

CHAPTER NO. 568.

HOUSE BILL NO. 859

INTRODUCED BY BRAND

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE HOUSE

February 17, 1979	Introduced and referred to Select Committee on Employee Compensation.
February 19, 1979	Rereferred to Committee on State Administration.
February 20, 1979	Committee recommend bill do pass. Report adopted.
February 22, 1979	Second reading, do pass as amended.
February 23, 1979	Correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Select Committee on Employee Compensation.
March 22, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 24, 1979	Second reading, concurred in.
March 27, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 28, 1979	Returned from second house. Concurred in as amended.
March 31, 1979	Second reading, amendments adopted.

April 2, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 859
 2 INTRODUCED BY Frank
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4
 5 A BILL OR AN ACT ENTITLED: "AN ACT TO CLARIFY AND REVISE
 6 THE PROVISIONS OF THE STATE EMPLOYEE CLASSIFICATION AND
 7 BENEFIT LAWS; AMENDING SECTIONS 2-18-101, 2-18-102,
 8 2-18-601, 2-18-603, 2-18-611, 2-18-612, AND 2-18-617 THROUGH
 9 2-18-619, MCA; AND REPEALING SECTIONS 2-18-602 AND 2-18-613,
 10 MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 2-18-101, MCA, is amended to read:
 14 "2-18-101. Definitions. As used in parts 1 through 3
 15 of this chapter, the following definitions apply:

16 (1) "Agency" means a department, board, commission,
 17 office, bureau, institution, or unit of state government
 18 recognized in the state budget.

19 (2) "Compensation" means the annual wage or salary
 20 plus the annual state contribution of health insurance
 21 premiums under provisions of 2-18-703.

22 (3) "Department" means the department of
 23 administration.

24 (4) Except in 2-18-306, "employee" means any state
 25 employee other than an employee excepted under 2-18-103 from

1 the statewide classification system.

2 (5) "Permanent position" means a position so
 3 designated on the appropriate agency list of authorized
 4 positions referenced in 2-18-206 and approved as such in the
 5 biennium budget.

6 (6) "Permanent status" means the state an employee
 7 attains after satisfactorily completing an appropriate
 8 probationary period in a permanent position.

9 (5)(7) "Personal staff" means those positions occupied
 10 by employees appointed by the elected officials enumerated
 11 in 2-18-103(10).

12 (6)(8) "Position" means a collection of duties and
 13 responsibilities currently assigned or delegated by
 14 competent authority, requiring the full-time, part-time, or
 15 intermittent employment of one person.

16 (7)(9) "Program" means a combination of planned
 17 efforts to provide a service.

18 (10) "Seasonal position" means a position so designated
 19 on the appropriate agency list of authorized positions
 20 referenced in 2-18-206 and which is a permanent position but
 21 which is interrupted by the seasonal nature of the position.

22 (11) "Temporary position" means a position so
 23 designated on the appropriate agency list of authorized
 24 positions referenced in 2-18-206, created for a definite
 25 period of time not to exceed 9 months."

1 Section 2. Section 2-18-102, MCA, is amended to read:

2 "2-18-102. Personnel administration -- general policy
3 setting. (1) ~~The Except as otherwise provided by law, the~~
4 department shall:

5 (a) encourage and exercise leadership in the
6 development of effective personnel administration within the
7 several agencies in the state and make available the
8 facilities of the department to this end;

9 (b) foster and develop programs for recruitment and
10 selection of capable persons for permanent, seasonal,
11 temporary, and other types of positions and for the
12 improvement of employee effectiveness, including training,
13 safety, health, counseling, and welfare, disciplines,
14 grievances, and evaluation for productivity and retention in
15 permanent status;

16 (c) investigate from time to time the operation and
17 effect of parts 1 and 2 of this chapter and the policies
18 made thereunder and report the findings and recommendations
19 to the governor;

20 (d) establish policies, procedures, and forms for the
21 maintenance of records of all employees in the state
22 service;

23 (e) apply and carry out parts 1 and 2 and the policies
24 thereunder and perform any other lawful acts which may be
25 necessary or desirable to carry out the purposes and

1 provisions of parts 1 and 2.

2 (2) The department may delegate authority granted to
3 it under parts 1 and 2 to agencies in the state service that
4 effectively demonstrate the ability to carry out the
5 provisions of parts 1 and 2, provided that such agencies
6 remain in compliance with policies, procedures, time tables,
7 and standards established by the department.

8 (3) The department shall develop and issue personnel
9 policies for the state. Adequate public notice shall be
10 given to all interested parties of proposed changes or
11 additions to the personnel policies before the date they are
12 to take effect. If requested by any of the affected parties,
13 the department shall schedule a public hearing on proposed
14 changes or additions to the personnel policies before the
15 date they are to take effect."

16 Section 3. Section 2-18-601, MCA, is amended to read:

17 "2-18-601. Definitions. For the purpose of this part,
18 the following definitions apply:

19 (1) "Agency" means any legally constituted department,
20 board, or commission of state, county, or city government or
21 any political subdivision thereof.

22 (2) "Employee" means any person employed by the state,
23 county, or city governments an agency except elected state,
24 county, or city officials, schoolteachers, and persons
25 contracted as independent contractors or hired under

1 personal services contracts.

2 (3) "Permanent employee" means an employee who
3 ~~regularly works for more than 6 months in any 12-month~~
4 period is assigned to a position designated as permanent on
5 the appropriate list of authorized positions referenced in
6 2-18-206 and approved as such in the biennium budget.

7 (4) "Part-time employee" means an employee who
8 normally works less than 40 hours a week.

9 (5) "Full-time employee" means an employee who
10 normally works 40 hours a week.

11 (6) "Temporary position employee" means an employee
12 assigned to a position designated as temporary on the
13 appropriate agency list of authorized positions referenced
14 in 2-18-206, created for a definite period of time but not
15 to exceed 6 2 months and the position is not renewable.

