

CHAPTER NO. 688

HOUSE BILL NO. 766

INTRODUCED BY PORTER, RAMIREZ

IN THE HOUSE

February 13, 1979	Introduced and referred to Committee on Labor and Employment Relations.
February 20, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, pass consideration.
February 22, 1979	Second reading, do pass as amended.
February 23, 1979	Correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Labor and Employment Relations.
March 21, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 23, 1979	Second reading, indefinitely postponed. Segregated from the Committee of the Whole report.
March 24, 1979	Motion pass consideration.
March 26, 1979	Second reading, concurred in as amended.
March 27, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 28, 1979	Returned from second house. Concurred in as amended.
March 31, 1979	Second reading, pass consideration.
April 2, 1979	Second reading, amendments rejected. On motion Joint Conference Committee requested.
April 3, 1979	Joint Conference Committee appointed.
April 20, 1979	Joint Conference Committee reported. Second reading, adopted. Third reading, adopted. Adopted by second house. Sent to enrolling. Reported correctly enrolled.

House BILL NO. *766*
John Ramsey

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE UNEMPLOYMENT COMPENSATION LAWS RELATING TO THE DEFINITION OF TOTAL UNEMPLOYMENT, THE MINIMUM WEEKLY BENEFIT AMOUNT, THE DURATION OF BENEFITS, QUALIFYING WAGES, AND DISQUALIFICATION OF BENEFITS; AMENDING SECTIONS 39-51-2101, 39-51-2105, 39-51-2201, 39-51-2204, 39-51-2303, AND 39-51-2304, MCA."

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

Section 1. Section 39-51-2101, MCA, is amended to read:

"39-51-2101. Total unemployment -- when. An individual shall be deemed totally unemployed in any week during which he performed no work and earned no wages or a week of less than full-time work with wages of less than 2 ~~1 1/2~~ times his weekly benefit amount. No individual is unemployed in any week that he is self-employed."

Section 2. Section 39-51-2105, MCA, is amended to read:

"39-51-2105. Qualifying wages. (1) To qualify as an insured worker an individual must have been paid wages for insured work in the quarters of his base period an amount totaling not less than ~~1-1/2~~ 1 1/4 times his base period

high quarter wages.

(2) With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this subsection, the term "previously uncovered services" means services:

(a) which were not employment as defined in 39-51-204(1)(a) and (1)(b) at any time during the 1-year period ending December 31, 1975; and

(b) which:

(i) are agricultural labor, as defined in 39-51-203(8), or domestic service, as defined in 39-51-203(9); or

(ii) are services performed by an employee of this state or a political subdivision thereof, as provided in 39-51-203(5), or by an employee of a nonprofit educational institution which is not an institution of higher education, as provided in 39-51-203(6), except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services."

Section 3. Section 39-51-2201, MCA, is amended to read:

"39-51-2201. Weekly benefit amount -- determination of average weekly wage. (1) Any individual whose benefit year

1 begins on or after July 1, 1971, shall receive as his weekly
 2 benefit amount an amount equal to one twenty-sixth of his
 3 total wages for insured work paid during the calendar
 4 quarter of his base period in which his wages were highest.
 5 Such weekly benefit amount, if not a multiple of \$1, shall
 6 be rounded to the nearest multiple of \$1.

7 (2) On or before May 31 of each year, the total wages
 8 paid by all employers as reported on contribution reports
 9 submitted on or before such date for the preceding calendar
 10 year shall be divided by the average monthly number of
 11 individuals employed during the same preceding calendar year
 12 as reported on such contribution reports. The amount thus
 13 obtained shall be divided by 52 and the average weekly wage,
 14 rounded to the nearest cent, thus determined. ~~Fifty Sixty~~
 15 percent of the average weekly wage shall constitute the
 16 maximum weekly benefit amount and shall apply to all maximum
 17 weekly benefit amount claims for benefits filed to establish
 18 a benefit year commencing on or after July 1 of the same
 19 year. Such maximum weekly benefit amount if not a multiple
 20 of \$1, shall be computed to the nearest multiple of \$1.
 21 ~~Beginning on duty in 1975, the maximum weekly benefit amount~~
 22 ~~shall be raised to 55% of the average weekly wage and~~
 23 ~~beginning July 1, 1976, be raised to 60% of the average~~
 24 ~~weekly wages~~

25 (3) The minimum weekly benefit amount shall be ~~\$12~~ 15%

1 ~~of the average weekly wage.~~

2 (4) The division shall prepare and publish annually a
 3 benefit schedule in accordance with the provisions of this
 4 subsection.*

5 Section 4. Section 39-51-2204, MCA, is amended to
 6 read:

7 *39-51-2204. Duration of benefits. Any otherwise
 8 eligible individual shall be entitled during his benefit
 9 year to benefits for the total number of weeks appearing in
 10 the following table on the line which includes his ratio of
 11 total base period earnings to highest quarter base period
 12 earnings:

13 Ratio of Total Base Period	13 Weeks' Duration
14 Earnings to High Quarter	14 of Benefits
15 0-----to-1.75-----	12
16 1.76-to-1.95-----	14
17 1.96-to-2.15-----	16
18 2.16-to-2.35-----	18
19 2.36-to-2.55-----	20
20 2.56-to-2.75-----	22
21 2.76-to-2.95-----	24
22 2.96-or-more-----	26
23 <u>At Least</u>	<u>Less Than</u>
24 1.25	1.50 10
25 1.50	1.75 12

1	<u>1.75</u>	<u>2.00</u>	<u>14</u>
2	<u>2.00</u>	<u>2.25</u>	<u>16</u>
3	<u>2.25</u>	<u>2.50</u>	<u>18</u>
4	<u>2.50</u>	<u>2.75</u>	<u>20</u>
5	<u>2.75</u>	<u>3.00</u>	<u>22</u>
6	<u>3.00</u>	<u>3.25</u>	<u>24</u>
7	<u>3.25</u>	<u>--</u>	<u>26"</u>

8 Section 5. Section 39-51-2303, MCA, is amended to
9 read:

10 "39-51-2303. Disqualification for discharge due to
11 misconduct. Effective April 1, 1977, an individual shall be
12 disqualified for benefits if he has been discharged:

13 (1) for misconduct connected with his work or
14 affecting his employment:

15 (a) until 8 10 weeks have elapsed from the effective
16 date of his claim, with 8 10 weeks' reduction of his benefit
17 duration; or

18 (b) until he has performed services from the effective
19 date of his claim other than self-employment for which
20 remuneration is received equal to or in excess of his weekly
21 benefit amount in 6 separate weeks subsequent to the week in
22 which the act causing the disqualification occurred, with 6
23 weeks' reduction of benefit duration, as determined by the
24 division, provided he has not left this work under
25 disqualifying circumstances;

1 (2) for gross misconduct connected with his work or
2 committed on the employer's premises, as determined by the
3 division, for a period of 12 months."

