HOUSE BILL NO. 411

INTRODUCED BY J. BROWN

IN THE HOUSE

JANUARY :	25,	1989	INTRODUC	ED	AND	REFERRED	то	COMMITTEE
			ON LOCAL GOVERNMENT.					

- JANUARY 26, 1989 FIRST READING.
- FEBRUARY 1, 1989 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 2, 1989 PRINTING REPORT.
- FEBRUARY 3, 1989 SECOND READING, DO PASS.
- FEBRUARY 4, 1989 ENGROSSING REPORT.
- FEBRUARY 6, 1989 THIRD READING, PASSED. AYES, 97; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 7, 1989

MARCH 15, 1989

MARCH 17, 1989

INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.

FIRST READING.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

MARCH 20, 1989 THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 21, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 1336/01

INTRODUCED BY 9. BROWN 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A LOCAL 4 GOVERNMENT TO ESTABLISH AND ADMINISTER THROUGH LOCAL RULE A 5 6 SICK LEAVE FUND; AND AMENDING SECTION 2-18-618, MCA." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 2-18-618, MCA, is amended to read: 10 "2-18-618. Sick leave. (1) Each permanent full-time employee shall earn sick leave credits from the first day of 11 12 employment. For calculating sick leave credits, 2,080 hours 13 (52 weeks x 40 hours) shall equal 1 year. Sick leave credits 14 shall be credited at the end of each pay period. Sick leave 15 credits shall be earned at the rate of 12 working days for each year of service without restriction as to the number of 16 17 working days that may be accumulated. Employees are not 18 entitled to be paid sick leave until they have been

19 continuously employed 90 days.

20 (2) An employee may not accrue sick leave credits21 while in a leave-without-pay status.

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

25 (4) Full-time temporary and seasonal employees are



1 entitled to sick leave benefits provided they work the 2 qualifying period.

(5) An employee who terminates employment with the 3 agency is entitled to a lump-sum payment equal to one-fourth ۸ of the pay attributed to the accumulated sick leave. The pay 5 attributed to the accumulated sick leave shall be computed 6 on the basis of the employee's salary or wage at the time 7 he terminates his employment with the state, county, or 8 city. Accrual of sick leave credits for calculating the 9 lump-sum payment provided for in this subsection begins July 10 1. 1971. The payment therefor shall be the responsibility of 11 the agency wherein the sick leave accrues. However, no 12 employee forfeits any sick leave rights or benefits he had 13 accrued prior to July 1, 1971. However, where an employee 14 transfers between agencies within the same jurisdiction, he 15 shall is not be entitled to a lump-sum payment. In such a 16 17 transfer between agencies, the receiving agency shall assume the liability for the accrued sick leave credits earned 18 after July 1, 1971, and transferred with the employee. 19

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

24 (7) Abuse of sick leave is cause for dismissal and25 forfeiture of the lump-sum payments provided for in this

-2- INTRODUCED BILL HB411

LC 1336/01

section.

2 (8) An employee may contribute any portion of his accumulated sick leave to a nonrefundable sick leave fund 3 4 for state employees and thereby become eligible to draw upon 5 the fund if an extensive illness or accident exhausts his 6 accumulated sick leave. The department of administration 7 shall, in consultation with the sick leave advisory council 8 provided for in 2-15-216, administer the sick leave fund and 9 adopt rules to implement this subsection.

10 (9) An employee whose hours have been reduced 11 temporarily from 40 hours a week to less than 40 hours a 12 week as a result of a budget deficit shall accrue annual 13 sick leave credits as if he were a full-time employee. A 14 reduction in hours resulting from a budget deficit is 15 temporary if it ends on or before the last day of the 16 current fiscal year.

17 (10) A local government may establish and administer
18 through local rule a sick leave fund into which its
19 employees may contribute any portion of their accumulated
20 sick leave. (Subsection (8) terminates July 1, 1989--sec. 3,
21 Ch. 707, L. 1985. Subsection (9) terminates June 30,
22 1989--sec. 7, Ch. 328, L. 1987.)"

-3-

51st Legislature

7

HB 0411/02

HB 0411/02

APPROVED BY COMM. On local government

HOUSE BILL NO. 411
INTRODUCED BY J. BROWN
A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A LOCAL
GOVERNMENT TO ESTABLISH AND ADMINISTER THROUGH LOCAL RULE A
SICK LEAVE FUND; AND AMENDING SECTION 2-18-618, MCA."

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

9 Section 1. Section 2-18-618, MCA, is amended to read: 10 *2-18-618. Sick leave. (1) Each permanent full-time employee shall earn sick leave credits from the first day of 11 employment. For calculating sick leave credits, 2,080 hours 12 13 (52 weeks x 40 hours) shall equal 1 year. Sick leave credits 14 shall be credited at the end of each pay period. Sick leave 15 credits shall be earned at the rate of 12 working days for 16 each year of service without restriction as to the number of 17 working days that may be accumulated. Employees are not 18 entitled to be paid sick leave until they have been 19 continuously employed 90 days.

