

SENATE BILL NO. 341

INTRODUCED BY F. MOORE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CHARGE MAY NOT BE MADE TO THE
5 ACCOUNT OF AN EXPERIENCE-RATED EMPLOYER FOR A TEMPORARY EMPLOYEE UNDER A MUTUAL,
6 WRITTEN AGREEMENT FOR SERVICES OF LESS THAN 90 DAYS; ~~AND~~ AMENDING SECTION 39-51-1214,
7 MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

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11 **Section 1.** Section 39-51-1214, MCA, is amended to read:

12 **"39-51-1214. Benefit payments chargeable to employer experience rating accounts.** (1) Except for
13 cost reimbursement, benefits paid must be charged to the account of each of the claimant's base period
14 employers. The benefit charged must be based on the percentage of wages paid by the employer as compared
15 to the total wages paid by all employers in the claimant's base period.

16 (2) A charge may not be made to the account of a covered employer with respect to benefits paid under
17 the following situations:

18 (a) if paid to a worker who terminated services voluntarily without good cause attributable to a covered
19 employer or who had been discharged for misconduct in connection with services;

20 (b) if paid in accordance with the extended benefit program triggered by either national or state
21 indicators;

22 (c) if the base period employer continues to provide employment with no reduction in hours or wages;

23 (d) if benefits are paid to claimants who are in training approved under 39-51-2307;

24 (e) if the base period employer is ordered to military service, as defined in 10-1-1003; ~~or~~

25 (f) if benefits are paid to an employee laid off as the result of the return to work of a permanent employee
26 who:

27 (i) was called to military service, as defined in 10-1-1003; and

28 (ii) had completed 4 or more weeks of military service and exercised reemployment rights under Title 10,
29 chapter 1, part 10; or

30 (g) if a voluntarily signed agreement between the employer and the employee states that the work period

1 is intended to be no more than 90 consecutive calendar days in a 12-month period. The voluntarily signed
2 agreement does not waive the employee's right to the wage credit for the period worked."

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4 NEW SECTION. SECTION 2. DELAYED EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JANUARY 1, 2012.

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6 NEW SECTION. SECTION 3. CONTINGENT VOIDNESS. IF THE U.S. DEPARTMENT OF LABOR DECLARES
7 MONTANA OUT OF CONFORMITY WITH THE FEDERAL UNEMPLOYMENT TAX ACT, 26 U.S.C. 3301, ET SEQ., BASED ON THE
8 PROVISIONS OF [THIS ACT], [THIS ACT] IS VOID. THE DEPARTMENT OF LABOR AND INDUSTRY SHALL NOTIFY THE SECRETARY
9 OF STATE AND THE CODE COMMISSIONER REGARDING NOTIFICATION BY THE U.S. DEPARTMENT OF LABOR ON THE
10 CONFORMITY ISSUE BY DECEMBER 31, 2011.

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