4 Section 6. Section 39-51-2304, MCA, is amended to
5 read:

6 "39-51-2304. Disqualification for failure to apply for
7 or to accept suitable work. (1) Effective April 1, 1977, an
8 individual shall be disqualified for benefits if he failed
9 without good cause either to apply for available and
10 suitable work when so directed by the employment office or
11 the division or to accept suitable work offered to him which
12 he is physically able and mentally qualified to perform or
13 to return to his customary self-employment, if any, when so
14 directed by the division. Such disqualification shall
15 continue for the week in which such failure occurred and
16 until he has performed services, other than self-employment,
17 for which remuneration is received equal to or in excess of
18 his weekly benefit amount in 6 separate weeks subsequent to
19 the date the act causing the disqualification occurred, with
20 6 weeks' reduction in benefit duration, as determined by the
21 division, provided he has not left this work under
22 disqualifying circumstances.

23 (2) In determining whether or not any work is suitable
24 for an individual, the division shall consider the degree of
25 risk involved to his health, safety, and morals, his

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1 physical fitness and prior training, his experience and
 2 previous earnings, his length of unemployment and prospects
 3 for securing local work in his customary occupation, and the
 4 distance of the available work from his residence.

5 (3) Notwithstanding any other provisions of this
 6 chapter, no work shall be deemed suitable and benefits shall
 7 not be denied under this chapter to any otherwise eligible
 8 individual for refusing to accept new work under any of the
 9 following conditions:

10 (a) if position offered is vacant due directly to a
 11 strike, lockout, or other labor dispute;

12 (b) if the wages, hours, or other conditions of the
 13 work offered are substantially less favorable to the
 14 individual than those prevailing for similar work in the
 15 locality;

16 (c) if, as a condition of being employed, the
 17 individual would be required to join a company union or to
 18 resign from or refrain from joining any bona fide labor
 19 organization.

20 (4) During the first 7 weeks of benefit duration,
 21 suitable work is any work meeting the criteria in this
 22 section that offers wages equal to the wages earned in the
 23 individual's customary occupation. From 8 to 16 weeks, work
 24 is suitable if the wages equal 75% of the individual's
 25 customary earnings, and for all subsequent weeks, work is

1 suitable if the wages equal the weekly benefit amount."

-End-

HOUSE BILL NO. 766

INTRODUCED BY PORTER, RAMIREZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE UNEMPLOYMENT COMPENSATION LAWS RELATING TO THE DEFINITION OF TOTAL UNEMPLOYMENT, THE MINIMUM WEEKLY BENEFIT AMOUNT, THE DURATION OF BENEFITS, QUALIFYING WAGES, AND DISQUALIFICATION OF BENEFITS; AMENDING SECTIONS 39-51-2101, 39-51-2105, 39-51-2201, 39-51-2204, ~~39-51-2302~~, 39-51-2303, AND 39-51-2304, MCA."

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

Section 1. Section 39-51-2101, MCA, is amended to read:

"39-51-2101. Total unemployment. When an individual shall be deemed totally unemployed in any week during which he performed no work and earned no wages or a week of less than full-time work with wages of less than 2 1/2 times his weekly benefit amount. No individual is unemployed in any week that he is self-employed."

Section 1. Section 39-51-2105, MCA, is amended to read:

"39-51-2105. Qualifying wages. (1) To qualify as an insured worker an individual must have been paid wages for insured work in the quarters of his base period an amount

totaling not less than ~~1-1/2~~ ~~1-1/4~~ 1 1/2 times his base period high quarter wages.

~~(2) ON AND AFTER JULY 1, 1980, TO QUALIFY FOR BENEFITS, AN INDIVIDUAL MUST HAVE HAD AT LEAST 20 WEEKS OF WORK WITH AN AVERAGE OF \$50 PER WEEK IN SUBJECT EMPLOYMENT IN THE BASE PERIOD. TO QUALIFY FOR BENEFITS, THE TOTAL BASE PERIOD WAGES MUST BE \$1,000 OR MORE.~~

(2) With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this subsection, the term "previously uncovered services" means services:

(a) which were not employment as defined in 39-51-204(1)(a) and (1)(b) at any time during the 1-year period ending December 31, 1975; and

(b) which:

(i) are agricultural labor, as defined in 39-51-203(8), or domestic service, as defined in 39-51-203(9); or

(ii) are services performed by an employee of this state or a political subdivision thereof, as provided in 39-51-203(5), or by an employee of a nonprofit educational institution which is not an institution of higher education, as provided in 39-51-203(6), except to the extent that assistance under Title II of the Emergency Jobs and

1 Unemployment Assistance Act of 1974 was paid on the basis of
2 such services."

3 Section 2. Section 39-51-2201, MCA, is amended to
4 read:

5 "39-51-2201. Weekly benefit amount -- determination of
6 average weekly wage. (1) Any individual whose benefit year
7 begins on or after July 1, 1971, shall receive as his weekly
8 benefit amount an amount equal to one twenty-sixth of his
9 total wages for insured work paid during the calendar
10 quarter of his base period in which his wages were highest.
11 Such weekly benefit amount, if not a multiple of \$1, shall
12 be rounded to the nearest multiple of \$1.