20 (2) An employee may not accrue sick leave credits21 while in a leave-without-pay status.

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

25 (4) Full-time temporary and seasonal employees are

Montana Legislative Council

1 entitled to sick leave benefits provided they work the
2 qualifying period.

3 (5) An employee who terminates employment with the 4 agency is entitled to a lump-sum payment equal to one-fourth 5 of the pay attributed to the accumulated sick leave. The pay 6 attributed to the accumulated sick leave shall be computed 7 on the basis of the employee's salary or wage at the time 8 he terminates his employment with the state, county, or 9 city. Accrual of sick leave credits for calculating the 10 lump-sum payment provided for in this subsection begins July 11 1, 1971. The payment therefor shall be the responsibility of 12 the agency wherein the sick leave accrues. However, no 13 employee forfeits any sick leave rights or benefits he had 14 accrued prior to July 1, 1971. However, where an employee 15 transfers between agencies within the same jurisdiction. he 16 shall is not be entitled to a lump-sum payment. In such a 17 transfer between agencies, the receiving agency shall assume 18 the liability for the accrued sick leave credits earned 19 after July 1, 1971, and transferred with the employee.

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

24 (7) Abuse of sick leave is cause for dismissal and25 forfeiture of the lump-sum payments provided for in this

- 2 --HB 411 SECOND READING

1 section.

2 (8) An employee may contribute any portion of his 3 accumulated sick leave to a nonrefundable sick leave fund for state employees and thereby become eligible to draw upon 4 5 the fund if an extensive illness or accident exhausts his 6 accumulated sick leave. The department of administration 7 shall, in consultation with the sick leave advisory council 8 provided for in 2-15-216, administer the sick leave fund and 9 adopt rules to implement this subsection.

10 (9) An employee whose hours have been reduced 11 temporarily from 40 hours a week to less than 40 hours a 12 week as a result of a budget deficit shall accrue annual 13 sick leave credits as if he were a full-time employee. A 14 reduction in hours resulting from a budget deficit is 15 temporary if it ends on or before the last day of the 16 current fiscal year.

17 (10) A local government may establish and administer
18 through local rule a sick leave fund into which its
19 employees may contribute any A portion of their accumulated
20 sick leave. (Subsection (8) terminates July 1, 1989--sec. 3,
21 Ch. 707, L. 1985. Subsection (9) terminates June 30,
22 1989--sec. 7, Ch. 328, L. 1987.)"

-End-

-3-

1 HOUSE BILL NO. 411 2 INTRODUCED BY J. BROWN 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A LOCAL 5 GOVERNMENT TO ESTABLISH AND ADMINISTER THROUGH LOCAL RULE A 6 SICK LEAVE FUND; AND AMENDING SECTION 2-18-618, MCA." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 2-18-618, MCA, is amended to read: "2-18-618. Sick leave. (1) Each permanent full-time 10 employee shall earn sick leave credits from the first day of 11 employment. For calculating sick leave credits, 2,080 hours 12 (52 weeks x 40 hours) shall equal 1 year. Sick leave credits 13 14 shall be credited at the end of each pay period. Sick leave credits shall be earned at the rate of 12 working days for 15 16 each year of service without restriction as to the number of 17 working days that may be accumulated. Employees are not 18 entitled to be paid sick leave until they have been 19 continuously employed 90 days. 20 (2) An employee may not accrue sick leave credits

(2) An employee may not accrue sick leave credits
 while in a leave-without-pay status.

22 (3) Permanent part-time employees are entitled to
23 prorated leave benefits if they have worked the gualifying
24 period.

25 (4) Full-time temporary and seasonal employees are



entitled to sick leave benefits provided they work the
 qualifying period.

3 (5) An employee who terminates employment with the 4 agency is entitled to a lump-sum payment equal to one-fourth 5 of the pay attributed to the accumulated sick leave. The pay 6 attributed to the accumulated sick leave shall be computed 7 on the basis of the employee's salary or wage at the time 8 he terminates his employment with the state, county, or 9 city. Accrual of sick leave credits for calculating the 10 lump-sum payment provided for in this subsection begins July 11 1, 1971. The payment therefor shall be the responsibility of 12 the agency wherein the sick leave accrues. However, no 13 employee forfeits any sick leave rights or benefits he had 14 accrued prior to July 1, 1971. However, where an employee 15 transfers between agencies within the same jurisdiction, he 16 shall is not be entitled to a lump-sum payment. In such a 17 transfer between agencies, the receiving agency shall assume 18 the liability for the accrued sick leave credits earned 19 after July 1, 1971, and transferred with the employee.

