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Mate BILL NO. 449 1 2 INTRODUCED BY Kasmusen 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 4 59-1001, R.C.M. 1947, TO PROVIDE THAT MILITARY SERVICE BE 5 COUNTED AS STATE EMPLOYMENT FOR PURPOSES OF EARNING VACATION 6 LEAVE CREDITS." 7 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 59-1001, R.C.M. 1947, is amended to 11 read as follows: 12 *59-1001. Annual vacation leave. (1) Each full-time 13 employee of the state, or any county or city thereof is 14 entitled to and shall earn annual vacation leave credits 15 from the first full pay period of employment. For calculating vacation leave credits two thousand eighty 16 17 (2+080) hours (52 weeks x 40 hours) shail equal one (1) 18 year. Proportionate vacation leave credits shall be earned 19 and credited at the end of each pay period. However. 20 employees are not entitled to any vacation leave with pay 21 until they have been continuously employed for a period of 22 six (6) calendar months. Persons requiarly employed nine (9) 23 or more months each year, but whose continuous employment is 24 interrupted by the seasonal nature of the position, shall 25 earn vacation credits. However, such persons must be

employed six (6) qualifying months before they can use the
 vacation credits. In order to qualify, such employees must
 immediately report back for work when operations resume in
 order to avoid a break in service.

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5 (2) A period of absence from employment with the state, county, or city occurring either during a war 6 7 involving the United States or in any other national R emergency and for 90 days thereafter for one of the 9 following reasons is considered as service for the purpose of earning vacation leave credits under this section: 10 11 (a) having been ordered on duty with the armed forces 12 of the United States: 13 (b) voluntary service in the armed forces or on ships 14 operated by or for the United States covernment; or 15 (c) direct assignment to the United States department of defense for duties related to national defense efforts if 16 17 a leave of absence has been granted by the employer. 18 (3) Vacation leave credits shall be earned in accordance with the following schedule: 19 20 (a) from one (1) full pay period through ten (10) 21 years of employment at the rate of fifteen (15) working days 22 for each year of service; 23 (b) after ten (10) years through fifteen (15) years of employment at the rate of eighteen (18) working days for 24 25 each year of service;

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

(d) after twenty (20) years of employment at the rate
of twenty-four (24) working days for each year of service.
(<u>14)</u> Permanent part-time employees are entitled to
prorated annual vacation benefits if they have regularly
scheduled work assignments and normally work at least twenty
(20) hours each week of the pay period and have worked the
qualifying period.

11 (2)(2) It shall be unlawful for an employer to 12 terminate or separate an employee from his employment in an 13 attempt to circumvent the provisions of this law. Should a 14 question arise under this paragraph, it shall be submitted 15 to arbitration as provided in chapter 201, Title 93, R.C.M., 16 1947 unless there is a collective bargaining agreement 17 applicable."

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Approved by Committee on State Administration mate BILL NO. 449 1 Kasmine INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 4 59-1001. R.C.M. 1947. TO PROVIDE THAT NILITARY SERVICE BE 5

6 COUNTED AS STATE ENPLOYMENT FOR PURPOSES OF EARNING VACATION 7 LEAVE CREDITS."

8

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

10 Section 1. Section 59-1001, R.C.H. 1947, is amended to 11 read as follows:

#59-1001. Annual vacation leave. (1) Each full-time 12 employee of the state, or any county or city thereof is 13 14 entitled to and shall earn annual vacation leave credits 15 from the first full pay period of employment. For 16 calculating vacation leave credits two thousand eighty (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 20 employees are not entitled to any vacation leave with pay 21 until they have been continuously employed for a period of 22 six (6) calendar months. Persons regularly employed nine (9) 23 or more months each year. but whose continuous employment is 24 interrupted by the seasonal nature of the position, shall 25 earn vacation credits. However, such persons must be