16 (7) "Seasonal position employee" means an employee
17 assigned to a position which, although temporary in nature,
18 regularly occurs from season to season or from year to year
19 designated as seasonal on the appropriate agency list of
20 authorized positions referenced in 2-18-206 and for which
21 the agency has a permanent need but which is interrupted by
22 the seasonal nature of the assignment.

23 (8) "Vacation leave" means a leave of absence with pay
24 for the purpose of rest, relaxation, or personal business at
25 the request of the employee and with the concurrence of the

1 employer.

2 (9) "Sick leave" means a leave of absence with pay for
3 a sickness suffered by an employee or his immediate family.

4 (10) "Transfer" means a change of employment from one
5 agency to another agency in the same jurisdiction without a
6 break in service of ~~more than 5 working days.~~

7 (11) "Continuous employment" means working within the
8 same jurisdiction without a break in service of ~~more than 5~~
9 ~~working days or without a continuous absence without pay of~~
10 ~~more than 15 working days.~~

11 (12) "Break in service" means that a period of time an
12 ~~employee takes to change employment from one agency to~~
13 ~~employment in another agency of the same jurisdiction in~~
14 ~~excess of 5 working days when the person is not employed and~~
15 ~~that severs continuous employment."~~

16 Section 4. Section 2-18-603, MCA, is amended to read:

17 "2-18-603. Holidays -- observance when falling on
18 employee's day off. (1) Any full-time employee who is
19 scheduled for a day off on a day which is observed as a
20 legal holiday, except Sundays, shall be entitled to receive
21 a day off either on the day preceding or the day following
22 the holiday, whichever allows a day off in addition to the
23 employee's regularly scheduled days off. Part-time employees
24 receive paid holiday time off based only on the number of
25 hours scheduled for the holiday.

1 ~~(2) For purposes of this section, the term "employee"~~
 2 ~~does not include nonteaching school district employees."~~

3 Section 5. Section 2-18-611, MCA, is amended to read:

4 "2-18-611. Annual vacation leave. (1) Each permanent
 5 full-time employee of--the--state--or--any--county--or--city
 6 thereof--is--entitled--to--and shall earn annual vacation leave
 7 credits from the first full-pay-period day of employment.
 8 For calculating vacation leave credits, 2,080 hours (52
 9 weeks x 40 hours) shall equal 1 year. Proportionate
 10 vacation leave credits earned shall be earned--and
 11 credited at the end of each pay period. However, employees
 12 are not entitled to any vacation leave with pay until they
 13 have been continuously employed for a period of 6 calendar
 14 months.

15 ~~(2) Persons regularly employed 9 or more months each~~
 16 ~~year--but--whose--continuous--employment--is--interrupted--by--the~~
 17 ~~seasonal--nature--of--the--position~~ Seasonal employees shall
 18 earn vacation credits. However, such persons must be
 19 employed 6 qualifying months before they can use the
 20 vacation credits. In order to qualify, such employees must
 21 immediately report back for work when operations resume in
 22 order to avoid a break in service.

23 (3) Permanent part-time employees are entitled to
 24 prorated annual vacation benefits if they have regularly
 25 ~~scheduled work assignments and normally work at least 20~~

1 ~~hours each week of the pay period and have~~ worked the
 2 qualifying period.

3 ~~(4) An employee may not accrue annual vacation leave~~
 4 ~~credits while in a leave-without-pay status, except during~~
 5 ~~the initial 6-month probation period.~~

6 ~~(5) Temporary employees do not earn vacation leave~~
 7 ~~credits, except that a temporary employee who is~~
 8 ~~subsequently hired into a permanent position within the same~~
 9 ~~jurisdiction without a break in service and temporary~~
 10 ~~employees who are employed continuously longer than 6 months~~
 11 ~~may count as earned leave credits for the immediate term of~~
 12 ~~temporary employment."~~

13 Section 6. Section 2-18-612, MCA, is amended to read:

14 "2-18-612. Rate earned. Vacation leave credits shall
 15 be earned at a yearly rate calculated in accordance with
 16 the following schedule, which applies to the total years of
 17 an employee's employment with any agency whether the
 18 employment is continuous or not:

Years of employment	Working days credit
1 full-pay-period day through 10 years	15
10 years through 15 years	18
15 years through 20 years	21
20 years on	24"

24 Section 7. Section 2-18-617, MCA, is amended to read:

25 "2-18-617. Accumulation of leave -- cash for unused --

1 transfer. (1) Annual vacation leave may be accumulated to a
 2 total not to exceed two times the maximum number of days
 3 earned annually as of the ~~test day~~ end of the first pay
 4 period of ~~any the next~~ calendar year.

5 (2) An employee who terminates his employment with the
 6 ~~state or any county or city thereof~~ for reason not
 7 reflecting discredit on himself shall be entitled upon the
 8 date of such termination to cash compensation for unused
 9 vacation leave, assuming that the employee has worked the
 10 qualifying period set forth in 2-18-611.

11 (3) However, if an employee transfers between agencies
 12 of the same ~~state, county, or city~~ jurisdiction, there shall
 13 be no cash compensation paid for unused vacation leave. In
 14 such a transfer the receiving agency assumes the liability
 15 for the accrued vacation credits transferred with the
 16 employee."

17 Section 8. Section 2-18-618, MCA, is amended to read:
 18 "2-18-618. Sick leave. (1) Each permanent full-time
 19 ~~employee of the state or of any county or city thereof~~ is
 20 ~~entitled to and~~ shall earn sick leave credits from the first
 21 ~~full pay period~~ day of employment. For calculating sick
 22 leave credits, 2,080 hours (52 weeks x 40 hours) shall equal
 23 1 year. ~~Proportionate sick~~ Sick leave credits shall be
 24 ~~earned and~~ credited at the end of each pay period. Sick
 25 leave credits shall be earned at the rate of 12 working days

1 for each year of service without restriction as to the
 2 number of working days he ~~that~~ may ~~accumulate~~ be
 3 accumulated. ~~Employees are not entitled to be paid sick~~
 4 leave until they have been continuously employed 90 days.

