## HOUSE BILL NO. 142

## INTRODUCED BY HARPER, DONALDSON

## BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

## IN THE HOUSE

- JANUARY 12, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & LABOR.
- JANUARY 27, 1987 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- JANUARY 28, 1987 PRINTING REPORT.
- JANUARY 29, 1987 SECOND READING, DO PASS.
- JANUARY 30, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 98; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

- FEBRUARY 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
- MARCH 6, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- MARCH 10, 1987 ON MOTION, CONSIDERATION PASSED FOR THE DAY.
- MARCH 12, 1987 SECOND READING, CONCURRED IN.
- MARCH 14, 1987 THIRD READING, CONCURRED IN. AYES, 47; NOES, 3.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1987

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RECEIVED FROM SENATE.

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SENT TO ENROLLING.

50th Legislature

LC 0737/01

INTRODUCED BY 1 1 2 2 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY 3 З 4 Δ 5 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING UNEMPLOYMENT 5 б BENEFIT LAW BY INDEXING THE MINIMUM BASE PERIOD WAGES 6 7 NECESSARY TO QUALIFY FOR BENEFITS AND ADOPTING A CONCEPT OF 7 "MAXIMUM BENEFIT AMOUNT" RATHER THAN DURATION; AMENDING 8 8 SECTIONS 39-51-2105, 39-51-2204, 39-51-2304, AND 39-51-2402, 9 9 10 MCA; AND PROVIDING AN EFFECTIVE DATE." 10 11 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 13 Section 1. Section 39-51-2105, MCA, is amended to 13 14 read: 14 15 "39-51-2105. Qualifying wages. (1) To qualify as-an 15 16 insured-worker-an-individual-must-have-been-paid--wages--for 16 17 insured--work--in--the-quarters-of-his-base-period-an-amount 17 18 totaling-not-less-than-l-1/2--times--his--base--period--high 18 19 quarter-wages-19 20 (2)--On---and--after--July--17--19807--to--qualify for 20 21 benefits, an individual must have had at least 20 weeks of 21 22 work with an average of \$50 per week in subject employment 22 23 in the base period. To-qualify-for-benefits,-the-total--base 23 24 period-wages-must-be-\$17000-or-more-24 25 (3)--With-respect-to-weeks-of-unemployment-beginning-on

or--after--January--17--19787--wages--for-insured-work-shall include-wages-paid-for-previously--uncovered--services---Por the--purposes--of--this--subsection,--the--term--"previously uncovered-services"-means-services: (a)--which--were---not---employment---as---defined---in 39-51-204(1)(a)--and--(1)(b)--at--any-time-during-the-1-year period-ending-Becember-317-1975;-and +b)--which-(i)--are---agricultural---labor7----as----defined----in 39-51-203(0)+---or---domestic---service---as---defined---in 39-51-203t9};-or fii)-are-services-performed--by--an--employee--of--this state--or--a--political--subdivision-thereof7-as-provided-in 39-51-203(5);-or-by-an-employee-of-a--nonprofit--educational institution-which-is-not-an-institution-of-higher-education, as--provided-~in--39-51-203(6)7--except--to--the-extent-that assistance--under--Title--HI--of--the--Emergency--Jobs---and Unemployment-Assistance-Act-of-1974-was-paid-on-the-basis-of such-services. (2) On and after July 5, 1987, to qualify for benefits, an individual's total base period wages must be equal to or greater than 7% of the average annual wage as described in 39-51-2201(2). Before July 5, 1987, to qualify for benefits, an individual's total base period wages must 25 be \$1,000 or more."



