

HOUSE BILL NO. 881

2/19 Introduced  
2/19 Referred to Human Services & Aging  
2/19 Fiscal Note Requested  
2/22 Hearing  
2/22 Fiscal Note Received  
Died in Committee

1 HOUSE BILL NO. 881  
2 INTRODUCED BY Bradley Keenan

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE DENIAL  
5 OF REASONABLE FAMILY LEAVE FOR THE MOTHER OR FATHER OF A  
6 NEWBORN OR NEWLY ADOPTED CHILD."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Definitions. For purposes of [this act],  
10 the following definitions apply:

11 (1) "Commissioner" means the commissioner of labor and  
12 industry.

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

14 Section 2. Rulemaking. The commissioner shall adopt  
15 rules to carry out the purposes of [this act]. Rulemaking  
16 under [this act] must comply with the provisions of the  
17 Montana Administrative Procedure Act.

18 Section 3. Family leave -- unlawful act of employer.  
19 It is unlawful for an employer or his agent to refuse to  
20 grant an employee a reasonable leave of absence, to be  
21 negotiated between the employee and employer, to care for a  
22 newborn or newly adopted child of which the employee is the  
23 mother or father, natural or adoptive.

24 Section 4. Complaints of violations. (1) A person  
25 claiming to be aggrieved by a violation of [section 3] may

1 make, sign, and file a verified complaint with the  
2 commissioner, which must state the circumstances of the  
3 violation and the particulars thereof and must contain such  
4 other information as may be required by the commissioner.

5 (2) In addition, the commissioner, whenever he has  
6 reason to believe that [section 3] has been or is being  
7 violated, may issue a complaint.

8 Section 5. Investigative powers of commissioner. (1)  
9 The commissioner or his authorized representatives may enter  
10 and inspect such places, question such employees, and  
11 investigate such facts, conditions, or matters as considered  
12 appropriate to determine whether any person has violated any  
13 provision of [this act] or any rules issued under [this act]  
14 or that may aid in the enforcement of the provisions of  
15 [this act].

16 (2) The commissioner or his authorized representatives  
17 may administer oaths and examine witnesses under oath; issue  
18 subpoenas; compel the attendance of witnesses and the  
19 production of papers, books, accounts, records, payrolls,  
20 documents, and testimony; and take depositions and  
21 affidavits in any proceeding before the commissioner.

22 Section 6. Findings of fact and decision on complaint.  
23 (1) Within 60 days of the receipt of a complaint and after  
24 opportunity for a hearing, the commissioner shall state his  
25 findings of fact and decision.

1 (2) If, upon all the evidence, the commissioner finds  
 2 that a respondent has engaged in a violation of [section 3],  
 3 he shall state his findings of fact and shall order the  
 4 respondent to reinstate the complainant if he or she so  
 5 desires and to pay to the complainant the damages resulting  
 6 from the violation.

7 (3) If, upon all the evidence, the commissioner finds  
 8 that the respondent has not engaged in a violation of  
 9 [section 3], he shall state his findings of fact and shall  
 10 dismiss the complaint.

11 Section 7. Individual action. Nothing in [this act]  
 12 precludes an individual from prosecuting a private action in  
 13 the district court alleging violation of the provisions of  
 14 [this act] or any other law.

15 Section 8. Court enforcement of commissioner's  
 16 decision. (1) A decision by the commissioner pursuant to  
 17 [section 6] may be enforced by the district court if the  
 18 commissioner applies to the court, within 60 days from date  
 19 of decision, for an order enforcing the decision and if the  
 20 time provided to initiate judicial review by the employer  
 21 has passed pursuant to Title 2, chapter 4, part 7.

22 (2) The commissioner shall apply to the district court  
 23 of the county in which the employer has its principal place  
 24 of business or in the first judicial district of the state.

25 (3) A proceeding under this section is not a review of

1 the merits of the commissioner's decision.

-End-

STATE OF MONTANA  
FISCAL NOTE

REQUEST NO. FNN 480-85

Form BD-15

In compliance with a written request received February 19, 19 85, there is hereby submitted a Fiscal Note for H.B. 881 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Provides reasonable family leave from employment, for new parents.

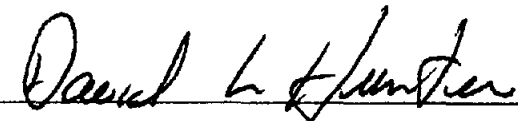
ASSUMPTIONS:

- 1) There would be one rule making hearing in FY 86.
- 2) There would be seven pages of administrative rules noticed and published.
- 3) There would be 5 newspaper ads.
- 4) There would be 10 hearings each year for fact finding purposes.
- 5) State or local government employees will use existing annual leave, sick leave, or leave without pay for approved family leave. Therefore there will be no direct expense for leave time.

FISCAL IMPACT GENERAL FUND:

Administrative Expenditures Under New Law

	<u>FY 86</u>	<u>FY 87</u>	<u>Biennium Total</u>
Personal Services	\$ 13,307	\$ 13,307	\$ 26,614
Operating Expenses	<u>8,208</u>	<u>5,546</u>	<u>13,754</u>
General Fund Cost	\$ 21,515	\$ 18,853	\$ 40,368



BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Feb 22, 1985

**HB 881**