5 (2) An employee may not accrue sick leave credits
 6 during ~~while in a continuous leave of absence without pay~~
 7 ~~which exceeds 15 calendar days~~ leave without pay status
 8 ~~Employees are not entitled to be paid for sick leave under~~
 9 ~~the provisions of this section until they have been~~
 10 ~~continuously employed for 90 days. Upon completion of the~~
 11 ~~qualifying period, the employee is entitled to the sick~~
 12 ~~leave credits he has earned~~ except during the 90-day
 13 qualifying period.

14 (3) Permanent part-time employees are entitled to
 15 prorated leave benefits if they have ~~regularly scheduled~~
 16 ~~work assignment and normally work at least 20 hours each~~
 17 ~~week of the pay period and have~~ worked the qualifying
 18 period.

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

22 (5) An employee who terminates employment with the
 23 ~~state or any county or city thereof~~ agency is entitled to a
 24 lump-sum payment equal to one-fourth of the pay attributed
 25 to the accumulated sick leave. The pay attributed to the

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

16 (6) An employee of ~~the state or any county or city~~
 17 thereof who receives a lump-sum payment pursuant to this
 18 section and who is again employed by the state-or-a-county
 19 or-city-~~thereof~~ any agency shall not be credited with any
 20 sick leave for which he the employee has previously been
 21 compensated.

22 ~~(7) The department of administration or the~~
 23 ~~administrative office of any county or city shall be~~
 24 ~~responsible for the proper administration of sick leave and~~
 25 ~~shall promulgate such rules as it deems necessary to~~

1 ~~achieve the uniform administration of sick leave and to~~
 2 ~~prevent the abuse thereof. When promulgated, these rules are~~
 3 ~~effective as to all employees of the state or any county or~~
 4 ~~city thereof.~~

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

8 Section 9. Section 2-18-619, MCA, is amended to read:

9 "2-18-619. Jury duty -- service as witness. (1) Each
 10 employee of ~~the state or any political subdivision thereof~~
 11 who is under proper summons as a juror shall collect all
 12 fees and allowances payable as a result of the service and
 13 forward the fees to the appropriate accounting office. Juror
 14 fees shall be applied against the amount due the employee
 15 from his employer. However, if an employee elects to charge
 16 his juror time off against his annual leave, he shall not be
 17 required to remit his juror fees to his employer. In no
 18 instance is an employee required to remit to his employer
 19 any expense or mileage allowance paid him by the court.

20 (2) An employee subpoenaed to serve as a witness shall
 21 collect all fees and allowances payable as a result of the
 22 service and forward the fees to the appropriate accounting
 23 office. Witness fees shall be applied against the amount due
 24 the employee from his employer. However, if an employee
 25 elects to charge his witness time off against his annual

1 leave, he shall not be required to remit his witness fees to
 2 his employer. In no instance is an employee required to
 3 remit to his employer any expense or mileage allowances paid
 4 him by the court.

5 (3, Employers may request the court to excuse their
 6 employees from jury duty if they are needed for the proper
 7 operation of a unit of state or local government.

8 ~~(4) The department of administration or the~~
 9 ~~administrative office of any city or county shall issue the~~
 10 ~~necessary regulations to implement this section.~~

11 NEW SECTION. Section 10. Administration of rules. The
 12 department of administration or the administrative officer
 13 of any county, city, or political subdivision is responsible
 14 for the proper administration of the employee annual, sick,
 15 or military leave provisions and the jury duty provisions
 16 found in Title 2, chapter 18, part 6, and shall promulgate
 17 rules necessary to achieve the uniform administration of
 18 these provisions and to prevent the abuse thereof. When
 19 promulgated, the rules are effective as to all employees of
 20 the state or any county, city, or political subdivision
 21 thereof.

22 Section 11. Codification. It is intended that section
 23 10 be codified as an integral part of Title 2, chapter 18,
 24 part 6, and the provisions of Title 2, chapter 18, part 6,
 25 to section 10.

1 Section 12. Repealer. Sections 2-18-602 and 2-18-613,
 2 MCA, are repealed.

-End-

HOUSE BILL NO. 859

INTRODUCED BY BRAND

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY AND REVISE THE PROVISIONS OF THE STATE EMPLOYEE CLASSIFICATION AND BENEFIT LAWS; AMENDING SECTIONS 2-18-101, 2-18-102, 2-18-601, 2-18-603, 2-18-611, 2-18-612, AND 2-18-617 THROUGH 2-18-619, MCA; AND REPEALING SECTIONS 2-18-602 AND 2-18-613, MCA."

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

Section 1. Section 2-18-101, MCA, is amended to read:

"2-18-101. Definitions. As used in parts 1 through 3 of this chapter, the following definitions apply:

(1) "Agency" means a department, board, commission, office, bureau, institution, or unit of state government recognized in the state budget.

(2) "Compensation" means the annual wage or salary plus the annual state contribution of health insurance premiums under provisions of 2-18-703.

(3) "Department" means the department of administration.

(4) Except in 2-18-306, "employee" means any state employee other than an employee excepted under 2-18-103 from

the statewide classification system.

~~(5) "Permanent position" means a position so designated on the appropriate agency list of authorized positions referenced in 2-18-206 and approved as such in the biennium budget.~~

~~(6) "Permanent status" means the state an employee attains after satisfactorily completing an appropriate probationary period in a permanent position.~~

~~(7) "Personal staff" means those positions occupied by employees appointed by the elected officials enumerated in 2-18-103(10).~~

~~(8) "Position" means a collection of duties and responsibilities currently assigned or delegated by competent authority, requiring the full-time, part-time, or intermittent employment of one person.~~

~~(9) "Program" means a combination of planned efforts to provide a service.~~

~~(10) "Seasonal position" means a position so designated on the appropriate agency list of authorized positions referenced in 2-18-206 and which is a permanent position but which is interrupted by the seasonal nature of the position.~~

~~(11) "Temporary position" means a position so designated on the appropriate agency list of authorized positions referenced in 2-18-206, created for a definite period of time not to exceed 9 months."~~