-2- INTRODUCED BILL HB-142

LC 0737/01

1	Section 2. Section 39-51-2204, MC	A, is amended to
2	read:	
3	"39-51-2204. Burationofbenefit:	s <u>Maximum benefit</u>
4	amount. Any otherwise eligible individ	dual shallbe is
5	entitled during <del>his</del> <u>the individual's</u>	benefit year to
6	benefits-for-the-total-numberofweeks-	-appearinginthe
7	followingtableonthelinewhich-ind	cludes-his-ratio-of
8	total-base-period-earnings-to-highestqu	arterbaseperiod
9	earnings a total amount of benef.	its equal to the
10	individual's weekly benefit amount, as ca	lculated according
11	to 39-51-2201(1), times the number of fu	ll weeks of benefit
12	entitlement appearing in the following ta	able in the line
13	which includes the individual's ratio of	f total base period
14	earnings to the highest quarter of earn	ings in the base
15	period:	
16	Ratio of Total Base Period	Week*s-Buration
17	Earnings to High Quarter	Full Week
18	At Least <u>But</u> Less Than	of Benefits
19	<del>0</del> <u>1.00</u> 1.25	8
20	1.25 1.50	10
21	1.50 1.75	12
22	1.75 2.00	14
23	2.00 2.25	16
24	2.25 2.50	18
25	2.50 2.75	20

1	2.75	3.00	22
2	3.00	3.25	24
3	3.25		26"
4	Section 3. Section	on 39-51-2304, MCA	, is amended to
5	read:		
6	"39-51-2304. Dis	qualification for fai	ilure to apply for
7	or to accept suitable	work. (1) Effective-	April-17-19777an
8	<u>An</u> individual is di	squalified for ben	efits if he <u>the</u>
9	individual fails witho	ut good cause eith	er to apply for

рріу available and suitable work when so directed by the 10 employment office or the department or to accept an offer of 11 12 suitable work offered-to-him which he the individual is 13 physically able and mentally qualified to perform or to return to his customary self-employment, if any, when so 14 15 directed by the department. Such disgualification continues for the week in which such failure occurs and until the 16 17 individual has performed services, other than 18 self-employment, for which remuneration is received equal to 19 or in excess of his six times that individual's weekly 20 benefit amount in--6-separate-weeks subsequent to the date 21 the act causing the disgualification occurred, with-6-weeks+ 22 reduction-in--benefit--duration with a reduction in the 23 individual's maximum benefit amount equal to six times the 24 weekly benefit amount, as determined by the department, 25 provided he the individual has not left this work under

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-4-

# LC 0737/01

1.

1	disqualifying circumstances.	1	organization.
2	(2) In determining whether or not any work is suitable	2	(4) Subject to subsection (3), after 13 weeks of
3	for an individual, the department shall consider:	3	unemployment, suitable work is work that meets the criteria
4	(a) the degree of risk involved to his health, safety,	4	in this section and that offers 75% of the individual's
5	and morals;	5	earnings in his previous insured work in his the
6	(b) his physical fitness and prior training7;	6	individual's customary occupation. No individual, however,
7	<u>(c)</u> his experience and previous earnings7;	7	is required to accept a job paying less than the federal
8	(d) his length of unemployment and prospects for	8	minimum wage."
9	securing local work in his customary occupation; and	9	Section 4. Section 39-51-2402, MCA, is amended to
10	(e) the distance of the available work from his	10	read:
11	residence.	11	"39-51-2402. Initial determination redetermination.
12	(3) Notwithstanding any other provisions of this	12	(1) A representative designated by the department and
13	chapter, including subsection (4), no work may be considered	13	hereinafter referred to as a deputy shall promptly examine
14	suitable and benefits may not be denied under this chapter	14	the claim and, on the basis of the facts found by him the
15	to any otherwise eligible individual for refusing to accept	15	deputy, shall either determine whether or not such claim is
16	new work under any of the following conditions:	16	valid and, if valid, the week with respect to which benefits
17	(a) if the position offered is vacant due directly to	17	shall commence, the weekly benefit amount payable, and the
18	a strike, lockout, or other labor dispute;	18	maximum duration-thereof benefit amount or shall refer such
19	(b) if the wages, hours, or other conditions of the	19	claim or any question involved therein to an appeals referee
20	work offered are substantially less favorable to the	20	who shall make his the decision with respect thereto in
21	individual than those prevailing for similar work in the	21	accordance with the procedure prescribed in 39-51-2403. The
22	locality;	22	deputy shall promptly notify the claimant and any other
23	(c) if, as a condition of being employed, the	23	interested party of the decision and the reasons therefor.
24	individual would be required to join a company union or to	24	(2) The deputy may for good cause reconsider $his$ the
25	resign from or refrain from joining any bona fide labor	25	decision and shall promptly notify the claimant and such
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other interested parties of his the amended decision and the
 reasons therefor.

