

SENATE BILL NO. 315

Introduced: 01/28/83

Referred to Committee on Labor & Employment Relations:  
01/28/83

Hearing: 2/8/83

Report: 2/15/83, Do Pass, As Amended

2nd Reading: 02/17/83

3rd Reading: 02/19/83

Bill Killed.

*Senate* BILL NO. 315

INTRODUCED BY *Rep. Cee*

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW EXCLUDING CERTAIN PERSONNEL OF EDUCATIONAL INSTITUTIONS FROM UNEMPLOYMENT INSURANCE BENEFITS; AMENDING SECTION 39-51-2108, MCA."

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

Section 1. Section 39-51-2108, MCA, is amended to read:

"39-51-2108. Payment of benefits based on service in public, charitable, or educational organizations. (1) Benefits based on service in employment defined in subsections (5) and (6) of 39-51-203 and subsections (2) and (3) of 39-51-204 are payable in the same amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other service subject to this chapter, except that benefits based on service in an ~~instructional, research, or principal administrative~~ professional capacity for an educational institution ~~or based on service in a noncertified capacity for an educational institution that is not an institution of higher education~~ may not be paid to an individual for any week of unemployment;

(a) which begins during the period between two successive academic years; or

(b) during a similar period between two regular terms, whether or not successive; or

(c) during a period of paid sabbatical leave provided for in the individual's contract, ~~if the individual has a contract to perform services in any such capacity for any such educational institution for both such academic years or both such terms.~~

(2) The exclusions in subsections (1)(a) and (1)(b) apply only if the individual has a contract to perform services in any capacity for an educational institution for both such academic years or both such terms.

-End-

Approved by Committee  
on Labor & Employment  
Relations

1                   SENATE BILL NO. 315  
2                   INTRODUCED BY GAGE, LEE  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW  
5    EXCLUDING CERTAIN PERSONNEL OF EDUCATIONAL INSTITUTIONS FROM  
6    UNEMPLOYMENT INSURANCE BENEFITS; AMENDING SECTION  
7    39-51-2108, MCA."  
8  
9    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
10       Section 1. Section 39-51-2108, MCA, is amended to  
11    read:  
12       "39-51-2108. Payment of benefits based on service in  
13    public, charitable, or educational organizations. (1)  
14    Benefits based on service in employment defined in  
15    subsections (5) and (6) of 39-51-203 and subsections (2) and  
16    (3) of 39-51-204 are payable in the same amount, on the same  
17    terms, and subject to the same conditions as compensation  
18    payable on the basis of other service subject to this  
19    chapter, except that benefits based on service in an  
20    instructional, research, or principal administrative or  
21    professional capacity for an educational institution or  
22    based on service in a noncertified ANY OTHER capacity for an  
23    educational institution that is not an institution of higher  
24    education may not be paid to an individual for any week of  
25    unemployment;

1           (1a) which begins during the period between two  
2    successive academic years; or  
3           (1b) during a similar period between two regular terms,  
4    whether or not successive; or  
5           (1c) during a period of paid sabbatical leave provided  
6    for in the individual's contract, if the individual has a  
7    contract to perform services in any such capacity for any  
8    such educational institution for both such academic years or  
9    both such terms;  
10       (2) ~~The exclusions in subsections (1)(a) and (1)(b)~~  
11    ~~apply only if the individual has a contract OR REASONABLE~~  
12    ~~ASSURANCE FROM THE EMPLOYER to perform services in any SUCH~~  
13    ~~capacity for an educational institution for both such~~  
14    ~~academic years or both such terms.~~  
15       (3) ~~IF ANY SCHOOL EMPLOYEE IS DENIED BENEFITS AND SUCH~~  
16    ~~EMPLOYEE IS NOT OFFERED AN OPPORTUNITY TO BE REEMPLOYED FOR~~  
17    ~~THE NEXT SUCCEEDING SCHOOL YEAR OR TERM, SUCH INDIVIDUAL~~  
18    ~~SHALL BE ENTITLED TO RETROACTIVE PAYMENT FOR EACH WEEK FOR~~  
19    ~~WHICH THE INDIVIDUAL FILED A TIMELY CLAIM FOR BENEFITS AND~~  
20    ~~FOR WHICH COMPENSATION WAS DENIED SOLELY BECAUSE OF THIS~~  
21    ~~SECTION.~~"

-End-

## 1 SENATE BILL NO. 315

2 INTRODUCED BY GAGE, LEE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW  
5 EXCLUDING CERTAIN PERSONNEL OF EDUCATIONAL INSTITUTIONS FROM  
6 UNEMPLOYMENT INSURANCE BENEFITS; AMENDING SECTION  
7 39-51-2108, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:10 Section 1. Section 39-51-2108, MCA, is amended to  
11 read:

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13 public, charitable, or educational organizations. (1)  
14 Benefits based on service in employment defined in  
15 subsections (5) and (6) of 39-51-203 and subsections (2) and  
16 (3) of 39-51-204 are payable in the same amount, on the same  
17 terms, and subject to the same conditions as compensation  
18 payable on the basis of other service subject to this  
19 chapter, except that benefits based on service in an  
20 instructional, research, or principal administrative or  
21 professional capacity for an educational institution or  
22 based on service in a noncertified ANY OTHER capacity for an  
23 educational institution that is not an institution of higher  
24 education may not be paid to an individual for any week of  
25 unemployment;

1 (a) which begins during the period between two  
2 successive academic years; or

3 (a) during a similar period between two regular terms,  
4 whether or not successive; or

5 (c) during a period of paid sabbatical leave provided  
6 for in the individual's contract, if the individual has a  
7 contract to perform services in any such capacity for any  
8 such educational institution for both such academic years or  
9 both such terms;

10 (2) The exclusions in subsections (1)(a) and (1)(b)  
11 apply only if the individual has a contract OR REASONABLE  
12 ASSURANCE FROM THE EMPLOYER to perform services in any SUCH  
13 capacity for an educational institution for both such  
14 academic years or both such terms.

15 (3) IF ANY SCHOOL EMPLOYEE IS DENIED BENEFITS AND SUCH  
16 EMPLOYEE IS NOT OFFERED AN OPPORTUNITY TO BE REEMPLOYED FOR  
17 THE NEXT SUCCEEDING SCHOOL YEAR OR TERM, SUCH INDIVIDUAL  
18 SHALL BE ENTITLED TO RETROACTIVE PAYMENT FOR EACH WEEK FOR  
19 WHICH THE INDIVIDUAL FILED A TIMELY CLAIM FOR BENEFITS AND  
20 FOR WHICH COMPENSATION WAS DENIED SOLELY BECAUSE OF THIS  
21 SECTION."

-End-