1 Section 2. Section 2-18-102, MCA, is amended to read:
 2 "2-18-102. Personnel administration -- general policy
 3 setting. (1) ~~The Except as otherwise provided by law, the~~
 4 ~~department shall:~~
 5 (a) encourage and exercise leadership in the
 6 development of effective personnel administration within the
 7 several agencies in the state and make available the
 8 facilities of the department to this end;
 9 (b) foster and develop programs for recruitment and
 10 selection of capable persons for permanent, seasonal,
 11 temporary, and other types of positions and for the
 12 improvement of employee effectiveness, including training,
 13 safety, health, counseling, and welfare, disciplines,
 14 grievances, and evaluation for productivity and retention in
 15 permanent status;
 16 (c) investigate from time to time the operation and
 17 effect of parts 1 and 2 of this chapter and the policies
 18 made thereunder and report the findings and recommendations
 19 to the governor;
 20 (d) establish policies, procedures, and forms for the
 21 maintenance of records of all employees in the state
 22 service;
 23 (e) apply and carry out parts 1 and 2 and the policies
 24 thereunder and perform any other lawful acts which may be
 25 necessary or desirable to carry out the purposes and

1 provisions of parts 1 and 2.
 2 (2) The department may delegate authority granted to
 3 it under parts 1 and 2 to agencies in the state service that
 4 effectively demonstrate the ability to carry out the
 5 provisions of parts 1 and 2, provided that such agencies
 6 remain in compliance with policies, procedures, time tables,
 7 and standards established by the department.
 8 (3) The department shall develop and issue personnel
 9 policies for the state. Adequate public notice shall be
 10 given to all interested parties of proposed changes or
 11 additions to the personnel policies before the date they are
 12 to take effect. If requested by any of the affected parties,
 13 the department shall schedule a public hearing on proposed
 14 changes or additions to the personnel policies before the
 15 date they are to take effect."
 16 Section 3. Section 2-18-601, MCA, is amended to read:
 17 "2-18-601. Definitions. For the purpose of this part,
 18 the following definitions apply:
 19 (1) "Agency" means any legally constituted department,
 20 board, or commission of state, county, or city government or
 21 any political subdivision thereof.
 22 (2) "Employee" means any person employed by the ~~state,~~
 23 ~~county, or city governments~~ an agency except elected state,
 24 county, or city officials, schoolteachers, and persons
 25 contracted as independent contractors or hired under

1 personal services contracts.

2 (3) "Permanent employee" means an employee who
 3 regularly works for more than 6 months in any 12-month
 4 period is assigned to a position designated as permanent on
 5 the appropriate list of authorized positions referenced in
 6 2-18-206 and approved as such in the biennium budget.

7 (4) "Part-time employee" means an employee who
 8 normally works less than 40 hours a week.

9 (5) "Full-time employee" means an employee who
 10 normally works 40 hours a week.

11 (6) "Temporary position employee" means an employee
 12 assigned to a position designated as temporary on the
 13 appropriate agency list of authorized positions referenced
 14 in 2-18-206, created for a definite period of time but not
 15 to exceed 6 months and the position is not renewable.

16 (7) "Seasonal position employee" means an employee
 17 assigned to a position which, although temporary in nature,
 18 regularly occurs from season to season or from year to year
 19 designated as seasonal on the appropriate agency list of
 20 authorized positions referenced in 2-18-206 and for which
 21 the agency has a permanent need but which is interrupted by
 22 the seasonal nature of the assignment.

23 (8) "Vacation leave" means a leave of absence with pay
 24 for the purpose of rest, relaxation, or personal business at
 25 the request of the employee and with the concurrence of the

1 employer.

2 (9) "Sick leave" means a leave of absence with pay for
 3 a sickness suffered by an employee or his immediate family.

4 (10) "Transfer" means a change of employment from one
 5 agency to another agency in the same jurisdiction without a
 6 break in service of more than 5 working days.

7 (11) "Continuous employment" means working within the
 8 same jurisdiction without a break in service of more than 5
 9 working days or without a continuous absence without pay of
 10 more than 15 working days OF MORE THAN 5 WORKING DAYS OR
 11 WITHOUT A CONTINUOUS ABSENCE WITHOUT PAY OF MORE THAN 15
 12 WORKING DAYS.

13 (12) "Break in service" means that a period of time an
 14 employee takes to change employment from one agency to
 15 employment in another agency of the same jurisdiction in
 16 excess of 5 working days when the person is not employed and
 17 that severs continuous employment."

18 Section 4. Section 2-18-603, MCA, is amended to read:
 19 "2-18-603. Holidays -- observance when falling on
 20 employee's day off. (1) Any full-time employee who is
 21 scheduled for a day off on a day which is observed as a
 22 legal holiday, except Sundays, shall be entitled to receive
 23 a day off either on the day preceding or the day following
 24 the holiday, whichever allows a day off in addition to the
 25 employee's regularly scheduled days off. Part-time employees

1 ~~receive paid holiday time off based only on the number of~~
2 ~~hours scheduled for the holiday.~~

3 ~~(2) For purposes of this section, the term "employee"~~
4 ~~does not include nonteaching school district employees."~~

5 Section 5. Section 2-18-611, MCA, is amended to read:

6 "2-18-611. Annual vacation leave. (1) Each permanent
7 full-time employee of--the--state--or--any--county--or--city
8 thereof--is--entitled--to--and shall earn annual vacation leave
9 credits from the first full-pay-period day of employment.
10 For calculating vacation leave credits, 2,080 hours (52
11 weeks x 40 hours) shall equal 1 year. Proportionate
12 vacation vacation leave credits earned shall be earned--and
13 credited at the end of each pay period. However, employees
14 are not entitled to any vacation leave with pay until they
15 have been continuously employed for a period of 6 calendar
16 months.

17 (2) ~~Persons--regularly--employed--9--or--more--months--each~~
18 ~~year--but--whose--continuous--employment--is--interrupted--by--the~~
19 ~~seasonal--nature--of--the--position~~ Seasonal employees shall
20 earn vacation credits. However, such persons must be
21 employed 6 qualifying months before they can ~~may~~ use the
22 vacation credits. In order to qualify, such employees must
23 immediately report back for work when operations resume in
24 order to avoid a break in service.

