

Department of Labor and Industry - Unemployment Insurance, Workforce Services, and Employment Relations Divisions and Office Community Service Bills

Division	Topic	Statutes and Rules Impacted	Summary of Concept
UI and WSD	DOJ/DMV Driver License database access	61-11-508	1. Allow data cross match to detect fraud in UI and PUA. 2. If DOJ adds SSN to OPI education (i.e. student) records, DLI can track wage record data related to education and work outcomes for non-college students.
WSD	Add detailing occupational titles (codes) to quarterly employer tax reporting requirements		Would provide significant information about what types of skills individuals are employed for, how that changes over time, how that ties to career pathways and occupational improvement over time, as it pertains to specific occupations, etc.
WSD	Make apprenticeship contact information available as a list that can be provided to requestors.	2-6-1017, MCA	Historically, contact information for apprentices was provided when the apprentices were under the boards. When the apprentice program was moved to workforce services division, the statutes were not amended to make clear apprentices are to be considered similar to licensees for purposes of distributing contact lists. The terms of 2-6-1017 prohibit distribution, because the exception for distributing lists of licensees does not apply now to apprentices. Similar to licensees, apprentices perform work for the public and affect the health and safety of the public. The provisions in statute that allow the dissemination of lists of licensees should likewise allow dissemination
ERD (LMAC) one bill with these two parts	Promoting non-statutory benefits in WC	New Section in Title 39, chapter 71, part 2	Allow for the Department to send information on non-statutory benefits to injured workers and their families. We send a benefit brochure that includes statutory rights but there are additional benefits such as educational scholarships, largely provided by non-profits, that they may be eligible for as well.
	Medical Records for Joint Petitions	ARM, 24.39.3114, 24.39.3117, 24.39.3127. 39-71-717, MCA.	When both injured worker and insurer request reopening (Joint Petition), need to clarify medical review isn't necessary and records do not have to be submitted.
ERD (Wage Integrity) one bill with these three parts	Penalties for knowingly hiring misclassified workers	39-9-301, MCA	Address situation where hiring agents knowingly hire misclassified contractors.
	Increase penalties for non-compliance with IC program	39-71-419 (3), MCA.	Currently, penalties for non-compliance with 39-71-419 (3), MCA are up to \$1000 for each violation. The proposal is to escalate the penalty structure for subsequent offenses while also providing relief from penalties for first-time non-compliance if the individual follows the corrective action within the required timeframe
	Clarify that working on suspended IC license as violation of law	39-71-419 (1)(b)	Make clear it is violation to work when an ICEC is either suspended or revoked.
ERD	Holding repeat violators accountable as uninsured employers	39-71-504 (4), MCA would be modeled after 39-51-1105 to make corp officers liable for UEF	A few companies bankrupt/dissolve the company and absolve themselves of any work comp liability, then, they just open up another company doing the same thing. Proposal would address repeat violators by making owners liable when they close old and start new companies to avoid work comp requirements.
ERD	Define Prosthesis for purposes of reopening requests in WC	39-71-717, MCA. ARM 24.29.1407	The Department has identified a need to define the term prosthesis for the purposes of identifying claims exempt from the requirement to petition for reopening medical benefits at 60 months.
ERD	Make grievance procedure the same for MDT and FWP as all other state employees	2-18-1001, MCA and 87-1-205, MCA and 87-1-403, MCA	Historically, MDT and FWP employees were given a grievance path through the Board of Personnel Appeals because those agencies were historically administered by Boards rather than directors. Repeal of 2-18-1001 et seq, 87-1-205, 87-1-403 would make MDT and FWP employees treated like all state employees. This would also eliminate unnecessary administrative and legal burden on BOPA to hear cases that should be handled by normal DOA grievance procedure.
OCS Office of Community Service	Move Organ Donor Awareness Fund to correct agency	61-3-303 (8)	Transfer the special revenue account for organ donor awareness and education from DPHHS to where it is administered in OCS.