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

RECEIVED FROM SENATE.

SENT TO ENROLLING.

FEBRUARY 6, 1991

REPORTED CORRECTLY ENROLLED.

House BILL NO. 243 D. Brown & Ba 1 2 INTRODUCED BY 3

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

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

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

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

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

- 23 (2) An employee may not accrue sick leave credits while 24 in a leave-without-pay status.
 - (3) Permanent part-time employees are entitled to

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- prorated leave benefits if they have worked the qualifying 1 2 period.
- 3 (4) Full-time temporary and seasonal employees are entitled to sick leave benefits provided they work the qualifying period.
- (5) An employee who terminates employment with the 7 agency is entitled to a lump-sum payment equal to one-fourth 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. Accrual of sick leave credits for calculating the lump-sum 12 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 prior to July 1, 1971. However, where an employee transfers 17 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.
 - (6) An employee who receives a lump-sum payment pursuant to this section and who is again employed by any agency may not be credited with any sick leave for which the

INTRODUCED BILL #8 243

error from the accusance are apparately because agreement from the formation of the contraction of the contr

- 1 employee has previously been compensated.
- (7) Abuse of sick leave is cause for dismissal and forfeiture of the lump-sum payments provided for in this section.
 - (8) An employee may contribute any portion of his accumulated sick leave to a nonrefundable sick leave fund for state employees and thereby become eligible to draw upon the fund if an extensive illness or accident exhausts his accumulated sick leave. The department of administration shall, in consultation with the sick-leave-advisory-council provided-for--in--2-15-216 state employee group benefits advisory council, provided for in 2-15-1016, administer the sick leave fund and adopt rules to implement this 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."
- NEW SECTION. Section 2. Repealer. Section 2-15-216,
- 20 MCA, is repealed.

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-End-

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1 House bill no. 243
2 INTRODUCED BY BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

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

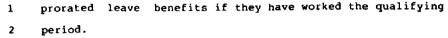
9 SECTION 2-15-216, MCA."

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

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- (2) An employee may not accrue sick leave credits while in a leave-without-pay status.
- (3) Permanent part-time employees are entitled to



- 3 (4) Full-time temporary and seasonal employees are 4 entitled to sick leave benefits provided they work the 5 qualifying period.
- (5) An employee who terminates employment with the agency is entitled to a lump-sum payment equal to one-fourth of the pay attributed to the accumulated sick leave. The pay attributed to the accumulated sick leave shall be computed 9 on the basis of the employee's salary or wage at the time he 10 terminates his employment with the state, county, or city. 11 Accrual of sick leave credits for calculating the lump-sum 12 payment provided for in this subsection begins July 1, 1971. 13 The payment therefor shall be the responsibility of the 14 agency wherein the sick leave accrues. However, no employee 15 forfeits any sick leave rights or benefits he had accrued 16 prior to July 1, 1971. However, where an employee transfers 17 between agencies within the same jurisdiction, he is not 18 entitled to a lump-sum payment. In a transfer between 19 agencies, the receiving agency shall assume the liability 20 for the accrued sick leave credits earned after July 1, 21 1971, and transferred with the employee. 22
 - (6) An employee who receives a lump-sum payment pursuant to this section and who is again employed by any agency may not be credited with any sick leave for which the

THIRD READING

Montana Legislative Council

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- (7) Abuse of sick leave is cause for dismissal and forfeiture of the lump-sum payments provided for in this section.
 - (8) An employee may contribute any portion of his accumulated sick leave to a nonrefundable sick leave fund for state employees and thereby become eligible to draw upon the fund if an extensive illness or accident exhausts his accumulated sick leave. The department of administration shall, in consultation with the sick-leave-advisory-council provided-for--in--2-15-216 state employee group benefits advisory council, provided for in 2-15-1016, administer the sick leave fund and adopt rules to implement this subsection.
 - (9) A local government may establish and administer through local rule a sick leave fund into which its employees may contribute a portion of their accumulated sick leave."
- NEW SECTION. Section 2. Repealer. Section 2-15-216,

 MCA, is repealed.

-End-

HB 0243/02 52nd Legislature

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HB 0243/02

1	HOUSE BILL NO. 243
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3	BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
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5	A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE STATE
6	EMPLOYEE SICK LEAVE ADVISORY COUNCIL AND TRANSFERRING IT
7	FUNCTION TO THE STATE EMPLOYEE GROUP BENEFITS ADVISOR
8	COUNCIL; AMENDING SECTION 2-18-618, MCA; AND REPEALIN
9	SECTION 2-15-216, MCA."
LO	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

- (2) An employee may not accrue sick leave credits while 23 in a leave-without-pay status.
- 25 (3) Permanent part-time employees are entitled to

- prorated leave benefits if they have worked the qualifying 1 2 period.
- (4) Full-time temporary and seasonal employees are 3 entitled to sick leave benefits provided they work the qualifying period.
- (5) An employee who terminates employment with the 6 agency is entitled to a lump-sum payment equal to one-fourth of the pay attributed to the accumulated sick leave. The pay 9 attributed to the accumulated sick leave shall be computed on the basis of the employee's salary or wage at the time he 10 terminates his employment with the state, county, or city. 11 Accrual of sick leave credits for calculating the lump-sum 1.2 payment provided for in this subsection begins July 1, 1971. 13 The payment therefor shall be the responsibility of the 14 agency wherein the sick leave accrues. However, no employee 15 forfeits any sick leave rights or benefits he had accrued 16 prior to July 1, 1971. However, where an employee transfers 17 between agencies within the same jurisdiction, he is not 18 entitled to a lump-sum payment. In a transfer between 19 agencies, the receiving agency shall assume the liability 20 21 for the accrued sick leave credits earned after July 1, 1971, and transferred with the employee. 22
- (6) An employee who receives a lump-sum payment 23 24 pursuant to this section and who is again employed by any agency may not be credited with any sick leave for which the

- 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
- 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.

-End-