

SENATE BILL NO. 100

INTRODUCED BY AKLESTAD

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE

IN THE SENATE

JANUARY 11, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
	FIRST READING.
JANUARY 27, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 30, 1989	PRINTING REPORT.
JANUARY 31, 1989	SECOND READING, DO PASS.
FEBRUARY 1, 1989	ENGROSSING REPORT.
FEBRUARY 2, 1989	THIRD READING, PASSED. AYES, 44; NOES, 5.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 9, 1989	ON MOTION OF REP. HARPER REQUEST OF SENATE GRANTED FOR RETURN OF SB 100 FOR FURTHER CONSIDERATION.
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IN THE SENATE

FEBRUARY 10, 1989	ON MOTION, REREFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
FEBRUARY 15, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 16, 1989	PRINTING REPORT.
FEBRUARY 17, 1989	SECOND READING, DO PASS.
	ENGROSSING REPORT.

FEBRUARY 20, 1989

THIRD READING, PASSED.
AYES, 40; NOES, 9.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989

INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

MARCH 1, 1989

ON MOTION, TAKEN FROM COMMITTEE ON
LABOR AND REREFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

MARCH 20, 1989

COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 27, 1989

SECOND READING, CONCURRED IN AS
AMENDED.

MARCH 29, 1989

THIRD READING, CONCURRED IN.
AYES, 85; NOES, 7.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 5, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 10, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate BILL NO. 100

INTRODUCED BY AKLESTAD

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE

A BILL FOR AN ACT ENTITLED: "AN ACT TO DENY GENERAL RELIEF ASSISTANCE FOR 3 MONTHS TO A PERSON WHO VOLUNTARILY LEAVES EMPLOYMENT WITHOUT GOOD CAUSE OR WHO IS DISCHARGED FROM EMPLOYMENT DUE TO MISCONDUCT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1.** Ineligibility due to voluntary termination of employment. (1) A person is not eligible to receive general relief assistance for a period of 3 months if he has voluntarily left employment without good cause connected to such employment.

(2) For purposes of subsection (1), a person has voluntarily left employment with good cause if he has left work because of:

(a) a compelling reason directly related to the job under circumstances that would cause a reasonably prudent person to leave his employment;

(b) work conditions that pose an undue risk of personal injury, illness, or harm;

(c) unlawful discrimination, harassment, or other

mistreatment by the employer; or

(d) personal illness or injury and, after recovering from such illness or injury, he returns to his employer and finds no suitable work available.

Section 2. Ineligibility because of discharge due to misconduct. (1) A person is ineligible to receive general relief assistance for a period of 3 months if he has been discharged or suspended from employment for misconduct related to the individual's work or affecting his employment.

(2) For purposes of subsection (1), "misconduct" means:

(a) intentional, willful, or wanton disregard of the employer's interest or of the employee's duties and obligations to his employer;

(b) material breach of the employee's duty to his employer as found in:

(i) the employee's deliberate violation or disregard of standards of behavior that the employer has a right to expect of his employee; or

(ii) carelessness or negligence of such degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional or substantial disregard of the employer's interest;

(c) dishonesty toward the employer, including acts

1 such as deliberate falsification of company records, theft,
2 deliberate deception, lying, and other statements or acts
3 that demonstrate a willful or wanton disregard of the
4 employer's interest;

5 (d) excessive, unexcused absences from work or
6 repeated, unexcused tardiness by the employee;

7 (e) insubordination; or

8 (f) assault, threats of violence, provoking a fight,
9 or stealing from a fellow employee if committed on the
10 premises of the employer.

11 (3) The following do not constitute misconduct within
12 the meaning of subsection (1):

13 (a) mere inefficiency or unsatisfactory conduct of the
14 employee;

15 (b) inadvertence or ordinary negligence in isolated
16 instances; or

17 (c) good faith errors in judgment or discretion.

18 **Section 3. Extension of authority.** Any existing
19 authority to make rules on the subject of the provisions of
20 [this act] is extended to the provisions of [this act].

21 **Section 4. Codification instruction.** [Sections 1 and
22 2] are intended to be codified as an integral part of Title
23 53, chapter 3, part 2, and the provisions of Title 53,
24 chapter 3, part 2, apply to [sections 1 and 2].

