

SENATE BILL 128

INTRODUCED BY E. BUTTREY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING WHEN THE ACCOUNT OF AN EMPLOYER WITH AN EXPERIENCE RATING MAY NOT BE CHARGED WITH RESPECT TO UNEMPLOYMENT BENEFITS PAID; AMENDING SECTION 39-51-1214, MCA; AND PROVIDING AN EFFECTIVE DATE."

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) The account of an employer with an experience rating as provided in 39-51-1213 may not be charged with respect to benefits paid under the following situations:

(a) if paid to a worker who terminated services voluntarily ~~without good cause attributable to~~ with a covered employer or who had been discharged for misconduct in connection with services without good cause. Good cause for the purposes of this section is found if:

- (i) the claimant left work because the work environment is unsuitable. Unsuitable work is defined for the purposes of this section as work that is:
 - (a) the degree of risk involved to the individual's health safety and morals is unacceptable; or
 - (b) the individual's physical fitness and prior training does not allow successful employment, unless the employer's work description provided to the employee prior to employment detailed the physical fitness and prior training required; or
 - (c) the position became vacant due to strike, lockout, or other labor dispute; or
 - (d) if, as a condition of employment, the individual would be required to join a company union or to resign from or refrain from joining any bonafide labor organization.

- (ii) the claimant left work because of an undue risk of injury, illness, physical impairment, or reasonable foreseeable risk to the claimant's morale;
- (iii) the employer imposed unreasonable conditions concerning hours, terms of employment, or working conditions; or
- (iv) the claimant cites a continuing condition underlying a workers' compensation accident or occupational disease for which liability has been accepted by the applicable workers' compensation insurer; or
- (v) the employer imposed unreasonable rules or discipline so severe as to constitute harassment.

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

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

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

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

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

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

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

(g) if the worker separates from employment as a result of domestic violence, a sexual assault, or stalking pursuant to 39-51-2111; or

(h) if paid to a worker who was terminated by the employer for misconduct or gross misconduct."

NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2013.