

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

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| In the matter of the adoption of NEW |) | AMENDED NOTICE OF PUBLIC |
| RULE I requests for information, the |) | HEARING ON PROPOSED |
| amendment of ARM 24.11.101, |) | ADOPTION, AMENDMENT, AND |
| 24.11.317, 24.11.511, and 24.11.534, |) | REPEAL |
| and the repeal of ARM 24.11.901, |) | |
| 24.11.902, 24.11.903, 24.11.904, |) | |
| 24.11.907, 24.11.908, 24.11.909, and |) | |
| 24.11.2231 regarding unemployment |) | |
| insurance |) | |

TO: All Concerned Persons

1. On June 10, 2015, at 9:00 a.m., the Department of Labor and Industry (department) will hold a public hearing in the Sanders Auditorium of the DPHHS Building at 111 North Sanders Street, Helena, Montana, 59601, to consider the proposed adoption, amendment, and repeal of the above-stated rules.

2. On April 16, 2015, the department published MAR Notice No. 24-11-304 pertaining to the public hearing on the proposed adoption, amendment, and repeal of the above-stated rules at page 357 of the 2015 Montana Administrative Register, Issue Number 7. Due to technical issues the department did not timely send a copy of that notice to interested persons, and therefore this amended notice is being made so that interested persons may be notified as required by law. The substantive text of the proposed amendments, adoptions, and repeals is the same as originally published. The full text of the proposed amendments, adoptions, and repeals is printed below, so that interested persons will not have to refer to the original notice.

3. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Labor and Industry no later than 5:00 p.m. on June 4, 2015, to advise us of the nature of the accommodation that you need. Please contact Rachel Bawden, P.O. Box 8020, Helena, MT 59604-8020; telephone (406) 444-2582; fax (406) 444-2993; Montana Relay Service at 711; or e-mail rbawden@mt.gov.

4. The department proposes to adopt the following rule:

NEW RULE I REQUESTS FOR INFORMATION (1) Persons desiring information concerning the unemployment insurance program and public participation may contact the Unemployment Insurance Division, P.O. Box 8020, Helena, Montana 59604-8020 or visit the division's web site at www.uid.dli.mt.gov.

AUTH: 39-51-302, 39-51-603, MCA

IMP: 39-51-301, 39-51-303, 39-51-603, MCA

REASON: The department is proposing this new rule to clearly set forth the mailing address and web address of the unemployment insurance division to facilitate general information requests.

5. The department proposes to amend the following rules, new matter underlined, deleted matter interlined:

24.11.101 DIVISION ORGANIZATION--LOCATION (1) and (2) remain the same.

(3) The address and contact numbers for the department's main office in Helena are as follows:

Unemployment Insurance Division
Montana Department of Labor and Industry
1315 East Lockey Street
P.O. Box 8020
Helena, MT 59604-8020
Telephone: (406) 444-3555
Fax: (406) 444-~~1394~~ 2993

~~TTY/TTD: (406) 444-0532~~ Montana Relay Service at 711

e-mail: contact links are included on the unemployment insurance web page
at: <http://uid.dli.mt.gov/uid/contact.asp>

(4) remains the same.

(5) The Unemployment Insurance Internet Application for filing a benefit claim (UI4U) is at: <http://ui4u.mt.gov>.

(6) The unemployment insurance web portal for registering, filing, and paying employer taxes is at: <http://uieservices.mt.gov>.

AUTH: 2-4-201, 39-51-302, MCA

IMP: 2-4-201, 39-51-301, MCA

REASON: The department is amending (3) to provide the current street address, telephone, facsimile, and e-mail contact information for the unemployment insurance division. The department is amending (5) and adding (6) to set forth the separate web portals for filing benefits claims and for employers to utilize for unemployment insurance tax purposes.

24.11.317 NOTICE OF HEARINGS (1) through (4) remain the same.

(5) The advance notice requirements in (2) and (3) do not apply to rescheduled hearings or rescheduled prehearing conferences.

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-1109, 39-51-2407, MCA

REASON: The department is adding (5) to clarify that unemployment hearings may be rescheduled after the issuance of the initial ten- or twenty-day notice. By

necessity, notice to parties participating in a rescheduled hearing or prehearing conference may be a shorter period of time.

24.11.511 SCOPE AND PURPOSE--MODEL LANGUAGE (1) ARM ~~24.11.511, 24.11.513,~~ 24.11.515, 24.11.516, 24.11.517, 24.11.518, 24.11.521, 24.11.523, 24.11.525, 24.11.531, and 24.11.534 govern the department's procedures relative to its administrative cooperation with other states adopting similar rules or regulations to implement the interstate benefit payment plan, to which the department is signatory, to provide for the payment of benefits to interstate claimants. In the interest of promoting uniformity of interpretation and consistency of application between Montana and the other states, the department has adopted, with minor modifications, the model rule language promulgated by the interstate conference of employment security agencies. The duties and responsibilities imposed by this subchapter are binding only on the state of Montana in its role as an agent state or as a liable state.

AUTH: 39-51-301, 39-51-302, MCA
IMP: 39-51-504, MCA

REASON: The department determined it is reasonably necessary to delete reference to ARM 24.11.513, which was repealed in 2014. Additionally, the department is eliminating the rule's internal reference to itself, as this is unnecessary and potentially confusing to the reader.