25 **Section 5. Effective date -- applicability.** [This act]

1 is effective on passage and approval and applies to
2 eligibility determinations made beginning July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB100, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

Denies general assistance for three months to a person who voluntarily leaves employment without good cause or who is discharged due to misconduct.

ASSUMPTIONS:

1. Assume 1% of the caseload will be denied benefits. (No data is available to accurately determine this number.) Total Caseload: FY90 - 2,061, FY91 - 2,143.
2. Assume the current average monthly benefit is \$223.34/month.

FISCAL IMPACT:

		<u>FY90</u>			<u>FY91</u>		
<u>Expenditures:</u>	<u>Current</u>	<u>Proposed</u>	<u>Change</u>	<u>Current</u>	<u>Proposed</u>	<u>Change</u>	<u>90-91</u>
	<u>Law</u>	<u>Law</u>		<u>Law</u>	<u>Law</u>		<u>Biennium</u>
SRS Benefits							
General Fund	\$5,292,468	\$5,278,398	(\$ 14,070)	\$5,504,167	\$5,490,097	(\$ 14,070)	(28,140)
Total			(\$ 14,070)			(\$ 14,070)	(28,140)



1/18/89

RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING



1-18-89

GARY C. AKLESTAD, PRIMARY SPONSOR

DATE

Fiscal Note for SB100, as introduced

SB100

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS*Senate* BILL NO. *100*INTRODUCED BY *AKLESTAD*

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE

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(a) a compelling reason directly related to the job under circumstances that would cause a reasonably prudent person to leave his employment;

(b) work conditions that pose an undue risk of personal injury, illness, or harm;

(c) unlawful discrimination, harassment, or other

mistreatment by the employer; or

(d) personal illness or injury and, after recovering from such illness or injury, he returns to his employer and finds no suitable work available.

Section 2. Ineligibility because of discharge due to misconduct. (1) A person is ineligible to receive general relief assistance for a period of 3 months if he has been discharged or suspended from employment for misconduct related to the individual's work or affecting his employment.

(2) For purposes of subsection (1), "misconduct" means:

(a) intentional, willful, or wanton disregard of the employer's interest or of the employee's duties and obligations to his employer;

(b) material breach of the employee's duty to his employer as found in:

(i) the employee's deliberate violation or disregard of standards of behavior that the employer has a right to expect of his employee; or

(ii) carelessness or negligence of such degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional or substantial disregard of the employer's interest;

(c) dishonesty toward the employer, including acts

1 such as deliberate falsification of company records, theft,
2 deliberate deception, lying, and other statements or acts
3 that demonstrate a willful or wanton disregard of the
4 employer's interest;

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6 repeated, unexcused tardiness by the employee;

7 (e) insubordination; or

8 (f) assault, threats of violence, provoking a fight,
9 or stealing from a fellow employee if committed on the
10 premises of the employer.

11 (3) The following do not constitute misconduct within
12 the meaning of subsection (1):

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14 employee;

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16 instances; or

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18 **Section 3. Extension of authority.** Any existing
19 authority to make rules on the subject of the provisions of
20 [this act] is extended to the provisions of [this act].

21 **Section 4. Codification instruction.** [Sections 1 and
22 2] are intended to be codified as an integral part of Title
23 53, chapter 3, part 2, and the provisions of Title 53,
24 chapter 3, part 2, apply to [sections 1 and 2].

25 **Section 5. Effective date -- applicability.** [This act]

1 is effective on passage and approval and applies to
2 eligibility determinations made beginning July 1, 1989.

-End-

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS
AS AMENDED

SENATE BILL NO. 100

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~~{+}--the-employee's-deliberate-violation--or--disregard of--standards--of--behavior--that--the-employer-has-a-right-to expect-of-his-employee;--or~~

~~{++} carelessness or negligence of such degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional or substantial disregard of the employer's interest;~~

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1 such as deliberate falsification of company records, theft,
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25 provisions of Title 53, chapter 3, part 2, apply to

1 [sections 1 and 2].

2 NEW SECTION. Section 5. Effective date --
3 applicability. [This act] is effective on passage and
4 approval and applies to eligibility determinations made
5 beginning July 1, 1989.

-End-

Returned from House
Re-referred and approved
by committee on Labor
and Employment relations
as amended

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8 beginning July 1, 1989.

