BUSINESS & LABOR
EXHIBIT NO. 3
DATE 3/10/05
BILL NO. HB 567

Chair Cocchiarella
Honorable Members of Senate Business & Labor Committee

RE: HB 567

For the record, my name is Tootie Welker. I am the director of a domestic violence/sexual assault program in Sanders County. I have been working with battered women and women who have been victimized for over 15 years. I'm a peer reviewer for the Federal Office on Violence Against Women and a member of the Western Montana Legislative committee, which works on domestic violence/sexual assault legislation. I am here in support of HB 567 by Rep. Windham.

In 2001, I brought before the legislature a bill to allow victims of domestic violence to collect unemployment if they needed to quit their job or were fired due to the domestic violence. And it passed almost unanimously. Unfortunately, when I brought that bill forward I failed to include victims of stalking and sexual assault or rape. So I am back before you to request MCA 39-51-2111 be amended to include victims of a sexual offense or stalking.

I am requesting that rape and sexual assault victims be eligible for UI if they quit or are fired due to the sexual offenses. Few rapes are ever reported to law enforcement for a variety of reasons, which would mean most victims would not qualify for Victims Compensation, which will pay some wage loss for worked missed due to the victimization. To be eligible for Victims Compensation Benefits, it requires that the victim cooperate with law enforcement. Since rape is such a difficult crime to prosecute and get a conviction, most victims choose to deal with the victimization through other means. For many rape victims, working, going to school, just leaving the home can be frightening and require time for the victim to again feel safe. And if the person who assaulted her also works with her or comes into her place of employment, that could be devastating to her. Date rape and acquaintance rape happen far more frequently than most people would imagine. Young girls, especially during their first year of college are at a very high risk of being sexually assaulted or raped. Many will not want to tell their families and need to work to stay in school. After experiencing the trauma of rape, many victims have a very difficult time functioning. And if they don't have a supportive work environment, they may be fired if they become incompetent in their job due to the emotional stress from the rape.

Although stalking often occurs within the context of domestic violence it can also happen when there was no previous relationship. And stalkers can be very scary. They tend to be obsessive/compulsive types and may or may not have a mental illness. Some stalk simply because they get a sick enjoyment from causing fear and anxiety in the stalked victim. Sometimes it's due to an imagined belief that the stalked victim actually wants the relationship.

If someone is being stalked, and the stalker only knows where the person works, leaving that employment might be required. Or they may be fired because the stalker is causing a disruption of the work environment. Either way, an income is needed – very few have the luxury of not needing to work. I've had law enforcement officers or the county prosecutor instruct victims that for their safety, they need to find new employment or even to leave the county. Now she has a financial stressor added to the mix.

Victims may also need to quit working because they are suffering from PTSD due to the emotional stress and fear and simply can't work. We know in domestic violence that those who are obsessed with their victims are the most likely to kill – This can be applied to some stalkers as well.

From July 2001 to December 31, 2004, there were 77 applicants for UI for victims of domestic violence – an average of 1.83 per month. Out of the 77, only 39 were allowed, which averages to 1 a month with a total cash payout of $55,888. That averages out to $1,433 per claimant. By adding sexual offenses and stalking to the statue, it may increase the number of allowed applicants it by 1 every two months, which would increase the yearly amount by $8,598. So, for a very low cost it could have some far reaching benefits to victims.

I hope you will give HB 567 a due pass motion.

Thank you for your time and attention.

Tootie Welker

SCCFF

Sanders County Coalition For Families
July '01 - December '04

77 – Applications for UI
from Victims of Domestic Violence

39 - Allowed

28 - Disqualified
Didn't provide required documentation

3 - Monetary eligibility

7 – Qualified under normal conditions

$55,[illegible] paid out

<u>Breakdown of paid out</u>

July '01 – June '02
$16,455

July '02 – June '03
$8,994

July '01 – June '02
$19,281

July '04 – December ' 04
$11,158
Maximum 10 weeks

HB 567 Handout

July 1, 2001 to December 31, 2004 = 42 Months

77 applications = 39 allowable claims

39 Allowable Applicants = $55,888

$55,888 divided by 39 claims = $1,433 per claimant

42 months divided by 39 claims = 1.07 DV claims per month

New sexual offense/stalking = .5 per claim per month

6 new claims at $1,433 average claim = $8,598 per year