

1 H BILL NO. 258
 2 INTRODUCED BY Fandrich John Enlin
 3 BY REQUEST OF THE DEPARTMENT OF LABOR
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE OBSOLETE
 6 WORDING WHICH PERTAINED TO THE OLD EXPERIENCE RATING SYSTEM
 7 FOR UNEMPLOYMENT COMPENSATION BENEFITS, CHANGED BY THE 1975
 8 LEGISLATURE."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 87-107, R.C.M. 1947, is amended to
 12 read as follows:

13 "87-107. Claims for benefits. (a) Filing. Claims for
 14 benefits shall be made in accordance with such regulations
 15 as the division may prescribe. Each employer shall post and
 16 maintain printed statements of such regulations in places
 17 readily accessible to individuals in his service and shall
 18 make available to each such individual at the time he
 19 becomes unemployed, a printed statement of such regulations.
 20 Such printed statements shall be supplied by the division to
 21 each employer without cost to him.

22 (b) Initial determination. A representative designated
 23 by the division, and hereinafter referred to as a deputy,
 24 shall promptly examine the claim and, on the basis of the
 25 facts found by him, shall either determine whether or not

1 such claim is valid, and if valid, the week with respect to
 2 which benefits shall commence, the weekly benefit amount
 3 payable and the maximum duration thereof, or shall refer
 4 such claim or any question involved therein to an appeals
 5 referee who shall make his decision with respect thereto in
 6 accordance with the procedure prescribed in subsection (e)
 7 of this section. No determination or redetermination of an
 8 initial or additional claim shall be made under this section
 9 unless five (5) days notice of the time and place of the
 10 claimant's interview for examination of the claim is mailed
 11 to each interested party. The deputy shall promptly notify
 12 the claimant and any other interested party of the decision
 13 and the reasons therefor. The deputy may for good cause
 14 reconsider his decision and shall promptly notify the
 15 claimant and such other interested parties of his amended
 16 decision and the reasons therefor.

17 (c) Finality of determination. A determination or
 18 redetermination shall be deemed final unless an interested
 19 party entitled to notice thereof applies for reconsideration
 20 of the determination or appeals therefrom within five (5)
 21 days after delivery of such notification or within seven (7)
 22 days after such notification was mailed to his last known
 23 address provided, that such period may be extended for good
 24 cause.

25 (d) Appeals referee. To hear and decide disputed

1 claims, the division shall appoint such impartial appeals
2 referee as are necessary for the proper administration of
3 this act, consisting of salaried examiners selected in
4 accordance with section 87-123. No person shall participate
5 on behalf of the division in any case in which he is an
6 interested party. The division may designate alternates to
7 serve in the absence or disqualification of an appeals
8 referee.

9 (e) Notice of decision of appeals referee and time for
10 appeal. After a hearing an appeals referee shall make
11 findings and conclusions promptly and on the basis thereof
12 affirm, modify, or reverse the deputy's determination or
13 redetermination. Each interested party shall be furnished
14 promptly a copy of the decision and the supporting findings
15 and conclusions; this decision shall be final unless further
16 review is initiated pursuant to subsection (g) of this
17 section within five (5) days after delivery of such
18 notification or within seven (7) days after such
19 notification was mailed to his last known address, provided,
20 that such period may be extended for good cause.

21 (f) Prompt payment of claims. Notwithstanding any
22 provision in subsection (b), (c) or (g) of this section,
23 benefits shall be paid promptly in accordance with a
24 determination or redetermination under this section, or the
25 decision of an appeals referee, the board of labor appeals

1 or a reviewing court under subsection (g) of this section
2 upon the issuance of such determination, redetermination or
3 decision (regardless of the pendency of the period to apply
4 for reconsideration, file an appeal, or petition for
5 judicial review that is provided with respect thereto in
6 subsection (g) of this section, as the case may be, or the
7 pendency of any such application, filing, or petition),
8 unless and until such determination, redetermination, or
9 decision has been modified or reversed by a subsequent
10 redetermination or decision, in which event benefits shall
11 be paid or denied for weeks of unemployment thereafter in
12 accordance with such modifying or reversing redetermination
13 or decision.

14 If a deputy's determination or redetermination allowing
15 benefits is affirmed in any amount by an appeals referee, or
16 by the board of labor appeals, or if a decision of an
17 appeals referee allowing benefits is affirmed in any amount
18 by the board of labor appeals, such benefits shall be paid
19 promptly regardless of any further appeal or the disposition
20 of such appeal and no injunction, supersedeas, stay or other
21 writ or process suspending the payment of such benefits
22 shall be issued by the board or any court ~~but if such~~
23 ~~decision is finally modified or reversed to deny benefits~~
24 ~~no employer's account shall be charged with benefits so~~
25 paid. Benefits shall not be paid for any weeks of

1 unemployment involved in such modification or reversal that
2 begins after such final decision.

3 (g) Appeal to board of labor appeals and judicial
4 review. Any interested party dissatisfied with a decision of
5 an appeals referee is entitled to appeal to the board of
6 labor appeals. The division will promptly transmit all
7 records pertinent to the appeal to the board. When a
8 decision is rendered by the board with copies of such
9 decision to all interested parties, including the division,
10 that decision shall become final unless an interested party
11 requests a rehearing or initiates judicial review by filing
12 a petition in district court within thirty (30) days of the
13 date of mailing of the board's decision to his last known
14 address."

-End-

Approved by Committee
on Labor & Employment
Relations

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2 INTRODUCED BY *Randolph John Emmer*
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20 Such printed statements shall be supplied by the division to
21 each employer without cost to him.

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23 by the division, and hereinafter referred to as a deputy,
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25 facts found by him, shall either determine whether or not

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2 which benefits shall commence, the weekly benefit amount
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4 such claim or any question involved therein to an appeals
5 referee who shall make his decision with respect thereto in
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8 initial or additional claim shall be made under this section
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10 claimant's interview for examination of the claim is mailed
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20 of the determination or appeals therefrom within five (5)
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 2 referee as are necessary for the proper administration of
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 4 accordance with section 87-123. No person shall participate
 5 on behalf of the division in any case in which he is an
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 10 appeal. After a hearing an appeals referee shall make
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HOUSE BILL NO. 258

INTRODUCED BY KANDUCH, JOHNSTON, QUILICI

BY REQUEST OF THE DEPARTMENT OF LABOR

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