3 (3) No determination or redetermination of an initial 4 or additional claim shall be made under this section unless 5 5 days' notice of the time and place of the claimant's 6 interview for examination of the claim is mailed to each 7 interested party.

8 (4) A determination or redetermination shall be deemed 9 final unless an interested party entitled to notice thereof 10 applies for reconsideration of the determination or appeals 11 therefrom within 5-days-after-delivery-of-such-notification 12 or-within-7 10 days after such notification was mailed to 13 his the last known address, provided that such period may be 14 extended for good cause."

15 <u>NEW SECTION.</u> Section 5. Effective date. This act is
16 effective July 1, 1987.

-End-

# STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB142, as introduced.

## DESCRIPTION OF PROPOSED LEGISLATION:

An act to change unemployment insurance benefits law by indexing minimum base period and dropping duration period for purposes of drawing maximum benefits; amending sections 39-51-2105, 39-51-2204, 39-51-2304 and 39-51-2402, MCA.

### ASSUMPTIONS:

39-52-2105:

- There will be approximately 4 cases involved in each year of the biennium. 1.
- 2. Each will be eligible for the minimum weekly benefit amount (WBA) which is expected to be \$45 and \$47 for FY88 and FY89 respectively.
- Their average duration is expected to be 14 weeks each year of the biennium. 3.

39-51-2204:

- The exhaustion rate for all beneficiaries will be 43% for each year of the biennium. 1.
- 2. The total potential of additional benefits paid because of this proposed provision will be about \$1,200,000 for each year of the biennium.

FISCAL IMPACT:	FY88		FY89			
	Current Law	Proposed Law (39-51-2105)	Difference	Current Law	Proposed Law (39-51-2105)	Difference
Expenditures:	\$55,500,000	\$55,497,500	\$( 2,500)	\$58,000,000	\$57,997,400	\$( 2,600)
	<u>Current Law</u> \$55,500,000	Proposed Law (39-51-2204) \$56,015,000	Difference \$ 515,000	Current Law \$58,000,000	Proposed Law (39-51-2204) \$58,515,000	Difference \$ 515,000

Funding Source: Expendable Trust Fund

Revenues: N/A

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES: N/A

DATE

L. HUNTER. DAVID BUDGET Office of Budget and Program Planning

DATE HAL HARPER. PRIMARY SPONSOR

Fiscal Note for HB142, as introdu

Fiscal Note Request, <u>HB142, as introduced</u>. Form BD-15 Page 2

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION: N/A

HB-142

#### 50th Legislature

## APPROVED BY COMM. ON BUSINESS AND LABOR

1	HOUSE BILL NO. 142
2	INTRODUCED BY HARPER, DONALDSON
3	BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING UNEMPLOYMENT
6	BENEFIT LAW BY INDEXING THE MINIMUM BASE PERIOD WAGES
7	NECESSARY TO QUALIFY FOR BENEFITS AND ADOPTING A CONCEPT OF
8	"MAXIMUM BENEFIT AMOUNT" RATHER THAN DURATION; AMENDING
9	SECTIONS 39-51-2105, 39-51-2204, 39-51-2304, AND 39-51-2402,
10	MCA; AND PROVIDING AN EFFECTIVE DATE."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 39-51-2105, MCA, is amended to
14	read:
15	"39-51-2105. Qualifying wages. (1) To qualify as-an
16	insured-worker-an-individual-must-have-been-paidwagesfor
17	insuredworkinthe-quarters-of-his-base-period-an-amount
18	totaling-not-less-than-l-l/2timeshisbaseperiodhigh
19	quarter-wages-
20	<b>(2)OnandafterJuly1719807toqualify</b> for
21	benefits, an individual must have had at least 20 weeks of
22	work with an average of \$50 per week in subject employment
23	in the base period. To-qualify-for-benefits,-the-totalbase
24	period-wages-must-be-\$1,000-or-more.
25	(3)With-respect-to-weeks-of-unemployment-beginning-on

