

1 HOUSE BILL NO. 251

2 INTRODUCED BY J. KEANE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE AMOUNT OF SICK LEAVE TO BE PAID AS A
5 LUMP SUM WHEN A STATE OR UNIVERSITY SYSTEM EMPLOYEE TERMINATES SERVICE; AMENDING
6 SECTION 2-18-618, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

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

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

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

22 (5) A short-term worker may not earn sick leave credits.

23 (6) (a) An employee who terminates employment with the agency is entitled to a lump-sum
24 payment equal to ~~one-fourth~~ a percentage of the pay attributed to the accumulated sick leave as provided
25 in subsection (6)(b). The pay attributed to the accumulated sick leave must be computed on the basis of
26 the employee's salary or wage at the time the employee terminates employment with the state, county,
27 or city. Accrual of sick leave credits for calculating the lump-sum payment provided for in this subsection
28 begins July 1, 1971. The payment is the responsibility of the agency in which the sick leave accrues.
29 However, an employee does not forfeit any sick leave rights or benefits accrued prior to July 1, 1971.
30 However, when an employee transfers between agencies within the same jurisdiction, the employee is not

1 entitled to a lump-sum payment. In a transfer between agencies, the receiving agency shall assume the
2 liability for the accrued sick leave credits earned after July 1, 1971, and transferred with the employee.

3 (b) An employee of a state agency is entitled to a lump-sum payment equal to the following
4 percentage of the pay attributed to the accumulated sick leave based on the employee's total years of
5 service with the state as follows:

6 (i) less than 15 years, 25%;

7 (ii) at least 15 but less than 20 years, 50%;

8 (iii) at least 20 but less than 25 years, 75%;

9 (iv) 25 years or more, 100%.

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

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

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

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

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23 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2001.

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