13 ~~(2) ON AND AFTER JULY 1, 1980, AN ELIGIBLE~~
14 ~~INDIVIDUAL'S WEEKLY BENEFIT AMOUNT SHALL BE THE TOTAL BASE~~
15 ~~PERIOD WAGES DIVIDED BY THE NUMBER OF WEEKS OF COVERED~~
16 ~~EMPLOYMENT TIMES 50%, HOWEVER, SUCH AMOUNT SHALL NOT BE LESS~~
17 ~~THAN THE MINIMUM, NOR MORE THAN THE MAXIMUM WEEKLY BENEFIT~~
18 ~~AMOUNT.~~

19 ~~(2)(3)~~ On or before May 31 of each year, the total
20 wages paid by all employers as reported on contribution
21 reports submitted on or before such date for the preceding
22 calendar year shall be divided by the average monthly number
23 of individuals employed during the same preceding calendar
24 year as reported on such contribution reports. The amount
25 thus obtained shall be divided by 52 and the average weekly

1 wage, rounded to the nearest cent, thus determined. Fifty
2 ~~Sixty~~ percent of the average weekly wage shall constitute
3 the maximum weekly benefit amount and shall apply to all
4 maximum weekly benefit amount claims for benefits filed to
5 establish a benefit year commencing on or after July 1 of
6 the same year. Such maximum weekly benefit amount if not a
7 multiple of \$1, shall be computed to the nearest multiple of
8 \$1. ~~Beginning on July 1, 1975, the maximum weekly benefit~~
9 ~~amount shall be raised to 55% of the average weekly wage and~~
10 ~~beginning July 1, 1976, be raised to 60% of the average~~
11 ~~weekly wage.~~

12 ~~(3)(4)~~ The minimum weekly benefit amount shall be ~~2~~
13 ~~15% of the average weekly wage.~~

14 ~~(4)(5)~~ The division shall prepare and publish annually
15 a benefit schedule in accordance with the provisions of this
16 subsection."

17 Section 3. Section 39-51-2204, MCA, is amended to
18 read:

19 "39-51-2204. Duration of benefits. Any otherwise
20 eligible individual shall be entitled during his benefit
21 year to benefits for the total number of weeks appearing in
22 the following table on the line which includes his ratio of
23 total base period earnings to highest quarter base period
24 earnings:

25 Ratio of Total Base Period Weeks' Duration

1	Earnings to High Quarter		of Benefits
2	0-----to-1.75-----	-----	12
3	1.76-to-1.95-----	-----	14
4	1.96-to-2.15-----	-----	16
5	2.16-to-2.35-----	-----	18
6	2.36-to-2.55-----	-----	20
7	2.56-to-2.75-----	-----	22
8	2.76-to-2.95-----	-----	24
9	2.96-or-more-----	-----	26
10	<u>At Least</u> -----	<u>Less Than</u> -----	
11	0-----	1.25-----	8
12	1.25-----	1.50-----	10
13	1.50-----	1.75-----	12
14	1.75-----	2.00-----	14
15	2.00-----	2.25-----	16
16	2.25-----	2.50-----	18
17	2.50-----	2.75-----	20
18	2.75-----	3.00-----	22
19	3.00-----	3.25-----	24
20	3.25-----	--	26"
21	<u>SECTION 4. SECTION 39-51-2302, MCA, IS AMENDED TO</u>		
22	<u>READ:</u>		
23	"39-51-2302. Disqualification for leaving work without		
24	good cause. (1) Effective April 1, 1977 1979, an individual		
25	shall be disqualified for benefits if he has left work		

1 without good cause attributable to the employment,

2 (a) until 6 weeks have elapsed from the effective date

3 of his claim with 6 weeks' reduction of his benefit

4 duration; or

5 (b) until he has performed services from the effective

6 date of his claim other than self-employment for which

7 remuneration is received equal to or in excess of his weekly

8 benefit amount in 4 separate weeks subsequent to the week in

9 which the act causing the disqualification occurred, with 4

10 weeks' reduction of benefit duration as determined by the

11 division, provided he has not left this work under

12 disqualifying circumstances.

13 (2) He may not be disqualified if the division finds

14 that he left his employment because of personal illness or

15 injury not associated with misconduct or left his employment

16 upon the advice of a licensed and practicing physician and,

17 after recovering from his illness or injury when recovery is

18 certified by a licensed and practicing physician, he

19 returned to his employer and offered his service and his

20 regular or comparable suitable work was not available, if so

21 found by the division, provided he is otherwise eligible.

22 (3) To requalify for benefits, an individual must

23 perform services other than self-employment for which

24 remuneration is received equal to or in excess of 6 times

25 his weekly benefit amount subsequent to the week in which

1 the act causing the disqualification occurred."

2 Section 5. Section 39-51-2303, MCA, is amended to
3 read:

4 "39-51-2303. Disqualification for discharge due to
5 misconduct. Effective April 1, 1977 1979, an individual
6 shall be disqualified for benefits if he has been
7 discharged:

8 (1) for misconduct connected with his work or
9 affecting his employment:

10 ~~(a) until 6 12 weeks have elapsed from the effective~~
11 ~~date of his claim with 6 12 weeks' reduction of his benefit~~
12 ~~duration; or~~ AN INDIVIDUAL HAS PERFORMED SERVICES, OTHER
13 THAN SELF-EMPLOYMENT, FOR WHICH REMUNERATION IS RECEIVED
14 EQUAL TO OR IN EXCESS OF EIGHT TIMES HIS WEEKLY BENEFIT
15 AMOUNT SUBSEQUENT TO THE WEEK IN WHICH THE ACT CAUSING THE
16 DISQUALIFICATION OCCURRED.