1	orafterJanuary1,1978,wagesfor-insured-work-shall
2	include-wages-paid-for-previouslyuncoveredservicesFor
3	thepurposesofthissubsection7theterm"previously
4	uncovered-services"-means-services:
5	ta}whichwerenotemploymentasdefinedin
6	39-51-204(1)(a)and(1)(b)atany-time-during-the-1-year
7	period-ending-Becember-317-1975;-and
8	tb}which:
9	ti)areagriculturallabor7asdefinedin
10	39-51-203(8)7ordomesticservice7asdefinedin
11	39-51-203 <del>(9);-or</del>
12	(ii)-are-services-performedbyanemployeeofthis
13	stateorapoliticalsubdivision-thereof7-as-provided-in
14	39-51-203(5)7-or-by-an-employee-of-anonprofiteducational
15	institution-which-is-not-an-institution-of-higher-education,
16	asprovidedin39-51-203(6);excepttothe-extent-that
17	assistanceunderFitleIIoftheEmergencyJobsand
18	Unemployment-Assistance-Act-of-1974-was-paid-on-the-basis-of
19	Such-services.
20	(2) On and after July 5, 1987, to qualify for
21	benefits, an individual's total base period wages must be
22	equal to or greater than 7% of the average annual wage as
23	described in 39-51-2201(2). BeforeJuly5719877to TO
24	qualify for benefits, an individual's total base period
25	wages must be \$1 000 or more "

- 2 -

25 wages must be \$1,000 or more."

Montana Legislative Council

SECOND READING

1	Section 2. Sect	ion 39-51-2204, !	MCA, is amended	to
2	read:			
3	"39-51-2204. Bu:	rationofbenefi	its <u>Maximum ben</u>	efit
4	<u>amount</u> . Any otherwis	se eligible indiv	vidual <del>shall</del> be	is
5	entitled during his	the individual	's benefit year	to
6	benefits-for-the-tota	l-numberofweek:	appearingin-	-the
7	followingtableon-	-thelinewhich-	includes-his-rati	o-of
8	total-base-period-ear	nings-to-highestc	luarterbasepe	riod
9	earnings <u>a total</u>	amount of bene	efits equal to	the
10	individual's weekly be	enefit amount, as o	calculated accor	ding
11	to 39-51-2201(1), tir	nes the number of 1	full weeks of ben	efit
12	entitlement appearing	in the following	table in the	line
13	which includes the i	individual's ratio	of total base pe	riod
14	earnings to the highes	st quarter of ear	nings in the	base
15	period:			
16	Ratio of Total Base Pe	eriod	Weekis-Buratio	n
17	Earnings to High Quart	cer	Full Week WEEK	S
18	At Least	But Less Than	of Benefits	
19	<del>0</del> <u>1.00</u>	1.25	8	
20	1.25	1.50	10	
21	1.50	1.75	12	
22	1.75	2.00	14	
23	2.00	2.25	16	
24	2.25	2.50	18	

HB 142

1	2.75	3.00		22
2	3.00	3.25		24
3	3.25			26"
4	Section 3. Section	39-51-2304,	MCA, is	amended to
5	read:			
6	"39-51-2304. Disqua	lification for	failure f	to apply for
7	or to accept suitable wor	ck. (1) Effecti	ve-April-	17-19777an
8	<u>An</u> individual is disqu	alified for	benefits	if he <u>the</u>
9	individual fails without	good cause e	either to	apply for
10	available and suitable	e work when	so direct	ted by the
11	employment office or the	department or	to accept	<u>an offer of</u>
12	suitable work offered-to-	him which he	<u>the inc</u>	dividual is
13	physically able and me	entally qualif	ied to p	erform or to
14	return to his customary s	self-employment	;, if any	y, when so
15	directed by the departme	ent. Such disqu	alificatio	on continues
16	for the week in which suc	ch failure oc	curs and	until the
17	individual has per	formed servi	ices, of	ther than
18	self-employment, for which	ch remuneration	n is r <b>ecei</b>	ved equal to
19	or in excess of his siz	k times that	individu	<u>al's</u> weekly
20	benefit amount <del>in6-s</del>	eparate-weeks s	subsequent	to the <b>date</b>
21	the act causing the disqu	alification of	curred, w	ith-6-weeks-
22	reduction-inbenefitde	ration with	a reduct	ion in the
23	individual's maximum be	enefit amount e	equal to s	ix times the
24	weekly benefit amount, a	as determined	by the	department,
25	provided he the indivi	idual has not	: left this	s work under

