

HOUSE BILL 679

Introduced by Scott, et al.

2/07	Introduced
2/07	Referred to State Administration
2/08	First Reading
2/08	Fiscal Note Requested
2/13	Fiscal Note Received
2/15	Hearing
2/19	Committee Report--Bill Passed as Amended
2/23	2nd Reading Passed
2/26	Fiscal Note Printed
2/26	3rd Reading Passed
	Transmitted to Senate
2/27	First Reading
2/27	Referred to State Administration
3/19	Hearing
3/19	Committee Report--Bill Not Passed
2/19	Adverse Committee Report Adopted

1 *HOUSE* BILL NO. 679
 2 INTRODUCED BY *Richard E. Manning*
 3 *John D. Dillert*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE RATES AT
 5 WHICH VACATION LEAVE AND SICK LEAVE CREDITS ARE EARNED BY
 6 FIREFIGHTERS; AND AMENDING SECTIONS 2-18-612 AND 2-18-618,
 7 MCA."

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

9 **Section 1.** Section 2-18-612, MCA, is amended to read:

10 **"2-18-612. Rate earned.** (1) Vacation Except as provided
 11 in subsection (2), vacation leave credits are earned at a
 12 yearly rate calculated in accordance with the following
 13 schedule, which applies to the total years of an employee's
 14 employment with any agency whether the employment is
 15 continuous or not:

17 Years of employment	Working days credit
18 1 day through 10 years	15
19 10 years through 15 years	18
20 15 years through 20 years	21
21 20 years on	24

22 (2) Vacation leave credits for firefighters are earned
 23 at the following rate:

24 Years of employment	Working hours credit
25 <u>1 day through 10 years</u>	<u>.0576 hours per 1 hour worked</u>

1 <u>10 years through 15 years</u>	<u>.0692 hours per 1 hour worked</u>
2 <u>15 years through 20 years</u>	<u>.0807 hours per 1 hour worked</u>
3 <u>20 years on</u>	<u>.0923 hours per 1 hour worked</u>

4 ~~+(2)~~(3) (a) For the purpose of determining years of
 5 employment under this section, an employee eligible to earn
 6 vacation credits under 2-18-611 must be credited with 1 year
 7 of employment for each period of:

8 (i) 2,080 hours of service following his date of
 9 employment; an employee must be credited with 80 hours of
 10 service for each biweekly pay period in which he is in a pay
 11 status or on an authorized leave of absence without pay,
 12 regardless of the number of hours of service in the pay
 13 period; or

14 (ii) 12 calendar months in which he was in a pay status
 15 or on an authorized leave of absence without pay, regardless
 16 of the number of hours of service in any one month. An
 17 employee of a school district, a school at a state
 18 institution, or the university system must be credited with
 19 1 year of service if he is employed for an entire academic
 20 year.

21 (b) State agencies, other than the university system
 22 and a school at a state institution, must use the method
 23 provided in subsection ~~+(2)+*~~ (3)(a)(i) to calculate
 24 years of service under this section."

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

1 **"2-18-618. Sick leave.** (1) Each permanent full-time
 2 employee shall earn sick leave credits from the first day of
 3 employment. For calculating sick leave credits, 2,080 hours
 4 (52 weeks x 40 hours) shall equal 1 year. Sick leave credits
 5 shall be credited at the end of each pay period. ~~Sick~~ Except
 6 as provided in subsection (2), sick leave credits shall be
 7 earned at the rate of 12 working days for each year of
 8 service without restriction as to the number of working days
 9 that may be accumulated. Employees are not entitled to be
 10 paid sick leave until they have been continuously employed
 11 90 days.

12 (2) Sick leave credits for firefighters must be earned
 13 at a rate of .0461 hours for each hour worked.

14 ~~(2)~~(3) An employee may not accrue sick leave credits
 15 while in a leave-without-pay status.

16 ~~(3)~~(4) Permanent part-time employees are entitled to
 17 prorated leave benefits if they have worked the qualifying
 18 period.

19 ~~(4)~~(5) Full-time temporary and seasonal employees are
 20 entitled to sick leave benefits provided they work the
 21 qualifying period.