17 ~~(b) until he has performed services from the effective~~
18 ~~date of his claim other than self-employment for which~~
19 ~~remuneration is received equal to or in excess of his weekly~~
20 ~~benefit amount in 6 separate weeks subsequent to the week in~~
21 ~~which the act causing the disqualification occurred, with 6~~
22 ~~weeks' reduction of benefit duration, as determined by the~~
23 ~~division, provided he has not left this work under~~
24 ~~disqualifying circumstances.~~

25 (2) for gross misconduct connected with his work or

1 committed on the employer's premises, as determined by the
2 division, for a period of 12 months."

3 Section 6. Section 39-51-2304, MCA, is amended to
4 read:

5 "39-51-2304. Disqualification for failure to apply for
6 or to accept suitable work. (1) Effective April 1, 1977, an
7 individual shall be disqualified for benefits if he failed
8 without good cause either to apply for available and
9 suitable work when so directed by the employment office or
10 the division or to accept suitable work offered to him which
11 he is physically able and mentally qualified to perform or
12 to return to his customary self-employment, if any, when so
13 directed by the division. Such disqualification shall
14 continue for the week in which such failure occurred and
15 until he has performed services, other than self-employment,
16 for which remuneration is received equal to or in excess of
17 his weekly benefit amount in 6 separate weeks subsequent to
18 the date the act causing the disqualification occurred, with
19 6 weeks' reduction in benefit duration, as determined by the
20 division, provided he has not left this work under
21 disqualifying circumstances.

22 (2) In determining whether or not any work is suitable
23 for an individual, the division shall consider the degree of
24 risk involved to his health, safety, and morals, his
25 physical fitness and prior training, his experience and

1 previous earnings, his length of unemployment and prospects
 2 for securing local work in his customary occupation, and the
 3 distance of the available work from his residence.

4 (3) Notwithstanding any other provisions of this
 5 chapter, no work shall be deemed suitable and benefits shall
 6 not be denied under this chapter to any otherwise eligible
 7 individual for refusing to accept new work under any of the
 8 following conditions:

9 (a) if position offered is vacant due directly to a
 10 strike, lockout, or other labor dispute;

11 (b) if the wages, hours, or other conditions of the
 12 work offered are substantially less favorable to the
 13 individual than those prevailing for similar work in the
 14 locality;

15 (c) if, as a condition of being employed, the
 16 individual would be required to join a company union or to
 17 resign from or refrain from joining any bona fide labor
 18 organization.

19 ~~(4) During the first 7 weeks of benefit duration,~~
 20 ~~suitable work is any work meeting the criteria in this~~
 21 ~~section that offers wages equal to the wages earned in the~~
 22 ~~individual's customary occupation from 8 to 16 weeks; work~~
 23 ~~is suitable if the wages equal 75% of the individual's~~
 24 ~~customary earnings, and for all subsequent weeks, work is~~
 25 ~~suitable if the wages equal the weekly benefit amount.~~

1 ~~DURING THE FIRST 13 WEEKS OF UNEMPLOYMENT, SUITABLE WORK IS~~
 2 ~~WORK THAT MEETS THE CRITERIA IN THIS SECTION AND THAT OFFERS~~
 3 ~~WAGES EQUAL TO THE PREVAILING WAGE FOR THAT AREA IN THE~~
 4 ~~INDIVIDUAL'S CUSTOMARY OCCUPATION. AFTER 13 WEEKS OF~~
 5 ~~UNEMPLOYMENT, SUITABLE WORK IS WORK THAT MEETS THE CRITERIA~~
 6 ~~IN THIS SECTION AND THAT OFFERS 75% OF THE PREVAILING WAGE."~~

-End-

1 HOUSE BILL NO. 766

2 INTRODUCED BY PORTER, RAMIREZ

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
5 UNEMPLOYMENT COMPENSATION LAWS RELATING TO THE DEFINITION OF
6 TOTAL UNEMPLOYMENT, THE MINIMUM WEEKLY BENEFIT AMOUNT, THE
7 DURATION OF BENEFITS, QUALIFYING WAGES, AND DISQUALIFICATION
8 OF BENEFITS; AMENDING SECTIONS 39-51-2101, 39-51-2105,
9 39-51-2201, 39-51-2204, ~~39-51-2302~~, 39-51-2303, AND
10 39-51-2304, MCA."

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

13 Section 1. ~~Section 39-51-2101, MCA, is amended to~~
14 read:

15 "~~39-51-2101, total unemployment when an~~
16 ~~individual shall be deemed totally unemployed in any week~~
17 ~~during which he performed no work and earned no wages or a~~
18 ~~week of less than full-time work with wages of less than 2~~
19 ~~1/2 times his weekly benefit amount. No individual is~~
20 ~~unemployed in any week that he is self-employed."~~

21 Section 1. Section 39-51-2105, MCA, is amended to
22 read:

23 "39-51-2105. Qualifying wages. (1) To qualify as an
24 insured worker an individual must have been paid wages for
25 insured work in the quarters of his base period an amount

1 totaling not less than ~~1-1/2~~ ~~1-1/4~~ 1 1/2 times his base
2 period high quarter wages.

3 ~~(2) ON AND AFTER JULY 1, 1980, TO QUALIFY FOR~~
4 ~~BENEFITS, AN INDIVIDUAL MUST HAVE HAD AT LEAST 20 WEEKS OF~~
5 ~~WORK WITH AN AVERAGE OF \$50 PER WEEK IN SUBJECT EMPLOYMENT~~
6 ~~IN THE BASE PERIOD. TO QUALIFY FOR BENEFITS, THE TOTAL BASE~~
7 ~~PERIOD WAGES MUST BE \$1,000 OR MORE.~~

8 ~~(2)(1)~~ With respect to weeks of unemployment beginning
9 on or after January 1, 1978, wages for insured work shall
10 include wages paid for previously uncovered services. For
11 the purposes of this subsection, the term "previously
12 uncovered services" means services:

13 (a) which were not employment as defined in
14 39-51-204(1)(a) and (1)(b) at any time during the 1-year
15 period ending December 31, 1975; and

16 (b) which:

17 (i) are agricultural labor, as defined in
18 39-51-203(8), or domestic service, as defined in
19 39-51-203(9); or

20 (ii) are services performed by an employee of this
21 state or a political subdivision thereof, as provided in
22 39-51-203(5), or by an employee of a nonprofit educational
23 institution which is not an institution of higher education,
24 as provided in 39-51-203(6), except to the extent that
25 assistance under Title 11 of the Emergency Jobs and

1 Unemployment Assistance Act of 1974 was paid on the basis of
2 such services."

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4 read:

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6 average weekly wage. (1) Any individual whose benefit year
7 begins on or after July 1, 1971, shall receive as his weekly
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9 total wages for insured work paid during the calendar
10 quarter of his base period in which his wages were highest.
11 Such weekly benefit amount, if not a multiple of \$1, shall
12 be rounded to the nearest multiple of \$1.

