

HOUSE BILL NO. 411  
INTRODUCED BY J. BROWN

IN THE HOUSE

JANUARY 25, 1989	INTRODUCED AND REFERRED TO 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	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 17, 1989	SECOND READING, CONCURRED IN.
MARCH 20, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.

MARCH 21, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 411  
2 INTRODUCED BY J. Brown  
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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:  
10     **"2-18-618. Sick leave.** (1) Each permanent full-time  
11 employee shall earn sick leave credits from the first day of  
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  
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  
21 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

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 and  
25 forfeiture of the lump-sum payments provided for in this

1 section.

2 (8) An employee may contribute any portion of his  
3 accumulated sick leave to a nonrefundable sick leave fund  
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.)"

-End-

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

HOUSE BILL NO. 411

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**Section 1.** 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 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.

(4) Full-time temporary and seasonal employees are

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

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

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

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

1 section.

2 (8) An employee may contribute any portion of his  
3 accumulated sick leave to a nonrefundable sick leave fund  
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5 the fund if an extensive illness or accident exhausts his  
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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  
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13 sick leave credits as if he were a full-time employee. A  
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17 (10) A local government may establish and administer  
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