

1 INTROSUCED BY J H Kuntz BILL NO. 248
2 by request
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT ONLY
5 TIME ABUSED MAY BE DEDUCTED FROM LUMP-SUM PAYMENT FOR
6 ACCUMULATED SICK LEAVE BENEFITS; AMENDING SECTION 59-1008,
7 R.C.M. 1947."
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 59-1008, R.C.M. 1947, is amended to
11 read as follows:

12 "59-1008. Sick leave. (1) Each full-time employee of
13 the state, or of any county or city thereof, is entitled to
14 and shall earn sick leave credits from the first full pay
15 period of employment. For calculating sick leave credits two
16 thousand eighty (2,080) hours (52 weeks x 40 hours) shall
17 equal one (1) year. Proportionate sick leave credits shall
18 be earned and credited at the end of each pay period. Sick
19 leave credits shall be earned at the rate of twelve (12)
20 working days for each year of service without restriction as
21 to the number of working days he may accumulate.

22 (2) An employee may not accrue sick leave credits
23 during a continuous leave of absence without pay, which
24 exceeds fifteen (15) calendar days. Employees are not
25 entitled to be paid for sick leave under the provisions of

1 this act until they have been continuously employed for
2 ninety (90) days. Upon completion of the qualifying period,
3 the employee is entitled to the sick leave credits he has
4 earned.

5 (3) Permanent part-time employees are entitled to
6 prorated leave benefits if they have a regularly scheduled
7 work assignment, and normally work at least twenty (20)
8 hours each week of the pay period, and have worked the
9 qualifying period.

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

13 (5) An employee who terminates employment with the
14 state or of any county or city thereof, is entitled to a
15 lump-sum payment equal to one-fourth (1/4) of the pay
16 attributed to the accumulated sick leave. The pay
17 attributed to the accumulated sick leave shall be computed
18 on the basis of the employee's salary or wage at the time
19 he terminates his employment with the state, county, or
20 city. Accrual of sick leave credits for calculating the
21 lump-sum payment provided for in this subsection begins July
22 1, 1971, and the payment therefor, shall be the
23 responsibility of the state, or any county or city thereof,
24 wherein the sick leave accrues. However, no employee
25 forfeits any sick leave rights or benefits he had accrued

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1 prior to July 1, 1971. However, where an employee transfers
2 between agencies within the same state, county or city
3 jurisdiction he shall not be entitled to a lump-sum payment.
4 In such a transfer the receiving agency shall assume the
5 liability for the accrued sick leave credits, earned after
6 July 1, 1971, and transferred with the employee.

7 (6) An employee of the state or any county or city
8 thereof who receives a lump-sum payment pursuant to this act
9 and who is again employed by the state or a county or city
10 thereof shall not be credited with any sick leave for which
11 he has previously been compensated.

12 (7) The department of administration of the state of
13 Montana or the administrative office of any county or city
14 thereof shall be responsible for the proper administration
15 of sick leave and shall promulgate such rules and
16 regulations as it deems necessary to achieve the uniform
17 administration of sick leave and to prevent the abuse
18 thereof. When promulgated these rules and regulations are
19 effective as to all employees of the state of Montana or any
20 county or city thereof.

21 (8) Abuse of sick leave is cause for dismissal, and
22 forfeiture of An employee who has been found to abuse sick
23 leave must forfeit the accumulated sick leave for the time
24 abused which shall be deducted from the lump-sum payments
25 provided for in this act."

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