13 ~~(2) ON AND AFTER JULY 1, 1980, AN ELIGIBLE~~
14 ~~INDIVIDUAL'S WEEKLY BENEFIT AMOUNT SHALL BE THE TOTAL BASE~~
15 ~~PERIOD WAGES DIVIDED BY THE NUMBER OF WEEKS OF COVERED~~
16 ~~EMPLOYMENT TIMES 50%. HOWEVER, SUCH AMOUNT SHALL NOT BE LESS~~
17 ~~THAN THE MINIMUM, NOR MORE THAN THE MAXIMUM WEEKLY BENEFIT~~
18 ~~AMOUNT.~~

19 ~~(2)(3)~~ On or before May 31 of each year, the total
20 wages paid by all employers as reported on contribution
21 reports submitted on or before such date for the preceding
22 calendar year shall be divided by the average monthly number
23 of individuals employed during the same preceding calendar
24 year as reported on such contribution reports. The amount
25 thus obtained shall be divided by 52 and the average weekly

1 wage, rounded to the nearest cent, thus determined. Fifty
2 Sixty percent of the average weekly wage shall constitute
3 the maximum weekly benefit amount and shall apply to all
4 maximum weekly benefit amount claims for benefits filed to
5 establish a benefit year commencing on or after July 1 of
6 the same year. Such maximum weekly benefit amount if not a
7 multiple of \$1, shall be computed to the nearest multiple of
8 \$1. ~~Beginning on July 1, 1975, the maximum weekly benefit~~
9 ~~amount shall be raised to 55% of the average weekly wage and~~
10 ~~beginning July 1, 1976, be raised to 60% of the average~~
11 ~~weekly wage.~~

12 ~~(3)(4)~~ The minimum weekly benefit amount shall be \$12
13 ~~15% of the average weekly wage.~~

14 ~~(4)(5)~~ The division shall prepare and publish annually
15 a benefit schedule in accordance with the provisions of this
16 subsection."

17 Section 3. Section 39-51-2204, MCA, is amended to
18 read:

19 "39-51-2204. Duration of benefits. Any otherwise
20 eligible individual shall be entitled during his benefit
21 year to benefits for the total number of weeks appearing in
22 the following table on the line which includes his ratio of
23 total base period earnings to highest quarter base period
24 earnings:

25 Ratio of Total Base Period Weeks' Duration

Earnings to High Quarter		of Benefits
0-----to-1.75-----		12
1.76-to-1.95-----		14
1.96-to-2.15-----		16
2.16-to-2.35-----		18
2.36-to-2.55-----		20
2.56-to-2.75-----		22
2.76-to-2.95-----		24
2.96-or-more-----		26
<u>At Least</u>	<u>Less Than</u>	
0-----	1.25-----	8
1.25-----	1.50-----	10
1.50-----	1.75-----	12
1.75-----	2.00-----	14
2.00-----	2.25-----	16
2.25-----	2.50-----	18
2.50-----	2.75-----	20
2.75-----	3.00-----	22
3.00-----	3.25-----	24
3.25-----	-----	26"

SECTION 4, SECTION 39-51-2302, MCA, IS AMENDED TO READ:

"39-51-2302. Disqualification for leaving work without good cause. (1) Effective ~~April 1, 1977~~ ~~1977~~ on an individual shall be disqualified for benefits if he has left

work without good cause attributable to the employment, ATTRIBUTABLE TO THE EMPLOYMENT, OR IF HE IS A SEASONAL DISTRICT EMPLOYEE WHO HAS A WRITTEN AGREEMENT TO RETURN TO THIS EMPLOYMENT FOLLOWING THE SUMMER BREAK

(a) until 6 weeks have elapsed from the effective date of his claim, with 6 weeks' reduction of his benefit duration; or

(b) until he has performed services from the effective date of his claim other than self-employment for which remuneration is received equal to or in excess of his weekly benefit amount in 4 separate weeks subsequent to the week in which the act causing the disqualification occurred, with 4 weeks' reduction of benefit duration, as determined by the division, provided he has not left this work under disqualifying circumstances.

(2) He may not be disqualified if the division finds that he left his employment because of personal illness or injury not associated with misconduct or left his employment upon the advice of a licensed and practicing physician and, after recovering from his illness or injury when recovery is certified by a licensed and practicing physician, he returned to his employer and offered his service and his regular or comparable suitable work was not available, if so found by the division, provided he is otherwise eligible.

(3) To requalify for benefits, an individual must

1 ~~perform services other than self-employment for which~~
 2 ~~remuneration is received equal to or in excess of 6 times~~
 3 ~~his weekly benefit amount subsequent to the week in which~~
 4 ~~the act causing the disqualification occurred UNLESS HE HAS~~
 5 ~~BEEN IN REGULAR ATTENDANCE AT AN EDUCATIONAL INSTITUTION~~
 6 ~~ACCREDITED BY THE STATE OF MONTANA FOR AT LEAST 3~~
 7 ~~CONSECUTIVE MONTHS FROM THE DATE OF HIS ENROLLMENT."~~

8 Section 5. Section 39-51-2303, MCA, is amended to
 9 read:

10 *39-51-2303. Disqualification for discharge due to
 11 misconduct. ~~Effective April 1, 1977-1979,~~ an AN individual
 12 shall be disqualified for benefits if he has been
 13 discharged:

