



Quarterly News

Human Rights Complaints – Age Discrimination

In 2021, age discrimination became the Human Rights Bureau's highest filing, how can you avoid these complaints?

First, understand that if you hire even one employee you are subject to Montana's state anti-discrimination laws.

Second, know that our state laws protect persons no matter what their age.

When advertising for a position, steer clear of setting out age restrictions, for example "Must be 18 years of age." An employer can only restrict applicants based on age if that employer has a bona fide occupational qualification (BFOQ). This is another way of saying you must have a legally justifiable reason – not something based on stereotypes.

If you have an on-line application process, make sure that you're not screening out viable candidates. Montana has great programs training youth to enter the work force, through apprenticeships and student learning. If you unnecessarily restrict your applicants, you could be missing out on great candidates. In both your applications and your interviews, ask applicants about their skills, knowledge, and abilities. Avoid questions about an applicant's age.

Yes, there are numerous laws that restrict and regulate child labor, but these laws come with exemptions and exceptions. If you are reading this and you think that you have a good reason to restrict your hiring based on a protected class, the best advice is to run it by a Human Resource professional or an attorney.

We Can Help You Equip Your Employees to Meet Your Business Requirements

Ask us about reimbursement programs that can help offset the cost of training new and existing employees. Contact your Job Service by visiting montanaworks.gov/job-service-montana

Filing UI Quarterly Reports Electronically, Is it Required?

If you are a third-party agent (payroll provider, accounting firm, CPA, etc.) filing on behalf of your clients OR an employer with 20 or more employees your Montana Unemployment Insurance Quarterly Reports must be filed electronically. Refer to [Montana Administrative Rule 24.11.2711](#).

If you are not yet filing your reports electronically, we can help you get started. Filing electronically improves the accuracy and integrity of the reports you are submitting and prevents delayed processing time. For a full look at our electronic filing options, go online to uieservices.mt.gov and under Handbooks Forms & More, review our [UI Contributions eFiling Handbook](#). Or contact our Customer Support Team at uieservices@mt.gov or (406) 444-3834 option 2.

Quarterly reports filed via paper that are subject to e-filing requirements may be assessed a late-file penalty.

Pandemic Assistance Credits Are Ending

The State of Montana opted to end its participation in pandemic Unemployment Insurance programs, including assistance to reimbursable employers introduced by the Coronavirus Aid, Relief, and Economic Security (CARES) Act and expanded by the American Rescue Plan.

Pandemic assistance credits will not be applied to any reimbursable benefit charges for weeks of unemployment after June 26, 2021.

As claims for past weeks of unemployment continue to be processed, credits will be posted to charges as follows:

- 50% federal credit for weeks of unemployment 03/13/20 through 04/03/21
- 50% state credit for weeks of unemployment 03/13/20 through 12/31/20
- 75% federal credit for weeks of unemployment 04/04/21 through 06/26/21



Reporting Remote Worker Wages for Unemployment Insurance

Do you have employees working from home? For some businesses and professions, it is a win-win for your business and your employees. If you have remote workers, it is important to report their wages properly for Unemployment Insurance, especially if they are performing services in other states.

If the worker is working from their home, they should be reported in the state where their home office is located, not where the company headquarters are located. An occasional business trip to the headquarters for a company meeting is considered a normal business trip and does not change where they should be reported.

If you have workers who travel from state to state on an ongoing basis and their service is not localized in one state, then you would report the worker in the state where they have a base of direction and control. If there is no base of control, then the state where the employer is headquartered is taken into consideration. Despite the different wording by each state, the laws are nearly identical in application. Review page 10 of [Montana's Employer Handbook](#) online on uieservices.mt.gov for information on our localization law.

What should you do if think you have been reporting wages to the incorrect state? Contact our office at (406) 444-3834, option 1. Let us know if any UI claims filed on the wages which were reported. If there are claims involved, we will review the claims history before advising you whether or not to make adjustments. In some cases, after reviewing the claims, we may advise you to correct the mistake starting in 2021 to avoid unnecessary problems for the claimants and claims departments of the states involved.

If it is determined you should be reporting remote worker wages to another state and you don't already have a UI account in that state, register for an account, and file the reports. Then amend your Montana UI reports and remove the wages. In your amendment, include an explanation identifying the state where the wages are now being reported. You can request a refund a of taxes paid or leave the credit on your account.

Report Fraud

If you suspect a person or business is committing UI fraud, go to uieservices.mt.gov and select [Report UI Fraud](#) under the Helpful Links. **You can remain anonymous!**

What is Job Attachment?

Job-attachment exempts a claimant from the usual requirement to seek work while requesting benefit payment. This allows an employer to retain qualified employees who are temporarily laid off and willing to return to their full-time employment once work is again available for them.

Job attachment is available to employers if the claimant meets the following criteria:

- an approximate date of hire, or return to work, at 30 or more hours per week
- if the claimant is working part time, they can be "job attached" if they have a definite or approximate date 30 hours a week on a consistent basis.

Benefits paid for the time a claimant is job or union-attached will be charged to your account if you are determined to be a chargeable employer. The longer a claimant is out of work or on reduced hours, the more charges accrue. If the rehire arrangement changes at any point, the employer should contact the Unemployment Insurance Division. The employer does maintain the right to deny an employee's request to be job attached. You can indicate that when you complete and return the filing/charging notices.

If your business has employees they would like job attached, please send a list to uieservices@mt.gov or log on to [UI eServices for Employers](#) and submit a secure web message with your list attached.



ASSISTANCE for BUSINESS CLINIC

Assistance for Business Clinics in 2021 will be held in conjunction with SafetyFest Montana. To register, go to: safetyfestmt.dli.mt.gov

To stream past sessions, go to: <https://dli.mt.gov/resources/abc-clinics>

Questions about Benefit Charges on your account?

Call the Employer Charging Phone Line at 406-444-0399. We are here to help! Hours 8 am – 4 pm (closed for lunch 12 – 1).