order to avoid a break in service. 4 5 (2) A period of absence from employment with the state: county. or city occurring either during a var 6 7 involving the United States or in any other instignal emerodocy and for 90 days thereafter for one of the 8 9 following, reasons is considered as service for the purpose 10 of earning vacation leave credits under this section: 11 (a) having been ordered on duty with the armed forces 12 of the United States: 13 (b) voluntary service in the aread forces or on ships 14 operated by or for the United States government; or 15 (c) direct assignment to the United States idenartment 16 of defense for duties related to national defense efforts if 17 a leave of absence has been granted by the employer. 18 [3] Vacation leave credits shall be earned in 19 accordance with the following schedule: 20 (a) from one (1) full pay period through ten (10) 21 years of employment at the rate of fifteen (15) working days 22 for each year of service:

employed six (6) qualifying months before they can use the

vacation credits. In order to qualify, such employees must

immediate)y report back for work when operations resume in

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

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

(d) after twenty (20) years of employment at the rate
of twenty-four (24) working days for each year of service.
(4) Permanent part-time employees are entitled to
prorated annual vacation benefits: if they have regularly
scheduled work assignments and normally work at least twenty
(20) hours each week of the pay period and have worked the
qualifying period.

11 (2)(5) It shall be unlawful for an employer to 12 terminate or separate an employee from his employment in an 13 attempt to circumvent the provisions of this law. Should a 14 question arise under this paragraph, it shall be submitted 15 to arbitration as provided in chapter 201, Title 93, R.C.M., 16 1947 unless there is a collective bargaining agreement 17 applicable."

-End-

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SENATE BILL NO. 449 1 INTRODUCED BY RASHUSSEN 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TJ AMEND SECTION 4 59-1001, R.C.M. 1947, TO PROVIDE THAT MILITARY SERVICE BE 5 COUNTED AS STATE EMPLOYMENT FOR PURPOSES OF EARNING VACATION Ð 7 LEAVE CREDITS." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA: 9 Section 1. Section 59-1001, R.C.N. 1947, is amended to 10 11 read as follows: *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 15 from the first full pay period of employment. For 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 22 six (6) calendar months. Persons regularly employed nine (9) or more months each year, but whose continuous employment is 23 interrupted by the seasonal nature of the position, shall 24 earn vacation credits. However, such persons must be 25

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1	employed six (6) qualifying months before they can use the
2	vacation credits. In order to qualify, such employees must
3	immediately report back for work when operations resume in
4	order to avoid a break in service.
5	[2] A period of absence from employment with the
6	<u>states countys or city occurring either during a war</u>
7	involving the United States or in any other national
8	emergency and for 90 days thereafter for one of the
9	following reasons is considered as service for the purpose
10	<u>of corning Determining The Number of Years of Employment</u>
11	USED IN CALCULATING VACATION LEAVE CREDITS UNDER THIS
12	<u>SECTION vacation leave credits under this section:</u>
13	<u>[a] having been ordered on ACIIVE duty with the armed</u>
14	forces of the United States:
15	(b) voluntary service ON ACTIVE DUTY in the armed
16	forces or on ships operated by or for the United States
17	government: or
18	(c) direct assignment to the United States department
19	<u>of defense for duties related to national defense efforts if</u>
20	a leave of absence has been granted by the employer.
21	(3) Vacation leave credits shall be earned AT A YEARLY
22	<u>RATE_CALCULATED</u> in accordance with the following schedule:
23	{s}from -one- {}}-fu}}payperiodthroughten{18}
24	years-of-employment-at-the-rate-of-fifteen-(15)-working-days
25	for-each-year-of-scrvicet

