CHAPTER NO. <u>568</u>.

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

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Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

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

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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

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.

(2) "Compensation" means the annual wage or salary
 plus the annual state contribution of health insurance
 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 4 biennium budget. 6 [6] "Permanent status" means the state an employee 7 attains after satisfactorily completing an appropriate probationary period in a permanent position. 8 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." 118 S-1

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INTRODUCED BILL

Section 2- Section 2-18-102+ MCA+ is amended to read:
 "2-18-102- Personnel administration -- general policy
 setting- (1) The Except as otherwise provided by law- 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 permanents seasonals
11 temporarys and other types of positions and for the
12 improvement of employee effectiveness, including trainings
13 safety, health, counseling, and welfare, disciplings
14 orievances, 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;

(e) apply and carry out parts 1 and 2 and the policies
thereunder and perform any other lawful acts which may be
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.

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

Section 3. Section 2-18-601. MCA, is amended to read: 2-18-601. Definitions. For the purpose of this part. 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.

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

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(3) "Permanent employee" wears an employee 2 who 3 regularly--works--for--more--then--6--months-in-eny-12-month period is assigned to a position designated as permanent on 4 5 the ecoropriate list of authorized positions referenced in 2-18-206 and approved as such in the blennium budget. 6 (4) "Part-time employee" means an employee who 7 8 normally works less than 40 hours a week. (5) "Full-time employee" means an employee who 9 10 normally works 40 hours a week. (6) "Temporary position employee" means an employee 11 assigned to a position designated as temporary on the 12 appropriate agency list of authorized positions referenced 13 in 2-18-206, created for a definite period of time but not 14 15 to exceed 6 9 months and the position is not renewable. (7) "Seasonal position employee" means an employee 16 assigned to a position whichy-sithough-temporary-in-neturey 17

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personal services contracts.

18 requiarly-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 the agency has a permanent need but which is interrupted by 21 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

employer. 1 2 (9) "Sick leave" means a leave of absence with pay for 3 a sickness suffered by an employee or his immediate family. (10) "Transfer" means a change of employment from one 4 agency to another agency in the same jurisdiction without a \$ break in service of-more-thom-5-working-days. 6 7 (11) "Continuous employment" means working within the а same jurisdiction without a break in service of-more-than-5 • working-days-or-withest-s-continuous-absence-without-pay--of 10 more-then-15-working-days. 11 (12) "Break in service" means that a period of time on 12 eapisyee-takas-to--chenga--eapioyeent--from--one--eachcy--to 13 employment--in--emother--egency--of-the-some-jurisdiction in excess of 5 working days when the person is not employed and 14 15 that severs continuous employment." 16 Section 4. Section 2-18-603, NCA, is amended to read: 17 "Z-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. -6-

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1	121 For purposes of this section: the tere "employee"
2	does_not_include_nonteaching_school_district_employees."
3	Section 5. Section 2-18-611. MCA. is amended to read:
4	^{22-18-611.} Annual vacation leave. (1) Each <u>permanent</u>
5	full-time employee ofthestateoranycounty-or-city
6	thereof-is-entitled-to-and shall earn annual vacation leave
1	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. P roportion ate
10	vecetion <u>Vacation</u> leave credits <u>earned</u> shall be eernedend
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-regutarty-auptoyed-9-or-sorewonthseach
16	yearbutwhese-continuous-employment-is-interrupted-by-the
17	seasonol-neture-of-thepoition <u>Seasonal_employees</u> shall
18	earn vacation credits. However, such persons must be

NameDeterContinuousity imployed for a period of a catendar13Sectmonths.14#2-1{2)Persons-regularly employed-9-or-more--months--cach15be are endyear--but--whese-continuous-employment-is-interrupted-by-the16the fullseasonal-neture-of-the--positionSeasonal_employees shall17an__employearnvacationcredits. However, such persons must be18employeesemployed 6 qualifying months before theycan_maxuse the19Yeavacationcredits. In order to qualify, such employees must201full-rimmediately report back for work when operations resume in2110 years2215 years(3)Permanent part-time employees are entitled to2320 years2020

