

HOUSE BILL NO. 330

Introduced: 01/18/83

Referred to Committee on Labor & Employment Relations:
01/18/83

Hearing: 1/26/83

Report: 02/01/83, Do Not Pass

Bill Killed: 02/02/83

1 *House* BILL NO. *330*
 2 INTRODUCED BY *Barbara*
 3 BY REQUEST OF THE PERSONNEL AND LABOR RELATIONS
 4 STUDY COMMISSION
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE
 7 DEPARTMENT OF LABOR AND INDUSTRY TO DEFER TO THE BOARD OF
 8 PERSONNEL APPEALS OR THE NATIONAL LABOR RELATIONS BOARD FOR
 9 A DETERMINATION OF WHETHER THE EMPLOYER OF AN APPLICANT FOR
 10 UNEMPLOYMENT BENEFITS COMMITTED AN UNFAIR LABOR PRACTICE
 11 RESULTING IN A LABOR DISPUTE WORK STOPPAGE AND THE
 12 APPLICANT'S UNEMPLOYMENT FOR PURPOSES OF DECIDING WHETHER
 13 THE APPLICANT IS ENTITLED TO BENEFITS; AMENDING SECTION
 14 39-51-2305, MCA."
 15
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 17 Section 1. Section 39-51-2305, MCA, is amended to
 18 read:
 19 "39-51-2305. Disqualification when unemployment due to
 20 stoppage of work. (1) Effective April 1, 1977, an individual
 21 shall be disqualified for benefits for any week with respect
 22 to which the department finds that his total unemployment is
 23 due to a stoppage of work which exists because of a labor
 24 dispute at the factory, establishment, or other premises at
 25 which he is or was last employed, provided that this

1 subsection shall not apply if it is shown to the
 2 satisfaction of the department that:
 3 (a) he is not participating in or financing or
 4 directly interested in the labor dispute which caused the
 5 stoppage of work; and
 6 (b) he does not belong to a grade or class of workers
 7 of which, immediately before the commencement of the
 8 stoppage, there were members employed at the premises at
 9 which the stoppage occurs, any of whom are participating in
 10 or financing or directly interested in the dispute.
 11 (2) If in any case separate branches of work which are
 12 commonly conducted as separate businesses in separate
 13 premises are conducted in separate departments of the same
 14 premises, each such department shall, for the purpose of
 15 this section, be deemed to be a separate factory,
 16 establishment, or other premises.
 17 (3) if a labor dispute does not render the worker
 18 ineligible for benefits if:
 19 (a) such labor dispute is determined by the board of
 20 personnel appeals under 39-31-401 through 39-31-409,
 21 39-32-109, or 39-32-111 or by the national labor relations
 22 board under 29 U.S.C. sections 151 through 168 to be caused
 23 by an unfair labor practice of the employer; or
 24 (b) the department, upon investigation, shall find
 25 finds that such labor dispute is caused by the failure or

1 refusal of any employer to conform to the provisions of any
 2 ~~law pertaining to hours, wages, or other conditions of work;~~
 3 (i) of the state wherein the labor dispute occurs;
 4 ~~except 39-31-401 through 39-31-409, 39-32-109, or 39-32-111;~~
 5 or
 6 (iii) of the United States pertaining to collective
 7 bargaining, hours, wages, or other conditions of work,
 8 ~~except 29 U.S.C. sections 151 through 168 such labor dispute~~
 9 ~~shall not render the workers ineligible for benefits."~~

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