

HOUSE BILL NO. 378

1/23 Introduced
1/23 Referred to Business & Labor
1/24 Fiscal Note Requested
1/31 Fiscal Note Received
2/05 Hearing
2/05 Committee Report-Bill Do Pass
2/08 2nd Reading Pass
2/09 3rd Reading Pass

Transmitted to Senate

2/11 Referred to Labor & Employment Relations
3/07 Hearing
3/19 Tabled in Committee

HOUSE BILL NO. 378

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT
OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A PERSON TO PERFORM EMPLOYMENT AS DEFINED IN THE UNEMPLOYMENT INSURANCE LAW BEFORE HE REQUALIFIES FOR BENEFITS AFTER BEING DISQUALIFIED AND TO REQUIRE A PERSON WHO RECEIVED BENEFITS DURING A BENEFIT YEAR TO PERFORM EMPLOYMENT, AS DEFINED IN THAT LAW, AFTER THAT YEAR BEGINS BEFORE HE MAY RECEIVE BENEFITS IN A SECOND BENEFIT YEAR; AMENDING SECTIONS 39-51-2107, 39-51-2302 THROUGH 39-51-2304, AND 39-51-2508, MCA."

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

Section 1. Section 39-51-2107, MCA, is amended to read:

"39-51-2107. Services for remuneration to be performed during benefit year as condition for receiving benefits in second benefit year -- amount required. An individual who received benefits during a benefit year must perform services for remuneration after the beginning of that year as a condition for receiving benefits in a second benefit year. The service may-be-in-either-covered-or-noncovered

employment must constitute employment in this state as defined in 39-51-203 or in another state as defined in the law of that state. However, the individual must have earned the lesser of three-thirteenths of his high quarter of his second benefit year or 6 times his weekly benefit amount of that same year."

Section 2. Section 39-51-2302, MCA, is amended to read:

"39-51-2302. Disqualification for leaving work without good cause. (1) An individual shall be disqualified for benefits if he has left work without good cause.

(2) He may not be disqualified if the department 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 department, provided he is otherwise eligible.

(3) To requalify for benefits, an individual must perform services-other-than--self-employment employment in this state as defined in 39-51-203 or in another state as defined in the law of that state, for which remuneration is received equal to or in excess of six times his weekly



1 benefit amount subsequent to the week in which the act
 2 causing the disqualification occurred unless he has been in
 3 regular attendance at an educational institution accredited
 4 by the state of Montana for at least 3 consecutive months
 5 from the date of his enrollment."

6 Section 3. Section 39-51-2303, MCA, is amended to
 7 read:

8 "39-51-2303. Disqualification for discharge due to
 9 misconduct. An individual shall be disqualified for benefits
 10 if he has been discharged:

11 (1) for misconduct connected with his work or
 12 affecting his employment until an individual has performed
 13 services;--other--than--self-employment employment in this
 14 state as defined in 39-51-203 or in another state as defined
 15 in the law of that state, for which remuneration is received
 16 equal to or in excess of eight times his weekly benefit
 17 amount subsequent to the week in which the act causing the
 18 disqualification occurred.

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

22 Section 4. 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 department
 4 or 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 department. 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 employment in this state as defined in
 11 39-51-203 or in another state as defined in the law of that
 12 state, for which remuneration is received equal to or in
 13 excess of his weekly benefit amount in 6 separate weeks
 14 subsequent to the date the act causing the disqualification
 15 occurred, with 6 weeks' reduction in benefit duration, as
 16 determined by the department, provided he has not left this
 17 work under disqualifying circumstances.

