

HOUSE BILL 348

Introduced by Molnar

1/25	Introduced
1/25	Referred to Education & Cultural Resources
1/25	Fiscal Note Requested
1/25	First Reading
1/30	Fiscal Note Received
1/30	Fiscal Note Printed
2/01	Hearing
2/05	Tabled in Committee

1 House BILL NO. 348
2 INTRODUCED BY Brad Molnar
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING A SCHOOL
5 DISTRICT SUPERINTENDENT FROM THE DEFINITION OF EMPLOYEE;
6 AMENDING SECTION 2-18-601, MCA; AND PROVIDING AN IMMEDIATE
7 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) "Break in service" means a period of time in excess
17 of 5 working days when the person is not employed and that
18 severs continuous employment.

19 (3) "Continuous employment" means working within the
20 same jurisdiction without a break in service of more than 5
21 working days or without a continuous absence without pay of
22 more than 15 working days.

23 (4) "Employee" means any person employed by an agency
24 except elected state, county, and city officials, school
25 district superintendents, schoolteachers, and persons

1 contracted as independent contractors or hired under
2 personal services contracts.

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

5 (6) "Holiday" means a scheduled day off with pay to
6 observe a legal holiday, as specified in 1-1-216 or
7 20-1-305, except Sundays.

8 (7) "Part-time employee" means an employee who normally
9 works less than 40 hours a week.

10 (8) "Permanent employee" means an employee who is
11 assigned to a position designated as permanent on the
12 appropriate list of authorized positions referenced in
13 2-18-206 and approved as such in the biennium budget.

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

19 (10) "Sick leave" means a leave of absence with pay for
20 a sickness suffered by an employee or his the employee's
21 immediate family or for a permanent state employee who is
22 eligible for parental leave under the provisions of
23 2-18-606.

24 (11) "Sick-pay plan" means a plan that:

25 (a) provides for an agency to make payments in lieu of

wages to employees on account of sickness or accident disability; and

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

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

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

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

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0348, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act exempting a school district superintendent from the definition of employee.

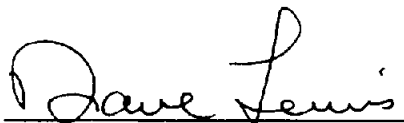
ASSUMPTIONS:

1. School district superintendents presently are hired under personal services contracts.
2. District superintendents may already be exempt from the definition of "employee" as defined in 2-18-601, MCA, if they are certified as a teacher.
3. Therefore, superintendents may not presently be covered by the leave time requirements in Title 2, Chapter 18, Part 6, MCA.
4. Some superintendents, who are not classified as teachers, may be entitled to leave as defined in Title 2, Chapter 18, part 6, MCA.
5. The fiscal impact is not subject to reasonable estimates.
6. This bill clarifies the leave status for district superintendents in existing law.

FISCAL IMPACT: The fiscal impact is not subject to a reasonable estimate.

TECHNICAL NOTES:

A school district superintendent may negotiate leave time as part of the superintendent's contract with his or her employer, the school board.

 1-29-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1-30-92

BRAD MOLNAR, PRIMARY SPONSOR DATE

Fiscal Note for HB0348, as introduced

HB 348