

HOUSE JOINT RESOLUTION NO. 11

INTRODUCED BY D. SANDS

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE EFFECT OF THE FEDERAL FAMILY AND MEDICAL LEAVE ACT IN MONTANA AND THE POTENTIAL NEED FOR A MONTANA FAMILY AND MEDICAL LEAVE LAW.

WHEREAS, the federal Family and Medical Leave Act of 1993 recognizes the importance of providing an employee with time off to care for a newborn, adopted, or foster child, to care for a serious health condition affecting the employee or a family member, or for certain events related to the active military duty of a family member; and

WHEREAS, the Family and Medical Leave Act guarantees that employees who take time off under the Act may return to the same job or an equivalent job with equivalent pay and benefits; and

WHEREAS, recent changes in federal regulations for the Family and Medical Leave Act may make it more difficult for employees to take family or medical leave by reducing the types or amount of paid leave an employee may use under the provisions of the Act; and

WHEREAS, the Family and Medical Leave Act applies only to governmental agencies and to private businesses that employ 50 or more people for 20 or more weeks each year; and

WHEREAS, many Montanans work for small businesses that employ fewer than 50 people, meaning they may not be able to take job-protected leave to care for a new family member, their own or a family member's serious health condition, or exigencies arising from a family member's active military duty.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study and make recommendations on:

- (1) how recent changes in federal regulations for the Family and Medical Leave Act will affect the governmental agencies, businesses, and employees covered by the federal law in Montana; and
- (2) whether Montana should create a state-specific law to cover family and medical leave.



