

SENATE BILL NO. 136

Introduced: 01/13/83

Referred to Committee on Labor & Employment Relations: 01/13/83

Hearing: 2/3/83

Report: 02/10/83, Do Pass, As Amended.

2nd Reading: 02/14/83

2nd Reading: 2/14/83, Indefinitely Postponed  
Bill Killed.

SENATE BILL NO. 136

INTRODUCED BY Leating

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE PAYMENT OF UNEMPLOYMENT BENEFITS TO CLAIMANTS PARTICIPATING IN A LABOR DISPUTE WHEN THE DISPUTE HAS CONTINUED FOR 12 WEEKS; AMENDING SECTION 39-51-2305, MCA."

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

Section 1. Section 39-51-2305, MCA, is amended to read:

"39-51-2305. Disqualification when unemployment due to stoppage of work labor dispute. (1) Effective April 1, 1977, an individual shall be disqualified for benefits for any week with respect to which the department finds that his total unemployment is due to a stoppage of work which exists because of in the first 12 weeks of unemployment due to a labor dispute at the factory, establishment, or other premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the department that:

(a) he is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(b) he does not belong to a grade or class of workers

of which, immediately before the commencement of the stoppage labor dispute, there were members employed at the premises at which the stoppage labor dispute occurs, any of whom are participating in or financing or directly interested in the dispute.

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

(3) If the department upon investigation shall find that such labor dispute is caused by the failure or refusal of any employer to conform to the provisions of any law of the state wherein the labor dispute occurs or of the United States pertaining to collective bargaining, hours, wages, or other conditions of work, such labor dispute shall not render the workers ineligible for benefits.

~~(4) The disqualification period in subsection (1) is in addition to the waiting period prescribed by 39-51-2104.~~

-End-

INTRODUCED BILL

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Approved by Committee  
on Labor & Employment  
Relations

SENATE BILL NO. 136

INTRODUCED BY KEATING

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
PAYMENT OF UNEMPLOYMENT BENEFITS TO CLAIMANTS PARTICIPATING  
IN A LABOR DISPUTE ONLY WHEN THE DISPUTE DOES NOT RESULT IN  
A WORK STOPPAGE AND HAS CONTINUED FOR 12 WEEKS OR THE  
DISPUTE RESULTS IN A WORK STOPPAGE THAT THE CLAIMANTS ARE  
NOT DIRECTLY INVOLVED IN; AMENDING SECTION 39-51-2305, MCA."

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

Section 1. Section 39-51-2305, MCA, is amended to  
read:

"39-51-2305. Disqualification when unemployment due to  
stoppage-of-work labor dispute. (1) Effective April 1, 1977,  
an individual shall be disqualified for benefits for any  
week with respect to which the department finds that his  
total unemployment is due to a stoppage-of-work which exists  
because of in the first 12 weeks of unemployment due to a  
labor dispute THAT DOES NOT RESULT IN A WORK STOPPAGE at the  
factory, establishment, or other premises at which he is or  
was last employed, provided that this subsection shall not  
apply if

(2) AN INDIVIDUAL SHALL BE DISQUALIFIED FOR BENEFITS  
FOR ANY WEEK OF UNEMPLOYMENT THAT IS DUE TO A LABOR DISPUTE

THAT RESULTS IN A WORK STOPPAGE AT THE FACTORY,  
ESTABLISHMENT, OR OTHER PREMISES AT WHICH HE IS OR WAS LAST  
EMPLOYED UNLESS it is shown to the satisfaction of the  
department that:

(a) he is not participating in or financing or  
directly interested in the labor dispute which caused the  
stoppage-of-work; and

(b) he does not belong to a grade or class of workers  
of which, immediately before the commencement of the  
stoppage labor dispute STOPPAGE, there were members employed  
at the premises at which the stoppage labor dispute occurs,  
any of whom are participating in or financing or directly  
interested in the dispute.

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

(3)(4) If the department upon investigation shall  
find that such labor dispute is caused by the failure or  
refusal of any employer to conform to the provisions of any  
law of the state wherein the labor dispute occurs or of the  
United States pertaining to collective bargaining, hours,  
wages, or other conditions of work, such labor dispute shall

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1 not render the workers ineligible for benefits.  
2 ~~++(5) The disqualification period in subsection (1)~~  
3 ~~is in addition to the waiting period prescribed by~~  
4 ~~39-51-2104.~~"

-End-