# 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,	19 <b>8</b> 9	SECOND READING, DO PASS.
FEBRUARY 1,	1989	ENGROSSING REPORT.
FEBRUARY 2,	1989	THIRD READING, PASSED. AYES, 44; NOES, 5.
		TRANSMITTED TO HOUSE.
	IN T	HE HOUSE
FEBRUARY 9,	1989	ON MOTION OF REP. HARPER REQUEST OF SENATE GRANTED FOR RETURN OF SB 100 FOR FURTHER CONSIDERATION.
	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	٦	989
LUDRUMAL	40.		. 707

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.

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l	Senate BILL NO. 100
2	INTRODUCED BY HKLESTAD
3	BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO DENY GENERAL RELIEF
6	ASSISTANCE FOR 3 MONTHS TO A PERSON WHO VOLUNTARILY LEAVES
7	EMPLOYMENT WITHOUT GOOD CAUSE OR WHO IS DISCHARGED FROM
8	EMPLOYMENT DUE TO MISCONDUCT; AND PROVIDING AN IMMEDIATE
9	EFFECTIVE DATE AND AN APPLICABILITY DATE."

11 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.

- 17 (2) For purposes of subsection (1), a person has
  18 voluntarily left employment with good cause if he has left
  19 work because of:
- 20 (a) a compelling reason directly related to the job
  21 under circumstances that would cause a reasonably prudent
  22 person to leave his employment;
- 23 (b) work conditions that pose an undue risk of 24 personal injury, illness, or harm;
- 25 (c) unlawful discrimination, harassment, or other



1	mistreatment	bv	the	employer:	or
_	WY OCT COCHECUE	ωy	CHE	GIUDTOACT 1	O.

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- 2 (d) personal illness or injury and, after recovering 3 from such illness or injury, he returns to his employer and 4 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.
- 11 (2) For purposes of subsection (1), "misconduct"
  12 means:
- (b) material breach of the employee's duty to his employer as found in:
- 18 (i) the employee's deliberate violation or disregard 19 of standards of behavior that the employer has a right to 20 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;
- 25 (c) dishonesty toward the employer, including acts

INTRODUCED BILL SB/100

- 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 from work or absences repeated, unexcused tardiness by the employee;
  - (e) insubordination; or

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- (f) assault, threats of violence, provoking a fight, 8 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):
  - (a) mere inefficiency or unsatisfactory conduct of the employee;
- (b) inadvertence or ordinary negligence in isolated 16 instances; or
  - (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]

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

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

RAY/SHACKLEFORD/ BUDGET DIRECTOR

DATE

OFFICE OF BUDGET AND PROGRAM PLANNING

GARY C. AKLESTAD, PRIMARY SPONSOR

DATE

Fiscal Note for SB100, as introduced

# APPROVED BY COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

1	Senate BILL NO. 100
2	INTRODUCED BY HIKKESTAD
3	BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO DENY GENERAL RELIEF
6	ASSISTANCE FOR 3 MONTHS TO A PERSON WHO VOLUNTARILY LEAVES
7	EMPLOYMENT WITHOUT GOOD CAUSE OR WHO IS DISCHARGED FROM
8	EMPLOYMENT DUE TO MISCONDUCT; AND PROVIDING AN IMMEDIATE
9	EFFECTIVE DATE AND AN APPLICABILITY DATE."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	NEW SECTION. Section 1. Ineligibility due to
13	voluntary termination of employment. (1) A person is not
14	eligible to receive general relief assistance for a period
15	of 3 months if he has voluntarily left employment without
16	good cause connected to such employment.
17	(2) For purposes of subsection (1), a person has
18	voluntarily left employment with good cause if he has left
19	work because of:
20	(a) a compelling reason directly related to the job
21	under circumstances that would cause a reasonably prudent
22	person to leave his employment;
23	(b) work conditions that pose an undue risk of
24	personal injury, illness, or harm;

(c) unlawful discrimination, harassment, or other

	(d)	personal	í	llness	or	injury	and,	aft	er	recove	ring
from	such	illness o	or	injury,	he	returns	to	his	emp	loyer	and

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23 24 mistreatment by the employer; or

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.

