

HOUSE BILL NO. 640

2/02 Introduced
2/02 Referred to Business & Labor
Died in Committee

1 HOUSE BILL NO. 640 *Moore*
 2 INTRODUCED BY *Wesley Jamarez, Hayden, Redden*
 3 *JAMES O'Hara, Simon, M. Hansen, Kelly, Marce*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON
 5 WHOSE UNEMPLOYMENT RESULTS FROM A STRIKE MAY RECEIVE ONLY 1
 6 WEEK OF UNEMPLOYMENT BENEFITS EXCEPT UNDER CERTAIN
 7 CIRCUMSTANCES; AMENDING SECTIONS 39-51-2204 AND 39-51-2305,
 8 MCA." *Heller, Winkler, Thomas, Jara, Durling, Miller,*
 9 *Sando, Nelson, Kibbey, Gilbert, Peterson, Switzer*
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Steele, Fehske*

11 Section 1. Section 39-51-2204, MCA, is amended to
 12 read:
 13 "39-51-2204. Duration of benefits. Any Except as
 14 provided in 39-51-2305, any otherwise eligible individual
 15 shall be entitled during his benefit year to benefits for
 16 the total number of weeks appearing in the following table
 17 on the line which includes his ratio of total base period
 18 earnings to highest quarter base period earnings:
 19 Ratio of Total Base Period
 20 Earnings to High Quarter Week's Duration

21	At Least	Less Than	of Benefits
22	0	1.25	8
23	1.25	1.50	10
24	1.50	1.75	12
25	1.75	2.00	14

1	2.00	2.25	16
2	2.25	2.50	18
3	2.50	2.75	20
4	2.75	3.00	22
5	3.00	3.25	24
6	3.25	--	26"

7 Section 2. Section 39-51-2305, MCA, is amended to
 8 read:

9 "39-51-2305. Disqualification Duration of benefits
 10 when unemployment due to stoppage-of-work strike. (1)
 11 Effective-April-17-1977, an An individual, after meeting the
 12 eligibility requirements under 39-51-2104, shall---be
 13 disqualified-for may receive only 1 week of benefits for-any
 14 week--with-respect-to-which if the department finds that his
 15 total unemployment is due to a stoppage-of-work strike which
 16 exists because of a labor dispute at the factory,
 17 establishment, or other premises at which he is or was last
 18 employed, provided that this subsection shall not apply if
 19 it is shown to the satisfaction of the department that:

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

23 (b) he does not belong to a grade or class of workers
 24 of which, immediately before the commencement of the
 25 stoppage strike, there were members employed at the premises



1 at which the stoppage strike occurs, any of whom are
2 participating in or financing or directly interested in the
3 dispute.

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

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

17 NEW SECTION. Section 3. Extension of authority. Any
18 existing authority of the department of labor and industry
19 to make rules on the subject of the provisions of this act
20 is extended to the provisions of this act.

-End-