

HOUSE BILL 427

Introduced by Davis, et al.

1/25	Introduced
1/26	Referred to Labor & Employment Relations
1/26	Fiscal Note Requested
2/01	Fiscal Note Received
2/02	Hearing
2/03	Fiscal Note Printed
2/17	Committee Report--Bill Not Passed
2/18	Adverse Committee Report Adopted

1 HOUSE BILL NO. 427
2 INTRODUCED BY David (Meyer) Hays

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN
5 PERSONNEL AT THE MONTANA SCHOOL FOR THE DEAF AND BLIND FROM
6 THE LAW RELATING TO LEAVE TIME FOR STATE EMPLOYEES; AMENDING
7 SECTION 2-18-601, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

10 **Section 1.** Section 2-18-601, MCA, is amended to read:

11 "2-18-601. Definitions. For the purpose of this part,
12 except 2-18-620, the following definitions apply:

13 (1) "Agency" means any legally constituted department,
14 board, or commission of state, county, or city government or
15 any political subdivision thereof.

16 (2) "Employee" means any person employed by an agency
17 except elected state, county, and city officials,
18 schoolteachers, academic and professional administrative
19 personnel and live-in houseparents who have entered into
20 individual contracts with the state school for the deaf and
21 blind under the authority of the board of public education,
22 and persons contracted as independent contractors or hired
23 under personal services contracts.

24 (3) "Permanent employee" means an employee who is
25 assigned to a position designated as permanent on the

1 appropriate list of authorized positions referenced in
2 2-18-206 and approved as such in the biennium budget.

3 (4) "Part-time employee" means an employee who
4 normally works less than 40 hours a week.

5 (5) "Full-time employee" means an employee who
6 normally works 40 hours a week.

7 (6) "Temporary employee" means an employee assigned to
8 a position designated as temporary on the appropriate agency
9 list of authorized positions referenced in 2-18-206, created
10 for a definite period of time not to exceed 9 months.

11 (7) "Seasonal employee" means an employee assigned to
12 a position designated as seasonal on the appropriate agency
13 list of authorized positions referenced in 2-18-206 and for
14 which the agency has a permanent need but which is
15 interrupted by the seasonal nature of the assignment.

16 (8) "Vacation leave" means a leave of absence with pay
17 for the purpose of rest, relaxation, or personal business at
18 the request of the employee and with the concurrence of the
19 employer.

20 (9) "Sick leave" means a leave of absence with pay for
21 a sickness suffered by an employee or his immediate family.

22 (10) "Sick-pay plan" means a plan that:

23 (a) provides for an agency to make payments in lieu of
24 wages to employees on account of sickness or accident
25 disability; and

1 (b) meets the requirements of 42 U.S.C. 409(b) or (d).

2 (11) "Transfer" means a change of employment from one
3 agency to another agency in the same jurisdiction without a
4 break in service.

5 (12) "Continuous employment" means working within the
6 same jurisdiction without a break in service of more than 5
7 working days or without a continuous absence without pay of
8 more than 15 working days.

9 (13) "Break in service" means a period of time in
10 excess of 5 working days when the person is not employed and
11 that severs continuous employment."

12 NEW SECTION. **Section 2.** Extension of authority. Any
13 existing authority to make rules on the subject of the
14 provisions of [this act] is extended to the provisions of
15 [this act].

16 NEW SECTION. **Section 3.** Effective date. [This act] is
17 effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB427, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to exempt certain personnel at the Montana School for the Deaf and Blind from the law relating to leave for state employees; amending Section 2-18-601, MCA; and providing an effective date.

ASSUMPTIONS:

1. In MEA vs State of Montana, the judge ruled that teachers at Pine Hills and Mountain View were state employees under current law and entitled to all state benefits including annual leave and paid holidays.
2. Employees who have previously been exempted at the School for the Deaf and Blind would be affected by the court decision.
3. All employees should receive (by the court ruling) 10 paid holidays.
4. All employees should receive (by the court ruling) annual leave figured on .058.

FISCAL IMPACT:

		<u>FY90</u>			<u>FY91</u>	
	<u>Current</u>	<u>Proposed</u>	<u>Difference</u>		<u>Current</u>	<u>Proposed</u>
<u>Expenditures:</u>	<u>Law</u>	<u>Law</u>		<u>Law</u>	<u>Law</u>	<u>Difference</u>
School for the						
Deaf and Blind	\$1,314,593	\$1,192,593	(\$122,000)	\$1,314,686	\$1,192,686	(\$122,000)
<u>Funding:</u>						
General Fund	\$1,314,593	\$1,192,593	(\$122,000)	\$1,314,686	\$1,192,686	(\$122,000)

LONG-RANGE EFFECTS:

Legislation would correct problems created by MEA vs. State of Montana decision and reduce the contingent liability for annual leave and paid holidays.

Ray Shackleford 2/1/89
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE
 OFFICE OF BUDGET AND PROGRAM PLANNING

Ervin Davis 2/3/89
 ERVIN DAVIS, PRIMARY SPONSOR DATE

Fiscal Note for HB427, as introduced

HB 427