

SENATE BILL NO. 310

INTRODUCED BY L. WHITFORD

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CERTAIN EMPLOYEES OF EDUCATIONAL INSTITUTIONS OR EDUCATIONAL SERVICE AGENCIES TO APPLY FOR UNEMPLOYMENT INSURANCE BENEFITS BETWEEN ACADEMIC TERMS; AMENDING SECTION 39-51-2108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 39-51-2108, MCA, is amended to read:

**"39-51-2108. Payment of benefits based on services in public, charitable, or educational organizations.** (1) ~~Benefits~~ Except as provided in subsections (2), (3)(a), and (4), benefits based on services in employment defined in 39-51-203(5) and (6) are payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other services subject to this chapter, ~~except that benefits.~~

(2) Benefits based on services performed in an instructional capacity, a research capacity, or a principal administrative capacity for an educational institution may not be paid to an individual:

(a) for any week of unemployment ~~which that~~ begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract if the individual performs the services in the first of the academic years or terms and if the individual has a contract to perform services or a reasonable assurance of performing services in any instructional capacity, research capacity, or principal administrative capacity for any educational institution in the second of the academic years or terms; or

(b) for any week that commences during an established and customary vacation period or holiday recess if the individual performs the services in the period immediately before the vacation period or holiday recess and there is a reasonable assurance that the individual will perform the services in the period immediately following the vacation period or holiday recess.

~~(2)(3)~~ (a) Benefits based on services in any other capacity for an educational institution must be denied to any individual for any week ~~which commences during a period between 2 successive academic years or terms~~



1 if the individual performs the services in the first of the academic years or terms and there is a reasonable  
 2 assurance that the individual will perform the services in the second of the academic years or terms. If any  
 3 individual is denied benefits and was not offered an opportunity to perform the services for the educational  
 4 institution for the second of the academic years or terms, the individual is entitled to a retroactive payment of the  
 5 benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied  
 6 solely by reason of the denial provided for in this section.

7 ~~\_\_\_\_\_ (3) Benefits based on services described in subsections (1) and (2) of this section must be denied to any~~  
 8 ~~individual for any week that commences during an established and customary vacation period, other than the~~  
 9 ~~period between two successive academic years, or a holiday recess if the individual performs the services in the~~  
 10 ~~period immediately before the vacation period or holiday recess and there is reasonable assurance that the~~  
 11 ~~individual will perform the service in the period immediately following the vacation period or holiday recess.~~

12 (b) An individual performing services in any other capacity for an educational institution as described in  
 13 subsection (3)(a) is eligible for benefits between two successive academic years.

14 ~~(4) Benefits based on services described in subsections (1) and (2) to an individual who performed the~~  
 15 ~~services in an instructional capacity, research capacity, or principal administrative capacity for an educational~~  
 16 ~~institution while in the employ of an educational service agency must be denied as specified in ~~subsections (1)~~~~  
 17 ~~through ~~(3)~~ subsection (2). The term~~

18 (5) For the purposes of this section, "educational service agency" means a governmental agency or  
 19 governmental entity which that is established and operated exclusively for the purpose of providing ~~the service~~  
 20 ~~services~~ to one or more educational institutions."

21  
 22 NEW SECTION. Section 2. Effective date -- applicability. [This act] is effective on passage and  
 23 approval and applies to claims for benefits made on or after [the effective date of this act].

24 - END -