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

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21 22

1	hours-each-wesk-ofthepayperiodandhave 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 bired 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 marned leave credits for the immediate term, of
12	temporary seployment."
13	Section 6. Section 2-18-612, MCA, is amended to read:
14	"2-18-612 . Rate earned. Vacation leave credits shall
15	be are earned at a yearly rate calculated in accordance with
16	the following schedule <u>r which applies to the total years of</u>
17	an seployee's seployment with any agency whether the
18	employment is continuous or not:
19	Years of employment Working days credit
20	1 Full-pay period day through 10 years 15
21	10 years through 15 years 18
22	15 years through 20 years 21
23	20 years on 24"
24	Section 7. Section 2-18-617, MCA, is amended to read:
25	<pre>#2-18-617. Accumulation of leave cash for unused</pre>

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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 least-day <u>end of the first pay</u> 4 <u>period</u> of ony the next calendar year.

5 (2) An employee who terminates his employment with the 6 ntate---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 gualifying period set forth in 2-18-611.

11 (3) However, if an employee transfers between agencies 12 of the same statev-countyv-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."

Section 8. Section 2-18-618. MCA. is amended to read: 17 18 #2-18-618. Sick leave. (1) Each permanent full-time 19 employee of-the-state-or-of-ony-county-or--city--thereof--is entitled-to-and shall earn sick leave credits from the first 20 full--pay--period day of employment. For calculating sick 21 leave credits, 2,080 hours (52 weeks x 40 hours) shall equal 22 1 year. Proportionate--sick Sick leave credits shall be 23 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 number of working days he that may eccumulate be 2 accusulated. Employees are not entitled to be paid sick 3 leave until they have been continuously employed 90 days. 4 (2) An employee may not accrue sick leave credits 5 6 during while in a continuous-leave-of-absence--without--payy which--exceeds--15--colender--deys leave-without-pay_status* 7 Eastavees-are-not-entitled-to-be-paid-for-sick-leave-runder 8 the---provisions--of--this--section--until--they--have--been 9 continuously-employed-for-78-doys-Vpon-completion-of-the 10 qualifying--periody--the--employee--is--entitled-to-the-sick 11 teave-credits--he--has--earneds except during the 90-day 12 13 oualifying period. (3) Permanent part-time employees are entitled to 14 prorated leave benefits if they have a--regularly--scheduled 15 16 work-assignment--and--normality--work-st-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 entitled to sick leave benefits provided they work the 20 qualifying period. 21

22 (5) An employee who terminates employment with the 33 state-or-any-county-or-city-thereof agancy 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

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

16 (6) An employee of-the-state-or-ony-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--s--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.

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achieve--the--uniform--administration--of--sick-leave-and-ta
 prevent-the-abuse-thereofw-When-promulgatedw-these-rules-are
 affective-as-to-ell-employees-of-the-state-or-any-county--or
 city-thereofw
 f0)[7] Abuse of sick leave is cause for dismissal and

6 forfeiture of the lump-sum payments provided for in this 7 section."

Section 9. Section 2-18-619, MCA, is amended to read: 8 *2-18-619. Jury duty -- service as witness. (1) Each 10 employee of--the-state-or-any-political-subdivision-thereof who is under proper summons as a juror shall collect all 11 12 fees and allowances payable as a result of the service and 13 forward the fees to the appropriate accounting office. Juror fees shall be applied against the amount due the employee 14 from his employer. However, if an employee elects to charge 15 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 employ an 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

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leave, he shall not be required to remit his witness fees to
 his employer. In no instance is an employee required to
 remit to his employer any expense or mileage allowances paid
 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.

64)--The----department---of---odministration---or---the
 administrative-office-of-ony-city-or-county-shall-issue--the
 necessory-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 for the proper administration of the employee annual, sick, 14 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 promulgated, the rules are effective as to all employees of 19 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.

