

## HOUSE BILL NO. 498

INTRODUCED BY D. SANDS

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A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE QUALIFYING PERIOD BEFORE CERTAIN PUBLIC EMPLOYEES MAY USE ACCRUED SICK LEAVE; AND AMENDING SECTION 2-18-618, MCA."

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

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

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

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

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

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

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

(6) Except as otherwise provided in 2-18-1311, an employee who terminates employment with the agency is entitled to a lump-sum payment equal to one-fourth of the pay attributed to the accumulated sick leave. The pay attributed to the accumulated sick leave must be computed on the basis of the employee's salary or wage at the time the employee terminates employment with the state, county, or city. Accrual of sick leave credits for calculating the lump-sum payment provided for in this subsection begins July 1, 1971. The payment is the responsibility of the agency in which the sick leave accrues. However, an employee does not forfeit any sick leave rights or benefits accrued prior to July 1, 1971. However, when an employee transfers between agencies within the same jurisdiction, the employee is not entitled to a lump-sum payment. In a transfer between agencies, the receiving agency shall assume the liability for the accrued sick leave credits earned after July 1, 1971, and transferred with the employee.

1 (7) An employee who receives a lump-sum payment pursuant to this section or who, pursuant to  
 2 2-18-1311, converts unused sick leave to employer contributions to a health care expense trust account and who  
 3 is again employed by any agency may not be credited with sick leave for which the employee has previously been  
 4 compensated or for which the employee has received an employer contribution to the health care expense trust  
 5 account.

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

8 (9) An employee of a state agency may contribute any portion of the employee's accumulated sick leave  
 9 to a nonrefundable sick leave fund for state employees and becomes eligible to draw upon the fund if an  
 10 extensive illness or accident exhausts the employee's accumulated sick leave, irrespective of the employee's  
 11 membership or nonmembership in the employee welfare benefit plan established pursuant to 2-18-1304. The  
 12 department of administration shall, in consultation with the state employee group benefits advisory council,  
 13 provided for in 2-15-1016, administer the sick leave fund and adopt rules to implement this subsection.

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

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 17 **NEW SECTION. Section 2. Saving clause.** [This act] does not affect rights and duties that matured,  
 18 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

19 - END -