-4-

disqualifying circumstances.

1

2 (2) In determining whether or not any work is suitable
3 for an individual, the department shall consider:

4 (a) the degree of risk involved to his THE
5 INDIVIDUAL'S health, safety, and morals;

6 (b) his <u>THE INDIVIDUAL'S</u> physical fitness and prior
7 training;

8 (C) his THE INDIVIDUAL'S experience and previous
9 earnings;

10 <u>(d)</u> his <u>THE INDIVIDUAL'S</u> length of unemployment and 11 prospects for securing local work in his <u>THE</u> customary 12 occupation; and

13 (e) the distance of the available work from his <u>THE</u>
14 INDIVIDUAL'S residence.

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

20 (a) if the position offered is vacant due directly to21 a strike, lockout, or other labor dispute;

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

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

5 (4) Subject to subsection (3), after 13 weeks of 6 unemployment, suitable work is work that meets the criteria 7 in this section and that offers 75% of the individual's 8 earnings in his previous insured work in his the 9 <u>individual's</u> customary occupation. No individual, however, 10 is required to accept a job paying less than the federal 11 minimum wage."

12 Section 4. Section 39-51-2402, MCA, is amended to 13 read:

"39-51-2402. Initial determination -- redetermination. 14 A representative designated by the department and 15 hereinafter referred to as a deputy shall promptly examine 16 the claim and, on the basis of the facts found by him the 17 deputy, shall either determine whether or not such claim is 18 valid and, if valid, the week with respect to which benefits 19 shall commence, the weekly benefit amount payable, and the 20 maximum duration-thereof benefit amount or shall refer such 21 claim or any question involved therein to an appeals referee 22 who shall make his the decision with respect thereto in 23 accordance with the procedure prescribed in 39-51-2403. The 24 deputy shall promptly notify the claimant and any other 25

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-6-

interested party of the decision and the reasons therefor.
 (2) The deputy may for good cause reconsider his the
 decision and shall promptly notify the claimant and such
 other interested parties of his the amended decision and the
 reasons therefor.

6 (3) No determination or redetermination of an initial 7 or additional claim shall be made under this section unless 8 5 days' notice of the time and place of the claimant's 9 interview for examination of the claim is mailed to each 10 interested party.

11 (4) A determination or redetermination shall be deemed 12 final unless an interested party entitled to notice thereof 13 applies for reconsideration of the determination or appeals 14 therefrom within 5-days-after-delivery-of-such-notification 15 or-within-7 10 days after such notification was mailed to 16 his the last known address, provided that such period may be 17 extended for good cause."

NEW SECTION. Section 5. Effective date. This act is
 effective July 1, 1987.

-End-

1	HOUSE BILL NO. 142
2	INTRODUCED BY HARPER, DONALDSON
3	BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
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5	A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING UNEMPLOYMENT
6	BENEFIT LAW BY INDEXING THE MINIMUM BASE PERIOD WAGES
7	NECESSARY TO QUALIFY FOR BENEFITS AND ADOPTING A CONCEPT OF
8	"MAXIMUM BENEFIT AMOUNT" RATHER THAN DURATION; AMENDING
9	SECTIONS 39-51-2105, 39-51-2204, 39-51-2304, AND 39-51-2402,
10	MCA; AND PROVIDING AN EFFECTIVE DATE."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 39-51-2105, MCA, is amended to
14	read:
15	<b>"39-51-2105. Qualifying wages. (l) To qualify <del>as</del>-an</b>
16	insured-worker-an-individual-must-have-been-paidwagesfor

17 insured--work--in--the-quarters-of-his-base-period-an-amount totaling-not-less-than-l-l/2--times--his--base--period--high 18 19 quarter-wages.

