8), 25-4-10(a)(2) and 25-4-10(a)(3) apply, if such
19 services are provided to or on behalf of an educational
20 institution, under the same circumstances and subject to the
21 same terms and conditions as described in subdivisions (1),
22 (2), (3), and (4) of this subsection.

23 "(6) With respect to weeks of unemployment beginning
24 before April 1, 1984, benefits shall be paid on the basis of
25 this section prior to that date.

1 "(7) For the purposes of this subsection, the term
2 "reasonable assurance" means a written, verbal, or implied
3 agreement that the employee will perform services during the
4 ensuing academic year or term and the term "contract" is
5 intended to include tenure status.

6 "(c) Benefits paid based on services in the employ
7 of an Indian tribe shall be payable on the same terms and
8 subject to the same conditions as compensation payable on the
9 basis of other service subject to this chapter.

10 "(d) Notwithstanding any provision of law, with
11 respect to any week of unemployment beginning on or after May
12 1, 2015, benefits based on service in employment defined in
13 subdivision (1) of subsection (a) of Section 25-4-10 may not
14 be paid with respect to services rendered to an educational
15 institution, when the services are performed by an individual
16 employed by an employer primarily or exclusively engaged in
17 the provision of its employees to perform work for educational
18 institutions, for any week commencing during the period
19 between two successive academic years or terms, or for any
20 week which commences during an established and customary
21 vacation period or holiday recess, if the individual performs
22 services for the educational institution in the period
23 immediately before the vacation period or holiday recess, and
24 there is a reasonable assurance that such individual will
25 perform the same or similar services for the educational

1 ~~institution in the period immediately following the vacation~~
2 ~~period or holiday recess.~~ for the period that the individual
3 does not perform his or her duties because of a holiday or
4 weather. This subsection applies regardless of whether the
5 employer qualifies for exemption from federal employment tax
6 under 26 U.S.C. 501(a) and regardless of whether the employer
7 is a religious, charitable, or educational institution or
8 organization. For purposes of this subsection, the term
9 reasonable assurance shall have the same meaning as set out in
10 subdivision (7) of subsection (b) of this section."

11 Section 2. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.

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[Handwritten Signature]

Speaker of the House of Representatives

Kay Ivey

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 26-MAY-15.

Jeff Woodard
Clerk

Senate	04-JUN-15	Amended and Passed
House	04-JUN-15	Concurred in Senate Amendment

APPROVED 6-11-15

TIME 9:00 AM

[Handwritten Signature: Robert Bentley]
GOVERNOR

Alabama Secretary Of State

Act Num....: 2015-453
Bill Num...: H-71

Recv'd 06/11/15 01:22p SLF

SPONSOR

PAUL WILLIAMS (6)

CO-SPONSORS

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HOUSE ACTION

DATE: 3-3

2015

RD 1 RFD

ED

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Education Policy was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be passed w/amend(s) w/sub

this 15 day of APRIL, 20 15

Paul Williams, Chairperson

DATE: 4-16

2015

RD 2 CAL

RD 2 CAL

DATE: 20

RE-REFERRED

RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 7198

YEAS 98 NAYS 0

JEFF WOODARD, Clerk

SENATE ACTION

DATE: 5-28

2015

RD 1 RFD

ED

This Bill was referred to the Standing Committee of the Senate on Education with Affair and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) w/sub w/eng sub

by a vote of 4 yeas 2 nays 1 abstain

this 28 day of July, 20 15

Paul Williams, Chairperson

DATE: 6-3

2015

RF

FAV RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 7198

YEAS 23 NAYS 4

PATRICK HARRIS, Secretary

DATE: 6-4-15 RD 3 at length

PASSED AS AMENDED

YEAS 27 NAYS 0

And was ordered returned forthwith to the House.

PATRICK HARRIS, Secretary

DATE: 20

INDEFINITELY POSTPONED YEARS NAYS

DATE: 20

RECONSIDERED YEARS NAYS