



ADMINISTRATIVE RULES OF MONTANA



24.40.101 DEFINITIONS

In addition to the terms defined in Title 39, chapter 51, MCA, including in 39-51-201 through 39-51-205, and 39-51-1121, MCA, the following definitions apply to this chapter, unless context or a particular rule provides otherwise:

- (1) "Accredited by the state of Montana" means the educational institution meets the applicable accreditation standards defined in Title 20, MCA, for institutions in the state of Montana, and the standards defined by the U.S. Department of Education for institutions outside the state of Montana.
- (2) "Additional claim" means a claimant reactivated a claim during the claim's benefit year according to ARM 24.40.841, after one or more separations from insured employment since the claim went inactive.
- (3) "Available for work" means a claimant is willing and able to accept an offer of suitable work for a minimum of three days a week, and the work days are typical of the claimant's occupation.
- (4) "Base period employer" means an employer from whom a claimant earned wages for insured employment during the base period of the claim.
- (5) "Benefit determination" means a decision involving any issue related to a claimant's qualification or eligibility for benefits, including monetary, nonmonetary, and separation issues. The term also includes a claimant's overpayment amount and determinations regarding waiver of overpayment recovery.
- (6) "Calendar quarter" means any one of the following quarters in a year:
 - First - January, February, March
 - Second - April, May, June
 - Third - July, August, September
 - Fourth - October, November, December
- (7) "Child" as used in 39-51-2111, MCA, means an individual under the age of 18, including an emancipated minor, or an adult with a disability who is dependent upon parent(s) or guardian(s) for food, shelter, living expenses, and other necessities.
- (8) "Claim," as used in this chapter and in Title 39, chapter 51, MCA, unless the context or language clearly indicates otherwise, means an initial, additional, or reopened claim for unemployment insurance benefits.
- (9) "Claimant" means a person who has filed a claim, or who is in the process of filing a claim.

- (10) "Days" means a specified number of consecutive calendar days, including Saturdays, Sundays, and holidays except as provided in ARM 24.40.105.
- (11) "Discharge," as used in 39-51-2303, MCA, means a termination of the employment relationship between an employer and an employee initiated by the employer, for reasons other than a lack of work, whether or not in response to some act or omission on the part of the employee.
- (12) "Educational institution," as used in 39-51-2108, 39-51-2302, and 39-51-2307, MCA, means any public, private, or nonprofit academic, vocational, technical, business, professional, or other school (including a home school), college, or university.
- (13) "Full-time work" means insured employment in which an employee is regularly scheduled to work 40 or more hours per week.
- (14) "Good cause" means reasonably compelling circumstances which did not result from any act or omission on the part of the person or business entity claiming good cause and which could not be overcome by reasonable diligence.
- (15) "Inactive claim" means a claimant did not file a request for benefit payments for four consecutive weeks during the claim's benefit year. In order to begin claiming benefits again when a claim goes inactive, a claimant must follow the procedures pursuant to ARM 24.40.841.
- (16) "Initial claim" means a request filed by a claimant for a determination of the claimant's potential entitlement to and eligibility for benefits.
- (17) "Insured employment" means employment, as defined in 39-51-203, MCA, including federal civilian service, federal military service, and services that constitute employment in any other state, but does not include those services enumerated in 39-51-204, MCA.
- (18) "Issue" means any act, circumstance, or condition, occurring or existing before or during a claimant's benefit period, that has the potential to disqualify or make a claimant ineligible for benefits or to reduce the amount of benefits payable to a claimant. An issue includes both monetary and nonmonetary factors affecting benefit eligibility.
- (19) "Job attached" means a claimant is able and available and has a definite or approximate date of hire or recall to insured employment at 30 or more hours per week.
- (20) "Labor market area" means an economically integrated geographic area within which individuals can reside and find work within a reasonable distance or can readily change jobs without changing their place of residence.
- (21) "Leave of absence" means a cessation of employment due to reasons other than an on-the-job injury, requested by the employee and approved by the employer, with an understanding the employee will be returning to employment for the employer.
- (22) "Leaving work," as used in 39-51-2302, MCA, includes the term "leaving employment," and means:
 - (a) any permanent, long-term, or indefinite voluntary reduction in an employee's hours of insured regularly scheduled employment of 40 or more hours per week for a particular employer initiated by the employee, whether or not the reduction occurs in response to an act or omission of the employer or is approved by the employer; or
 - (b) a cessation of employment initiated by the employee, which resulted from the employee's absence from work without an employer-approved leave of absence for:

