

Senate Bill 360

In The Senate

February 3, 1981	Introduced and referred to Committee on Labor and Employment Relations.
February 17, 1981	Committee recommend bill do pass.
February 18, 1981	Bill printed and placed on members' desks.
February 19, 1981	Second reading indefinitely postponed as amended.
February 20, 1981	On motion Senate reconsider its action taken on second reading . Motion failed.

1 *Senet* BILL NO. *360*
 2 INTRODUCED BY *AKLESTAD, Keating, Gubins, Hoff*
 3 *1 member of Senate*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE
 5 AVAILABILITY OF UNEMPLOYMENT BENEFITS IN CERTAIN
 6 CIRCUMSTANCES AND TO FURTHER LIMIT TIME REQUIREMENTS FOR
 7 OBTAINING EMPLOYMENT; AMENDING SECTIONS 39-51-2205,
 8 39-51-2304, AND 39-51-2305, MCA; AND PROVIDING AN IMMEDIATE
 9 EFFECTIVE DATE."

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

12 Section 1. Section 39-51-2205, MCA, is amended to
 13 read:

14 "39-51-2205. Continuation of benefits at death of
 15 claimant. All accrued benefits due and payable at the time
 16 of death to any deceased claimant shall be paid to the
 17 surviving spouse or, if there be no surviving spouse, then
 18 to the surviving children ~~or, if there be no surviving~~
 19 ~~children, then to the next of kin~~ without the necessity of
 20 any recipient obtaining letters testamentary or of
 21 administration."

22 Section 2. Section 39-51-2304, MCA, is amended to
 23 read:

24 "39-51-2304. Disqualification for failure to apply for
 25 or to accept suitable work. (1) Effective April 1, 1977, an

1 individual is disqualified for benefits if he fails without
 2 good cause either to apply for available and suitable work
 3 when so directed by the employment office or the division or
 4 to accept suitable work offered to him which he is
 5 physically able and mentally qualified to perform or to
 6 return to his customary self-employment, if any, when so
 7 directed by the division. Such disqualification continues
 8 for the week in which such failure occurs and until the
 9 individual has performed services, other than
 10 self-employment, for which remuneration is received equal to
 11 or in excess of his weekly benefit amount in 6 separate
 12 weeks subsequent to the date the act causing the
 13 disqualification occurred, with 6 weeks' reduction in
 14 benefit duration, as determined by the division, provided he
 15 has not left this work under disqualifying circumstances.

16 (2) In determining whether or not any work is suitable
 17 for an individual, the division shall consider the degree of
 18 risk involved to his health, safety, and morals, his
 19 physical fitness and prior training, his experience and
 20 previous earnings, his length of unemployment and prospects
 21 for securing local work in his customary occupation, and the
 22 distance of the available work from his residence.

23 (3) Notwithstanding any other provisions of this
 24 chapter, no work may be considered suitable and benefits may
 25 not be denied under this chapter to any otherwise eligible

1 individual for refusing to accept new work under any of the
2 following conditions:

3 (a) If the position offered is vacant due directly to
4 a strike, lockout, or other labor dispute;

5 (b) If the wages, hours, or other conditions of the
6 work offered are substantially less favorable to the
7 individual than those prevailing for similar work in the
8 locality;

9 (c) If, as a condition of being employed, the
10 individual would be required to join a company union or to
11 resign from or refrain from joining any bona fide labor
12 organization.

13 (4) During the first ~~13~~ 8 weeks of unemployment,
14 suitable work is work that meets the criteria in this
15 section and that offers wages equal to the prevailing wage
16 for that area in the individual's customary occupation.
17 After ~~13~~ 8 weeks of unemployment, suitable work is work that
18 meets the criteria in this section and that offers 75% of
19 the prevailing wage."

20 Section 3. Section 39-51-2305, MCA, is amended to
21 read:

22 "39-51-2305. Disqualification when unemployment due to
23 ~~stoppage-of-work strike~~. (1) Effective-April-1, 1977-on An
24 Individual shall be disqualified for benefits for any week
25 with respect to which the division finds that his total

1 unemployment is due to a ~~stoppage-of-work~~ strike which
2 exists because of a labor dispute at the factory,
3 establishment, or other premises at which he is or was last
4 employed, provided that this subsection shall not apply if
5 it is shown to the satisfaction of the division that:

6 (a) he is not ~~participating-in~~ supporting or financing
7 or directly interested in the labor dispute which caused the
8 ~~stoppage-of-work~~ strike; and

9 (b) he does not belong to a grade or class of workers
10 of which, immediately before the commencement of the
11 ~~stoppage~~ strike, there were members employed at the premises
12 at which the ~~stoppage~~ strike occurs, any of whom are
13 ~~participating--in~~ supporting or financing or directly
14 interested in the dispute.

15 (2) If in any case separate branches of work which are
16 commonly conducted as separate businesses in separate
17 premises are conducted in separate departments of the same
18 premises, each such department shall, for the purpose of
19 this section, be deemed to be a separate factory,
20 establishment, or other premises.

