House Bill (HB) 2660

Unemployment for school custodial and maintenance workers

Problem: Unlike any other class of worker in Oregon, school employees are prevented from receiving unemployment insurance (UI) benefits when they are believed to have “reasonable assurance” of a return to work after breaks and summer vacation. Even employees who typically work year-round, such as custodians and maintenance workers, receive no UI benefits for their school employment if furloughed or laid off for the summer.

Solution: HB 2660 removes the unfair restriction on UI benefits for school janitorial, custodial, facilities and maintenance workers. It makes them subject to the same rules as any non-school employee laid off for the summer, just no longer denied compensation because they choose to work for a school district. The bill also prohibits public employers from making statements about UI eligibility unless the information is approved by the Oregon Employment Department.

Background: State law currently restricts all school employee UI benefits by a determination of “reasonable assurance” of a return to work after breaks or summer vacation. Employment Department staff must investigate and make these determinations on a case-by-case basis, which not only affects their operations but also discourages eligible workers — those who don’t have reasonable assurance — from even filing in the first place. Non-instructional classified employees need not be held to this standard under federal law: States have discretion.

Custodial and maintenance workers are especially hurt by this unfair restriction. About 93 percent of the custodial workers represented by OSEA are 12-month employees, meaning they can reasonably expect year-round work. But under the existing restriction, a custodian who is told in May or June that they are off for the summer has no UI benefit to draw — even if the custodian is actively seeking other work. School districts aren’t required to provide information about continued employment until May 30 of each year (ORS 332.554), and even a notice of “reasonable assurance” from the district is not a guarantee of employment in the fall.