14 (1) for misconduct connected with his work or
 15 affecting his employment;

16 ~~(a) until 8 10 weeks have elapsed from the effective~~
 17 ~~date of his claim, with 8 10 weeks' reduction of his benefit~~
 18 ~~duration; or AN INDIVIDUAL HAS PERFORMED SERVICES, OTHER~~
 19 ~~THAN SELF-EMPLOYMENT, FOR WHICH REMUNERATION IS RECEIVED~~
 20 ~~EQUAL TO OR IN EXCESS OF EIGHT TIMES HIS WEEKLY BENEFIT~~
 21 ~~AMOUNT SUBSEQUENT TO THE WEEK IN WHICH THE ACT CAUSING THE~~
 22 ~~DISQUALIFICATION OCCURRED.~~

23 ~~(b) until he has performed services from the effective~~
 24 ~~date of his claim other than self-employment for which~~
 25 ~~remuneration is received equal to or in excess of his weekly~~

1 benefit amount in 6 separate weeks subsequent to the week in
 2 which the act causing the disqualification occurred, with 6
 3 weeks' reduction of benefit duration, as determined by the
 4 division, provided he has not left this work under
 5 disqualifying circumstances;

6 (2) for gross misconduct connected with his work or
 7 committed on the employer's premises, as determined by the
 8 division, for a period of 12 months."

9 Section 6. Section 39-51-2304, MCA, is amended to
 10 read:

11 *39-51-2304. Disqualification for failure to apply for
 12 or to accept suitable work. (1) Effective April 1, 1977, an
 13 individual shall be disqualified for benefits if he failed
 14 without good cause either to apply for available and
 15 suitable work when so directed by the employment office or
 16 the division or to accept suitable work offered to him which
 17 he is physically able and mentally qualified to perform or
 18 to return to his customary self-employment, if any, when so
 19 directed by the division. Such disqualification shall
 20 continue for the week in which such failure occurred and
 21 until he has performed services, other than self-employment,
 22 for which remuneration is received equal to or in excess of
 23 his weekly benefit amount in 6 separate weeks subsequent to
 24 the date the act causing the disqualification occurred, with
 25 6 weeks' reduction in benefit duration, as determined by the

1 division, provided he has not left this work under
2 disqualifying circumstances.

3 (2) In determining whether or not any work is suitable
4 for an individual, the division shall consider the degree of
5 risk involved to his health, safety, and morals, his
6 physical fitness and prior training, his experience and
7 previous earnings, his length of unemployment and prospects
8 for securing local work in his customary occupation, and the
9 distance of the available work from his residence.

10 (3) Notwithstanding any other provisions of this
11 chapter, no work shall be deemed suitable and benefits shall
12 not be denied under this chapter to any otherwise eligible
13 individual for refusing to accept new work under any of the
14 following conditions:

15 (a) if position offered is vacant due directly to a
16 strike, lockout, or other labor dispute;

17 (b) if the wages, hours, or other conditions of the
18 work offered are substantially less favorable to the
19 individual than those prevailing for similar work in the
20 locality;

21 (c) if, as a condition of being employed, the
22 individual would be required to join a company union or to
23 resign from or refrain from joining any bona fide labor
24 organization.

25 ~~(4) During the first 7 weeks of benefit duration,~~

1 ~~suitable work is any work meeting the criteria in this~~
2 ~~section that offers wages equal to the wages earned in the~~
3 ~~individual's customary occupation from 0 to 16 weeks work~~
4 ~~is suitable if the wages equal 75% of the individual's~~
5 ~~customary earnings and for all subsequent weeks work is~~
6 ~~suitable if the wages equal the weekly benefit amount~~
7 DURING THE FIRST 13 WEEKS OF UNEMPLOYMENT, SUITABLE WORK IS
8 WORK THAT MEETS THE CRITERIA IN THIS SECTION AND THAT OFFERS
9 WAGES EQUAL TO THE PREVAILING WAGE FOR THAT AREA IN THE
10 INDIVIDUAL'S CUSTOMARY OCCUPATION, AFTER 13 WEEKS OF
11 UNEMPLOYMENT, SUITABLE WORK IS WORK THAT MEETS THE CRITERIA
12 IN THIS SECTION AND THAT OFFERS 75% OF THE PREVAILING WAGE."

-End-

HOUSE BILL NO. 766

INTRODUCED BY PORTER, RAMIREZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE UNEMPLOYMENT COMPENSATION LAWS RELATING TO THE DEFINITION OF TOTAL UNEMPLOYMENT, THE MINIMUM WEEKLY BENEFIT AMOUNT, THE DURATION OF BENEFITS, QUALIFYING WAGES, AND DISQUALIFICATION OF BENEFITS; AMENDING SECTIONS 39-51-2101, 39-51-2105, 39-51-2201, 39-51-2204, 39-51-2302, 39-51-2303, AND 39-51-2304, MCA."

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

Section 1. Section 39-51-2101, MCA, is amended to read:

"39-51-2101. Total unemployment. An individual shall be deemed totally unemployed in any week during which he performed no work and earned no wages or a week of less than full-time work with wages of less than 2 1/2 times his weekly benefit amount. No individual is unemployed in any week that he is self-employed."

Section 1. Section 39-51-2105, MCA, is amended to read:

"39-51-2105. Qualifying wages. (1) To qualify as an insured worker an individual must have been paid wages for insured work in the quarters of his base period an amount

totaling not less than 1 1/2 times his base period high quarter wages.

(2) ON AND AFTER JULY 1, 1980, TO QUALIFY FOR BENEFITS, AN INDIVIDUAL MUST HAVE HAD AT LEAST 20 WEEKS OF WORK WITH AN AVERAGE OF \$50 PER WEEK IN SUBJECT EMPLOYMENT IN THE BASE PERIOD. TO QUALIFY FOR BENEFITS, THE TOTAL BASE PERIOD WAGES MUST BE \$1,000 OR MORE.

