

SENATE BILL 360

Introduced by Boylan, et al.

2/07	Introduced
2/07	Referred to Education & Cultural Resources
2/08	Fiscal Note Requested
2/13	Hearing
2/14	Fiscal Note Received
2/16	Fiscal Note Printed
2/17	Committee Report--Bill Passed
2/20	2nd Reading Do Pass Motion Failed
2/20	2nd Reading Indefinitely Postponed

1 *Sen. Steve Anderson* BILL NO. *360*
2 INTRODUCED BY *Sen. Steve Anderson*
3 BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING TEACHERS AND
6 ACADEMIC PERSONNEL EMPLOYED BY YOUTH CORRECTIONAL FACILITIES
7 FROM CERTAIN EMPLOYMENT LEAVE PROVISIONS FOR STATE
8 EMPLOYEES; AMENDING SECTIONS 2-18-603 AND 2-18-611, MCA; AND
9 PROVIDING AN EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 2-18-603, MCA, is amended to read:

13 "2-18-603. Holidays -- observance when falling on
14 employee's day off. (1) Any full-time employee who is
15 scheduled for a day off on a day which is observed as a
16 legal holiday, except Sundays, shall be entitled to receive
17 a day off with pay either on the day preceding the holiday
18 or on another day following the holiday in the same pay
19 period or as scheduled by the employee and his supervisor,
20 whichever allows a day off in addition to the employee's
21 regularly scheduled days off, provided the employee is in a
22 pay status on his last regularly scheduled working day
23 immediately before the holiday or on his first regularly
24 scheduled working day immediately after the holiday.
25 Part-time employees receive pay for the holiday on a

1 prorated basis according to rules adopted by the department
2 of administration or appropriate administrative officer
3 under 2-18-604.

4 (2) For purposes of this section, the term "employee"
5 does not include nonteaching school district employees or
6 teachers and academic personnel employed by the youth
7 correctional facilities established under 53-30-202."

8 **Section 2.** Section 2-18-611, MCA, is amended to read:

9 "2-18-611. Annual vacation leave. (1) Each permanent
10 full-time employee shall earn annual vacation leave credits
11 from the first day of employment. Vacation leave credits
12 earned shall be credited at the end of each pay period.
13 However, employees are not entitled to any vacation leave
14 with pay until they have been continuously employed for a
15 period of 6 calendar months.

16 (2) Seasonal employees shall earn vacation credits.
17 However, such persons must be employed 6 qualifying months
18 before they may use the vacation credits. In order to
19 qualify, such employees must immediately report back for
20 work when operations resume in order to avoid a break in
21 service.

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

25 (4) An employee may not accrue annual vacation leave

1 credits while in a leave-without-pay status.

2 (5) Temporary employees do not earn vacation leave
3 credits, except that a temporary employee who is
4 subsequently hired into a permanent position within the same
5 jurisdiction without a break in service and temporary
6 employees who are employed continuously longer than 6 months
7 may count as earned leave credits for the immediate term of
8 temporary employment.

9 (6) An employee whose hours have been reduced
10 temporarily from 40 hours a week to less than 40 hours a
11 week as a result of a budget deficit accrues annual vacation
12 leave credits as if he were a full-time employee. A
13 reduction in hours resulting from a budget deficit is
14 temporary if it ends on or before the last day of the
15 current fiscal year. (Subsection (6) terminates June 30,
16 1989--sec. 7, Ch. 328, L. 1987.)

17 (7) For the purpose of this section, the term
18 "employee" does not include teachers and academic personnel
19 employed by the youth correctional facilities established
20 under 53-30-202."

21 NEW SECTION. Section 3. Extension of authority. Any
22 existing authority to make rules on the subject of the
23 provisions of [this act] is extended to the provisions of
24 [this act].

25 NEW SECTION. Section 4. Effective date. [This act] is

1 effective July 1, 1989.

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

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STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB360, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

SB360 is an act exempting teachers and academic personnel employed by youth correctional facilities from certain employment leave provisions for state employees.

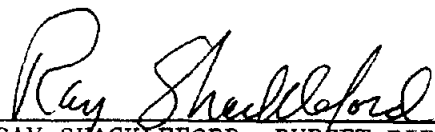
ASSUMPTIONS:

1. If SB360 does not pass, Mountain View and Pine Hills schools will have to pay 11 vacation days and 10 holidays for teachers at the facilities.
2. Funds for payment of the leave has not been included in the department request or in the salary matrix for teachers at state institutions.

FISCAL IMPACT:

If SB360 does not pass, the youth correctional facilities will have to pay teachers and academic personnel the following amount for leave days. These funds are not budgeted in the department's current level.

Mountain View School	\$636/day x 21 days	= \$13,356
Pine Hills School	\$1,200/day x 21 days	= <u>\$25,200</u>
		\$38,556/year



DATE 2/14/89

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE 15 Feb 89

PAUL F. BOYLAN, PRIMARY SPONSOR

Fiscal Note for SB360, as introduced

SB 360