- 11 (2) For purposes of subsection (1), "misconduct"
  12 means:
- 13 (a) intentional, willful, or wanton disregard of the
  14 employer's interest or of the employee's duties and
  15 obligations to his employer;
- 16 (b) material breach of the employee's duty to his
  17 employer as found in:
- 18 (i) the employee's deliberate violation or disregard
  19 of standards of behavior that the employer has a right to
  20 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;
- 25 (c) dishonesty toward the employer, including acts



2- SECOND READING S & 100

- 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;

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

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

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APPROVED BY COMMITTEE ON LABOR & EMPLOYMENT RELATIONS AS AMENDED

1	SENATE BILL NO. 100
2	INTRODUCED BY AKLESTAD
3	BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO DENY GENERAL RELIEF
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13	voluntary termination of employment. (1) A person is not
14	eligible to receive general relief assistance for a period
15	of 3 months if he has voluntarily left employment without
16	good cause connected to such employment.
17	(2) For purposes of subsection (1), a person has
18	voluntarily left employment with good cause if he has left
19	work because of:
20	(a) a compelling reason directly related to the job

under circumstances that would cause a reasonably prudent

(b) work conditions that pose an undue risk

(c) unlawful discrimination, harassment, or other

person to leave his employment;

personal injury, illness, or harm;

mistreatment	hν	the	employer:	or

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- (d) personal illness or injury and, after recovering 2 from such illness or injury, he returns to his employer and 3 finds no suitable work available.
- NEW SECTION. Section 2. Ineligibility because 5 discharge due to misconduct. (1) A person is ineligible to 7 receive general relief assistance for a period of 3 months if he has been discharged or suspended from employment for 8 misconduct related to the individual's work or affecting his 10 employment.
- (2) For purposes of subsection (1), "misconduct" 11 12 means:
- 13 (a) intentional, willful, or wanton disregard of the employer's interest or of the employee's 14 duties and obligations to his employer; 15
- 16 (b) material breach of the employee's duty to his 17 employer as found in:
- tit--the-employee+s-deliberate-violation--or--disregard 18 of--standards--of--behavior-that-the-employer-has-a-right-to 19 20 expect-of-his-employee;-or
- 21 tit) carelessness or negligence of such degree or recurrence as to manifest culpability, wrongful intent, or 22 23 evil design or to show an intentional or substantial 24 disregard of the employer's interest;
- 25 (c) dishonesty toward the employer, including acts

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SB 0100/02

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

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- 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.
  - (3) The following do not constitute misconduct within the meaning of subsection (1):
- 13 (a) mere inefficiency or unsatisfactory conduct of the 14 employee;
  - (b) inadvertence or ordinary negligence in isolated instances; or
- 17 (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

- 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-

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

1	SENATE BILL NO. 100
2	INTRODUCED BY AKLESTAD
3	BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE
4	
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13	voluntary termination of employment. (1) A person is not
14	eligible to receive general relief assistance for a period
15	of 3 months if he has voluntarily left employment without
16	good cause connected to such employment.
17	(2) For purposes of subsection (1), a person has
18	voluntarily left employment with good cause if he has left
19	work because of:
20	(a) a compelling reason directly related to the job
21	under circumstances that would cause a reasonably prudent
22	person to leave his employment;
23	(b) work conditions that pose an undue risk of
24	personal injury, illness, or harm;
25	(c) unlawful discrimination, harassment, or other

Montana	Legislätive	Council
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1	mistreatment by the employer; or
2	(d) personal illness or injury and, after recovering
3	from such illness or injury, he returns to his employer and
4	finds no suitable work available.
5	NEW SECTION. Section 2. Ineligibility because of
6	discharge due to misconduct. (1) A person is ineligible to
7	receive general relief assistance for a period of 3 months
8	if he has been discharged or suspended from employment for
9	misconduct related to the individual's work or affecting his
LO	employment.
11	(2) For purposes of subsection (1), "misconduct"
. 2	means:
1.3	(a) intentional, willful, or wanton disregard of the
L 4	employer's interest or of the employee's duties and
15	obligations to his employer;
16	(h) material breach of the employee's duty to his

breach of the employee's duty to his 17 employer as found in:: 18 (i)--the-employee's-deliberate-violation--or--disregard 19 of--standards--of--behavior-that-the-employer-has-a-right-to 20 expect-of-his-employee;-or

