

HB 145 INTRODUCED BY EUDAILY, ET AL.  
DENY UNEMPLOYMENT BENEFITS TO CERTAIN EMPLOYEES OF  
SCHOOL CONTRACTOR

1/12 INTRODUCED  
1/12 REFERRED TO EDUCATION & CULTURAL RESOURCES  
1/21 HEARING  
2/02 COMMITTEE REPORT--BILL NOT PASSED AS AMENDED  
2/03 ADVERSE COMMITTEE REPORT ADOPTED 68 28

1 <sup>HB</sup> BILL NO. <sup>145</sup>  
2 INTRODUCED BY Endailey Long Dimmitt Nelson

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DENY UNEMPLOYMENT  
5 BENEFITS TO CERTAIN NONPROFESSIONAL EMPLOYEES WHO PERFORM  
6 SERVICES FOR AN EDUCATIONAL INSTITUTION WHILE IN THE EMPLOY  
7 OF A PRIVATE CONTRACTOR; AMENDING SECTION 39-51-2108, MCA;  
8 AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE  
9 EFFECTIVE DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

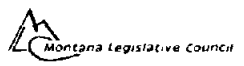
12 Section 1. Section 39-51-2108, MCA, is amended to  
13 read:

14 "39-51-2108. Payment of benefits based on service in  
15 public, charitable, or educational organizations. (1)  
16 Benefits based on service in employment defined in  
17 subsections (5) and (6) of 39-51-203 and subsections (2) and  
18 (3) of 39-51-204 are payable in the same amount, on the same  
19 terms, and subject to the same conditions as compensation  
20 payable on the basis of other service subject to this  
21 chapter, except that benefits based on service in an  
22 instructional, research, or principal administrative  
23 capacity for an educational institution may not be paid to  
24 an individual for any week of unemployment which begins  
25 during the period between two successive academic years or

1 during a similar period between two regular terms, whether  
2 or not successive, or during a period of paid sabbatical  
3 leave provided for in the individual's contract if the  
4 individual has a contract or reasonable assurance of a  
5 contract to perform services in any such capacity for any  
6 such educational institution for both such academic years or  
7 both such terms.

8 (2) Benefits based on services in any other capacity  
9 for an educational institution shall be denied to any  
10 individual for any week which commences during a period  
11 between 2 successive academic years or terms if the  
12 individual performs such services in the first of such  
13 academic years or terms and there is a reasonable assurance  
14 that the individual will perform such services in the second  
15 of such academic years or terms. If any individual is denied  
16 benefits and was not offered an opportunity to perform such  
17 service for the educational institution for the second of  
18 such academic years or terms, such individual shall be  
19 entitled to a retroactive payment of the benefits for each  
20 week for which the individual filed a timely claim for  
21 benefits and for which benefits were denied solely by reason  
22 of the denial provided for in this section.

23 (3) Benefits based on services described in  
24 subsections (1) and (2) of this section shall be denied to  
25 any individual for any week which commences during an



1 established and customary vacation period or holiday recess  
2 if such individual performs such services in the period  
3 immediately before such vacation period or holiday recess  
4 and there is reasonable assurance that such individual will  
5 perform such service in the period immediately following  
6 such vacation period or holiday recess.

7 (4) Benefits based on services described in  
8 subsections (1) and (2) of this section to an individual who  
9 performed such services for an educational institution while  
10 in the employ of an educational service agency shall be  
11 denied as specified in subsections (1), (2), and (3) of this  
12 section. The term "educational service agency" means a  
13 governmental agency or governmental entity which is  
14 established and operated exclusively for the purpose of  
15 providing such service to one or more educational  
16 institutions.

17 (5) Benefits based on services described in subsection  
18 (2) of this section to an individual who performed such  
19 services exclusively for an educational institution while in  
20 the employ of an employer who has contracted with the  
21 educational institution to provide such services shall be  
22 denied as specified in subsections (2) and (3) of this  
23 section if services are performed exclusively for an  
24 educational institution. Reasonable assurance, as referred  
25 to in subsection (2), for purposes of this subsection must

1 be in writing."

2 NEW SECTION. Section 2. Extension of authority. Any  
3 existing authority of the department of labor and industry  
4 to make rules on the subject of the provisions of this act  
5 is extended to the provisions of this act.

6 NEW SECTION. Section 3. Applicability. This act  
7 applies to claims for benefits that are made after the  
8 effective date of this act.

9 NEW SECTION. Section 4. Effective date. This act is  
10 effective on passage and approval.

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