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HB 0859/02

1	HOUSE BILL NO+ 859	1	the statewide classifi
2	INTRODUCED BY BRAND	2	151Personant
3	BY_REQUEST OF THE DEPARTMENT OF ADMINISTRATION	3	designated_on_theapp
4		•	positions_referenced_i
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY AND REVISE	5	biscoium_budget.
6	THE PROVISIONS OF THE STATE EMPLOYEE CLASSIFICATION AND	6	(6)Permanent
7	BENEFIT LAWS; AMENDING SECTIONS 2-18-101, 2-18-102,	7	attains_after_satisf
8	2-18-601, 2-18-603, 2-18-611, 2-18-612, AND 2-18-617 THROUGH	8	probationary_period_in
9	2-18-619, MCA; AND REPEALING SECTIONS 2-18-602 AND 2-18-613,	9	t57[]] "Personal
10	NCA."	10	by employees appoint
11		11	in 2-18-103(10)+
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	tot[]] "Position
13	Section 1. Section 2-18-101, MCA, is amended to read:	13	responsibilities cur
14	#2-18-101. Definitions. As used in parts 1 through 3	14	competent authority. r
15	of this chapter, the following definitions apply:	15	intermittent employmen
16	(1) "Agency" means a department, board, commission,	16	(7)[9] "Program"
17	office, bureau, institution, or unit of state government	17	efforts to provide a s
18	recognized in the state budget.	18	<u>fiQi_"Seasonal_po</u>
19	(2) "Compensation" means the annual wage or salary	19	on the appropriate a
20	plus the annual state contribution of health insurance	20	referenced in 2-18-206
21	premiums under provisions of 2~10-703.	21	which is interrupted b
22	(3) "Department" means the department of	22	(11)Temporary_
23	administration.	23	designated_oo_theapp
24	(4) Except in 2-18-306, "employee" means any state	24	positionsreferenced_
25	employee other than an employee excepted under 2-18-103 from	25	period_of_time_not_to_

1	the statewide classification system.
2	151_"Permanentposition"meansapositionso
3	designated_on_theappropriateagencylistofauthorized
4	positions referenced in 2-18-206 and approved as such in the
5	bienoium_budget.
6	161Cermanentstatus=meansthestate_an_employee
7	attains_after_satisfactorily_completing_an_appropriate
8	probationary_period_in_a_permanent_position.
9	<pre>t5}[7] "Personal staff" means those positions occupied</pre>
10	by employees appointed by the elected officials enumerated
11	in 2-18-103(10).
12	<pre>f61_[] "Position" means a collection of duties and</pre>
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	<u>[101_"Seasonal_position"_means_a_position_so_designated</u>
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."

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THIRD READING

Section 2. Section 2-18-102, MCA, is amended to read:
 "2-18-102. Personnel administration -- general policy
 setting. (1) The Except_as otherwise provided by laws_the
 department shalls."

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 <u>recruitment</u> and 10 <u>selection of capable persons for permanents</u> <u>seasonals</u> 11 <u>temporarys</u> and other <u>types of positions</u> and for the 12 improvement of employee effectiveness, including training, 13 safety, health, counseling, end welfares <u>disciplines</u> 14 <u>grievancess</u> 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;

(d) establish policies, procedures, and forms for the
 maintenance of records of all employees in the state
 service:

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

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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.

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

Section 3. Section 2-18-601, MCA, is amended to read:
"2-18-601. Definitions. For the purpose of this part,
the following definitions apply:
(1) "Agency" means any legally constituted department,
board, or commission of state, county, or city government or

21 any political subdivision thereof.

22 (2) "Employee" means any person employed by the-statev 23 countyv--or-city-governments an agency except elected states 24 countys.or_city_officialss_schoolteacherss_and_persons 25 contracted_as_independent_contractors_or_hired_under

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1 personal services contracts. 2 (3) "Permanent employee" means an employee who з reaularly-works--for--more--than--6--months-in-ony-12-month 4 period is assigned to a position designated as pergapent, on 5 the appropriate list of authorized positions referenced in 6 2-18-206 and approved as such in the biennium budget. (4) "Part-time employee" means an employee 7 who normally works less than 40 hours a week. 8 (5) "Full-time employee" means an employee who 9 normally works 40 hours a week. 10 (6) "Temporary position employee" means an employee 11 12 assigned to a position designated as temporary on the appropriate agency list of authorized positions referenced 13 in_ 2-18-206: created for a definite period of time but not 14 to exceed 6 9 months and-the-position-is-not-renewable. 15 (7) "Seasonal position employee" means an employee 16 assigned to a position whichy-although-temporary-in-naturey 17 regularly-occurs-from-season-to-season-or-from-yeor-to--yeor 18 19 designated as seasonal on the appropriate agency list of authorized positions referenced in 2-18-206 and for which 20 the agency has a permanent need but which is interrunted by 21

22 the seasonal nature of the assignment.