21 (I) THE EMPLOYEE'S DELIBERATE VIOLATION OR DISREGARD 22 OF STANDARDS OF BEHAVIOR THAT THE EMPLOYER HAS A RIGHT TO 23 EXPECT OF HIS EMPLOYEE; OR

24 (ii)(II) carelessness or negligence of such degree or 25 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;
- 8 (d) excessive, unexcused absences from work or
  9 repeated, unexcused tardiness by the employee;
- 10 (e) insubordination; or

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- 11 (f) assault, threats of violence, provoking a fight,
  12 or stealing from a fellow employee if committed on the
  13 premises of the employer.
- 14 (3) The following do not constitute misconduct within 15 the meaning of subsection (1):
- 16 (a) mere inefficiency or unsatisfactory conduct of the 17 employee;
- 18 (b) inadvertence or ordinary negligence in isolated
  19 instances: or
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- 25 NEW SECTION. Section 4. Codification instruction.

-3-

- [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].
- 5 NEW SECTION. Section 5. Effective date -6 applicability. [This act] is effective on passage and
  7 approval and applies to eligibility determinations made
  8 beginning July 1, 1989.

SB 0100/02

1	SENATE BILL NO. 100
2	INTRODUCED BY AKLESTAD
3	BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO DENY GENERAL RELIEF
6	ASSISTANCE FOR 3 MONTHS TO A PERSON WHO VOLUNTARILY LEAVES
7	EMPLOYMENT WITHOUT GOOD CAUSE OR WHO IS DISCHARGED FROM
8	EMPLOYMENT DUE TO MISCONDUCT; AND PROVIDING AN IMMEDIATE
9	EFFECTIVE DATE AND AN APPLICABILITY DATE."
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51st Legislature

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- 11 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.
- 17 (2) For purposes of subsection (1), a person has
  18 voluntarily left employment with good cause if he has left
  19 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 ofpersonal injury, illness, or harm;
- 25 (c) unlawful discrimination, harassment, or other

1 :	mistreatment	by	the	<pre>employer;</pre>	O
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- 2 (d) personal illness or injury and, after recovering 3 from such illness or injury, he returns to his employer and 4 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.
- 11 (2) For purposes of subsection (1), "misconduct"
  12 means:
- 13 (a) intentional, willful, or wanton disregard of the 14 employer's interest or of the employee's duties and 15 obligations to his employer;
- 16 (b) material breach of the employee's duty to his
  17 employer as found in:
- 18 (i)--the-employee's-deliberate-violation--or--disregard

  19 of--standards--of--behavior-that-the-employer-has-a-right-to

  20 expect-of-his-employee;-or
- titi 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;
- 25 (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;
- 5 (d) excessive, unexcused absences from work or repeated, unexcused tardiness by the employee; 6
  - (e) insubordination; or

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- (f) assault, threats of violence, provoking a fight, В or stealing from a fellow employee if committed on the premises of the employer. 10
  - (3) The following do not constitute misconduct within the meaning of subsection (1):
- 13 (a) mere inefficiency or unsatisfactory conduct of the 14 employee;
  - (b) inadvertence or ordinary negligence in isolated instances; or
    - (c) good faith errors in judgment or discretion.
- 18 NEW SECTION. Section 3. Extension of authority. Any 19 existing authority to make rules on the subject of the 20 provisions of [this act] is extended to the provisions of 21 [this act].
- NEW SECTION. Section 4. Codification 22 instruction. 23 [Sections 1 and 2] are intended to be codified as an 24 integral part of Title 53, chapter 3, part 2, and the 25 provisions of Title 53, chapter 3, part 2, apply to