20 +2)--On---and--after--July--17--19807--to--qualify for 21 benefits, an individual must have had at least 20 weeks of 22 work with an average of \$50 per week in subject employment 23 in the base period. To-qualify-for-benefits7-the-total--base 24 period-wages-must-be-\$17000-or-more-

25 (3)--With-respect-to-weeks-of-unemployment-beginning-on

Lenoncana Legislative Council

1	orafterJanuary1719787wagesfor-insured-work-shall
2	include-wages-paid-for-previouslyuncoveredservicesPor
3	thepurposesofthissubsection,theterm"previously
4	uncovered-services"-means-services+
5	<pre>ta)whichwerenotemploymentasdefinedin</pre>
6	39-51-204(1)(a)and(1)(b)atany-time-during-the-1-year
7	period-ending-Becember-317-1975;-and
8	tb)which:
9	fi)areagriculturallabor7asdefinedin
10	39-51-203 <del>(8)</del> 7ordomesticservice7asdefinedin
11	39-51-203 <del>19};-or</del>
12	(ii)-are-services-performedbyanemployeeofthis
13	stateorapoliticalsubdivision-thereofy-as-provided-in
14	39-51-203(5)7-or-by-an-employee-of-anonprofiteducational
15	institution-which-is-not-an-institution-of-higher-education;
16	asprovidedin39-51-203(6);excepttothe-extent-that
17	assistanceunderTitleIIoftheEmergencyJobsand
18	Unemployment-Assistance-Act-of-1974-was-paid-on-the-basis-of
19	such-services.
20	(2) On and after July 5, 1987, to qualify for
21	benefits, an individual's total base period wages must be
~ ~	

23 described in 39-51-2201(2). Before-July-57--19877--to TO

equal to or greater than 7% of the average annual wage as

24 qualify for benefits, an individual's total base period

25 wages must be \$1,000 or more."

22

-2-

**HB** 142

# THIRD READING

HB 0142/0

5

read:

1	Section 2. Section 39-51-2204, MCA, is amended to
2	read:
3	"39-51-2204. Burationofbenefits Maximum benefit
4	amount. Any otherwise eligible individual shattbe is
5	entitled during his the individual's benefit year to
6	benefits-for-the-total-numberofweeksappearinginthe
7	followingtableonthelinewhich-includes-his-ratio-of
8	total-base-period-earnings-to-highestquarterbaseperiod
9	earnings a total amount of benefits equal to the
10	individual's weekly benefit amount, as calculated according
11	to 39-51-2201(1), times the number of full weeks of benefit
12	entitlement appearing in the following table in the line
13	which includes the individual's ratio of total base period
14	earnings to the highest guarter of earnings in the base
15	period:
16	Ratio of Total Base Period Week's-Buration
17	Earnings to High Quarter Full Week WEEKS

17	Earnings to High Quarter		Full Week WEEKS
18	At Least	<u>But</u> Less Than	of Benefits
19	0 <u>1.00</u>	1.25	8
20	1.25	1.50	10
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23	2.00	2.25	16
24	2.25	2.50	18
25	2.50	2.75	20

- 3-

HB 142

 1
 2.75
 3.00
 22

 2
 3.00
 3.25
 24

 3
 3.25
 - 26"

