

HOUSE BILL NO. 395

INTRODUCED BY T. FACEY, J. ELLINGSON

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS FOR PART-TIME WORKERS; AMENDING SECTIONS 39-51-2101, ~~39-51-2104~~, AND 39-51-2202, ~~AND 39-51-2304~~, MCA; AND PROVIDING AN EFFECTIVE DATE ~~AND~~, AN APPLICABILITY DATE, AND A TERMINATION DATE."

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

Section 1. Section 39-51-2101, MCA, is amended to read:

"39-51-2101. Total unemployment -- when. An individual ~~shall be deemed~~ is considered to be totally unemployed in any week during which the individual ~~performed no:~~
(1) performed no work in employment and earned no wages for employment; or
(2) ~~a week of performed~~ performed less than full-time work in employment with wages for employment of less than two times the individual's weekly benefit amount."

~~Section 2.~~ Section 39-51-2104, MCA, is amended to read:

~~"39-51-2104. General benefit eligibility conditions.~~ (1) An unemployed individual is eligible to receive benefits for any week of total unemployment within the individual's benefit year only if the department finds that the individual:
(a) ~~has filed a claim at and has continued to report at an employment office in accordance with rules that the department may prescribe, except that the department may by rule prescribe that in cases in which it finds the requirements oppressive or inconsistent with the purposes of this chapter, an unemployed individual may file a claim and report for work by mail or through other governmental agencies;~~
(b) ~~is able to work, is available for work, and is seeking work. A claimant is not considered ineligible in any week of unemployment for failure to comply with the provisions of this subsection if the failure is because of:~~
(i) ~~an illness or disability that occurs after the claimant has registered for work and suitable work has not been offered to the claimant after the beginning of the illness or disability; or~~
(ii) ~~enrollment as a student as provided in 39-51-2307; or~~

1 ~~_____ (iii) the refusal of the claimant to be available for or to seek a position that requires more hours to be~~
 2 ~~worked each week than the number of hours each week that is required to produce weekly wages in an amount~~
 3 ~~that is the greater of 2% of the total base period wages or 3.8% of the total wages paid in the 2 calendar quarters~~
 4 ~~in which wages were the highest during the base period or because the position is not suitable work as provided~~
 5 ~~in 39-51-2304.~~

6 ~~_____ (c) prior to the first week for which the individual is paid benefits, has been totally unemployed for a~~
 7 ~~waiting period of 1 week. A week is not counted as a week of total unemployment for the purposes of this~~
 8 ~~subsection:~~

9 ~~_____ (i) if benefits have been paid for that week;~~

10 ~~_____ (ii) unless the individual was eligible for benefits during the week;~~

11 ~~_____ (iii) unless it occurs within the benefit year of the claimant;~~

12 ~~_____ (iv) unless it occurs after benefits first could become payable to any individual under this chapter.~~

13 ~~_____ (2) (a) The department shall establish a profiling system to identify individuals who are likely to exhaust~~
 14 ~~their regular benefits and who are in need of reemployment services.~~

15 ~~_____ (b) In addition to the requirements listed in subsection (1), an individual identified pursuant to subsection~~
 16 ~~(2)(a) may be required to participate in reemployment services in order to be eligible for unemployment benefits.~~

17 ~~_____ (c) The requirement for participation in reemployment services may be waived if the department~~
 18 ~~determines that:~~

19 ~~_____ (i) the individual has completed reemployment services; or~~

20 ~~_____ (ii) the individual's failure to participate in reemployment services is justifiable."~~

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22 **Section 2.** Section 39-51-2202, MCA, is amended to read:

23 **"39-51-2202. Partial payment of benefits.** Partial payment for a week of unemployment, as used in this
 24 section, shall be is the claimant's weekly benefit amount less 50% of wages for employment earned in excess
 25 of one-fourth of his the claimant's weekly benefit amount. Such The wages for employment and the one-fourth
 26 weekly benefit amount, if not a multiple of \$1, shall must be rounded to the nearest lower full dollar amount."

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28 ~~_____ **Section 4.** Section 39-51-2304, MCA, is amended to read:~~

29 ~~_____ **"39-51-2304. Disqualification for failure to apply for or to accept suitable work.** (1) An individual~~
 30 ~~is disqualified for benefits if the individual fails without good cause either to apply for available and suitable work~~

1 when so directed by the employment office or the department or to accept an offer of suitable work which that
 2 the individual is physically able and mentally qualified to perform or to return to customary self-employment, if any,
 3 when so directed by the department. Such The disqualification continues for the week in which such the failure
 4 occurs and until the individual has performed services, other than self-employment, for which remuneration is
 5 received equal to or in excess of six times that individual's weekly benefit amount subsequent to the date the act
 6 causing the disqualification occurred, with a reduction in the individual's maximum benefit amount equal to six
 7 times the weekly benefit amount, as determined by the department, provided the individual has not left this work
 8 under disqualifying circumstances.

9 ——— (2) In determining whether or not any work is suitable for an individual, the department shall consider:

10 ——— (a) the degree of risk involved to the individual's health, safety, and morals;

11 ——— (b) the individual's physical fitness and prior training;

12 ——— (c) the individual's experience and previous earnings;

13 ——— (d) the individual's length of unemployment and prospects for securing local work in the customary
 14 occupation; and

15 ——— (e) the distance of the available work from the individual's residence.

16 ——— (3) Notwithstanding any other provisions of this chapter, including subsection (4), no work may not be
 17 considered suitable and benefits may not be denied under this chapter to any otherwise eligible individual for
 18 refusing to accept new work under any of the following conditions:

19 ——— (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

20 ——— (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the
 21 individual than those prevailing for similar work in the locality;

22 ——— (c) if, as a condition of being employed, the individual would be required to join a company union or to
 23 resign from or refrain from joining any bona fide labor organization; or

24 ——— (d) if the position offered requires more hours to be worked each week than the number of hours each
 25 week that is required to produce weekly wages in an amount that is the greater of 2% of the total base period
 26 wages or 3.8% of the total wages paid in the 2 calendar quarters in which wages were the highest during the base
 27 period.

28 ——— (4) Subject to subsection (3), after 13 weeks of unemployment, suitable work is work that meets the
 29 criteria in this section and that offers 75% of the individual's earnings in previous insured work in the individual's
 30 customary occupation. No An individual, however, is not required to accept a job paying less than the federal

1 ~~minimum wage."~~

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3 NEW SECTION. Section 3. Effective date -- applicability. [This act] is effective July 1, 1999, and
4 applies to claims for benefits first filed on or after July 1, 1999.

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6 NEW SECTION. SECTION 4. TERMINATION. [THIS ACT] TERMINATES JULY 1, 2001.

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