(3) With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this subsection, the term "previously uncovered services" means services:

(a) which were not employment as defined in 39-51-204(1)(a) and (1)(b) at any time during the 1-year period ending December 31, 1975; and

(b) which: (i) are agricultural labor, as defined in 39-51-203(8), or domestic service, as defined in 39-51-203(9); or

(ii) are services performed by an employee of this state or a political subdivision thereof, as provided in 39-51-203(5), or by an employee of a nonprofit educational institution which is not an institution of higher education, as provided in 39-51-203(6), except to the extent that assistance under Title II of the Emergency Jobs and

1 Unemployment Assistance Act of 1974 was paid on the basis of
2 such services."

3 Section 2. Section 39-51-2201, MCA, is amended to
4 read:

5 "39-51-2201. Weekly benefit amount -- determination of
6 average weekly wage. (1) Any individual whose benefit year
7 begins on or after July 1, 1971, shall receive as his weekly
8 benefit amount an amount equal to one twenty-sixth of his
9 total wages for insured work paid during the calendar
10 quarter of his base period in which his wages were highest.
11 Such weekly benefit amount, if not a multiple of \$1, shall
12 be rounded to the nearest multiple of \$1.

13 ~~(2) ON AND AFTER JULY 1, 1980, AN ELIGIBLE~~
14 ~~INDIVIDUAL'S WEEKLY BENEFIT AMOUNT SHALL BE THE TOTAL BASE~~
15 ~~PERIOD WAGES DIVIDED BY THE NUMBER OF WEEKS OF COVERED~~
16 ~~EMPLOYMENT TIMES 50%. HOWEVER, SUCH AMOUNT SHALL NOT BE LESS~~
17 ~~THAN THE MINIMUM, OR MORE THAN THE MAXIMUM WEEKLY BENEFIT~~
18 ~~AMOUNT.~~

19 ~~(3) On or before May 31 of each year, the total~~
20 ~~wages paid by all employers as reported on contribution~~
21 ~~reports submitted on or before such date for the preceding~~
22 ~~calendar year shall be divided by the average monthly number~~
23 ~~of individuals employed during the same preceding calendar~~
24 ~~year as reported on such contribution reports. The amount~~
25 ~~thus obtained shall be divided by 52 and the average weekly~~

1 wage, rounded to the nearest cent, thus determined. Fifty
2 ~~Sixty~~ percent of the average weekly wage shall constitute
3 the maximum weekly benefit amount and shall apply to all
4 maximum weekly benefit amount claims for benefits filed to
5 establish a benefit year commencing on or after July 1 of
6 the same year. Such maximum weekly benefit amount if not a
7 multiple of \$1, shall be computed to the nearest multiple of
8 \$1. ~~Beginning--on--July--1--1975, the maximum weekly benefit~~
9 ~~amount shall be raised to 55% of the average weekly wage and~~
10 ~~beginning July 1, 1976, be raised to 60% of the average~~
11 ~~weekly wage.~~

12 ~~(3)(4) The minimum weekly benefit amount shall be \$12~~
13 ~~15% of the average weekly wage.~~

14 ~~(4)(5) The division shall prepare and publish annually~~
15 ~~a benefit schedule in accordance with the provisions of this~~
16 ~~subsection."~~

17 Section 3. Section 39-51-2204, MCA, is amended to
18 read:

19 "39-51-2204. Duration of benefits. Any otherwise
20 eligible individual shall be entitled during his benefit
21 year to benefits for the total number of weeks appearing in
22 the following table on the line which includes his ratio of
23 total base period earnings to highest quarter base period
24 earnings:

25 Ratio of Total Base Period Weeks' Duration

Earnings to High Quarter	of Benefits	
0---to-1v75-----	-----	12
1v76-to-1v95-----	-----	14
1v96-to-2v15-----	-----	16
2v16-to-2v35-----	-----	18
2v36-to-2v55-----	-----	20
2v56-to-2v75-----	-----	22
2v76-to-2v95-----	-----	24
2v96-or-more-----	-----	26
<u>At Least</u>	<u>Less Than</u>	
0	1.25	8
1.25	1.50	10
1.50	1.75	12
1.75	2.00	14
2.00	2.25	16
2.25	2.50	18
2.50	2.75	20
2.75	3.00	22
3.00	3.25	24
3.25	--	26"

21 SECTION 4. SECTION 39-51-2302, MCA, IS AMENDED TO
 22 READ:

23 *39-51-2302. Disqualification for leaving work without
 24 good cause. (1) Effective--April--1v--1977--1979--on AN
 25 individual shall be disqualified for benefits if he has left

1 work without good cause, attributable--to--the--employment,
 2 ~~ATTRIBUTABLE--TO--THE--EMPLOYMENT, OR--IF--HE--IS--A--SCHOOL~~
 3 ~~DISTRICT--EMPLOYEE--WHO--HAS--A--WRITTEN--AGREEMENT--TO--RETURN--TO~~
 4 ~~THIS--EMPLOYMENT--FOLLOWING--THE--SUMMER--BREAK~~
 5 (a)--until--6--weeks--have--elapsed--from--the--effective--date
 6 of--his--claim--with--6--weeks--reduction--of--his--benefit
 7 duration--or
 8 (b)--until--he--has--performed--services--from--the--effective
 9 date--of--his--claim--other--than--self-employment--for--which
 10 remuneration--is--received--equal--to--or--in--excess--of--his--weekly
 11 benefit--amount--in--4--separate--weeks--subsequent--to--the--week--in
 12 which--the--act--causing--the--disqualification--occurred--with--4
 13 weeks--reduction--of--benefit--duration--as--determined--by--the
 14 division--provided--he--has--not--left--this--work--under
 15 disqualifying--circumstances.
 16 (2) He may not be disqualified if the division finds
 17 that he left his employment because of personal illness or
 18 injury not associated with misconduct or left his employment
 19 upon the advice of a licensed and practicing physician and,
 20 after recovering from his illness or injury when recovery is
 21 certified by a licensed and practicing physician, he
 22 returned to his employer and offered his service and his
 23 regular or comparable suitable work was not available, if so
 24 found by the division, provided he is otherwise eligible.
 25 (3) To requalify for benefits, an individual must

1 perform services other than self-employment for which
 2 remuneration is received equal to or in excess of six times
 3 his weekly benefit amount subsequent to the week in which
 4 the act causing the disqualification occurred UNLESS HE HAS
 5 BEEN IN REGULAR ATTENDANCE AT AN EDUCATIONAL INSTITUTION
 6 ACCREDITED BY THE STATE OF MONTANA FOR AT LEAST 3
 7 CONSECUTIVE MONTHS FROM THE DATE OF HIS ENROLLMENT."