 4
 Section 3. Section 39-51-2304, MCA, is amended to

"39-51-2304. Disgualification for failure to apply for 6 7 or to accept suitable work. (1) Effective-April-17-19777-an 8 An individual is disqualified for benefits if he the 9 individual fails without good cause either to apply for available and suitable work when so directed by the 10 11 employment office or the department or to accept an offer of 12 suitable work offered-to-him which he the individual is 13 physically able and mentally gualified to perform or to 14 return to his customary self-employment, if any, when so 15 directed by the department. Such disgualification continues 16 for the week in which such failure occurs and until the 17 individual has performed services, other than 18 self-employment, for which remuneration is received equal to or in excess of his six times that individual's weekly 19 20 benefit amount in--6-separate-weeks subsequent to the date 21 the act causing the disqualification occurred, with-6-weeks\* 22 reduction-in-benefit--duration with a reduction in the 23 individual's maximum benefit amount equal to six times the 24 weekly benefit amount, as determined by the department, 25 provided he the individual has not left this work under

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disgualifying circumstances. 1 1 2 (2) In determining whether or not any work is suitable 2 3 for an individual, the department shall consider: 3 4 (a) the degree of risk involved to his Δ organization. THE INDIVIDUAL'S health, safety, and morals; 5 5 6 (b) his THE INDIVIDUAL'S physical fitness and prior 6 7 training; 7 (c) his THE INDIVIDUAL'S experience and 8 8 previous 9 9 earnings; (d) his THE INDIVIDUAL'S length of unemployment and 10 10 prospects for securing local work in his THE customary 11 11 occupation; and 12 12 (e) the distance of the available work from his THE 13 read: 13 14 INDIVIDUAL'S residence. 14 15 (3) Notwithstanding any other provisions of this 15 chapter, including subsection (4), no work may be considered 16 16 17 17 suitable and benefits may not be denied under this chapter 18 to any otherwise eligible individual for refusing to accept 18 19 19 new work under any of the following conditions: 20 (a) if the position offered is vacant due directly to 20 21 21 a strike, lockout, or other labor dispute; 22 (b) if the wages, hours, or other conditions of the 22 23 23 work offered are substantially less favorable to the 24 individual than those prevailing for similar work in the 24 25 locality; 25 -5-HB 142

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

5 (4) Subject to subsection (3), after 13 weeks of 6 unemployment, suitable work is work that meets the criteria 7 in this section and that offers 75% of the individual's 8 earnings in his previous insured work in his the 9 <u>individual's</u> customary occupation. No individual, however, 10 is required to accept a job paying less than the federal 11 minimum wage."

12 Section 4. Section 39-51-2402, MCA, is amended to 13 read:

14 "39-51-2402. Initial determination -- redetermination.
15 (1) A representative designated by the department and
16 hereinafter referred to as a deputy shall promptly examine
17 the claim and, on the basis of the facts found by him the
18 deputy, shall either determine whether or not such claim is
19 valid and, if valid, the week with respect to which benefits
20 shall commence, the weekly benefit amount payable, and the
21 maximum duration-thereof benefit amount or shall refer such
22 claim or any question involved therein to an appeals referee
23 who shall make his the decision with respect thereto in
24 accordance with the procedure prescribed in 39-51-2403. The
25 deputy shall promptly notify the claimant and any other

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interested party of the decision and the reasons therefor.
 (2) The deputy may for good cause reconsider his the
 decision and shall promptly notify the claimant and such
 other interested parties of his the amended decision and the
 reasons therefor.

6 (3) No determination or redetermination of an initial 7 or additional claim shall be made under this section unless 8 5 days' notice of the time and place of the claimant's 9 interview for examination of the claim is mailed to each 10 interested party.

11 (4) A determination or redetermination shall be deemed 12 final unless an interested party entitled to notice thereof 13 applies for reconsideration of the determination or appeals 14 therefrom within 5-days-after-delivery-of-such-notification 15 or-within-7 10 days after such notification was mailed to 16 his the last known address, provided that such period may be 17 extended for good cause."

18 <u>NEW SECTION.</u> Section 5. Effective date. This act is
19 effective July 1, 1987.