21 (3) If the division, upon investigation, shall find
22 that such labor dispute is caused by the failure or refusal
23 of any employer to conform to the provisions of any law of
24 the state wherein the labor dispute occurs or of the United
25 States pertaining to collective bargaining, hours, wages, or

LC 0909/01

1 other conditions of work, such labor dispute shall not
2 render the workers ineligible for benefits."

3 Section 4. Effective date. This act is effective on
4 passage and approval.

-End-

Approved by Committee on Labor & Employment Relations

Sense BILL NO. 360

INTRODUCED BY

AKLESTAD, Keating, Graham, Hall

Underdal, DeFest

A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE AVAILABILITY OF UNEMPLOYMENT BENEFITS IN CERTAIN CIRCUMSTANCES AND TO FURTHER LIMIT TIME REQUIREMENTS FOR OBTAINING EMPLOYMENT; AMENDING SECTIONS 39-51-2205, 39-51-2304, AND 39-51-2305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 39-51-2205, MCA, is amended to read:

"39-51-2205. Continuation of benefits at death of claimant. All accrued benefits due and payable at the time of death to any deceased claimant shall be paid to the surviving spouse or, if there be no surviving spouse, then to the surviving children ~~or--if--there--be--no--surviving children--then--to--the--next--of--kin~~ without the necessity of any recipient obtaining letters testamentary or of administration."

Section 2. Section 39-51-2304, MCA, is amended to read:

"39-51-2304. Disqualification for failure to apply for or to accept suitable work. (1) Effective April 1, 1977, an

individual is disqualified for benefits if he fails without good cause either to apply for available and suitable work when so directed by the employment office or the division or to accept suitable work offered to him which he is physically able and mentally qualified to perform or to return to his customary self-employment, if any, when so directed by the division. Such disqualification continues for the week in which such failure occurs and until the individual has performed services, other than self-employment, for which remuneration is received equal to or in excess of his weekly benefit amount in 6 separate weeks subsequent to the date the act causing the disqualification occurred, with 6 weeks' reduction in benefit duration, as determined by the division, provided he has not left this work under disqualifying circumstances.

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

(3) Notwithstanding any other provisions of this chapter, no work may be considered suitable and benefits may not be denied under this chapter to any otherwise eligible

1 individual for refusing to accept new work under any of the
2 following conditions:

3 (a) if the position offered is vacant due directly to
4 a strike, lockout, or other labor dispute;

5 (b) if the wages, hours, or other conditions of the
6 work offered are substantially less favorable to the
7 individual than those prevailing for similar work in the
8 locality;

9 (c) if, as a condition of being employed, the
10 individual would be required to join a company union or to
11 resign from or refrain from joining any bona fide labor
12 organization.

13 (4) During the first ~~13~~ 8 weeks of unemployment,
14 suitable work is work that meets the criteria in this
15 section and that offers wages equal to the prevailing wage
16 for that area in the individual's customary occupation.
17 After ~~13~~ 8 weeks of unemployment, suitable work is work that
18 meets the criteria in this section and that offers 75% of
19 the prevailing wage."

20 Section 3. Section 39-51-2305, MCA, is amended to
21 read:

22 "39-51-2305. Disqualification when unemployment due to
23 ~~stoppage--of--work strike.~~ (1) Effective ~~April 1, 1977~~ on ~~an~~
24 individual shall be disqualified for benefits for any week
25 with respect to which the division finds that his total

1 unemployment is due to a ~~stoppage--of--work strike~~ which
2 exists because of a labor dispute at the factory,
3 establishment, or other premises at which he is or was last
4 employed, provided that this subsection shall not apply if
5 it is shown to the satisfaction of the division that:

6 (a) he is not ~~participating--in~~ supporting or financing
7 or directly interested in the labor dispute which caused the
8 ~~stoppage-of-work strike~~; and

9 (b) he does not belong to a grade or class of workers
10 of which, immediately before the commencement of the
11 ~~stoppage strike~~, there were members employed at the premises
12 at which the ~~stoppage strike~~ occurs, any of whom are
13 ~~participating--in~~ supporting or financing or directly
14 interested in the dispute.

15 (2) If in any case separate branches of work which are
16 commonly conducted as separate businesses in separate
17 premises are conducted in separate departments of the same
18 premises, each such department shall, for the purpose of
19 this section, be deemed to be a separate factory,
20 establishment, or other premises.

21 (3) If the division, upon investigation, shall find
22 that such labor dispute is caused by the failure or refusal
23 of any employer to conform to the provisions of any law of
24 the state wherein the labor dispute occurs or of the United
25 States pertaining to collective bargaining, hours, wages, or

1 other conditions of work, such labor dispute shall not
2 render the workers ineligible for benefits."

3 Section 4. Effective date. This act is effective on
4 passage and approval.

-End-

SB 360