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

24 (7) Abuse of sick leave is cause for dismissal and25 forfeiture of the lump-sum payments provided for in this

- 2 --

HB 411

THIRD READING

1 section.

2 (B) An employee may contribute any portion of his 3 accumulated sick leave to a nonrefundable sick leave fund for state employees and thereby become eligible to draw upon 4 5 the fund if an extensive illness or accident exhausts his accumulated sick leave. The department of administration 6 7 shall, in consultation with the sick leave advisory council provided for in 2-15-216, administer the sick leave fund and 8 adopt rules to implement this subsection. 9

10 (9) An employee whose hours have been reduced 11 temporarily from 40 hours a week to less than 40 hours a 12 week as a result of a budget deficit shall accrue annual 13 sick leave credits as if he were a full-time employee. A 14 reduction in hours resulting from a budget deficit is 15 temporary if it ends on or before the last day of the 16 current fiscal year.

17 (10) A local government may establish and administer
18 through local rule a sick leave fund into which its
19 employees may contribute any A portion of their accumulated
20 sick leave. (Subsection (8) terminates July 1, 1989--sec. 3,
21 Ch. 707, L. 1985. Subsection (9) terminates June 30,
22 1989--sec. 7, Ch. 328, L. 1987.)"

-End-

- 3-

51st Legislature

HB 0411/02

HB 0411/02

1	HOUSE BILL NO. 411	1	entitled to sick le
2	INTRODUCED BY J. BROWN	2	qualifying period.
3		3	(5) An employee
4	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A LOCAL	4	agency is entitled to
5	GOVERNMENT TO ESTABLISH AND ADMINISTER THROUGH LOCAL RULE A	5	of the pay attributed
6	SICK LEAVE FUND; AND AMENDING SECTION 2-18-618, MCA."	6	attributed to the ac
7		7	on the basis of the em
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	he terminates his e
9	Section 1. Section 2-18-618, MCA, is amended to read:	9	city. Accrual of sick
10	P2-18-618. Sick leave. (1) Each permanent full-time	10	lump-sum payment provi
11	employee shall earn sick leave credits from the first day of	11	1, 1971. The payment t
12	employment. For calculating sick leave credits, 2,080 hours	12	the agency wherein
13	(52 weeks x 40 hours) shall equal 1 year. Sick leave credits	13	employee forfeits any
14	shall be credited at the end of each pay period. Sick leave	14	accrued prior to Ju
15	credits shall be earned at the rate of 12 working days for	15	transfers between agen
16	each year of service without restriction as to the number of	16	shall is not be ent
17	working days that may be accumulated. Employees are not	17	transfer between agenc
18	entitled to be paid sick leave until they have been	18	the liability for the
19	continuously employed 90 days.	19	after July 1, 1971, an
20	(2) An employee may not accrue sick leave credits	20	(6) An employe
21	while in a leave-without-pay status.	21	pursuant to this secti

22 (3) Permanent part-time employees are entitled to
23 prorated leave benefits if they have worked the qualifying
24 period,

25 (4) Full-time temporary and seasonal employees are



entitled to sick leave benefits provided they work the
 qualifying period.

who terminates employment with the a lump-sum payment equal to one-fourth to the accumulated sick leave. The pay cumulated sick leave shall be computed ployee's salary or wage at the time mployment with the state, county, or leave credits for calculating the ded for in this subsection begins July herefor shall be the responsibility of the sick leave accrues. However, no sick leave rights or benefits he had ily 1, 1971. However, where an employee cies within the same jurisdiction, he itled to a lump-sum payment. In such a cies, the receiving agency shall assume accrued sick leave credits earned d transferred with the employee.

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

24 (7) Abuse of sick leave is cause for dismissal and
25 forfeiture of the lump-sum payments provided for in this

-2-

НВ 411

REFERENCE BILL

1 section.

(8) An employee may contribute any portion of his 2 accumulated sick leave to a nonrefundable sick leave fund 3 for state employees and thereby become eligible to draw upon 4 the fund if an extensive illness or accident exhausts his 5 accumulated sick leave. The department of administration 6 7 shall, in consultation with the sick leave advisory council provided for in 2-15-216, administer the sick leave fund and 8 9 adopt rules to implement this subsection.

10 (9) An employee whose hours have been reduced 11 temporarily from 40 hours a week to less than 40 hours a 12 week as a result of a budget deficit shall accrue annual 13 sick leave credits as if he were a full-time employee. A 14 reduction in hours resulting from a budget deficit is 15 temporary if it ends on or before the last day of the 16 current fiscal year.

17 (10) A local government may establish and administer
18 through local rule a sick leave fund into which its
19 employees may contribute any A portion of their accumulated
20 sick leave. (Subsection (8) terminates July 1, 1989--sec. 3,
21 Ch. 707, L. 1985. Subsection (9) terminates June 30,
22 1989--sec. 7, Ch. 328, L. 1987.)"

⁻End-