25 (3) Permanent part-time employees are entitled to

1 prorated annual vacation benefits if they have regularly
2 ~~scheduled--work--assignments--and--normally--work--at--least--20~~
3 ~~hours--each--week--of--the--pay--period--and--have~~ worked the
4 qualifying period.

5 ~~(4) An employee may not accrue annual vacation leave~~
6 ~~credits while in a leave-without-pay status--except--during~~
7 ~~the--initial--6--month--probation--period~~ EXCEEDING 15 WORKING
8 DAYS.

9 ~~(5) Temporary employees do not earn vacation leave~~
10 ~~credits, except that a temporary employee who is~~
11 ~~subsequently hired into a permanent position within the same~~
12 ~~jurisdiction without a break in service and temporary~~
13 ~~employees who are employed continuously longer than 6 months~~
14 ~~may count as earned leave credits for the immediate term of~~
15 ~~temporary employment."~~

16 Section 6. Section 2-18-612, MCA, is amended to read:

17 "2-18-612. Rate earned. Vacation leave credits shall
18 be ~~are~~ earned at a yearly rate calculated in accordance with
19 the following schedule, which applies to the total years of
20 an employee's employment with any agency whether the
21 employment is continuous or not:

22	Years of employment	Working days credit
23	1 full-pay-period day through 10 years	15
24	10 years through 15 years	18
25	15 years through 20 years	21

1 20 years on 24"

2 Section 7. Section 2-18-617, MCA, is amended to read:

3 "2-18-617. Accumulation of leave -- cash for unused --
4 transfer. (1) Annual vacation leave may be accumulated to a
5 total not to exceed two times the maximum number of days
6 earned annually as of the last day ~~and of the first pay~~
7 period of any ~~the next~~ calendar year.

8 (2) An employee who terminates his employment with the
9 state ~~or any county or city thereof~~ for reason not
10 reflecting discredit on himself shall be entitled upon the
11 date of such termination to cash compensation for unused
12 vacation leave, assuming that the employee has worked the
13 qualifying period set forth in 2-18-611.

14 (3) However, if an employee transfers between agencies
15 of the same state ~~county or city~~ jurisdiction, there shall
16 be no cash compensation paid for unused vacation leave. In
17 such a transfer the receiving agency assumes the liability
18 for the accrued vacation credits transferred with the
19 employee."

20 Section 8. Section 2-18-618, MCA, is amended to read:

21 "2-18-618. Sick leave. (1) Each ~~permanent~~ full-time
22 employee ~~of the state or of any county or city thereof is~~
23 entitled to and shall earn sick leave credits from the first
24 full-pay-period day of employment. For calculating sick
25 leave credits, 2,080 hours (52 weeks x 40 hours) shall equal

1 1 year. ~~Proportionate sick~~ Sick leave credits shall be
2 earned and credited at the end of each pay period. Sick
3 leave credits shall be earned at the rate of 12 working days
4 for each year of service without restriction as to the
5 number of working days he ~~that~~ may accumulate ~~be~~
6 accumulated. ~~Employees are not entitled to be paid sick~~
7 ~~leave until they have been continuously employed 90 days.~~

8 (2) An employee may not accrue sick leave credits
9 during ~~while in a continuous leave of absence without pay~~
10 ~~which exceeds 15 calendar days leave without pay status~~
11 ~~Employees are not entitled to be paid for sick leave under~~
12 ~~the provisions of this section until they have been~~
13 ~~continuously employed for 90 days. Upon completion of the~~
14 ~~qualifying period, the employee is entitled to the sick~~
15 ~~leave credits he has earned, except during the 90-day~~
16 ~~qualifying period EXCEEDING 15 WORKING DAYS.~~

17 (3) Permanent part-time employees are entitled to
18 prorated leave benefits if they have a ~~regularly scheduled~~
19 ~~work assignment and normally work at least 20 hours each~~
20 ~~week of the pay period and have worked the qualifying~~
21 period.

22 (4) Full-time temporary and seasonal employees are
23 entitled to sick leave benefits provided they work the
24 qualifying period.

25 (5) An employee who terminates employment with the

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

19 (6) An employee of ~~the--state-or-any-county-or-city~~
 20 thereof who receives a lump-sum payment pursuant to this
 21 section and who is again employed by the ~~state-or-a-county~~
 22 ~~or-city-thereof~~ any agency shall not be credited with any
 23 sick leave for which he the employee has previously been
 24 compensated.

25 ~~{7}--The--department--of--administration--or--the~~

1 ~~administrative--office--of--any--county--or--city--shall--be~~
 2 ~~responsible-for-the-proper-administration-of-sick-leave--and~~
 3 ~~shall--promulgate--such--rules--as--it--deems--necessary-to~~
 4 ~~achieve-the-uniform-administration--of--sick--leave--and--to~~
 5 ~~prevent-the-abuse-thereof--When-promulgated--these-rules-are~~
 6 ~~effective--as-to-all-employees-of-the-state-or-any-county-or~~
 7 ~~city-thereof~~

8 ~~{8}{7}~~ Abuse of sick leave is cause for dismissal and
 9 forfeiture of the lump-sum payments provided for in this
 10 section."

11 Section 9. Section 2-18-619, MCA, is amended to read:

12 "2-18-619. Jury duty -- service as witness. (1) Each
 13 ~~employee-of-the-state-or-any-political--subdivision--thereof~~
 14 who is under proper summons as a juror shall collect all
 15 fees and allowances payable as a result of the service and
 16 forward the fees to the appropriate accounting office. Juror
 17 fees shall be applied against the amount due the employee
 18 from his employer. However, if an employee elects to charge
 19 his juror time off against his annual leave, he shall not be
 20 required to remit his juror fees to his employer. In no
 21 instance is an employee required to remit to his employer
 22 any expense or mileage allowance paid him by the court.