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

25 (3) Notwithstanding any other provisions of this

1 chapter, no work may be considered suitable and benefits may
2 not be denied under this chapter to any otherwise eligible
3 individual for refusing to accept new work under any of the
4 following conditions:

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

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

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

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

22 Section 5. Section 39-51-2508, MCA, is amended to
23 read:

24 "39-51-2508. Eligibility requirements for extended
25 benefits -- disqualifications -- acceptance of suitable

1 work. (1) An individual shall be eligible to receive
2 extended benefits with respect to any week of unemployment
3 in this eligibility period only if the department finds that
4 with respect to such week:

5 (a) he is an exhaustee, as defined in 39-51-2501(6);

6 (b) he is not disqualified for the receipt of regular
7 benefits pursuant to part 23 of this chapter and, if he is
8 disqualified, he satisfies the requirements for
9 requalification in that part; and

10 (c) he has satisfied the other requirements of this
11 chapter for the receipt of regular benefits that are
12 applicable to individuals claiming extended benefits.

13 (2) In addition to the disqualifications provided for
14 in subsection (1)(b), an individual is disqualified for
15 extended benefits if he fails to seek work. Such
16 disqualification continues for the week in which such
17 failure occurs and until the individual has performed
18 services, other than self-employment employment in this
19 state as defined in 39-51-203 or in another state as defined
20 in the law of that state, for which remuneration is received
21 equal to or in excess of his weekly benefit amount in 4
22 separate weeks subsequent to the date the act causing the
23 disqualification occurred.

24 (3) A regular benefit claimant who is disqualified for
25 gross misconduct under 39-51-2303(2) may not be paid

1 extended benefits unless he has earned at least eight times
2 the weekly benefit amount after the date of such
3 disqualification.

4 (4) A regular benefit claimant who voluntarily leaves
5 work to attend school and, pursuant to 39-51-2302(3),
6 requalifies for regular benefits may not be paid extended
7 benefits unless he has earned at least six times the weekly
8 benefit amount.

9 (5) For the purposes of determining eligibility for
10 extended benefits, the department shall by rule define the
11 term "suitable work". Such definition shall be in accordance
12 with the definition required by the Omnibus Reconciliation
13 Act of 1980, P.L. 96-499, and as may be amended after March
14 19, 1981."

15 NEW SECTION. Section 6. Extension of authority. Any
16 existing authority of the department of labor and industry
17 to make rules on the subject of the provisions of this act
18 is extended to the provisions of this act.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN217-85

Form BD-15

In compliance with a written request received January 24 19 85, there is hereby submitted a Fiscal Note for H.B. 378 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION:

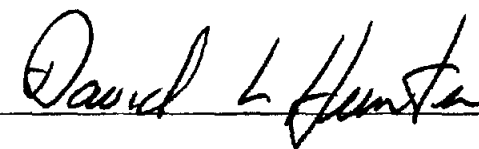
This bill requires a person to perform employment as defined in the unemployment insurance law before requalifying for benefits after disqualification, and requires a person to perform employment before the second benefit year.

ASSUMPTIONS:

1. Assume 6,000 individuals per year will be disqualified for benefits under the provisions stated in the proposed and current laws.
2. Assume 10% of these 6,000 individuals would requalify for benefit payments.
3. Assume 5% of the 600 who requalify, do so with wages from other than covered employment. Therefore, they would not be eligible to receive benefits under the proposed law.
4. Assume the average weekly benefit amount (AWBA) to be \$134 and \$142 for F.Y. 1986 and F.Y. 1987 respectively.
5. Assume the actual average duration will be 13 weeks for each F.Y.

FISCAL IMPACT ON EXPENDABLE TRUST FUND:

Expenditures:	F.Y. 1986	F.Y. 1987
Benefits (current law)	\$67,000,000	\$73,000,000
Benefits (proposed law)	66,948,000	72,945,000
Net Effect	(\$ 52,000)	(\$ 55,000)



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 30, 1985
HB 378

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4 OF LABOR AND INDUSTRY
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9 DISQUALIFIED AND TO REQUIRE A PERSON WHO RECEIVED BENEFITS
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11 THAT LAW, AFTER THAT YEAR BEGINS BEFORE HE MAY RECEIVE
12 BENEFITS IN A SECOND BENEFIT YEAR; AMENDING SECTIONS
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