

SENATE BILL NO. 447

INTRODUCED BY MANNING, MCCORMICK

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE SENATE

February 19, 1985	Introduced and referred to Committee on Labor and Employment Relations.
February 22, 1985	Committee recommend bill do pass. Report adopted.
February 23, 1985	Bill printed and placed on members' desks.
February 26, 1985	Second reading, do pass. Considered correctly engrossed.
February 27, 1985	Third reading, passed. Ayes, 49; Noes, 1. Transmitted to House.

IN THE HOUSE

March 7, 1985	Introduced and referred to Committee on Business and Labor.
March 28, 1985	Committee recommend bill be concurred in. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

April 1, 1985

Received from House.

April 2, 1985

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 447
 2 INTRODUCED BY Richard E. Manning - 1st District
 3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 39-51-2304, MCA, OF THE MONTANA UNEMPLOYMENT INSURANCE LAW
 7 TO CONFORM IT TO THE FEDERAL UNEMPLOYMENT TAX ACT AS
 8 REQUIRED BY FEDERAL LAW; AND PROVIDING AN IMMEDIATE
 9 EFFECTIVE DATE."
 10

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

12 Section 1. Section 39-51-2304, MCA, is amended to
 13 read:

14 "39-51-2304. Disqualification for failure to apply for
 15 or to accept suitable work. (1) Effective April 1, 1977, an
 16 individual is disqualified for benefits if he fails without
 17 good cause either to apply for available and suitable work
 18 when so directed by the employment office or the department
 19 or to accept suitable work offered to him which he is
 20 physically able and mentally qualified to perform or to
 21 return to his customary self-employment, if any, when so
 22 directed by the department. Such disqualification continues
 23 for the week in which such failure occurs and until the
 24 individual has performed services, other than
 25 self-employment, for which remuneration is received equal to

1 or in excess of his weekly benefit amount in 6 separate
 2 weeks subsequent to the date the act causing the
 3 disqualification occurred, with 6 weeks' reduction in
 4 benefit duration, as determined by the department, provided
 5 he has not left this work under disqualifying circumstances.

6 (2) In determining whether or not any work is suitable
 7 for an individual, the department shall consider the degree
 8 of risk involved to his health, safety, and morals, his
 9 physical fitness and prior training, his experience and
 10 previous earnings, his length of unemployment and prospects
 11 for securing local work in his customary occupation, and the
 12 distance of the available work from his residence.

13 (3) Notwithstanding any other provisions of this
 14 chapter, including subsection (4), no work may be considered
 15 suitable and benefits may not be denied under this chapter
 16 to any otherwise eligible individual for refusing to accept
 17 new work under any of the following conditions:

- 18 (a) if the position offered is vacant due directly to
- 19 a strike, lockout, or other labor dispute;
- 20 (b) if the wages, hours, or other conditions of the
- 21 work offered are substantially less favorable to the
- 22 individual than those prevailing for similar work in the
- 23 locality;
- 24 (c) if, as a condition of being employed, the
- 25 individual would be required to join a company union or to



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 SB 447

1 resign from or refrain from joining any bona fide labor
2 organization.

3 (4) ~~During---the---first---13---weeks---of---unemployment,~~
4 ~~suitable-work-is-work--that-meets--the--criteria--in--this~~
5 ~~section--and--that-offers-wages-equal-to-the-prevailing-wage~~
6 ~~for-that-area--in--the--individual's--customary--occupation.~~
7 After Subject to subsection (3), after 13 weeks of
8 unemployment, suitable work is work that meets the criteria
9 in this section and that offers 75% of the prevailing-wage
10 individual's earnings in his previous insured work in his
11 customary occupation. No individual, however, is required to
12 accept a job paying less than the federal minimum wage."

13 NEW SECTION. Section 2. Extension of authority. Any
14 existing authority of the department of labor and industry
15 to make rules on the subject of the provisions of this act
16 is extended to the provisions of this act.

17 NEW SECTION. Section 3. Effective date. This act is
18 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

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19 or to accept suitable work offered to him which he is
20 physically able and mentally qualified to perform or to
21 return to his customary self-employment, if any, when so
22 directed by the department. Such disqualification continues
23 for the week in which such failure occurs and until the
24 individual has performed services, other than
25 self-employment, for which remuneration is received equal to

1 or in excess of his weekly benefit amount in 6 separate
2 weeks subsequent to the date the act causing the
3 disqualification occurred, with 6 weeks' reduction in
4 benefit duration, as determined by the department, provided
5 he has not left this work under disqualifying circumstances.

6 (2) In determining whether or not any work is suitable
7 for an individual, the department shall consider the degree
8 of risk involved to his health, safety, and morals, his
9 physical fitness and prior training, his experience and
10 previous earnings, his length of unemployment and prospects
11 for securing local work in his customary occupation, and the
12 distance of the available work from his residence.

13 (3) Notwithstanding any other provisions of this
14 chapter, including subsection (4), no work may be considered
15 suitable and benefits may not be denied under this chapter
16 to any otherwise eligible individual for refusing to accept
17 new work under any of the following conditions:

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

20 (b) if the wages, hours, or other conditions of the
21 work offered are substantially less favorable to the
22 individual than those prevailing for similar work in the
23 locality;

24 (c) if, as a condition of being employed, the
25 individual would be required to join a company union or to



1 resign from or refrain from joining any bona fide labor
2 organization.

3 (4) ~~During the first 13 weeks of unemployment,~~
4 ~~suitable work is work that meets the criteria in this~~
5 ~~section and that offers wages equal to the prevailing wage~~
6 ~~for that area in the individual's customary occupation.~~
7 After Subject to subsection (3), after 13 weeks of
8 unemployment, suitable work is work that meets the criteria
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(2) In determining whether or not any work is suitable for an individual, the department shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and previous earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

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