23 (2) An employee subpoenaed to serve as a witness shall
 24 collect all fees and allowances payable as a result of the
 25 service and forward the fees to the appropriate accounting

1 office. Witness fees shall be applied against the amount due
 2 the employee from his employer. However, if an employee
 3 elects to charge his witness time off against his annual
 4 leave, he shall not be required to remit his witness fees to
 5 his employer. In no instance is an employee required to
 6 remit to his employer any expense or mileage allowances paid
 7 him by the court.

8 (3) Employers may request the court to excuse their
 9 employees from jury duty if they are needed for the proper
 10 operation of a unit of state or local government.

11 ~~(4) The department of administration or the~~
 12 ~~administrative office of any city or county shall issue the~~
 13 ~~necessary regulations to implement this section.~~

14 NEW SECTION. Section 10. Administration of rules. The
 15 department of administration or the administrative officer
 16 of any county, city, or political subdivision is responsible
 17 for the proper administration of the employee annual, sick,
 18 or military leave provisions and the jury duty provisions
 19 found in Title 2, chapter 18, part 6, and shall promulgate
 20 rules necessary to achieve the uniform administration of
 21 these provisions and to prevent the abuse thereof. When
 22 promulgated, the rules are effective as to all employees of
 23 the state or any county, city, or political subdivision
 24 thereof.

25 Section 11. Codification. It is intended that section

1 10 be codified as an integral part of Title 2, chapter 18,
 2 part 6, and the provisions of Title 2, chapter 18, part 6,
 3 apply to section 10.
 4 Section 12. Repealer. Sections 2-18-602 and 2-18-613,
 5 MCA, are repealed.

-End-

1 HOUSE BILL NO. 859
 2 INTRODUCED BY BRAND
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY AND REVISE
 6 THE PROVISIONS OF THE STATE EMPLOYEE CLASSIFICATION AND
 7 BENEFIT LAWS; AMENDING SECTIONS 2-18-101, 2-18-102,
 8 2-18-601, 2-18-603, 2-18-611, 2-18-612, AND 2-18-617 THROUGH
 9 2-18-619, MCA; AND REPEALING SECTIONS 2-18-602 AND 2-18-613,
 10 MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 2-18-101, MCA, is amended to read:
 14 "2-18-101. Definitions. As used in parts 1 through 3
 15 of this chapter, the following definitions apply:
 16 (1) "Agency" means a department, board, commission,
 17 office, bureau, institution, or unit of state government
 18 recognized in the state budget.
 19 (2) "Compensation" means the annual wage or salary
 20 plus the annual state contribution of health insurance
 21 premiums under provisions of 2-18-703.
 22 (3) "Department" means the department of
 23 administration.
 24 (4) Except in 2-18-306, "employee" means any state
 25 employee other than an employee excepted under 2-18-103 from

1 the statewide classification system.
 2 ~~(5) "Permanent position" means a position so~~
 3 ~~designated on the appropriate agency list of authorized~~
 4 ~~positions referenced in 2-18-206 and approved as such in the~~
 5 ~~biennium budget.~~
 6 ~~(6) "Permanent status" means the state an employee~~
 7 ~~attains after satisfactorily completing an appropriate~~
 8 ~~probationary period in a permanent position.~~
 9 ~~(5)(7) "Personal staff" means those positions occupied~~
 10 ~~by employees appointed by the elected officials enumerated~~
 11 ~~in 2-18-103(10).~~
 12 ~~(6)(8) "Position" means a collection of duties and~~
 13 ~~responsibilities currently assigned or delegated by~~
 14 ~~competent authority, requiring the full-time, part-time, or~~
 15 ~~intermittent employment of one person.~~
 16 ~~(7)(9) "Program" means a combination of planned~~
 17 ~~efforts to provide a service.~~
 18 ~~(10) "Seasonal position" means a position so designated~~
 19 ~~on the appropriate agency list of authorized positions~~
 20 ~~referenced in 2-18-206 and which is a permanent position but~~
 21 ~~which is interrupted by the seasonal nature of the position.~~
 22 ~~(11) "Temporary position" means a position so~~
 23 ~~designated on the appropriate agency list of authorized~~
 24 ~~positions referenced in 2-18-206, created for a definite~~
 25 ~~period of time not to exceed 9 months."~~

1 Section 2. Section 2-18-102, MCA, is amended to read:

2 "2-18-102. Personnel administration -- general policy
3 setting. (i) ~~The Except as otherwise provided by law OR~~
4 ~~COLLECTIVE BARGAINING AGREEMENT, the~~ department shall:

5 (a) encourage and exercise leadership in the
6 development of effective personnel administration within the
7 several agencies in the state and make available the
8 facilities of the department to this end;

9 (b) foster and develop programs for ~~recruitment and~~
10 ~~selection of capable persons for permanent, seasonal,~~
11 ~~temporary, and other types of positions and for the~~
12 improvement of employee effectiveness, including training,
13 safety, health, counseling, and welfare, ~~disciplines~~
14 ~~grievances, and evaluation for productivity and retention in~~
15 ~~permanent status;~~

16 (c) investigate from time to time the operation and
17 effect of parts 1 and 2 of this chapter and the policies
18 made thereunder and report the findings and recommendations
19 to the governor;

20 (d) establish policies, procedures, and forms for the
21 maintenance of records of all employees in the state
22 service;

23 (e) apply and carry out parts 1 and 2 and the policies
24 thereunder and perform any other lawful acts which may be
25 necessary or desirable to carry out the purposes and

1 provisions of parts 1 and 2.

2 (2) The department may delegate authority granted to
3 it under parts 1 and 2 to agencies in the state service that
4 effectively demonstrate the ability to carry out the
5 provisions of parts 1 and 2, provided that such agencies
6 remain in compliance with policies, procedures, time tables,
7 and standards established by the department.

8 (3) The department shall ~~develop and~~ issue personnel
9 policies for the state. Adequate public notice shall be
10 given to all interested parties of proposed changes or
11 additions to the personnel policies before the date they are
12 to take effect. If requested by any of the affected parties,
13 the department shall schedule a public hearing on proposed
14 changes or additions to the personnel policies before the
15 date they are to take effect."