-End-

STANDING COMMITTEE REPORT

March 20, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that SENATE BILL 100 (third reading copy -- blue) be concurred in as amended .

Signed: 

Stella Jean Hansen, Chairman

[REP. _____ WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 1, line 13.

Strike: "(1)"

2. Page 1, line 17 through page 2, line 4.

Strike: subsection (2) in its entirety

HOUSE

SB 100

7.33

COMMITTEE OF THE WHOLE AMENDMENT
SENATE BILL 100
Representative Budd Gould

March 27 1989 12:53 pm
Page 1 of 1

Mr. Chairman: I move to amend SENATE BILL 100 (third reading copy -- blue).

Signed: _____
Representative Budd Gould

And, that such amendments to SENATE BILL 100 read as follows:

1. Strike: House standing committee amendments to Senate Bill 100 dated March 20, 1989, in their entirety.

ADOPT

REJECT

HOUSE
SB 100

SENATE BILL NO. 100

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~~{2}--For--purposes--of--subsection--{1},--a--person--has voluntarily--left--employment--with--good--cause--if--he--has--left work--because--of:~~

~~{a}--a--compelling--reason--directly--related--to--the--job under--circumstances--that--would--cause--a--reasonably--prudent person--to--leave--his--employment;~~

~~{b}--work---conditions--that--pose--an--undue--risk--of personal--injury,--illness,--or--harm;~~

~~{c}--unlawful--discrimination,--harassment,--or---other~~

~~mistreatment--by--the--employer,--or~~

~~{d}--personal--illness--or--injury--and,--after--recovering from--such--illness--or--injury,--he--returns--to--his--employer--and finds--no--suitable--work--available.~~

(2) FOR PURPOSES OF SUBSECTION (1), A PERSON HAS VOLUNTARILY LEFT EMPLOYMENT WITH GOOD CAUSE IF HE HAS LEFT WORK BECAUSE OF:

(A) A COMPELLING REASON DIRECTLY RELATED TO THE JOB UNDER CIRCUMSTANCES THAT WOULD CAUSE A REASONABLY PRUDENT PERSON TO LEAVE HIS EMPLOYMENT;

(B) WORK CONDITIONS THAT POSE AN UNDUE RISK OF PERSONAL INJURY, ILLNESS, OR HARM;

(C) UNLAWFUL DISCRIMINATION, HARASSMENT, OR OTHER MISTREATMENT BY THE EMPLOYER; OR

(D) PERSONAL ILLNESS OR INJURY AND, AFTER RECOVERING FROM SUCH ILLNESS OR INJURY, HE RETURNS TO HIS EMPLOYER AND FINDS NO SUITABLE WORK AVAILABLE.

NEW SECTION. Section 2. Ineligibility because of discharge due to misconduct. (1) A person is ineligible to receive general relief assistance for a period of 3 months if he has been discharged or suspended from employment for misconduct related to the individual's work or affecting his employment.

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~~(i) the employee's deliberate violation or disregard of standards of behavior that the employer has a right to expect of his employee; or~~

(I) THE EMPLOYEE'S DELIBERATE VIOLATION OR DISREGARD OF STANDARDS OF BEHAVIOR THAT THE EMPLOYER HAS A RIGHT TO EXPECT OF HIS EMPLOYEE; OR

~~(ii)~~ (II) carelessness or negligence of such degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional or substantial disregard of the employer's interest;

(c) dishonesty toward the employer, including acts such as deliberate falsification of company records, theft, deliberate deception, lying, and other statements or acts that demonstrate a willful or wanton disregard of the employer's interest;

(d) excessive, unexcused absences from work or repeated, unexcused tardiness by the employee;

(e) insubordination; or

(f) assault, threats of violence, provoking a fight, or stealing from a fellow employee if committed on the

premises of the employer.

(3) The following do not constitute misconduct within the meaning of subsection (1):

(a) mere inefficiency or unsatisfactory conduct of the employee;

(b) inadvertence or ordinary negligence in isolated instances; or

(c) good faith errors in judgment or discretion.

NEW SECTION. Section 3. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 53, chapter 3, part 2, and the provisions of Title 53, chapter 3, part 2, apply to [sections 1 and 2].

NEW SECTION. Section 5. Effective date -- applicability. [This act] is effective on passage and approval and applies to eligibility determinations made beginning July 1, 1989.

-End-