

RETURN TO WORK BONUS PROGRAM POLICY

House Bill 632 from the 67th Regular Session of the Montana Legislature established the Economic Transformation and Stabilization and Workforce Development Advisory Commission. The Commission exists to review policies and program recommendations to be funded by the American Rescue Plan Act. The Commission convened on May 4, 2021, and recommended approval of the Return to Work Bonus Program to incentivize those whose level of employment was reduced or eliminated due to the COVID-19 pandemic and help them to reengage with and reenter the workforce. The Program also supports employers whose labor forces and business models were compromised due to COVID-19 protocols and subsequent changes in customer behaviors and expectations. The Program was approved by Governor Gianforte.

In furtherance of the Commission's recommendation and the Governor's approval, this Policy sets forth the details of implementation of the Program. This Policy may be amended from time to time as deemed necessary by the Commissioner of Labor & Industry.

Section I: Definitions

1. "Applicant" means a returned worker who has applied for a bonus.
2. "Bonus" means a monetary award of \$1,200 based on a returned worker's obtaining and keeping employment as set forth in this Policy.
3. "Department" means the Montana Department of Labor & Industry.
4. "Eligibility List" refers to the list of active and eligible unemployment insurance recipients for week ending May 1, 2021. The eligibility list will be held and maintained by the Department for determinations of initial eligibility for a bonus. The eligibility list includes both individuals receiving regular unemployment insurance and pandemic unemployment insurance benefits.
5. "Employer" has the definition set forth in Mont. Code Ann. § 39-51-202 with an active unemployment insurance tax account.
6. "Policy" means this document encompassing Sections I through VII defining the Return to Work Bonus Program Policy which rewards workers for returning to employment.
7. "Program" refers to the Return to Work Bonus Program as administered by the Department.
8. "Returned Worker" means an employee on the eligibility list who obtains employment and works for four consecutive weeks.
9. "Unemployment Insurance" refers to the Unemployment Insurance Law set forth at Mont. Code Ann. § 39-51-101, *et seq.*, as well as Pandemic Unemployment Assistance.

Section II: Bonus Eligibility

1. An applicant is eligible for a bonus if the applicant:
 - a. is named on the eligibility list;
 - b. has obtained new employment and worked for at least four weeks for a single employer; and
 - c. attains employment prior to October 31, 2021.

2. For purposes of this Policy, “worked for at least four weeks” means employment as an employee, as defined by Mont. Code Ann. § 39-71-118, over the course of four consecutive calendar weeks.
3. An applicant may not receive more than one bonus under any circumstance.

Section III: Application Requirements

1. An applicant who meets the bonus eligibility requirements set forth in Section II may apply for a bonus.
2. An applicant must submit an application form, which is available at <https://montanaworks.gov/RtW>.
3. After receipt of the application form, the Department will contact the applicant to confirm continued employment. Confirmation may include, without limitation:
 - a. paychecks or paycheck stubs from the applicant’s employer which show sufficient weeks of work to qualify for a bonus;
 - b. verification that the applicant has not filed a subsequent unemployment insurance claim;
 - c. contact with the applicant’s employer to confirm dates of work; and
 - d. any other verification the Department, in its discretion, chooses.
4. Confirmation documentation must be received by the Department within 30 days after the applicant became eligible for a bonus pursuant to Section II. If documentation is not received within that timeframe, the application will not be processed.
5. By submitting an application, the applicant waives any right of privacy as to the Department for any information reasonably related to verifying eligibility for a bonus.

Section IV: Submissions to Program

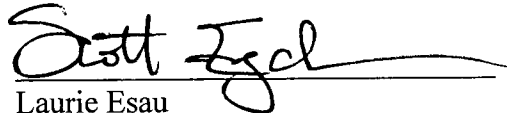
1. All applications, supplemental information, requests for redetermination, and requests for hearing must be submitted by one of the following means:
 - a. electronic mail to: dlirtw@mt.gov; or
 - b. facsimile to: 406-444-3037.
2. Applications, requests for redetermination, and requests for hearing must be in writing and signed by the applicant.

Section VII: Appeal Rights

1. With the exceptions set forth in subsection 2 of this Section, an aggrieved applicant is entitled to request a redetermination when the Department denies an application for a bonus. Requests for redetermination must be received within 14 calendar days of denial of an application for a bonus.
2. A redetermination request is invalid if:
 - a. The applicant is not on the eligibility list and has not been retroactively determined to be eligible for unemployment insurance benefits;
 - b. A bonus application is denied due to lack of available funds;
 - c. The applicant has failed to submit a complete application or respond to subsequent requests for information;

- d. The applicant has previously applied for and received a bonus; or
 - e. The Program has expired.
3. An applicant aggrieved by a redetermination may request a hearing before the Office of Administrative Hearings pursuant to Title 2, Chapter 4, MCA. The hearing request must be received within 14 calendar days of denial of a redetermination.
 4. All requests for redetermination or appeal must be in writing and submitted electronically to dlirtw@mt.gov.

Adopted this 27th day of May, 2021.



Laurie Esau
Commissioner of Labor & Industry

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