16 Section 3. Section 2-18-601, MCA, is amended to read:

17 "2-18-601. Definitions. For the purpose of this part,
18 the following definitions apply:

19 (1) "Agency" means any legally constituted department,
20 board, or commission of state, county, or city government ~~or~~
21 ~~any political subdivision thereof.~~

22 (2) "Employee" means any person employed by the state,
23 ~~county, or city governments an agency except elected state,~~
24 ~~county, or city officials, schoolteachers, and persons~~
25 ~~contracted as independent contractors or hired under~~

1 personal services contracts.

2 (3) "Permanent employee" means an employee who
3 regularly--works--for--more--than--6--months--in--any--12--month
4 period is assigned to a position designated as permanent on
5 the appropriate list of authorized positions referenced in
6 2-18-206 and approved as such in the biennium budget.

7 (4) "Part-time employee" means an employee who
8 normally works less than 40 hours a week.

9 (5) "Full-time employee" means an employee who
10 normally works 40 hours a week.

11 (6) "Temporary position employee" means an employee
12 assigned to a position designated as temporary on the
13 appropriate agency list of authorized positions referenced
14 in 2-18-206, created for a definite period of time but not
15 to exceed 6 2 months and the position is not renewable.

16 (7) "Seasonal position employee" means an employee
17 assigned to a position which, although temporary in nature,
18 regularly occurs from season to season or from year to year
19 designated as seasonal on the appropriate agency list of
20 authorized positions referenced in 2-18-206 and for which
21 the agency has a permanent need but which is interrupted by
22 the seasonal nature of the assignment.

23 (8) "Vacation leave" means a leave of absence with pay
24 for the purpose of rest, relaxation, or personal business at
25 the request of the employee and with the concurrence of the

1 employer.

2 (9) "Sick leave" means a leave of absence with pay for
3 a sickness suffered by an employee or his immediate family.

4 (10) "Transfer" means a change of employment from one
5 agency to another agency in the same jurisdiction without a
6 break in service of more than 5 working days.

7 (11) "Continuous employment" means working within the
8 same jurisdiction without a break in service of more than 5
9 working days or without a continuous absence without pay of
10 more than 15 working days **OF MORE THAN 5 WORKING DAYS OR**
11 **WITHOUT A CONTINUOUS ABSENCE WITHOUT PAY OF MORE THAN 15**
12 **WORKING DAYS.**

13 (12) "Break in service" means that a period of time an
14 employee takes to change employment from one agency to
15 employment in another agency of the same jurisdiction in
16 excess of 5 working days when the person is not employed and
17 that severs continuous employment."

18 Section 4. Section 2-18-603, MCA, is amended to read:
19 "2-18-603. Holidays -- observance when falling on
20 employee's day off. (1) Any full-time employee who is
21 scheduled for a day off on a day which is observed as a
22 legal holiday, except Sundays, shall be entitled to receive
23 a day off either on the day preceding or the day following
24 the holiday, whichever allows a day off in addition to the
25 employee's regularly scheduled days off. Part-time employees

1 receive paid holiday time off based only on the number of
2 hours scheduled for the holiday.

3 (2) For purposes of this section, the term "employee"
4 does not include nonteaching school district employees.

5 Section 5. Section 2-18-611, MCA, is amended to read:

6 "2-18-611. Annual vacation leave. (1) Each permanent
7 full-time employee of--the--state--or--any--county--or--city
8 thereof--is--entitled--to--and shall earn annual vacation leave
9 credits from the first full-pay-period day of employment.
10 For calculating vacation leave credits, 2,080 hours (52
11 weeks x 40 hours) shall equal 1 year. Proportionate
12 vacation vacation leave credits earned shall be earned--and
13 credited at the end of each pay period. However, employees
14 are not entitled to any vacation leave with pay until they
15 have been continuously employed for a period of 6 calendar
16 months.

17 (2) Persons--regularly--employed--9--or--more--months--each
18 year--but--whose--continuous--employment--is--interrupted--by--the
19 seasonal--nature--of--the--position Seasonal employees shall
20 earn vacation credits. However, such persons must be
21 employed 6 qualifying months before they can may use the
22 vacation credits. In order to qualify, such employees must
23 immediately report back for work when operations resume in
24 order to avoid a break in service.

25 (3) Permanent part-time employees are entitled to

1 prorated annual vacation benefits if they have regularly
2 ~~scheduled--work--assignments--and--normally--work--at--least--20~~
3 ~~hours--each--week--of--the--pay--period--and--have~~ worked the
4 qualifying period.

5 (4) An employee may not accrue annual vacation leave
6 credits while in a leave-without-pay status,--except--during
7 the--initial--6-month--probation-period EXCEEDING 15 WORKING
8 DAYS.

9 (5) Temporary employees do not earn vacation leave
10 credits, except that a temporary employee who is
11 subsequently hired into a permanent position within the same
12 jurisdiction without a break in service and temporary
13 employees who are employed continuously longer than 6 months
14 may count as earned leave credits for the immediate term of
15 temporary employment.

16 Section 6. Section 2-18-612, MCA, is amended to read:

17 "2-18-612. Rate earned. Vacation leave credits shall
18 be are earned at a yearly rate calculated in accordance with
19 the following schedule, which applies to the total years of
20 an employee's employment with any agency whether the
21 employment is continuous or not:

22	Years of employment	Working days credit
23	1 full-pay-period day through 10 years	15
24	10 years through 15 years	18
25	15 years through 20 years	21

1 20 years on 24"

2 Section 7. Section 2-18-617, MCA, is amended to read:

3 "2-18-617. Accumulation of leave -- cash for unused --
4 transfer. (1) Annual vacation leave may be accumulated to a
5 total not to exceed two times the maximum number of days
6 earned annually as of the ~~last day end of the first pay~~
7 period of any the next calendar year.