-3-

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

1	SENATE BILL NO. 100	1	mistreatment by the employer; or
2	INTRODUCED BY AKLESTAD	2	(d) personal illness or injury and, after recovering
3	BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE	3	from such illness or injury, he returns to his employer and
4		4	finds no suitable work available.
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO DENY GENERAL RELIEF	· <b>5</b>	NEW SECTION. Section 2. Ineligibility because of
6	ASSISTANCE FOR 3 MONTHS TO A PERSON WHO VOLUNTARILY LEAVES	6	discharge due to misconduct. (1) A person is ineligible to
7	EMPLOYMENT WITHOUT GOOD CAUSE OR WHO IS DISCHARGED FROM	7	receive general relief assistance for a period of 3 months
8	EMPLOYMENT DUE TO MISCONDUCT; AND PROVIDING AN IMMEDIATE	8	if he has been discharged or suspended from employment for
9	EFFECTIVE DATE AND AN APPLICABILITY DATE."	9	misconduct related to the individual's work or affecting his
10		10	employment.
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	(2) For purposes of subsection (1), "misconduct"
12	NEW SECTION. Section 1. Ineligibility due to	12	means:
13	voluntary termination of employment. (1) A person is not	13	(a) intentional, willful, or wanton disregard of the
14	eligible to receive general relief assistance for a period	14	employer's interest or of the employee's duties and
15	of 3 months if he has voluntarily left employment without	15	obligations to his employer;
16	good cause connected to such employment.	16	(b) material breach of the employee's duty to his
17	(2) For purposes of subsection (1), a person has	17	employer as found in:
18	voluntarily left employment with good cause if he has left	18	ti}the-employee_s-deliberate-violationordisregard
19	work because of:	19	ofstandardsofbehavior-that-the-employer-has-a-right-to
20	(a) a compelling reason directly related to the job	20	expect-of-his-employee;-or
21	under circumstances that would cause a reasonably prudent	21	(I) THE EMPLOYEE'S DELIBERATE VIOLATION OR DISREGARD
22	person to leave his employment;	22	OF STANDARDS OF BEHAVIOR THAT THE EMPLOYER HAS A RIGHT TO
23	(b) work conditions that pose an undue risk of	23	EXPECT OF HIS EMPLOYEE; OR
24	personal injury, illness, or harm;	24	(ii)(II) carelessness or negligence of such degree or
25	(c) unlawful discrimination, harassment, or other	25	recurrence as to manifest culpability, wrongful intent, or

	## . ## . **
4	finds no suitable work available.
5	NEW SECTION. Section 2. Ineligibility because of
6	discharge due to misconduct. (1) A person is ineligible to
7	receive general relief assistance for a period of 3 months
8	if he has been discharged or suspended from employment for
9	misconduct related to the individual's work or affecting his
0	employment.
1	(2) For purposes of subsection (1), "misconduct"
2	means:
3	(a) intentional, willful, or wanton disregard of the
4	employer's interest or of the employee's duties and
5	obligations to his employer;
6	(b) material breach of the employee's duty to his
7	employer as found in:
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- evil design or to show an intentional or substantial disregard of the employer's interest;
- 3 (c) dishonesty toward the employer, including acts
  4 such as deliberate falsification of company records, theft,
  5 deliberate deception, lying, and other statements or acts
  6 that demonstrate a willful or wanton disregard of the
  7 employer's interest;
- 8 (d) excessive, unexcused absences from work or
  9 repeated, unexcused tardiness by the employee;
  - (e) insubordination; or

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- 11 (f) assault, threats of violence, provoking a fight,
  12 or stealing from a fellow employee if committed on the
  13 premises of the employer.
- 14 (3) The following do not constitute misconduct within
  15 the meaning of subsection (1):
- 16 (a) mere inefficiency or unsatisfactory conduct of the 17 employee;
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- 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].
- 25 NEW SECTION. Section 4. Codification instruction.

- 1 [Sections 1 and 2] are intended to be codified as an
- 2 integral part of Title 53, chapter 3, part 2, and the
- 3 provisions of Title 53, chapter 3, part 2, apply to
- 4 [sections 1 and 2].
- 5 NEW SECTION. Section 5. Effective date --
- 6 applicability. [This act] is effective on passage and
- 7 approval and applies to eligibility determinations made
- 8 beginning July 1, 1989.

