

HOUSE BILL NO. 67

INTRODUCED BY T. WINTER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS CONSISTENT FOR MEMBERS OF THE MILITARY; AMENDING SECTION 39-51-2302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 39-51-2302, MCA, is amended to read:

**"39-51-2302. Disqualification for leaving work without good cause -- requelification.** (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:

(a) The individual leaves employment because of personal illness or injury not associated with misconduct upon the advice of a licensed and practicing health care provider and, after recovering from the illness or injury when recovery is certified by a licensed and practicing health care provider, 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~~ 180 days 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 account of an employer with an experience rating as provided in 39-51-1213.

(d) The individual leaves employment because of the mandatory military transfer of the individual's



1 spouse. Any benefits paid under this subsection (2)(d) are not chargeable to the account of an employer with an  
2 experience rating as provided in 39-51-1213.

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

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9 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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