THIRD READING

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1	{b}after-ten-{10}-years-through-fifteen-{15}-years-of
2	employmentattherateof-eighteen-(10)-working-days-for
3	each-year-of-service;
4	{c}after-fifteen-{15}-years-through-twenty-{20}-years
5	of-employment-at-the-rate-of-twenty-one{21}workingways
6	for-each-year-of-service;
7.	td}aftertwenty-(28}-years-of-employment-at-the-rute
1 3	of-twenty-four-{2+}-working-days-for-each-year-of-servicew
9	YEARS OF EXPLOYMENT WORKING DAYS CREDIT
10	
11	10_YEARS_THROUGH_15_YEARS18
12	15 YEARS THROUGH 20 YEARS 21
13	20_YEARS_DN24
14	(4) Permanent part-time employees are entitled to
15	prorated annual vacation benefits if they have regularly
16	scheduled work assignments and normally work at least twenty
17	(20) hours each week of the pay period and have worked the
18	qualifying period.
19	[2][5] It shall be unlawful for an employer to
20	terminate or separate an employee from his employment in an

20 terminate or separate an employee from his employment in an 21 attempt to circumvent the provisions of this law. Should a 22 question arise under this paragraph, it shall be submitted 23 to arbitration as provided in chapter 201, Title 93, R.C.M., 24 1947 unless there is a collective bargaining agreement 25 applicable."

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SENATE BILL NO. 449 INTRODUCED BY RASMUSSEN 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 4 5 59-1001, R.C.M. 1947, TO PROVIDE THAT MILITARY SERVICE BE COUNTED AS STATE EMPLOYMENT FOR PURPOSES OF EARNING VACATION 6 LEAVE CREDITS." 7 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 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 six (b) calendar months. Persons regularly employed nine (9) 22 23 23 or more months each year, but whose continuous employment is interrupted by the seasonal nature of the position, shall 24 earn vacation credits. However, such persons must be

employed six (6) qualifying months before they can use the 1 vacation credits. In order to qualify, such employees must immediately report back for work when operations resume in order to avoid a break in service. (2) A period of absence from employment with the state, county, or city occurring either during a war involving the United States or in any other national emergency and for 90 days thereafter for one of the following reasons is considered as service for the purpose OF COTATING DETERMINING THE NUMBER OF YEARS OF EMPLOYMENT USED IN CALCULATING VACATION LEAVE CREDITS UNDER THIS SECTION vacation leave credits under this section: (a) having been ordered on ACTIVE duty with the armed forces of the United States: (b) voluntary service ON ACTIVE DUTY in the armed forces or on ships operated by or for the United States government: or (c) direct assignment to the United States department of defense for duties related to national defense efforts if a leave of absence has peen granted by the employer. (3) Vacation leave credits shall be earned AT_A_YEARLY <u>RATE CALCULATED</u> in accordance with the following schedule: to)--from-one-(1)-full--pay--period--through--ten--(10) vests-of-employment-st-the-rate-of-fifteen-(15)-working-days 25 for-each-year-of-servicet

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REFERENCE BILL

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1	{b}after-ten-{10}-years-through-fifteen-{15}-years-of
2	employmentattherateof-eighteen-(18)-working-days-for
3	each-year-of-service;
4	{C}after-fifteen-(15}-years-through-twenty-(20}-years
5	of-employment-at-the-rate-of-twenty-one{21}workingdays
6	for-each-year-of-service;
7	{d}aftertwenty-{20}-years-of-employment-st-the-rate
8	of-twenty-four- {24}-working-days-for-each-year-of-service .
9	YEARS OF EMPLOYMENTWORKING DAYS CREDIT
10	1 FULL PAY PERIOD THROUGH 10 YRS+ 15
11	10 YEARS THROUGH 15 YEARS 18
12	15 YEARS THROUGH 20 YEARS 21
13	20_YEARS_DN24
14	(4) Permanent part-time employees are entitled to
15	prorated annual vacation benefits if they have regularly
16	scheduled work assignments and normally work at least twenty
17	(20) hours each week of the pay period and have worked the
18	qualifying period.
19	f2<u>][5]</u> It shall be unlawful for an employer to
20	terminate or separate an employee from his employment in an
21	attempt to circumvent the provisions of this law. Should a
22	question arise under this paragraph+ it shall be submitted
23	to arbitration as provided in chapter 201, Title 93, R.C.M.,
24	1947 unless there is a collective bargaining agreement
25	applicable."

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