

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PAID MILITARY LEAVE PROVISIONS FOR PUBLIC  
5 EMPLOYEES; PROVIDING THAT UNUSED MILITARY LEAVE CARRIES OVER TO THE NEXT YEAR;  
6 ESTABLISHING A CAP; AMENDING SECTIONS 10-1-603 AND 10-1-604, MCA; AND PROVIDING AN  
7 IMMEDIATE EFFECTIVE DATE."

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

10  
11 **Section 1.** Section 10-1-603, MCA, is amended to read:

12 **"10-1-603. Prohibition to ~~deprive~~ against denying employment to members of organized militia**  
13 **of employment -- entitlement to unpaid leave of absence during state emergency.** (1) A person may not  
14 willfully deprive a member of the organized militia of employment or prevent the member from being employed  
15 or obstruct or annoy a member in respect to the member's trade, business, or employment because of  
16 membership in the organized militia.

17 (2) A person who serves in active state service in the organized militia in time of a disaster or an  
18 emergency declared by the proper authority of the state and not pursuant to orders issued under Title 10 or 32  
19 of the United States Code is entitled to a leave of absence from the person's civilian employment during the  
20 period of that service. Upon termination of service, the person is entitled to reemployment with the same  
21 seniority, status, pay, and vacation as the person would have had if the person had not been absent during the  
22 period of service. However, during the period of service, the person may or may not accrue vacation leave or  
23 other benefits offered by the employer, at the option of the employer. The leave of absence may not be deducted  
24 from any sick leave, vacation leave, or other leave, except from paid military leave provided in 10-1-604 if  
25 requested by the employee, and reinstatement must be in the same position as or a comparable position to the  
26 position that the person held prior to the period of service. ~~This subsection does not entitle a public employee~~  
27 ~~given leave and reinstatement pursuant to this subsection to any pay from the person's civilian employment~~  
28 ~~pursuant to 10-1-604 or other law during the period of service.~~ Nothing in this subsection may be construed to  
29 prevent an employee from voluntarily using accrued vacation leave or other already earned benefits during the  
30 leave of absence.



1 (3) A person may not dissuade any person from enlisting in the organized militia by threatening to injure  
2 or injuring the person's business, employment, or trade."

3  
4 **Section 2.** Section 10-1-604, MCA, is amended to read:

5 **"10-1-604. ~~Leave of absence of~~ Paid military leave for public employees attending training camp**  
6 **~~or similar training program.~~ (1)** A state, city, town, or county employee who is a member of the organized  
7 militia of this state or who is a member of the organized or unorganized reserve corps or military forces of the  
8 United States and who has been an employee for a period of 6 months ~~shall~~ must be given military leave of  
9 absence with pay ~~for a period of time not to exceed~~ accruing at a rate of 15 working days in a calendar year for  
10 ~~attending regular encampments, training cruises, and similar training programs of the organized militia or of the~~  
11 ~~military forces of the United States~~ the performance of any type of military duty that the member is required to  
12 perform.

13 (2) This Military leave may not be charged against the employee's annual vacation time.

14 (3) Unused military leave must be carried over to the next calendar year, but may not exceed a total  
15 of 30 days in a calendar year."

16  
17 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

18 - END -