

HOUSE BILL NO. 179

INTRODUCED BY J. KNOX, O'NEIL, BANGERTER, SALOMON, TAYLOR, MCGILLVRAY, HOWARD,
C. SMITH, JACKSON, KERNS, RANDALL, KARY, SKEES, VANCE, YATES, KENNEDY, BRODEHL,
G. BENNETT, A. KNUDSEN, E. WALKER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CHARGE MAY NOT BE MADE TO THE
ACCOUNT OF A COVERED EMPLOYER WITH RESPECT TO UNEMPLOYMENT INSURANCE BENEFITS IF
THE BENEFITS ARE PAID TO A WORKER WHO WAS TERMINATED DURING A PROBATIONARY PERIOD
OF EMPLOYMENT; AND AMENDING SECTION 39-51-1214, MCA."

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

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

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

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

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

(b) if paid to a worker who was terminated during a probationary period of employment OR WITHIN THE
FIRST 30 DAYS OF THE PROBATIONARY PERIOD IF THE PROBATIONARY PERIOD IS 30 DAYS OR LONGER at the will of either
the employer or the employee on notice to the other for any reason or for no reason;

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

~~(e)~~(d) if the base period employer continues to provide employment with no reduction in hours or wages;

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

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

~~(f)~~(g) if benefits are paid to an employee laid off as the result of the return to work of a permanent

1 employee who:

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

3 (ii) had completed 4 or more weeks of military service and exercised reemployment rights under Title 10,

4 chapter 1, part 10."

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