8 (2) An employee who terminates his employment ~~with the~~
9 ~~state--or--any--county--or--city--thereof~~ for reason not
10 reflecting discredit on himself shall be entitled upon the
11 date of such termination to cash compensation for unused
12 vacation leave, assuming that the employee has worked the
13 qualifying period set forth in 2-18-611.

14 (3) However, if an employee transfers between agencies
15 of the same ~~state, county or city~~ jurisdiction, there shall
16 be no cash compensation paid for unused vacation leave. In
17 such a transfer the receiving agency assumes the liability
18 for the accrued vacation credits transferred with the
19 employee."

20 Section 8. Section 2-18-618, MCA, is amended to read:

21 "2-18-618. Sick leave. (1) Each permanent full-time
22 employee ~~of--the--state--or--of--any--county--or--city--thereof--is~~
23 ~~entitled-to-and~~ shall earn sick leave credits from the first
24 ~~full-pay-period~~ day of employment. For calculating sick
25 leave credits, 2,080 hours (52 weeks x 40 hours) shall equal

1 1 year. Proportionate ~~sick~~ Sick leave credits shall be
2 earned ~~and~~ credited at the end of each pay period. Sick
3 leave credits shall be earned at the rate of 12 working days
4 for each year of service without restriction as to the
5 number of working days ~~he~~ that may ~~accumulate~~ be
6 ~~accumulated. Employees are not entitled to be paid sick~~
7 ~~leave until they have been continuously employed 90 days.~~

8 (2) An employee may not accrue sick leave credits
9 during ~~while in a continuous leave of absence without pay~~
10 ~~which exceeds 15 calendar days~~ leave without pay status
11 ~~Employees are not entitled to be paid for sick leave under~~
12 ~~the provisions of this section until they have been~~
13 ~~continuously employed for 90 days. Upon completion of the~~
14 ~~qualifying period, the employee is entitled to the sick~~
15 ~~leave credits he has earned, except during the 90-day~~
16 ~~qualifying period~~ EXCEEDING 15 WORKING DAYS.

17 (3) Permanent part-time employees are entitled to
18 prorated leave benefits if they have a ~~regularly scheduled~~
19 ~~work assignment and normally work at least 20 hours each~~
20 ~~week of the pay period and have~~ worked the qualifying
21 period.

22 (4) Full-time temporary and seasonal employees are
23 entitled to sick leave benefits provided they work the
24 qualifying period.

25 (5) An employee who terminates employment with the

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

19 (6) An employee of ~~the--state-or-any-county-or-city~~
 20 thereof who receives a lump-sum payment pursuant to this
 21 section and who is again employed by ~~the-state-or-a-county~~
 22 ~~or-city-thereof~~ any agency shall not be credited with any
 23 sick leave for which he the employee has previously been
 24 compensated.

25 ~~(7)--The---department---of---administration---or---the~~

1 ~~administrative--office--of--any--county--or--city--shall--be~~
 2 ~~responsible-for-the-proper-administration-of-sick-leave--and~~
 3 ~~shall--promulgate--such--rules---as--it--deems--necessary-to~~
 4 ~~achieve-the-uniform-administration--of--sick--leave--and--to~~
 5 ~~prevent-the-abuse-thereof--When-promulgated, these rules are~~
 6 ~~effective--as-to-all-employees-of-the-state-or-any-county-or~~
 7 ~~city-thereof.~~

8 ~~(8)(I)~~ Abuse of sick leave is cause for dismissal and
 9 forfeiture of the lump-sum payments provided for in this
 10 section."

11 Section 9. Section 2-18-619, MCA, is amended to read:
 12 "2-18-619. Jury duty -- service as witness. (1) Each
 13 ~~employee of-the-state-or-any-political--subdivision--thereof~~
 14 who is under proper summons as a juror shall collect all
 15 fees and allowances payable as a result of the service and
 16 forward the fees to the appropriate accounting office. Juror
 17 fees shall be applied against the amount due the employee
 18 from his employer. However, if an employee elects to charge
 19 his juror time off against his annual leave, he shall not be
 20 required to remit his juror fees to his employer. In no
 21 instance is an employee required to remit to his employer
 22 any expense or mileage allowance paid him by the court.

23 (2) An employee subpoenaed to serve as a witness shall
 24 collect all fees and allowances payable as a result of the
 25 service and forward the fees to the appropriate accounting

1 office. Witness fees shall be applied against the amount due
 2 the employee from his employer. However, if an employee
 3 elects to charge his witness time off against his annual
 4 leave, he shall not be required to remit his witness fees to
 5 his employer. In no instance is an employee required to
 6 remit to his employer any expense or mileage allowances paid
 7 him by the court.

8 (3) Employers may request the court to excuse their
 9 employees from jury duty if they are needed for the proper
 10 operation of a unit of state or local government.

11 ~~{4}--The---deperment---of---administration---or---the~~
 12 ~~administrative---office-of-any-city-or-county-shall-issue-the~~
 13 ~~necessary-regulations-to-implement-this-sections"~~

14 NEW SECTION. Section 10. Administration of rules. The
 15 department of administration or the administrative officer
 16 of any county, city, or political subdivision is responsible
 17 for the proper administration of the employee annual, sick,
 18 or military leave provisions and the jury duty provisions
 19 found in Title 2, chapter 18, part 6, and shall promulgate
 20 rules necessary to achieve the uniform administration of
 21 these provisions and to prevent the abuse thereof. When
 22 promulgated, the rules are effective as to all employees of
 23 the state or any county, city, or political subdivision
 24 thereof.

25 Section 11. Codification. It is intended that section

1 10 be codified as an integral part of Title 2, chapter 18,
 2 part 6, and the provisions of Title 2, chapter 18, part 6,
 3 apply to section 10.

4 Section 12. Repealer. Sections 2-18-602 and 2-18-613,
 5 MCA, are repealed.

-End-

March 22, 1979

SENATE STANDING COMMITTEE REPORT
(Select Employee Compensation)

That House Bill No. 859, third reading bill, be amended as follows:

1. Page 3, line 3.

Following: "law"

Insert: "or collective bargaining agreement"