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

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(9) "Sick leave" means a leave of absence with pay for a sickness suffered by an employee or his immediate family. (10) "Transfer" means a change of employment from one agency to another agency in the same jurisdiction without a break in service of-more-thon-5-working-days. (11) "Continuous employment" means working within the same jurisdiction without a break in service of-more-thon-5 working-days-or-without-a-continuous-absence-without-pay-of more-then-15--working-days OE_MORE_THAN_5_MORKING_DAYS_OR MITHOUT_A_CONTINUOUS_ABSENCE_WITHOUT_PAY_OE_MORE_THAN_15 MORKING_DAYS-(12) "Break in service" means that a period of time en

employer.

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14 employee-tekes-to--change--employment--from--one--agency--to 15 employment--in--mother--agency--of-the-same-juriediction in 16 excess.of_5.working.days.wben_tbe_persen_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 employee's day off. (1) Any full-time employee who is 20 21 scheduled for a day off on a day which is observed as a legal holiday, except Sundays, shall be entitled to receive 22 23 a day off either on the day preceding or the day following the holiday, whichever allows a day off in addition to the 24 employee's regularly scheduled days off. Part-time employees 25

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1	receive paid boliday time off based only on the number of
2	hours_scheduled_for_the_bolidays
3	<u>[2]Eor_purposes_of_this_section:_the_termTemployee</u>
4	does_not_include_monteaching_school_district_employeess"
5	Section 5. Section 2-18-611, MCA, is amended to read:
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7	full-time employee ofthestateorenycounty-or-city
8	thereof-is-entitled-to-ond 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 <u>Vacation</u> leave credits <u>earned</u> shall be earnedand
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
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17	(2) Persons-regularly-employed-9-or-moremonthseach
16	yëerbütwhose-continuous-éuploym ent-is-interrupted-by-the
19	seasonal-nature-of-theposition <u>Seasonalsuployees</u> shall

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19 seasonal-neture-of-the--position Seasonal...seployees shall 20 earn vacation credits. However, such persons must be 21 employed 6 qualifying months before they can <u>may</u> 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

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ł	prorated an <mark>nual vacation</mark> benefits if they have regularly
2	scheduledworkassignmentsandnormality-work-at-least-20
3	hours-each-week-ofthepayperfodandhave worked the
4	qualifying period.
5	14)_Anemployeemay_not_accrue_annual_yacation_leave
6	credits_while_in_a_leave-without-pay_status+exceptduring
7	the EXCEEDING 15 WORKING
8	DAYS.
9	<u>(5) Temporary employees do not earn vacation leave</u>
10	credits, except that a temporary employee who is
11	subsequently_bired_into_a_permanent_position_within_the_same
12	jurisdiction_without_a_break_in_service_and_temporary
13	amployees_who.are_employed_continuously_longer_than_6_months
14	may count as eached leave credits for the immediate term of
15	temporary_employments"
16	Section 6. Section 2-18-612, MCA, is amended to read:
17	#2-18-612. Rate earned. Vacation leave credits shall
18	be arg earned at a yearly rate calculated in accordance with
19	the following schedule <u>s which applies to the total years of</u>
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-pariod day through 10 years 15
24	10 years through 15 years 18
25	15 years through 20 years 21

-8-

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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 least-day and of the first pay 7 period of ony 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 statev-countyv-or-eity 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, HCA, is amended to read: 21 #2-18-618. Sick leave. (1) Each <u>permanent</u> 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

