

**Amendment - 1st Reading/2nd House-blue - Requested by: Jane Gillette - (S) Business, Labor, and Economic Affairs**

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

HB0468.002.001

1 HOUSE BILL NO. 468

2 INTRODUCED BY J. GILLETTE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IN ORDER TO RECEIVE UNEMPLOYMENT  
5 BENEFITS, AN INDIVIDUAL WHO IS A JOB-ATTACHED WORKER MUST MEET THE SAME  
6 REQUIREMENTS FOR SEEKING WORK AS AN INDIVIDUAL WHO IS NOT A JOB-ATTACHED WORKER;  
7 PROVIDING A DEFINITION; AND AMENDING SECTION 39-51-2104, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
11 NEW SECTION. Section 1. Job-attached individuals to actively seek employment. (1) A job-  
12 attached worker who has been job-attached for longer than 10 months WEEKS must meet the same  
13 requirements for seeking work as an individual who is not a job-attached worker to be eligible for  
14 unemployment benefits.

15 (2) For the purposes of this section, "job-attached" means that:

16 (a) an individual has a definite or approximate date of hire or recall to insured work at which the  
17 individual will be regularly scheduled to work 30 or more hours a week; or

18 (b) an individual is employed in insured work on a less than full-time basis but has a reasonable  
19 expectation that the work will become full-time.

20 (3) This section does not apply to ~~any employees of a labor organization as defined in 40-5-901~~

21 UNION-ATTACHED EMPLOYEES or job-attached employees in heavy civil construction AS DEFINED IN DEPARTMENT  
22 RULE.

23  
24 **Section 2.** Section 39-51-2104, MCA, is amended to read:  
25 **"39-51-2104. General benefit eligibility conditions.** (1) An unemployed individual, including an alien  
26 entitled to benefits under the provisions of 39-51-2110, is eligible to receive benefits for any week of total  
27 unemployment within the individual's benefit year only if the department finds that the individual:

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1 (a) has filed a claim and has filed continued claims in accordance with rules that the department  
2 may prescribe;

3 (b) is able to work, is available for work, and is seeking work. An individual may not place  
4 limitations on the individual's availability that would constitute a withdrawal from the labor market. A claimant is  
5 not considered ineligible in any week of unemployment for failure to comply with the provisions of this  
6 subsection if the failure is because of an illness or disability that occurs after the claimant has filed or reopened  
7 a claim for unemployment insurance benefits and suitable work has not been offered to the claimant after the  
8 beginning of the illness or disability.

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

12 (i) if benefits have been paid for that week;

13 (ii) unless the individual was eligible for benefits during the week;

14 (iii) unless it occurs within the benefit year of the claimant;

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

16 (d) has registered for work with the individual's local job service office unless the individual is  
17 excused by department rule from registering for work.

18 (2) (a) Except as provided in subsection (2)(b), if an individual is unavailable for work for less than  
19 3 days within a week for which work is available, the individual must be paid the weekly benefit amount reduced  
20 by one-fifth of that amount for each day or part of a day that the individual is unavailable for work.

21 (b) If the individual is unavailable for work for 3 days or more, or part of each of 3 days or more,  
22 within a week for which work is available, the individual must be considered unavailable for work for the entire  
23 week and is not eligible to receive benefits for the week.

24 (3) (a) The department shall establish a profiling system to identify individuals who are likely to  
25 exhaust their regular benefits and who are in need of reemployment services.

26 (b) In addition to the requirements listed in subsection (1), an individual identified pursuant to  
27 subsection (3)(a) may be required to participate in reemployment services in order to be eligible for

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1 unemployment benefits.

2 (c) The requirement for participation in reemployment services may be waived if the department  
3 determines that:

4 (i) the individual has completed reemployment services; or

5 (ii) the individual's failure to participate in reemployment services is justifiable.

6 (4) This section is subject to the requirements of [section 1] relating to job-attached employees."

7

8 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
9 integral part of Title 39, chapter 51, and the provisions of Title 39, chapter 51, apply to [section 1].

10

- END -