

LOST

Senators Fort of the 39th, Tate of the 38th, Henson of the 41st and Butler of the 55th offered the following amendment:

1 *Amend the Senate Insurance and Labor Committee substitute to HB 714 (LC 36 2548S) by*
 2 *inserting "provide for a definition; to" at the beginning of line 4.*

3 *By inserting at the beginning of line 5 the following:*
 4 *to change certain provisions relating to benefit experience and variations from the standard*
 5 *rate relative to certain employers designated as high cost seasonal employers;*

6 *By deleting "provide changes" on line 6 and inserting in lieu thereof the following:*
 7 *change certain provisions relating*

8 *By deleting "to provide for definitions;" on line 8.*

9 *By deleting line 20 and inserting in lieu thereof the following:*
 10 *security, is amended by adding a new Code section to read as follows:*

11 "34-8-31.1.

12 As used in this chapter, the term 'educational institution' means any voluntary
 13 pre-kindergarten program, elementary or secondary school, postsecondary institution, or
 14 other provider of educational services, irrespective of whether such program, school,
 15 institution, or other provider is public or private or nonprofit or operated for profit,
 16 provided that it:

17 (1) Is approved, licensed, or issued a permit, grant, or other authority to operate as a
 18 program, school, institution, or other provider of educational services by a federal, state,
 19 or local government or any of the instrumentalities, divisions, or agencies thereof with
 20 the authority to do so; and

21 (2) Offers, by or under the guidance of teachers or instructors, an organized course of
 22 study or training in a facility or through distance learning which is academic, technical,
 23 trade related, or preparation for gainful employment in a recognized occupation.

24 The Commissioner is authorized to establish by rules or regulations such exceptions or
 25 exemptions from the term 'educational institution,' as defined in this Code section, as he
 26 or she shall deem appropriate, consistent with any federal program requirements applicable
 27 to this chapter."

28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61

SECTION 1A.

Said chapter is further amended by revising Code Section 34-8-92, relating to the disposition of fines,

By inserting between lines 26 and 27 the following:

Said chapter is further amended by revising subsection (a) of Code Section 34-8-155, relating to benefit experience and variations from standard rate, as follows:

"(a)(1) Employers shall be classified in accordance with their actual experience in the payment of contributions and with respect to benefits charged against their accounts so that contribution rates will reflect such experience. Employer rates shall be computed based on each employer's own experience rating record as of the computation date, June 30 of each year. The computed rate shall apply to taxable wages paid during the calendar year immediately following the computation date.

(2)(A) The Commissioner shall designate an employer as a high cost seasonal employer if the employer:

(i) Has a deficit reserve account for which the deficit percentage equals or exceeds 15.5 percent; and

(ii) Provides employees pursuant to a contractual relationship with any educational institution to perform or assist others in the performance of services that are provided directly to students at an educational institution.

(B) Effective as of the calendar year beginning January 1, 2015, an employer designated as a high cost seasonal employer shall pay an additional 30 percent surcharge on the first \$9,500.00 of wages earned by each employee of such employer.

The Commissioner may promulgate rules or regulations necessary to effectuate the provisions of this paragraph."

SECTION 2A.

By deleting lines 132 through 194 and inserting in lieu thereof the following:

(1) With respect to services performed in an instructional, research, or principal administrative capacity for any educational institution, including those operated by the United States government or any of its instrumentalities, divisions, or agencies, benefits shall not be paid during periods of unemployment if services were performed in the prior year, term, or vacation period and there is a contract or a reasonable assurance of returning to work for an educational institution immediately following the period of unemployment. Such periods of unemployment include those occurring:

(A) Between two successive academic terms or years;

- 62 (B) During an established and customary vacation period or holiday recess;
- 63 (C) During the time period covered by an agreement that provides instead for a similar
- 64 period between two regular but not successive terms; or
- 65 (D) During a period of paid sabbatical leave provided for in the individual's contract;
- 66 and
- 67 (2) With respect to services performed in any other capacity with any educational
- 68 institution, including those operated by the United States government or any of its
- 69 instrumentalities, divisions, or agencies, benefits shall not be paid during periods of
- 70 unemployment if services were performed in the prior year, term, or vacation period and
- 71 there is a reasonable assurance of returning to work for an educational institution
- 72 immediately following the period of unemployment. If compensation is denied pursuant
- 73 to this paragraph to an individual, however, and that individual is not offered an
- 74 opportunity to perform services for the educational institution following the unemployed
- 75 period, such individual shall be entitled to retroactive payment for each week during that
- 76 period of unemployment a timely claim was filed and benefits were denied solely by
- 77 reason of this paragraph. Such periods of unemployment include those occurring:
- 78 (A) Between two successive academic years or terms; or
- 79 (B) During an established and customary vacation period or holiday recess; and
- 80 (3) Benefits shall not be paid as specified in paragraphs (1) and (2) of this subsection to
- 81 any individual for any week of unemployment if the individual performs such services
- 82 in an educational institution while in the employ of an educational service agency. For
- 83 the purposes of this paragraph, the term 'educational service agency' means a
- 84 governmental agency or governmental entity that is established and operated exclusively
- 85 for the purpose of providing such services to one or more educational institutions.

86 *By deleting lines 428 through 430 and inserting in lieu thereof the following:*

87 This Act shall become effective upon its approval by the Governor or upon its becoming law

88 without such approval.