- (i) five or more consecutive work days due to a physical or mental condition, which prevented the employee from performing the essential functions of the job; or
 - (ii) three or more consecutive work days without the employer's permission for any other reason.
- (23) "Long-term" means that the circumstance in question will or may reasonably be expected to continue to exist substantially unchanged for a period of time exceeding six consecutive weeks.
- (24) "Offset" means the withholding of benefits that would otherwise be payable to a claimant for a compensable week of unemployment in order for the department to recover an overpayment.
- (25) "Online portal" means the department's public-facing online system for administration of the unemployment insurance program.
- (26) "Overpayment" means the amount of benefits paid to a claimant from a state or federal unemployment compensation fund that the a state subsequently determines the claimant was not entitled to receive because of disqualification, ineligibility, or reduction in entitlement under that state's law.
- (27) "Part-time availability" pursuant to 39-51-2115, MCA, means a claimant is qualified to seek only part-time insured work and maintain benefits if:
 - (a) the majority of the claimant's work weeks in the base period were part-time; or
 - (b) the claimant has a medical diagnosis signed and certified from a licensed and practicing healthcare provider that limits the claimant's ability to perform full-time work.
- (28) "Part-time employment" means insured employment in which an employee is regularly scheduled to work less than 40 hours per week.
- (29) "Pension" means pension payments, retirement benefits, retirement pay, annuity, or similar periodic payment made to an individual based on previous employment. This definition does not include payments from a fund to which the individual was required to make a direct contribution.
- (30) "Permanent layoff" means an indefinite termination of the employment relationship between an employer and an employee initiated by the employer due only to a lack of work for the employee to perform.
- (31) "Reactivated claim" means a claimant did not file a request for benefits for at least four consecutive weeks, and before the end of the benefit year the claimant contacted the department to begin requesting benefits again according to ARM 24.40.841.
- (32) "Recently lived" as used in 39-51-2111, MCA, means having lived with the abusive person for a period of time during the 12-month period immediately preceding the date the claimant left insured employment or was discharged from insured employment due to domestic violence or domestic abuse.
- (33) "Reopened claim" means a claimant reactivated a claim during the claim's benefit year according to ARM 24.40.841 when there were no separations from insured employment since the claim went inactive.
- (34) "Same work" means an offer by an individual's present employer of the same hours, wages, terms of employment, and working conditions.

- (35) "Separation" means any reduction in an employee's hours of insured employment for a particular employer.
- (36) "Similar work" means work in the same occupation or a different occupation that requires essentially the same skills and knowledge as the worker's current or most recent employment but does not mean identical work.
- (37) "State-approved training program" means a program the department determines is reasonably expected to lead to employment for a claimant and meets the criteria outlined by ARM 24.40.903.
- (38) "Suspension" means a pause of the employment relationship between an employer and an employee initiated by the employer for disciplinary, investigative, or other reasons not including a lack of work for the employee to perform.
- (39) "Tax determination" means a decision regarding an employer's contributions, charges, reporting, or other issue determined pursuant to 39-51-1109, MCA.
- (40) "Temporary layoff" means a suspension of the employment relationship between an employer and an employee initiated by the employer due only to a lack of work for the employee to perform and where the employer intends to recall the employee at such time as work becomes available, except for separations from temporary employment as defined in ARM 24.40.611.
- (41) "Termination" means either a discharge or a permanent layoff.
- (42) "Termination pay" means a payment from an employer to a claimant as the result of discharge or permanent layoff.
 - (a) Examples of termination pay include:
 - (i) severance pay;
 - (ii) separation pay;
 - (iii) wages in lieu of notice;
 - (iv) continuation of wages for a designated period of time following cessation of employment or other similar payment; and
 - (v) payments made under an incentive, employee buy-out, or similar plan designed to produce a general or specific reduction in force by inducing employees to leave voluntarily or in lieu of involuntary termination, whether paid in a lump sum or incrementally over any period of time.
 - (b) Termination pay may include payment for accrued unused vacation, sick leave, or any other leave paid at or after termination from employment.
- (43) "Union attached" means a claimant is:
 - (a) able and available for work;
 - (b) a member in good standing of a labor union that operates an exclusive hiring hall; and
 - (c) on the out-of-work list at the hiring hall.
- (44) "Valid notice" means a formal, unconditional, specific communication between an individual employee and an employer or authorized agent of an employer, that provides notice of the date

an employee intends to leave work voluntarily (quit) or notice of the date an employer intends to terminate an employee from employment.

- (45) "Weekly payment request" means the filing by a claimant of a request for benefit payment or waiting week credit for any week within claimant's benefit year.
- (46) "Withdrawal from the labor market" means a claimant is unavailable for work for three or more days per week, unless the claimant is qualified to seek part-time employment pursuant to these rules.
- (47) "Work search contact" means a documented contact by a claimant with an insured employer or authorized agent that hires workers for insured work or insured employment the claimant is qualified for and able to perform, and further described by ARM 24.40.823.

Authorizing statute(s): 39-51-301, 39-51-302, MCA

Implementing statute(s): 39-51-201, 39-51-401, 39-51-504, 39-51-605, 39-51-1218, Title 39, chapter 51, parts 21 through 25, MCA, 39-51-2601, 39-51-3201, 39-51-3202, 39-51-3206, MCA

History: NEW, 2000 MAR p. 3523, Eff. 12/31/00; AMD, 2002 MAR p. 1665, Eff. 6/14/02; AMD, 2006 MAR p. 916, Eff. 4/7/06; AMD, 2011 MAR p. 573, Eff. 5/29/11; AMD, 2013 MAR p. 413, Eff. 3/29/13; AMD, 2013 MAR p. 2144, Eff. 11/15/13; AMD, 2014 MAR p. 593, Eff. 3/28/14; AMD, 2016 MAR p. 2058, Eff. 11/11/16; AMD, 2018 MAR p. 638, Eff. 4/1/18; TRANS & AMD, from 24.11.204, 2024 MAR p. 1458, Eff. 7/1/24; AMD, 2025 MAR, Notice No. 2025-29, Eff. 7/1/25.