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1 1 year. Propertionate--sick Sick leave credits shall be 2 eerned-end credited at the end of each pay period. Sick 3 leave credits shall be earned at the rate of 12 working days 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 leave until they have been continuously employed 90 days. 7 (2) An employee may not accrue sick leave credits 8 9 during while__in a continuous-leave-of-absence-without-payy 10 which-exceeds-15--colender--doys <u>leave-without-pay_status</u> 11 factores--ere--not-entitled-to-be-ogid-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-periody-the-exployee--is--entitled--to--the--sick 15 tesve-credits--he--hes--eerned, <u>except--during--the-98-dev</u> 16 suglifying-period EXCEEDING 15 WORKING DAYS. 17 (3) Permanent part-time employees are entitled to 18 prorated leave benefits if they have a-resularly-scheduled 19 work-asstanment-and-normatty-work-at--teast--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

25 (5) An employee who terminates employment with the

-10-

qualifying period.

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HB 859

Ł state--or-eny-county-or-city-thereof agency is entitled to a 2 jump-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 employment with the state, county, or city. Accrual of sick 6 7 leave credits for calculating the lump-sum payment provided . for in this subsection begins July 1, 1971. The payment 9 therefor shall be the responsibility of the state-or--env 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 states-county--or--city jurisdiction, he shall not be entitled to a lumo-sue payment. In such a transfer the 15 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 t?+--The---department---of---administration----or--the

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HB 859

1 administrative-office-of-any-county-or-city-shall-be responsible-for-the-proper-administration-of-sick-leave-and shall-promutgate--such-rules--os-it-deems-necessary-to ochieve-the-uniform-administration-of-sick-leave-ond-to prevent-the-abuse-thereofe-When-promutgatedy-these-rules-are effective--as-to-all-employees-of-the-state-or-any-county-or city-thereofy

8 t0;[1] 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 who is under proper summons as a juror shall collect all 14 15 fees and allowances payable as a result of the service and forward the fees to the appropriate accounting office. Juror 16 17 fees shall be applied against the amount due the employee from his employer. However, if an employee elects to charge 18 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.

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

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office. Witness fees shall be applied against the amount due the employee from his employer. However, if an employee elects to charge his witness time off against his annual leave, he shall not be required to remit his witness fees to his employer. In no instance is an employee required to remit to his employer any expense or mileage allowances paid 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 (+)--The---deportment---of---administration---or----the 12 administrative--office-of-ony-city-or-county-shall-issue-the 13 necessary-requisions-to-implement-this-section."

NEW SECTION. Section 10. Administration of rules. The 14 department of administration or the administrative officer 15 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 these provisions and to prevent the abuse thereof. When 21 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

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- 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. Repeater. Sections 2-18-602 and 2-18-613.
- 5 MCA+ are repealed.

-End-

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HB 0859/03

HOUSE BILL NO. 859	1	the statewide classification system.
INTRODUCED BY BRAND	2	151_"Permanentposition"meansapositionso
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION	3	designated on the appropriate agency list of authorized
	4	positions_referenced_in_2=18=206_and_approved_as_such_in_the
A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY AND REVISE	5	biennium budget.
THE PROVISIONS OF THE STATE EMPLOYEE CLASSIFICATION AND	6	(6)"Permanentstatus"meansthestate_an_employee
BENEFIT LAWS; AMENDING SECTIONS 2-18-101, 2-18-102,	۲	attainsaftersatisfactorilycompletinganappropriate
2-18-601, 2-18-603, 2-18-611, 2-18-612, AND 2-18-617 THROUGH	8	probationary period in a permanent position.
2-18-619, MCA; AND REPEALING SECTIONS 2-18-602 AND 2-18-613,	9	<pre>+5+171 "Personal staff" means those positions occupied</pre>
MCA • "	10	by employees appointed by the elected officials enumerated
	11	in 2-18-103(10).
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	<pre>f6;[8] "Position" means a collection of duties and</pre>
Section 1. Section 2-18-101, MCA, is amended to read:	13	responsibilities currently assigned or delegated by
*2-18-101. Definitions. As used in parts 1 through 3	14	competent authority, requiring the full-time, part-time, or
of this chapter, the following definitions apply:	15	intermittent employment of one person.
(1) "Agency" means a department, board, commission,	16	₹₹<u>}[9)</u> "Program" means a combination of planned
office, bureau, institution, or unit of state government	17	efforts to provide a service.
recognized in the state budget.	18	<u>[10] "Seasonal position" means a position so designated</u>
(2) "Compensation" means the annual wage or salary	19	on_theappropriateagencylistofauthorizedpositions
plus the annual state contribution of health insurance	20	referenced_in_2=18=206_and_which_is_a_permanent_position_but
premiums under provisions of 2-18-703.	21	which is interrupted by the seasonal nature of the position.
(3) "Department" means the department of	22	1111_"lemporaryposition"meansapositionso
administration.	23	designated_on_theappropriateagencylistofauthorized
(4) Except in 2-18-306, "employee" means any state	24	positionsreferencedin2-18-206+created_for_a_definite
employee other than an employee excepted under 2-18-103 from	25	period_of_time_out_to_exceed_9_months_*