### STANDING COMMITTEE REPORT

March 20, 1989 Page 1 of 1

Mr. Speaker: We, the committee on <u>Human Services and Aging</u> report that <u>SENATE BILL 100</u> (third reading copy -- blue) <u>be</u> 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

## 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 (1) copy -- blue).

( reading

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

HOUSE

1	SENATE BILL NO. 100
2	INTRODUCED BY AKLESTAD
3	BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO DENY GENERAL RELIEF
6	ASSISTANCE FOR 3 MONTHS TO A PERSON WHO VOLUNTARILY LEAVES
7	EMPLOYMENT WITHOUT GOOD CAUSE OR WHO IS DISCHARGED FROM
8	EMPLOYMENT DUE TO MISCONDUCT; AND PROVIDING AN IMMEDIATE
9	EFFECTIVE DATE AND AN APPLICABILITY DATE."
LO	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	NEW SECTION. Section 1. Ineligibility due to
13	voluntary termination of employment. (1) A person is not
14	eligible to receive general relief assistance for a period
15	of 3 months if he has voluntarily left employment without
16	good cause connected to such employment.
17	(2)Forpurposesofsubsection(1),aperson-has
18	voluntarily-left-employment-with-good-cause-if-hehasleft
19	work-because-of:
20	(a)acompellingreasondirectly-related-to-the-job
21	under-circumstances-that-would-causeareasonablyprudent
22	person-to-leave-his-employment;
23	(b)workconditionsthatposeanundueriskof
24	personal-injury;-illness;-or-harm;
25	tc)unlawfuldiscrimination,harassment,orother

1	mistreatment-by-the-employer;-or
2	(d)personalillnessor-injury-and,-after-recovering
3	from-such-illness-or-injury,-he-returns-to-his-employerand
4	finds-no-suitable-work-available:
5	(2) FOR PURPOSES OF SUBSECTION (1), A PERSON HAS
6	VOLUNTARILY LEFT EMPLOYMENT WITH GOOD CAUSE IF HE HAS LEFT
7	WORK BECAUSE OF:
8	(A) A COMPELLING REASON DIRECTLY RELATED TO THE JOB
9	UNDER CIRCUMSTANCES THAT WOULD CAUSE A REASONABLY PRUDENT
10	PERSON TO LEAVE HIS EMPLOYMENT;
11	(B) WORK CONDITIONS THAT POSE AN UNDUE RISK OF
12	PERSONAL INJURY, ILLNESS, OR HARM;
13	(C) UNLAWFUL DISCRIMINATION, HARASSMENT, OR OTHER
14	MISTREATMENT BY THE EMPLOYER; OR
15	(D) PERSONAL ILLNESS OR INJURY AND, AFTER RECOVERING
16	FROM SUCH ILLNESS OR INJURY, HE RETURNS TO HIS EMPLOYER AND
17	FINDS NO SUITABLE WORK AVAILABLE.
18	NEW SECTION. Section 2. Ineligibility because of
19	discharge due to misconduct. (1) A person is ineligible to
20	receive general relief assistance for a period of 3 months
21	if he has been discharged or suspended from employment for
22	misconduct related to the individual's work or affecting his

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employment.

means:

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purposes of subsection (1), "misconduct"

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

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- (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
- (I) THE EMPLOYEE'S DELIBERATE VIOLATION OR DISREGARD
  OF STANDARDS OF BEHAVIOR THAT THE EMPLOYER HAS A RIGHT TO
  EXPECT OF HIS EMPLOYEE; OR
- fit)(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
- 3 the meaning of subsection (1):
- 4 (a) mere inefficiency or unsatisfactory conduct of the
- 5 employee;
- 6 (b) inadvertence or ordinary negligence in isolated
- 7 instances; or
- 8 (c) good faith errors in judgment or discretion.
- 9 NEW SECTION. Section 3. Extension of authority. Any
- 10 existing authority to make rules on the subject of the
- 11 provisions of [this act] is extended to the provisions of
- 12 [this act].
- 13 NEW SECTION. Section 4. Codification instruction.
- 14 (Sections 1 and 2) are intended to be codified as an
- 15 integral part of Title 53, chapter 3, part 2, and the
- 16 provisions of Title 53, chapter 3, part 2, apply to
- 17 [sections 1 and 2].
- 18 NEW SECTION. Section 5. Effective date --
- 19 applicability. [This act] is effective on passage and
- 20 approval and applies to eligibility determinations made
- 21 beginning July 1, 1989.