

1 *Senate* BILL NO. *449*
 2 INTRODUCED BY *Rasmussen*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 59-1001, R.C.M. 1947, TO PROVIDE THAT MILITARY SERVICE BE
 6 COUNTED AS STATE EMPLOYMENT 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.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
 16 calculating vacation leave credits two thousand eighty
 17 (2,080) hours (52 weeks x 40 hours) shall 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 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

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 state, county, or city occurring either during a war
 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 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 armed forces or on ships
 14 operated by or for the United States government; or

15 (c) direct assignment to the United States department
 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 schedules:

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
 24 employment at the rate of eighteen (18) working days for
 25 each year of service;

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

4 (d) after twenty (20) years of employment at the rate
5 of twenty-four (24) working days for each year of service.

6 (4) Permanent part-time employees are entitled to
7 prorated annual vacation benefits if they have regularly
8 scheduled work assignments and normally work at least twenty
9 (20) hours each week of the pay period and have worked the
10 qualifying period.

11 ~~(2)(9)~~ 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-

Approved by Committee
on State Administration

Senate BILL NO. 449
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16 calculating vacation leave credits two thousand eighty
17 (2,080) hours (52 weeks x 40 hours) shall 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 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

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 ~~state, county, or city occurring either during a war~~
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 ~~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 armed forces or on ships~~
14 ~~operated by or for the United States government; or~~
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18 (3) Vacation leave credits shall be earned in
19 accordance with the following schedule:

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21 years of employment at the rate of fifteen (15) working days
22 for each year of service;
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1 (c) after fifteen (15) years through twenty (20) years
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4 (d) after twenty (20) years of employment at the rate
5 of twenty-four (24) working days for each year of service.

6 ~~(4)~~ Permanent part-time employees are entitled to
7 prorated annual vacation benefits if they have regularly
8 scheduled work assignments and normally work at least twenty
9 (20) hours each week of the pay period and have worked the
10 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
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-End-

SENATE BILL NO. 449
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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 59-1001, R.C.M. 1947, TO PROVIDE THAT MILITARY SERVICE BE COUNTED AS STATE EMPLOYMENT FOR PURPOSES OF EARNING VACATION LEAVE CREDITS."

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

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

"59-1001. Annual vacation leave. (1) Each full-time employee of the state, or any county or city thereof is entitled to and shall earn annual vacation leave credits from the first full pay period of employment. For calculating vacation leave credits two thousand eighty (2,080) hours (52 weeks x 40 hours) shall equal one (1) year. Proportionate vacation leave credits shall be earned and credited at the end of each pay period. However, employees are not entitled to any vacation leave with pay until they have been continuously employed for a period of six (6) calendar months. Persons regularly employed nine (9) or more months each year, but whose continuous employment is interrupted by the seasonal nature of the position, shall 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.

(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 earning 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 been granted by the employer.

(3) Vacation leave credits shall be earned AT A YEARLY RATE CALCULATED in accordance with the following schedule:

~~{8}--from-one-{1}-full--pay--period--through--ten--{10} years-of-employment-at-the-rate-of-fifteen-{15}-working-days for-each-year-of-service{~~

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

4 ~~(c) after fifteen (15) years through twenty (20) years~~
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7 ~~(d) after twenty (20) years of employment at the rate~~
 8 ~~of twenty-four (24) working days for each year of service;~~

YEARS OF EMPLOYMENT	WORKING DAYS CREDIT
1 FULL PAY PERIOD THROUGH 10 YRS.	15
10 YEARS THROUGH 15 YEARS	18
15 YEARS THROUGH 20 YEARS	21
20 YEARS ON	24

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
 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.,
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11 USED IN CALCULATING VACATION LEAVE CREDITS UNDER THIS
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14 forces of the United States;

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5 ~~of employment at the rate of twenty one (21) working days~~
6 ~~for each year of service.~~

7 ~~(d) after twenty (20) years of employment at the rate~~
8 ~~of twenty four (24) working days for each year of service.~~

<u>YEARS OF EMPLOYMENT</u>	<u>WORKING DAYS CREDIT</u>
<u>1 FULL PAY PERIOD THROUGH 10 YRS.</u>	<u>15</u>
<u>10 YEARS THROUGH 15 YEARS</u>	<u>18</u>
<u>15 YEARS THROUGH 20 YEARS</u>	<u>21</u>
<u>20 YEARS ON</u>	<u>24</u>

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