

HOUSE BILL NO. 243

INTRODUCED BY J. BROWN, T. BECK  
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE HOUSE

JANUARY 17, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

JANUARY 18, 1991                   FIRST READING.

JANUARY 23, 1991                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

JANUARY 24, 1991                   CONSENT CALENDAR, QUESTIONS AND ANSWERS.  
ENGROSSING REPORT.

JANUARY 25, 1991                   THIRD READING, PASSED.  
AYES, 95; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 25, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

JANUARY 26, 1991                   FIRST READING.

JANUARY 30, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

FEBRUARY 2, 1991                   ON MOTION, CONSIDERATION PASSED.

FEBRUARY 4, 1991                   SECOND READING, CONCURRED IN.

FEBRUARY 5, 1991                   THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 6, 1991                   RECEIVED FROM SENATE.  
SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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 2 INTRODUCED BY J. Brown T. Bush  
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE STATE  
 6 EMPLOYEE SICK LEAVE ADVISORY COUNCIL AND TRANSFERRING ITS  
 7 FUNCTION TO THE STATE EMPLOYEE GROUP BENEFITS ADVISORY  
 8 COUNCIL; AMENDING SECTION 2-18-618, MCA; AND REPEALING  
 9 SECTION 2-15-216, MCA."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 2-18-618, MCA, is amended to read:

13 "2-18-618. Sick leave. (1) Each permanent full-time  
 14 employee shall earn sick leave credits from the first day of  
 15 employment. For calculating sick leave credits, 2,080 hours  
 16 (52 weeks x 40 hours) shall equal 1 year. Sick leave credits  
 17 shall be credited at the end of each pay period. Sick leave  
 18 credits shall be earned at the rate of 12 working days for  
 19 each year of service without restriction as to the number of  
 20 working days that may be accumulated. Employees are not  
 21 entitled to be paid sick leave until they have been  
 22 continuously employed 90 days.

23 (2) An employee may not accrue sick leave credits while  
 24 in a leave-without-pay status.

25 (3) Permanent part-time employees are entitled to

1 prorated leave benefits if they have worked the qualifying  
 2 period.

3 (4) Full-time temporary and seasonal employees are  
 4 entitled to sick leave benefits provided they work the  
 5 qualifying period.

6 (5) An employee who terminates employment with the  
 7 agency is entitled to a lump-sum payment equal to one-fourth  
 8 of the pay attributed to the accumulated sick leave. The pay  
 9 attributed to the accumulated sick leave shall be computed  
 10 on the basis of the employee's salary or wage at the time he  
 11 terminates his employment with the state, county, or city.  
 12 Accrual of sick leave credits for calculating the lump-sum  
 13 payment provided for in this subsection begins July 1, 1971.  
 14 The payment therefor shall be the responsibility of the  
 15 agency wherein the sick leave accrues. However, no employee  
 16 forfeits any sick leave rights or benefits he had accrued  
 17 prior to July 1, 1971. However, where an employee transfers  
 18 between agencies within the same jurisdiction, he is not  
 19 entitled to a lump-sum payment. In a transfer between  
 20 agencies, the receiving agency shall assume the liability  
 21 for the accrued sick leave credits earned after July 1,  
 22 1971, and transferred with the employee.

23 (6) An employee who receives a lump-sum payment  
 24 pursuant to this section and who is again employed by any  
 25 agency may not be credited with any sick leave for which the



1 employee has previously been compensated.

2 (7) Abuse of sick leave is cause for dismissal and  
3 forfeiture of the lump-sum payments provided for in this  
4 section.

5 (8) An employee may contribute any portion of his  
6 accumulated sick leave to a nonrefundable sick leave fund  
7 for state employees and thereby become eligible to draw upon  
8 the fund if an extensive illness or accident exhausts his  
9 accumulated sick leave. The department of administration  
10 shall, in consultation with the ~~sick-leave-advisory-council~~  
11 provided-for--in--2-15-216 state employee group benefits  
12 advisory council, provided for in 2-15-1016, administer the  
13 sick leave fund and adopt rules to implement this  
14 subsection.

15 (9) A local government may establish and administer  
16 through local rule a sick leave fund into which its  
17 employees may contribute a portion of their accumulated sick  
18 leave."

19 NEW SECTION. Section 2. Repealer. Section 2-15-216,  
20 MCA, is repealed.

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