8 Section 5. Section 39-51-2303, MCA, is amended to
 9 read:

10 "39-51-2303. Disqualification for discharge due to
 11 misconduct. Effective April 1, 1977, an AN individual
 12 shall be disqualified for benefits if he has been
 13 discharged:

14 (1) for misconduct connected with his work or
 15 affecting his employment;

16 ~~(a) until 6 10 weeks have elapsed from the effective~~
 17 ~~date of his claim with 6 10 weeks' reduction of his benefit~~
 18 ~~duration; or AN INDIVIDUAL HAS PERFORMED SERVICES, OTHER~~
 19 ~~THAN SELF-EMPLOYMENT, FOR WHICH REMUNERATION IS RECEIVED~~
 20 ~~EQUAL TO OR IN EXCESS OF EIGHT TIMES HIS WEEKLY BENEFIT~~
 21 ~~AMOUNT SUBSEQUENT TO THE WEEK IN WHICH THE ACT CAUSING THE~~
 22 ~~DISQUALIFICATION OCCURRED.~~

23 ~~(b) until he has performed services from the effective~~
 24 ~~date of his claim other than self-employment for which~~
 25 ~~remuneration is received equal to or in excess of his weekly~~

1 ~~benefit amount in 6 separate weeks subsequent to the week in~~
 2 ~~which the act causing the disqualification occurred, with 6~~
 3 ~~weeks' reduction of benefit duration, as determined by the~~
 4 ~~division, provided he has not left this work under~~
 5 ~~disqualifying circumstances.~~

6 (2) for gross misconduct connected with his work or
 7 committed on the employer's premises, as determined by the
 8 division, for a period of 12 months."

9 Section 6. Section 39-51-2304, MCA, is amended to
 10 read:

11 "39-51-2304. Disqualification for failure to apply for
 12 or to accept suitable work. (1) Effective April 1, 1977, an
 13 individual shall be disqualified for benefits if he failed
 14 without good cause either to apply for available and
 15 suitable work when so directed by the employment office or
 16 the division or to accept suitable work offered to him which
 17 he is physically able and mentally qualified to perform or
 18 to return to his customary self-employment, if any, when so
 19 directed by the division. Such disqualification shall
 20 continue for the week in which such failure occurred and
 21 until he has performed services, other than self-employment,
 22 for which remuneration is received equal to or in excess of
 23 his weekly benefit amount in 6 separate weeks subsequent to
 24 the date the act causing the disqualification occurred, with
 25 6 weeks' reduction in benefit duration, as determined by the

1 division, provided he has not left this work under
2 disqualifying circumstances.

3 (2) In determining whether or not any work is suitable
4 for an individual, the division shall consider the degree of
5 risk involved to his health, safety, and morals, his
6 physical fitness and prior training, his experience and
7 previous earnings, his length of unemployment and prospects
8 for securing local work in his customary occupation, and the
9 distance of the available work from his residence.

10 (3) Notwithstanding any other provisions of this
11 chapter, no work shall be deemed suitable and benefits shall
12 not be denied under this chapter to any otherwise eligible
13 individual for refusing to accept new work under any of the
14 following conditions:

15 (a) if position offered is vacant due directly to a
16 strike, lockout, or other labor dispute;

17 (b) if the wages, hours, or other conditions of the
18 work offered are substantially less favorable to the
19 individual than those prevailing for similar work in the
20 locality;

21 (c) if, as a condition of being employed, the
22 individual would be required to join a company union or to
23 resign from or refrain from joining any bona fide labor
24 organization.

25 ~~(4) During the first 7 weeks of benefit duration,~~

1 ~~suitable work is any work meeting the criteria in this~~
2 ~~section that offers wages equal to the wages earned in the~~
3 ~~individual's customary occupation. From 8 to 16 weeks, work~~
4 ~~is suitable if the wages equal 75% of the individual's~~
5 ~~customary earnings, and for all subsequent weeks, work is~~
6 ~~suitable if the wages equal the weekly benefit amount.~~
7 DURING THE FIRST 13 WEEKS OF UNEMPLOYMENT, SUITABLE WORK IS
8 WORK THAT MEETS THE CRITERIA IN THIS SECTION AND THAT OFFERS
9 WAGES EQUAL TO THE PREVAILING WAGE FOR THAT AREA IN THE
10 INDIVIDUAL'S CUSTOMARY OCCUPATION. AFTER 13 WEEKS OF
11 UNEMPLOYMENT, SUITABLE WORK IS WORK THAT MEETS THE CRITERIA
12 IN THIS SECTION AND THAT OFFERS 75% OF THE PREVAILING WAGE."

-End-

March 21, 1979

SENATE STANDING COMMITTEE REPORT
(Labor & Employment Relations)

That House Bill No. 766, third reading bill, be amended as follows:

1. Page 5, line 24.

Following: "(1)"

Strike: "Effective April 1,"

Following: "1977"

Strike: "1979, an"

Insert: "An"

2. Page 6, line 1.

Following: "employment:"

Insert: "attributable to the employment or if he is a school district
employee who has a written agreement to return to his employment
following the summer break"

3. Page 7, line 1.

Following: "occurred"

Insert: "unless he has been in regular attendance at an educational
institution accredited by the state of Montana for at least 3
consecutive months from the date of his enrollment"

4. Page 7, line 5.

Following: "misconduct."

Strike: "Effective April 1,"

Following: "1977"

Strike: "1979, an"

Insert: "An"