24.11.534 EXTENSION OF INTERSTATE BENEFIT PAYMENT PLAN TO INCLUDE CLAIMS TAKEN IN AND FOR CANADA (1) ARM 24.11.511, ~~24.11.513,~~ 24.11.515, 24.11.516, 24.11.517, 24.11.518, 24.11.521, 24.11.523, 24.11.525, and 24.11.531, ~~and 24.11.534~~ shall apply in all their provisions to claims taken in and for Canada.

AUTH: 39-51-301, 39-51-302, MCA
IMP: 39-51-504, MCA

REASON: The department determined it is reasonably necessary to delete reference to ARM 24.11.513, which was repealed in 2014. Additionally, the department is eliminating the rule's internal reference to itself, as this is unnecessary and potentially confusing to the reader.

6. The department proposes to repeal the following rules:

24.11.901 STATISTICAL MANUALS AND INFORMATION located at ARM page 24-683.

AUTH: 2-4-103, MCA
IMP: 2-4-103, MCA

REASON: The department no longer publishes a document entitled Montana Employment and Labor Force. Therefore, this rule is no longer necessary.

24.11.902 SUGGESTIONS FOR OPERATIONAL AND PROCEDURAL CHANGES--COMPLAINTS located at ARM page 24-683.

AUTH: 2-4-103, MCA
IMP: 2-4-103, MCA

REASON: The department now manages the unemployment insurance program from the central office of the division in Helena, rather than out of Montana's local job service centers. Because questions, comments, and suggestions are now directed to the central division office, this rule is no longer necessary.

24.11.903 INFORMATIONAL BULLETINS located at ARM page 24-683.

AUTH: 2-4-103, MCA
IMP: 2-4-103, MCA

REASON: The department determined that this rule is no longer necessary since the department uses a variety of means to distribute information on the unemployment insurance program to claimants, employers, and the general public. The department customarily issues press releases related to labor statistics and special programs, such as those that provide for extended benefits. Employers are informed about changes in law, rule, or procedure by web site postings, direct mailing, and the addition of informational inserts in departmental communications.

24.11.904 RESPONSE TO INQUIRIES AND SUGGESTIONS located at ARM page 24-683.

AUTH: 2-4-103, MCA
IMP: 2-4-103, MCA

REASON: The department is repealing this rule because 72 hours may be an unrealistic time frame for the agency to respond to requests for public information. The department responds to all information requests as soon as possible and always within a reasonable period of time, and has determined this rule is unnecessary.

24.11.907 MEETINGS WITH OFFICE MANAGERS, SUPERVISORS, DEPUTY ADMINISTRATORS, AND OTHER OFFICIALS located at ARM page 24-683.1.

AUTH: 2-4-103, MCA
IMP: 2-4-103, MCA

REASON: All state agencies are required to comply with the public participation provisions of the Montana Administrative Procedure Act. At all times, the public is invited and encouraged to participate in the rulemaking process and departmental meetings of significant public interest. Therefore, the department determined this rule is unnecessary and is proposing its repeal.

24.11.908 COPIES OF STATUTES AND REGULATIONS located at ARM page 24-683.1.

AUTH: 2-4-103, MCA
IMP: 2-4-103, MCA

REASON: The department determined it is reasonably necessary to repeal this unnecessary rule as the unemployment insurance statutes and rules are readily available on the department web site, the Montana Secretary of State's web site, and various other electronic formats. The department customarily provides copies of all pertinent statutes and rules to claimants and employers with every notice of departmental action regarding the adjudication of claims. As well, the department provides copies of the unemployment insurance statutes and rules to the public upon request, at no cost.

24.11.909 POLICIES AND OBJECTIVES located at ARM page 24-683.2.

AUTH: 2-4-103, MCA
IMP: 2-4-103, MCA

REASON: All state agencies are required to comply with the public participation provisions of the Montana Administrative Procedure Act. The public is always invited and encouraged to participate in the rulemaking process and departmental meetings of significant public interest. Therefore, the department determined this rule is unnecessary and is proposing its repeal.

24.11.2231 BENEFIT OVERPAYMENTS--CREDITING EMPLOYER ACCOUNTS located at ARM page 24-724.

AUTH: 39-51-301, 39-51-302, MCA
IMP: 39-51-1110, MCA

REASON: The department determined this rule is unnecessary and redundant as it merely references the general rule regarding the crediting of employer accounts.

7. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Rachel Bawden, P.O. Box 8020, Helena, MT 59604-8020; telephone (406) 444-2582; fax (406) 444-2993; Montana Relay Service at 711; or e-mail rbawden@mt.gov., and must be received no later than 5:00 p.m., June 17, 2015.

8. The department's Office of Administrative Hearings has been designated to preside over and conduct this hearing.

9. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices, and specifies the particular subject matter or matters regarding which the person wishes to receive notices. Such written request may be mailed or delivered to the Department of Labor and Industry, attention: Mark Cadwallader, 1327 Lockey Avenue, P.O. Box 1728, Helena, Montana 59624-1728, faxed to the department at (406) 444-1394, e-mailed to mcadwallader@mt.gov, or may be made by completing a request form at any rules hearing held by the agency

10. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

11. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

12. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption, amendment, and repeal of the above-referenced rules will not significantly and directly impact small businesses.

/s/ MARK CADWALLADER
Mark Cadwallader
Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State May 4, 2015.