

HOUSE BILL NO. 58  
INTRODUCED BY J. KEANE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MAXIMUM UNEMPLOYMENT WEEKLY BENEFIT AMOUNT AND INCREASING THE MINIMUM UNEMPLOYMENT WEEKLY BENEFIT; PROVIDING THAT AN INDIVIDUAL IS NOT DISQUALIFIED FROM RECEIVING UNEMPLOYMENT BENEFITS IF THE INDIVIDUAL LEAVES EMPLOYMENT AS A RESULT OF THE MANDATORY MILITARY TRANSFER OF THE INDIVIDUAL'S SPOUSE; AND AMENDING SECTIONS 39-51-2201 AND 39-51-2302, MCA."

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

**Section 1.** Section 39-51-2201, MCA, is amended to read:

**"39-51-2201. Weekly benefit amount -- determination of average weekly wage.** (1) An individual's weekly benefit amount must be an amount equal to 1% of the total base period wages or equal to 1.9% of the total wages paid in the 2 calendar quarters in which wages were the highest during the base period. The weekly benefit amount, if not a multiple of \$1, must be rounded to the nearest lower full dollar amount. However, the amount may not be less than the minimum or more than the maximum weekly benefit amount.

(2) On or before May 31 of each year, the total wages paid by all employers as reported on contribution reports submitted on or before that date for the preceding calendar year must be divided by the average monthly number of individuals employed during the same preceding calendar year as reported on the contribution reports. The amount obtained is the average annual wage. The average annual wage divided by 52, rounded to the nearest cent, is the average weekly wage. The maximum weekly benefit amount is ~~66.5%~~ 68% of the average weekly wage and must be applied to all maximum weekly benefit amount claims for benefits filed to establish a benefit year commencing on or after July 1 of the same year. The maximum weekly benefit amount, if not a multiple of \$1, must be computed to the nearest lower full dollar amount.

(3) The minimum weekly benefit amount must be ~~49%~~ 20% of the average weekly wage. The minimum weekly benefit amount, if not a multiple of \$1, must be computed to the nearest lower full dollar amount."

**Section 2.** Section 39-51-2302, MCA, is amended to read:

**"39-51-2302. Disqualification for leaving work without good cause.** (1) An individual must be disqualified for benefits if the individual has left work without good cause attributable to the individual's

employment.

(2) The individual may not be disqualified for any of the following reasons if the individual leaves:

(a) The individual leaves employment because of personal illness or injury not associated with misconduct upon the advice of a licensed and practicing physician and, after recovering from the illness or injury when recovery is certified by a licensed and practicing physician, the individual returned to and offered service to the individual's employer and the individual's regular or comparable suitable work was not available, as determined by the department, provided the individual is otherwise eligible;

(b) The individual leaves temporary work accepted during a period of unemployment caused by a lack of work with the individual's regular employer if upon leaving the temporary work the individual returned immediately to work for the individual's regular employer, provided that the individual is unemployed for nondisqualifying reasons;

(c) The individual leaves employment because of being ordered to military service, as defined in 10-1-1003, for a period of less than 6 weeks and the individual upon checking with the employer finds that the individual's prior employment has terminated due to the military service or for other nondisqualifying reasons. Any benefits paid under this subsection (2)(c) are not chargeable to the employer's account.

(d) The individual leaves employment because of the mandatory military transfer of the individual's spouse. Any benefits paid under this subsection (2)(d) are not chargeable to the employer's account.

(3) To requalify for benefits, an individual shall perform services for which remuneration is received equal to or in excess of six times the individual's weekly benefit amount subsequent to the week in which the act causing the disqualification occurred unless the individual has been in regular attendance at an educational institution accredited by the state of Montana for at least 3 consecutive months from the date of the act that caused the disqualification. The services must constitute employment as defined in 39-51-203 and 39-51-204."

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