22 ~~(5)~~(6) An employee who terminates employment with the
 23 agency is entitled to a lump-sum payment equal to one-fourth
 24 of the pay attributed to the accumulated sick leave. The pay
 25 attributed to the accumulated sick leave shall be computed

1 on the basis of the employee's salary or wage at the time he
 2 terminates his employment with the state, county, or city.
 3 Accrual of sick leave credits for calculating the lump-sum
 4 payment provided for in this subsection begins July 1, 1971.
 5 The payment therefor shall be the responsibility of the
 6 agency wherein the sick leave accrues. However, no employee
 7 forfeits any sick leave rights or benefits he had accrued
 8 prior to July 1, 1971. However, where an employee transfers
 9 between agencies within the same jurisdiction, he is not
 10 entitled to a lump-sum payment. In a transfer between
 11 agencies, the receiving agency shall assume the liability
 12 for the accrued sick leave credits earned after July 1,
 13 1971, and transferred with the employee.

14 ~~(6)~~(7) An employee who receives a lump-sum payment
 15 pursuant to this section and who is again employed by any
 16 agency may not be credited with any sick leave for which the
 17 employee has previously been compensated.

18 ~~(7)~~(8) Abuse of sick leave is cause for dismissal and
 19 forfeiture of the lump-sum payments provided for in this
 20 section.

21 ~~(8)~~(9) An employee may contribute any portion of his
 22 accumulated sick leave to a nonrefundable sick leave fund
 23 for state employees and thereby become eligible to draw upon
 24 the fund if an extensive illness or accident exhausts his
 25 accumulated sick leave. The department of administration

LC 1864/01

1 shall, in consultation with the sick leave advisory council
2 provided for in 2-15-216, administer the sick leave fund and
3 adopt rules to implement this subsection.

4 ~~†9~~(10) A local government may establish and administer
5 through local rule a sick leave fund into which its
6 employees may contribute a portion of their accumulated sick
7 leave."

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0679, second reading.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill revises the rates at which vacation leave and sick leave credits are earned by firefighters.

ASSUMPTIONS:

1. The working hours credits (annual and sick leave) listed in the Sections 1(2) and 2(2) of the bill are consistent with credits for all state employees and also conform to those contained in the current collective bargaining agreement between the Department of Military Affairs and the Great Falls Airport Firefighters Association-Local #3261.
2. Vacation and sick leave credits are only earned for regular hours worked and not for overtime hours.
3. The vacation leave credit for years of employment as shown in Section 1(2) of the bill for 20 years on is intended to be .092 rather than .92.

FISCAL IMPACT:

No fiscal impact based upon the assumptions above.

TECHNICAL NOTES:

1. Section 2, subsection (2) of the bill conflicts with the current statute covering all other public employees because it bases the sick leave credits on hours worked rather than on regularly scheduled hours per year.
2. Section 1, subsection (2) shows the working hours credit for 20 years or more of employment at .92 rather than the current rate of .092. This is not consistent with the other credit rates nor with the original bill, as introduced.



ROD SUNDSTED, BUDGET DIRECTOR 2-23-91
Office of Budget and Program Planning DATE



JOHN F. SCOTT, PRIMARY SPONSOR 2/26/91
DATE

Fiscal Note for HB0679, second reading

HB679

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 679

INTRODUCED BY SCOTT, SQUIRES, MCCULLOCH, MANNING,
T. NELSON, GOULD, DRISCOLL, GILBERT, KELLER, STRIZICH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE RATES AT WHICH VACATION LEAVE AND SICK LEAVE CREDITS ARE EARNED BY FIREFIGHTERS; AND AMENDING SECTIONS 2-18-612 AND 2-18-618, MCA."

