

1 *House* BILL NO. *224*  
 2 INTRODUCED BY *Brand Member, Staiguille Mular*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 59-1001, R.C.M. 1947, TO INCREASE THE NUMBER OF ANNUAL  
 6 VACATION LEAVE DAYS AFTER FIVE (5) YEARS OF SERVICE."

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 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 9 Section 1. Section 59-1001, R.C.M. 1947, is amended to  
 10 read as follows:

11 "59-1001. Annual vacation leave. (1) Each full-time  
 12 employee of the state, or any county or city thereof is  
 13 entitled to and shall earn annual vacation leave credits  
 14 from the first full pay period of employment. For  
 15 calculating vacation leave credits two thousand eighty  
 16 (2,080) hours (52 weeks x 40 hours) shall equal one (1)  
 17 year. Proportionate vacation leave credits shall be earned  
 18 and credited at the end of each pay period. However,  
 19 employees are not entitled to any vacation leave with pay  
 20 until they have been continuously employed for a period of  
 21 twelve (12) calendar months. Persons regularly employed nine  
 22 (9) or more months each year, but whose continuous  
 23 employment is interrupted by the seasonal nature of the  
 24 position, shall earn vacation credits. However, such persons  
 25 must be employed twelve (12) qualifying months before they

1 can use the vacation credits. In order to qualify, such  
 2 employees must immediately report back for work when  
 3 operations resume in order to avoid a break in service.  
 4 Vacation leave credits shall be earned in accordance with  
 5 the following schedule:

6 (a) from one (1) full pay period through ~~ten-(10)~~ five  
 7 (5) years of employment at the rate of fifteen (15) working  
 8 days for each year of service;

9 (b) after ~~ten--(10)~~ five (5) years through ~~fifteen~~  
 10 ~~(15)~~ ten (10) years of employment at the rate of eighteen  
 11 (18) working days for each year of service;

12 (c) after ~~fifteen-(15)~~ ten (10) years through ~~twenty~~  
 13 ~~(20)~~ fifteen (15) years of employment at the rate of  
 14 twenty-one (21) working days for each year of service;

15 (d) after fifteen (15) years through twenty (20) years  
 16 of employment at a rate of twenty-four (24) working days for  
 17 each year of service.

18 ~~(d)~~ (e) after twenty (20) years of employment at the  
 19 rate of ~~twenty-four~~ thirty (30) ~~(24)~~ (30) working days for each  
 20 year of service.

21 Permanent part-time employees are entitled to prorated  
 22 annual vacation benefits if they have regularly scheduled  
 23 work assignments and normally work at least twenty (20).  
 24 hours each week of the pay period and have worked the  
 25 qualifying period.

LC 9301

1           (2) It shall be unlawful for an employer to terminate  
2 or separate an employee from his employment in an attempt to  
3 circumvent the provisions of this law. Should a question  
4 arise under this paragraph, it shall be submitted to  
5 arbitration as provided in chapter 201, title 93, R.C.M.,  
6 1947 unless there is a collective bargaining agreement  
7 applicable."

-End-

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 6, 19 75, there is hereby submitted a Fiscal Note for H.B. 224 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

**DESCRIPTION OF PROPOSED LEGISLATION:**

An act to increase the number of annual vacation leave days after five years continuous service.

**ASSUMPTIONS:**

1. The thirty day limitation on the total number of annual leave days which may be accrued would remain in effect.
2. The expenditure impact of H.B. 224 would be on agencies with positions providing continuous service (food service, patient care, highway maintenance).
3. Based on data relative to salaries and employee service records from a sample of 3,000 employees, the additional cost of H.B. 224 would be approximately \$110 per year for each employee whose duties cannot be interrupted and for which replacement help has not been budgeted.

**FISCAL IMPACT:**

Agencies with positions requiring continuous service have, based on current annual leave law, budgeted for overtime and part time help necessary to provide such service. Thus, the additional leave granted under HB 224 is expected to have a minimal impact.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: February 11, 1975

Approved by Committee  
on Labor & Employment  
Relations

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HB 224

LC 0801

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