-End-

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### HB 0142/02

HOUSE BILL NO. 142	1	•
INTRODUCED BY HARPER, DONALDSON	2	÷
BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY	3	t
	4	<b>'</b>
A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING UNEMPLOYMENT	5	
BENEFIT LAW BY INDEXING THE MINIMUM BASE PERIOD WAGES	6	39
NECESSARY TO QUALIFY FOR BENEFITS AND ADOPTING A CONCEPT OF	7	P
"MAXIMUM BENEFIT AMOUNT" RATHER THAN DURATION; AMENDING	B	
SECTIONS 39-51-2105, 39-51-2204, 39-51-2304, AND 39-51-2402,	9	
MCA; AND PROVIDING AN EFFECTIVE DATE."	10	34
	11	39
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	
Section 1. Section 39-51-2105, MCA, is amended to	13	st
read:	14	э
"39-51-2105. Qualifying wages. (1) To qualify <del>as-an</del>	15	±.
insured-worker-an-individual-must-have-been-paidwagesfor	16	as
insuredworkinthe-quarters-of-his-base-period-an-amount	17	as
totaling-not-less-than-l-1/2timeshisbaseperiodhigh	18	9r
dnutter-mages-	19	50
<del>(2)OnandafterJuly171980,toqualify</del> for	20	
benefits, an individual must have had at least 20 weeks of	21	be

work with an average of \$50 per week in subject employment in the base period. To-qualify-for-benefitsy-the-total--base period-wages-must-be-\$17000-or-more-

(3)--With-respect-to-weeks-of-unemployment-beginning-on



1	orafterJanuary1719787wagesfor-insured-work-shall						
2	include-wages-paid-for-previouslyuncoveredservicesPor						
3	thepurposesofthissubsection;theterm"previously						
4	succasted-seratcesweaus-seratces.						
5	{a}whichwerenotemploymentasdefinedin						
6	39-51-204†1;ta;and+1;tb;atany-time-during-the-1-year						
7	period-ending-December-317-1975;-and						
B	tb;which:						
9	(i)areagriculturallabor7asdefinedin						
10	39-51-203(0)7ordomesticservice7asdefinedin						
11	<del>39-51-203(9);-or</del>						
12	(ii)-are-services-performedbyanemployeeofthis						
13	stateorapoliticalsubdivision-thereof,-as-provided-in						
14	39-51-203(5);-or-by-an-employee-of-anonprofiteducational						
15	institution-which-is-not-an-institution-of-higher-education7						
16	asprovidedin39-51-203(6)7excepttothe-extent-that						
17	assistanceunderfitefioftheEmergencyJobsand						
18	Unemployment-Assistance-Act-of-1974-was-paid-on-the-basis-of						
19	such-services.						
20	(2) On and after July 5, 1987, to qualify for						
21	benefits, an individual's total base period wages must be						
22	equal to or greater than 7% of the average annual wage as						
23	described in 20-51-2201(2) Description of the second						
74	$\frac{described in 55-51-2201(2)}{described in 55-51-29877-to TO}$						

qualify for benefits, an individual's total base period 

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wages must be \$1,000 or more."

1 Section 2. Section 39-51-2204, MCA, is amended to read: 2 "39-51-2204, Buration---of--benefits Maximum benefit 3 4 amount. Any otherwise eligible individual shall--be is 5 entitled during his the individual's benefit year to benefits-for-the-total-number--of--weeks--appearing--in--the 6 7 following--table--on--the--line--which-includes-his-ratio-of 8 total-base-period-earnings-to-highest--quarter--base--period 9 earnings a total amount of benefits equal to the 10 individual's weekly benefit amount, as calculated according to 39-51-2201(1), times the number of full weeks of benefit 11 entitlement appearing in the following table in the line 12 13 which includes the individual's ratio of total base period 14 earnings to the highest quarter of earnings in the base 15 period: 16 Ratio of Total Base Period Week\_s-Buration 17 Earnings to High Quarter Full Week WEEKS 18 At Least of Benefits But Less Than 19 0 1.00 1.25 8 20 1.25 1.50 10 21 1.50 1.75 12 1.75 22 2.00 14 23 2.00 2.25 16

-3-

2.50

2.75

2.25

2.50

24

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1	2.75		3.00			22	
2	3.00		3.25			24	
3	3.25					26"	
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