HB 859 -2-REFERENCE BILL

 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_OR

 4
 COLLECTIVE BARGAINING AGREEMENTs_the department shall:

 5
 (a) encourage and exercise leadership in the

development of effective personnel administration within the
reveral agencies in the state and make available the
facilities of the department to this end;

9 (b) foster and develop programs for <u>recruitment</u> and 10 <u>selection of capable persons for permanents seasonals</u> 11 <u>temporarys (and other types of positions and for</u> the 12 improvement of employee effectiveness, including training, 13 safety, health, counseling, and welfare<u>s disciplines</u> 14 <u>grievencess and evaluation for productivity and retention in</u> 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;

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

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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."

Section 3. Section 2-18-601, MCA, is amended to read:
"2-18-601. Definitions. For the purpose of this part,
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.

(2) "Employee" means any person employed by the-statev
 countyv-or-city-governments an agency_except_elected_statev
 countys_or_city_officialss_schoolteacherss_and_persons
 contracted_as_independent_contractors_or_bired_woder

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employer.

1 personal services contracts. 2 (3) "Permanent employee" means an employee ut to regulorly--works--for--more--than--6--months-in-any-12-month З period is assigned to a position designated as permanent, on 4 the appropriate list of authorized positions referenced in 5 2-18-206 and approved as such in the bienniue budget. 6 (4) "Part-time employee" means an employee 7 who normally works less than 40 hours a week. R (5) "Full-time employee" means an employee who 9 normally works 40 hours a week. 10 (6) "Temporary position employee" means an __employee 11 assigned to a position designated as temporary on the 12 appropriate agency list of authorized positions referenced 13 in_2-18-206+ created for a definite period of time but not 14 to exceed 6 9 months and-the-position-is-not-renewable. 15 (7) "Seasonal position employee" means an_employee 16 assigned to a position whichy-otthough-temporary-in-naturey 17 regularly-occurs-from-season-to-season-or-from-year-to--year 18 designated as seasonal on the appropriate agency list of 19 20 authorized positions referenced in 2-18-206 and for which the _agency_has a permanent need but which is interrupted by 21 22 the seasonal nature of the assignment.

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

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2 (9) "Sick leave" means a leave of absence with pay for 3 a sickness suffered by an esployee or his immediate family. (10) "Transfer" means a change of employment from one 4 5 agency to another agency in the same jurisdiction without a break in service of-more-than-5-working-days. ٨ (11) "Continuous employment" means working within the 7 8 same jurisdiction without a break in service of-more-thon-5 working-days-or-without-a-continuous-absence-without-pay--of 9 10 more--thon--15--working--days OF MORE THAN 5 HORKING DAYS OR 11 HITHOUT & CONTINUOUS ABSENCE WITHOUT PAY OF NORE THAN 15 12 WORKING DAYS. 13 (12) "Break in service" means that a period of time an 14 employee-tokes-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." Section 4. Section 2-18-603, NCA, is amended to read: 18 19 #2-18-603. Holidays -- observance when falling on

19 "2-18-603. Holidays -- observance when falling on 20 employee's day off. <u>[1]</u> Any <u>full=time</u> 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. <u>Part=time_employees</u>

