

HOUSE BILL NO. 514

INTRODUCED BY SPAETH

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE HOUSE

January 26, 1983	Introduced and referred to Committee on Labor and Employment Relations.
February 10, 1983	Committee recommend bill do not pass. Report adopted.
February 11, 1983	Objection to adverse committee report. Bill placed on second reading.
February 12, 1983	Bill printed and placed on members' desks.
February 14, 1983	Second reading, do pass.
February 15, 1983	Considered correctly engrossed.
February 16, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 17, 1983	Introduced and referred to Committee on State Administration.
March 12, 1983	Committee recommend bill be concurred in. Report adopted.
March 15, 1983	Second reading, concurred in.
March 17, 1983	Third reading, concurred in. Ayes, 44; Noes, 4.

IN THE HOUSE

March 17, 1983

Returned to House.

March 18, 1983

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *514*  
 2 INTRODUCED BY *Speth*  
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A PUBLIC  
 6 EMPLOYEE FROM ACCRUING ANNUAL LEAVE OR SICK LEAVE DURING ANY  
 7 PERIOD OF LEAVE WITHOUT PAY; AMENDING SECTIONS 2-18-611 AND  
 8 2-18-618, MCA."

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

11 Section 1. Section 2-18-611, MCA, is amended to read:  
 12 "2-18-611. Annual vacation leave. (1) Each permanent  
 13 full-time employee shall earn annual vacation leave credits  
 14 from the first day of employment. For calculating vacation  
 15 leave credits, 2,080 hours (52 weeks x 40 hours) shall equal  
 16 1 year. Vacation leave credits earned shall be credited at  
 17 the end of each pay period. However, employees are not  
 18 entitled to any vacation leave with pay until they have been  
 19 continuously employed for a period of 6 calendar months.

20 (2) Seasonal employees shall earn vacation credits.  
 21 However, such persons must be employed 6 qualifying months  
 22 before they may use the vacation credits. In order to  
 23 qualify, such employees must immediately report back for  
 24 work when operations resume in order to avoid a break in  
 25 service.

1 (3) Permanent part-time employees are entitled to  
 2 prorated annual vacation benefits if they have worked the  
 3 qualifying period.

4 (4) An employee may not accrue annual vacation leave  
 5 credits while in a leave-without-pay status ~~exceeding 15~~  
 6 ~~working days.~~

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

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

15 "2-18-618. Sick leave. (1) Each permanent full-time  
 16 employee shall earn sick leave credits from the first day of  
 17 employment. For calculating sick leave credits, 2,080 hours  
 18 (52 weeks x 40 hours) shall equal 1 year. Sick leave credits  
 19 shall be credited at the end of each pay period. Sick leave  
 20 credits shall be earned at the rate of 12 working days for  
 21 each year of service without restriction as to the number of  
 22 working days that may be accumulated. Employees are not  
 23 entitled to be paid sick leave until they have been  
 24 continuously employed 90 days.

25 (2) An employee may not accrue sick leave credits

1 while in a leave-without-pay status ~~exceeding 15 working~~  
2 ~~days.~~

3 (3) Permanent part-time employees are entitled to  
4 prorated leave benefits if they have worked the qualifying  
5 period.

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

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

1 (6) An employee who receives a lump-sum payment  
2 pursuant to this section and who is again employed by any  
3 agency shall not be credited with any sick leave for which  
4 the employee has previously been compensated.

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

-End-

Recommend do not pass  
Objection Raised to  
Adverse Committee Report

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A PUBLIC  
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full-time employee shall earn annual vacation leave credits  
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leave credits, 2,080 hours (52 weeks x 40 hours) shall equal  
1 year. Vacation leave credits earned shall be credited at  
the end of each pay period. However, employees are not  
entitled to any vacation leave with pay until they have been  
continuously employed for a period of 6 calendar months.

(2) Seasonal employees shall earn vacation credits.  
However, such persons must be employed 6 qualifying months  
before they may use the vacation credits. In order to  
qualify, such employees must immediately report back for  
work when operations resume in order to avoid a break in  
service.

(3) Permanent part-time employees are entitled to  
prorated annual vacation benefits if they have worked the  
qualifying period.

(4) An employee may not accrue annual vacation leave  
credits while in a leave-without-pay status exceeding 15  
working days.

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

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

"2-18-618. Sick leave. (1) Each permanent full-time  
employee shall earn sick leave credits from the first day of  
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(52 weeks x 40 hours) shall equal 1 year. Sick leave credits  
shall be credited at the end of each pay period. Sick leave  
credits shall be earned at the rate of 12 working days for  
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working days that may be accumulated. Employees are not  
entitled to be paid sick leave until they have been  
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(2) An employee may not accrue sick leave credits

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Section 1. Section 2-18-611, MCA, is amended to read:

"2-18-611. Annual vacation leave. (1) Each permanent full-time employee shall earn annual vacation leave credits from the first day of employment. For calculating vacation leave credits, 2,080 hours (52 weeks x 40 hours) shall equal 1 year. Vacation leave credits earned shall be credited at the end of each pay period. However, employees are not entitled to any vacation leave with pay until they have been continuously employed for a period of 6 calendar months.

(2) Seasonal employees shall earn vacation credits. However, such persons must be employed 6 qualifying months before they may use the vacation credits. In order to qualify, such employees must immediately report back for work when operations resume in order to avoid a break in service.

(3) Permanent part-time employees are entitled to prorated annual vacation benefits if they have worked the qualifying period.

(4) An employee may not accrue annual vacation leave credits while in a leave-without-pay status ~~exceeding 15 working days.~~

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

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

"2-18-618. Sick leave. (1) Each permanent full-time employee shall earn sick leave credits from the first day of employment. For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) shall equal 1 year. Sick leave credits shall be credited at the end of each pay period. Sick leave credits shall be earned at the rate of 12 working days for each year of service without restriction as to the number of working days that may be accumulated. Employees are not entitled to be paid sick leave until they have been continuously employed 90 days.

(2) An employee may not accrue sick leave credits

1 while in a leave-without-pay status exceeding 15 working  
2 days.

3 (3) Permanent part-time employees are entitled to  
4 prorated leave benefits if they have worked the qualifying  
5 period.

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