



AN ACT CLARIFYING THAT A STATE EMPLOYEE WHO TERMINATES EMPLOYMENT MAY NOT RECEIVE SEVERANCE PAY, A BONUS, OR ANY OTHER TYPE OF MONETARY PAYMENT EXCEPT AS AUTHORIZED BY LAW; AMENDING SECTION 2-18-621, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 2-18-621, MCA, is amended to read:

"2-18-621. Unlawful termination -- unlawful payments. (1) ~~It shall be~~ is unlawful for an employer to terminate or separate an employee from his employment in an attempt to circumvent the provisions of 2-18-611, 2-18-612, and 2-18-614. ~~Should~~ If a question ~~arise~~ arises under this ~~section~~ subsection, it ~~shall~~ must be submitted to arbitration as provided in Title 27, chapter 5, as if an agreement described in 27-5-114 is in effect, unless there is a collective bargaining agreement to the contrary applicable.

(2) (a) An employee who terminates employment is only entitled to receive:

(i) payments for accumulated wages, vacation leave as provided in 2-18-617, sick leave as provided in 2-18-618, and compensatory time earned as provided in the rules or policies of the employer; and

(ii) if the termination is the result of a reduction in force, severance pay and a retraining allowance as provided for in 2-18-622.

(b) An employee who terminates employment may not receive severance pay, a bonus, or any other type of monetary payment not described in subsection (2)(a)(i) or (2)(a)(ii).

(3) Subsection (2) does not apply to:

(a) retirement benefits;

(b) a payment, settlement, award, or judgment that involves a potential or actual cause of action, legal dispute, claim, grievance, contested case, or lawsuit; or

(c) any other payment authorized by law."

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 0219, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2019.

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 219

INTRODUCED BY BALYEAT, MUSGROVE

AN ACT CLARIFYING THAT A STATE EMPLOYEE WHO TERMINATES EMPLOYMENT MAY NOT RECEIVE SEVERANCE PAY, A BONUS, OR ANY OTHER TYPE OF MONETARY PAYMENT EXCEPT AS AUTHORIZED BY LAW; AMENDING SECTION 2-18-621, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