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1 receive paid boliday time off based only on the number of 2 hours_scheduled_for_the_holidays 3 (2) For purposes of this section: the term "employee" does_not_include_nonteaching_school_district_employees.** 4 5 Section 5. Section 2-18-611, MCA, is amended to read: "2-18-611. Annual vacation leave. (1) Each permanent 6 7 full-time employee of--the--state--ar--any--county-or-city 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 garned shall be earned--end 13 credited at the end of each pay period. However, employees are not entitled to any vacation leave with pay until they 14 15 have been continuously employed for a period of 6 calendar months. 16 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 con max 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

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1	prorated annual vacation benefits if they have regularly
2	scheduledworkassignmentsandnormally-work-at-least-20
3	hours-each-week-ofthepayperiodandhave 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
8	QAYS.
9	<pre>(5) Temporary_employees_donotearn_yacation_leave</pre>
10	creditsexceptthatatemporaryemployeewhois
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	maycount_as_earned_leave_credits_for_the_immediate_term_of
15	temporary_employments"
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 <u>s which applies to the total years of</u>
20	anemployee'semployment _with _any _agency _whether _the
21	employment_is_continuous_or_not:
2 2	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

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1 20 years on

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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 least-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 states-countys-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 <u>permanent</u> 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 <u>day</u> of employment. For calculating sick 25 leave credits, 2,080 hours (52 weeks x 40 hours) shall equal

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1 1 year. Proportionate--sick <u>Sick</u> leave credits shall be 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 <u>that</u> may eccumulate be 6 accumulated. <u>Employees_are_not_entitled_to_be_paid_sick</u> 7 leave_until_they_bave_been_continuously_employed 90_days.

6 (2) An employee may not accrue sick leave credits during while in a continuous-leave-of-obsence-without-povy 9 which-exceeds-15--colender--days leave-without-pay_status* 10 11 Employees--are--nat-antitled-to-be-paid-for-sick-leave-under 12 the--provisions--of--this--section--until--they--have---been continuously--esployed--for--98-doys--Upon-completion-of-the 13 qualifying-periody-the-employee--is--entitled--to--the--sick 14 teave--credits--ho--hos--earned+ <u>except--during--tha-90-day</u> 15 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-st--least--20--hours--each 20 week--of--the--pay--period--and--have worked the qualifying 21 period.

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

25 (5) An employee who terminates employment with the

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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 accumulated sick leave shall be computed on the basis of the 4 employee's salary or wage at the time he terminates his 5 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 states--countys--or--city jurisdiction, he shall not be 15 entitled to a lump-sum payment. In such a transfer the receiving agency shall assume the liability for the accrued 16 17 sick leave credits earned after July 1, 1971, and transferred with the employee. 18

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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-s-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---deportment---of---odministration----othe

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1administrative-office-off-any-county-or-city-shall-be2responsible-for-the-proper-administration-of-sick-leave-and3shall--promutgate--such-rules--os--it-deems-necessary-to4achieve-the-uniform-administration-off-sick-leave-and-to5prevent-the-abuse-thereofy-When-promutgatedy-these-rules-are6effective-as-to-all-employees-off-the-state-or-any-county-or7city-thereofy

8 (8)(17) 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 his juror time off against his annual leave, he shall not be 19 required to remit his juror fees to his employer. In no 20 21 instance is an employee required to remit to his employer 22 any expense or mileage allowance paid him by the court.

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

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office. Witness fees shall be applied against the amount due the employee from his employer. However, if an employee elects to charge his witness time off against his annual leave, he shall not be required to remit his witness fees to his employer. In no instance is an employee required to remit to his employer any expense or mileage allowances paid 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-requisions-to-implement-this-sections"

NEW SECTION. Section 10. Administration of rules. The 14 department of administration or the administrative officer 15 of any county, city, or political subdivision is responsible 16 for the proper administration of the employee annual, sick, 17 or military leave provisions and the jury duty provisions 18 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. Repeater. 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:

l. Page 3, line 3.
Following: "law"
Insert: "or collective bargaining agreement"

• • •