

HOUSE BILL 580

Introduced by Cocchiarella

2/10	Introduced
2/10	Referred to Labor & Employment Relations
2/10	First Reading
2/11	Fiscal Note Requested
2/16	Hearing
2/16	Tabled in Committee
2/17	Fiscal Note Received

1 House BILL NO. 580  
 2 INTRODUCED BY Cacchiarella  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE AMOUNT OF  
 5 LUMP-SUM SICK LEAVE PAYMENTS EMPLOYEES MAY RECEIVE WHEN  
 6 TERMINATING EMPLOYMENT WITH AN AGENCY; AND AMENDING SECTION  
 7 2-18-618, MCA."

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

10 **Section 1.** Section 2-18-618, MCA, is amended to read:

11 "2-18-618. Sick leave. (1) A permanent full-time  
 12 employee earns sick leave credits from the first day of  
 13 employment. For calculating sick leave credits, 2,080 hours  
 14 (52 weeks x 40 hours) equals 1 year. Sick leave credits must  
 15 be credited at the end of each pay period. Sick leave  
 16 credits are earned at the rate of 12 working days for each  
 17 year of service without restriction as to the number of  
 18 working days that may be accumulated. Employees are not  
 19 entitled to be paid sick leave until they have been  
 20 continuously employed 90 days.

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

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

1 (4) Full-time temporary and seasonal employees are  
 2 entitled to sick leave benefits provided they work the  
 3 qualifying period.

4 (5) (a) An employee who terminates employment with the  
 5 agency is entitled to a lump-sum payment equal to one-fourth  
 6 a percentage of the pay attributed to the accumulated sick  
 7 leave, as follows:

<u>Years of employment</u>	<u>Percentage of pay</u>
<u>90 days through 14 years</u>	<u>25%</u>
<u>15 years through 19 years</u>	<u>50%</u>
<u>20 years through 24 years</u>	<u>75%</u>
<u>25 years or more</u>	<u>100%</u>

13 (b) The pay attributed to the accumulated sick leave  
 14 must be computed on the basis of the employee's salary or  
 15 wage at the time he the employee terminates his employment  
 16 with the state, county, or city. Accrual of sick leave  
 17 credits for calculating the lump-sum payment provided for in  
 18 this subsection begins July 1, 1971. The payment is the  
 19 responsibility of the agency in which the sick leave  
 20 accrues. However, an employee does not forfeit any sick  
 21 leave rights or benefits he that the employee had accrued  
 22 prior to July 1, 1971. However, when an employee transfers  
 23 between agencies within the same jurisdiction, he the  
 24 employee is not entitled to a lump-sum payment. In a  
 25 transfer between agencies, the receiving agency shall assume

1 the liability for the accrued sick leave credits earned  
2 after July 1, 1971, and transferred with the employee.

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

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

10 (8) An employee may contribute any portion of his  
11 accumulated sick leave to a nonrefundable sick leave fund  
12 for state employees and becomes eligible to draw upon the  
13 fund if an extensive illness or accident exhausts his the  
14 employee's accumulated sick leave. The department of  
15 administration shall, in consultation with the state  
16 employee group benefits advisory council, provided for in  
17 2-15-1016, administer the sick leave fund and adopt rules to  
18 implement this subsection.

19 (9) A local government may establish and administer  
20 through local rule a sick leave fund into which its  
21 employees may contribute a portion of their accumulated sick  
22 leave."

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