62nd Legislature

1	HOUSE BILL NO. 179
2	INTRODUCED BY J. KNOX, O'NEIL, BANGERTER, SALOMON, TAYLOR, MCGILLVRAY, HOWARD,
3	C. SMITH, JACKSON, KERNS, RANDALL, KARY, SKEES, VANCE, YATES, KENNEDY, BRODEHL,
4	G. BENNETT, A. KNUDSEN, E. WALKER
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CHARGE MAY NOT BE MADE TO THE
7	ACCOUNT OF A COVERED EMPLOYER WITH RESPECT TO UNEMPLOYMENT INSURANCE BENEFITS IF
8	THE BENEFITS ARE PAID TO A WORKER WHO WAS TERMINATED DURING A PROBATIONARY PERIOD
9	OF EMPLOYMENT; PROVIDING FOR A MAXIMUM PROBATIONARY PERIOD OF EMPLOYMENT; AND
10	AMENDING SECTION 39-51-1214, MCA; AND PROVIDING AN APPLICABILITY DATE."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	
14	Section 1. Section 39-51-1214, MCA, is amended to read:
15	"39-51-1214. Benefit payments chargeable to employer experience rating accounts. (1) Except for
16	cost reimbursement, benefits paid must be charged to the account of each of the claimant's base period
17	employers. The benefit charged must be based on the percentage of wages paid by the employer as compared
18	to the total wages paid by all employers in the claimant's base period.
19	(2) A charge may not be made to the account of a covered employer with respect to benefits paid under
20	the following situations:
21	(a) if paid to a worker who terminated services voluntarily without good cause attributable to a covered
22	employer or who had been discharged for misconduct in connection with services;
23	(b) if paid to a worker who was terminated during a probationary period of employment OR WITHIN THE
24	FIRST 30 DAYS OF THE PROBATIONARY PERIOD IF THE PROBATIONARY PERIOD IS 30 DAYS OR LONGER at the will of either
25	the employer or the employee on notice to the other for any reason or for no reason IN THE INITIAL 30 DAYS OF
26	EMPLOYMENT;
27	(b)(c) if paid in accordance with the extended benefit program triggered by either national or state
28	indicators;
29	(c)(d) if the base period employer continues to provide employment with no reduction in hours or wages;
30	(d)(e) if benefits are paid to claimants who are in training approved under 39-51-2307;
	Legislative   Services - 1 - Authorized Print Version - HB 179   Division - 1 - Authorized Print Version - HB 179

## 62nd Legislature

1 (e)(f) if the base period employer is ordered to military service, as defined in 10-1-1003; or 2 (f)(g) if benefits are paid to an employee laid off as the result of the return to work of a permanent 3 employee who: (i) was called to military service, as defined in 10-1-1003; and 4 5 (ii) had completed 4 or more weeks of military service and exercised reemployment rights under Title 10, 6 chapter 1, part 10. 7 (3) FOR THE PURPOSES OF SUBSECTION (2), THE TERM "PROBATIONARY PERIOD" OF EMPLOYMENT IS 8 DETERMINED BY MEANS A PERIOD, AS PROVIDED IN A WRITTEN POLICY OF THE EMPLOYER, BUT MAY PROVIDED TO AN 9 EMPLOYEE ON THE FIRST DAY OF WORK, THAT DOES NOT EXCEED 30 CALENDAR DAYS FROM THE DATE THE WORKER 10 BEGINS WORK FOR THE EMPLOYER." 11 12 NEW SECTION. Section 2. Applicability. [This act] applies to probationary periods that begin 13 EMPLOYMENT BEGINNING ON OR AFTER [THE EFFECTIVE DATE OF THIS ACT].

14 - END -

