

SENATE BILL NO. 246

INTRODUCED BY J. POMNICHOWSKI

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE QUALIFYING PERIOD FOR USE OF ANNUAL VACATION LEAVE AND SICK LEAVE; AMENDING SECTIONS 2-18-611 AND 2-18-618, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-18-611, MCA, is amended to read:

"2-18-611. Annual vacation leave. (1) Each permanent full-time employee shall earn annual vacation leave credits from the first day of employment. Vacation leave credits earned must be credited at the end of each pay period. ~~However, employees are not entitled to any vacation leave with pay until they have been continuously employed for a period of 6 calendar months.~~

(2) Seasonal employees earn vacation credits. ~~However, seasonal employees must be employed for 6 qualifying months before they may use the vacation credits.~~ In order to qualify, seasonal employees shall immediately report back for work when operations resume in order to avoid a break in service.

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

(4) An employee may not accrue annual vacation leave credits while in a leave-without-pay status.

(5) Temporary employees earn vacation leave credits ~~but may not use the credits until after working for 6 qualifying months.~~

(6) A short-term worker or a student intern, as both terms are defined in 2-18-601, may not earn vacation leave credits, and time worked as a short-term worker or as a student intern does not apply toward the person's rate of earning vacation leave credits."

Section 2. 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

1 days for each year of service without restriction as to the number of working days that may be accumulated.

2 ~~Employees are not entitled to be paid sick leave until they have been continuously employed 90 days.~~

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

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

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

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

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

19 (7) An employee who receives a lump-sum payment pursuant to this section or who, pursuant to
20 2-18-1311, converts unused sick leave to employer contributions to a health care expense trust account and who
21 is again employed by any agency may not be credited with sick leave for which the employee has previously been
22 compensated or for which the employee has received an employer contribution to the health care expense trust
23 account.

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

26 (9) An employee of a state agency may contribute any portion of the employee's accumulated sick leave
27 or accumulated vacation leave to a nonrefundable sick leave fund for state employees and becomes eligible to
28 draw upon the fund if an extensive illness or accident exhausts the employee's accumulated sick leave,
29 irrespective of the employee's membership or nonmembership in the employee welfare benefit plan established
30 pursuant to 2-18-1304. The department of administration shall, in consultation with the state employee group

1 benefits advisory council, provided for in 2-15-1016, administer the sick leave fund and adopt rules to implement
2 this subsection.

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

5

6 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2015.

7

- END -