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

Section 1. Section 2-18-612, MCA, is amended to read:

***2-18-612. Rate earned.** (1) Vacation Except as provided in subsection (2), vacation leave credits are earned at a yearly rate calculated in accordance with the following schedule, which applies to the total years of an employee's employment with any agency whether the employment is continuous or not:

Years of employment	Working days credit
1 day through 10 years	15
10 years through 15 years	18
15 years through 20 years	21
20 years on	24

(2) Vacation leave credits for firefighters are earned at the following rate:

<u>Years of employment</u>	<u>Working hours credit</u>
----------------------------	-----------------------------

<u>1 day through 10 years</u>	<u>0576 hours per 1 hour worked</u>
	<u>.058</u>
<u>10 years through 15 years</u>	<u>0692 hours per 1 hour worked</u>
	<u>.069</u>
<u>15 years through 20 years</u>	<u>0807 hours per 1 hour worked</u>
	<u>.081</u>
<u>20 years on</u>	<u>0923 hours per 1 hour worked</u>
	<u>.92</u>

~~(2)~~(3) (a) For the purpose of determining years of employment under this section, an employee eligible to earn vacation credits under 2-18-611 must be credited with 1 year of employment for each period of:

(i) 2,080 hours of service following his date of employment; an employee must be credited with 80 hours of service for each biweekly pay period in which he is in a pay status or on an authorized leave of absence without pay, regardless of the number of hours of service in the pay period; or

(ii) 12 calendar months in which he was in a pay status or on an authorized leave of absence without pay, regardless of the number of hours of service in any one month. An employee of a school district, a school at a state institution, or the university system must be credited with 1 year of service if he is employed for an entire academic year.

SECOND READING



1 (b) State agencies, other than the university system
2 and a school at a state institution, must use the method
3 provided in subsection ~~(2)(a)(i)~~ (3)(a)(i) to calculate
4 years of service under this section."

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

6 **"2-18-618. Sick leave.** (1) Each permanent full-time
7 employee shall earn sick leave credits from the first day of
8 employment. For calculating sick leave credits, 2,080 hours
9 (52 weeks x 40 hours) shall equal 1 year. Sick leave credits
10 shall be credited at the end of each pay period. Sick Except
11 as provided in subsection (2), sick leave credits shall be
12 earned at the rate of 12 working days for each year of
13 service without restriction as to the number of working days
14 that may be accumulated. Employees are not entitled to be
15 paid sick leave until they have been continuously employed
16 90 days.

17 (2) Sick leave credits for firefighters must be earned
18 at a rate of ~~.046~~ .046 hours for each hour worked.

19 ~~(2)(3)~~ (3) An employee may not accrue sick leave credits
20 while in a leave-without-pay status.

21 ~~(3)(4)~~ (4) Permanent part-time employees are entitled to
22 prorated leave benefits if they have worked the qualifying
23 period.

24 ~~(4)(5)~~ (5) Full-time temporary and seasonal employees are
25 entitled to sick leave benefits provided they work the

1 qualifying period.

2 ~~(5)(6)~~ (6) An employee who terminates employment with the
3 agency is entitled to a lump-sum payment equal to one-fourth
4 of the pay attributed to the accumulated sick leave. The pay
5 attributed to the accumulated sick leave shall be computed
6 on the basis of the employee's salary or wage at the time he
7 terminates his employment with the state, county, or city.
8 Accrual of sick leave credits for calculating the lump-sum
9 payment provided for in this subsection begins July 1, 1971.
10 The payment therefor shall be the responsibility of the
11 agency wherein the sick leave accrues. However, no employee
12 forfeits any sick leave rights or benefits he had accrued
13 prior to July 1, 1971. However, where an employee transfers
14 between agencies within the same jurisdiction, he is not
15 entitled to a lump-sum payment. In a transfer between
16 agencies, the receiving agency shall assume the liability
17 for the accrued sick leave credits earned after July 1,
18 1971, and transferred with the employee.

19 ~~(6)(7)~~ (7) An employee who receives a lump-sum payment
20 pursuant to this section and who is again employed by any
21 agency may not be credited with any sick leave for which the
22 employee has previously been compensated.

23 ~~(7)(8)~~ (8) Abuse of sick leave is cause for dismissal and
24 forfeiture of the lump-sum payments provided for in this
25 section.

1 ~~(8)~~(9) An employee may contribute any portion of his
2 accumulated sick leave to a nonrefundable sick leave fund
3 for state employees and thereby become eligible to draw upon
4 the fund if an extensive illness or accident exhausts his
5 accumulated sick leave. The department of administration
6 shall, in consultation with the sick leave advisory council
7 provided for in 2-15-216, administer the sick leave fund and
8 adopt rules to implement this subsection.

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10 through local rule a sick leave fund into which its
11 employees may contribute a portion of their accumulated sick
12 leave."

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