

HOUSE BILL NO. 754

Introduced: 02/12/83

Referred to Committee on labor & Employment Relations: 02/12/83

Hearing: 2/17/83

Report: 02/19/83, Do Pass, As Amended

2nd Reading: 02/22/83, Do Not pass

Bill Killed

1 *House* BILL NO. *754*
 2 INTRODUCED BY *McBride Harris Shugart Begone*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT DENIAL OF
 5 REASONABLE PARENTING LEAVE FOR THE FATHER OR MOTHER OF A
 6 NEWBORN OR NEWLY ADOPTED CHILD; AMENDING SECTIONS 39-7-201
 7 AND 39-7-203, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 39-7-201, MCA, is amended to read:
 11 "39-7-201. Definitions. (1) "Commissioner" means the
 12 commissioner of labor and industry.
 13 (2) "Employer" means any public or private employer.
 14 ~~(3) "Maternity" means a condition of or relating to~~
 15 ~~pregnancy or the physical consequences of pregnancy and~~
 16 ~~childbirth of or for the natural mother.~~
 17 ~~(4) "Parenting" means the duty or privilege of or~~
 18 ~~relating to the nurturing of a child by a father or mother."~~
 19 Section 2. Section 39-7-203, MCA, is amended to read:
 20 "39-7-203. Unlawful acts of employers. It shall be
 21 unlawful for an employer or his agent to:
 22 (1) terminate a woman's employment because of her
 23 pregnancy;
 24 (2) refuse to grant to the employee a reasonable leave
 25 of absence for such pregnancy;

1 (3) deny to the employee who is disabled as a result
 2 of pregnancy any compensation to which she is entitled as a
 3 result of the accumulation of disability or leave benefits
 4 accrued pursuant to plans maintained by her employer,
 5 provided that the employer may require disability as a
 6 result of pregnancy to be verified by medical certification
 7 that the employee is not able to perform her employment
 8 duties;

9 ~~(4) refuse to grant an employee a reasonable leave of~~
 10 ~~absence to be negotiated between the employee and employer~~
 11 ~~for parenting a newborn or newly adopted child of which the~~
 12 ~~employee is the father or mother, natural or adoptive. For~~
 13 ~~purposes of this subsection, 2 weeks is presumed to be a~~
 14 ~~reasonable leave of absence.~~

15 ~~(4)(5)~~ retaliate against any employee who files a
 16 complaint with the commissioner under the provisions of this
 17 part; or

18 ~~(5)(6)~~ require that an employee take a mandatory
 19 maternity leave for an unreasonable length of time."

-End-

Approved by Committee
on Labor & Employment
Relations

HOUSE BILL NO. 754

INTRODUCED BY MCBRIDE, FARRIS, HEMSTAD, BERGENE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT DENIAL OF
REASONABLE PARENTING LEAVE FOR THE FATHER OR MOTHER OF A
NEWBORN OR NEWLY ADOPTED CHILD; AMENDING SECTIONS 39-7-201
AND 39-7-203, MCA."

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

Section 1. Section 39-7-201, MCA, is amended to read:

"39-7-201. Definitions. (1) "Commissioner" means the
commissioner of labor and industry.

(2) "Employer" means any public or private employer.

~~(3) "Maternity" means a condition of or relating to
pregnancy or the physical consequences of pregnancy and
childbirth of or for the natural mother.~~

~~(4) "Parenting" means the duty or privilege of or
relating to the nurturing of a child by a father or mother."~~

Section 2. Section 39-7-203, MCA, is amended to read:

"39-7-203. Unlawful acts of employers. It shall be
unlawful for an employer or his agent to:

(1) terminate a woman's employment because of her
pregnancy;

(2) refuse to grant to the employee a reasonable leave
of absence for such pregnancy;

(3) deny to the employee who is disabled as a result
of pregnancy any compensation to which she is entitled as a
result of the accumulation of disability or leave benefits
accrued pursuant to plans maintained by her employer,
provided that the employer may require disability as a
result of pregnancy to be verified by medical certification
that the employee is not able to perform her employment
duties;

~~(4) refuse to grant an employee WHO HAS GIVEN 2 WEEKS
NOTICE a reasonable leave of absence to be negotiated
between the employee and employer, for parenting a newborn
or newly adopted child of which the employee is the father
or mother, natural or adoptive. For purposes of this
subsection, 2 weeks is presumed to be a reasonable leave of
absence. AT THE OPTION OF THE EMPLOYEE, ACCUMULATED SICK
LEAVE MAY BE USED UNDER THIS SUBSECTION.~~

~~(4)(5)~~ retaliate against any employee who files a
complaint with the commissioner under the provisions of this
part; or

~~(5)(6)~~ require that an employee take a mandatory
maternity leave for an unreasonable length of time."

-End-