

HOUSE BILL NO. 372

INTRODUCED BY A. DOANE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "EMPLOYEE" FOR THE PURPOSES OF STATE LEAVE TIME TO EXCLUDE COMMUNITY COLLEGE INSTRUCTIONAL OR SCIENTIFIC STAFF; AMENDING SECTIONS 2-18-601 AND 2-18-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 2-18-601, MCA, is amended to read:

"2-18-601. Definitions. For the purpose of this part the following definitions apply:

(1) (a) "Agency" means any legally constituted department, board, or commission of state, county, or city government or any political subdivision of the state.

(b) The term does not mean the state compensation insurance fund.

(2) "Break in service" means a period of time in excess of 5 working days when the person is not employed and that severs continuous employment.

(3) "Common association" means an association of employees established pursuant to 2-18-1310 for the purposes of employer and employee participation in the plan.

(4) "Continuous employment" means working within the same jurisdiction without a break in service of more than 5 working days or without a continuous absence without pay of more than 15 working days.

(5) "Contracting employer" means an employer who, pursuant to 2-18-1310, has contracted with the department of administration to participate in the plan.

(6) "Employee" means any person employed by an agency except elected state, county, and city officials, schoolteachers, members of the instructional or scientific staff of a community college, persons contracted as independent contractors or hired under personal services contracts, and student interns.

(7) "Full-time employee" means an employee who normally works 40 hours a week.

(8) "Holiday" means a scheduled day off with pay to observe a legal holiday, as specified in 1-1-216 or 20-1-305, except Sundays.

(9) "Member" means an employee who belongs to a voluntary employees' beneficiary association



1 established under 2-18-1310.

2 (10) "Part-time employee" means an employee who normally works less than 40 hours a week.

3 (11) "Permanent employee" means a permanent employee as defined in 2-18-101.

4 (12) "Plan" means the employee welfare benefit plan established under Internal Revenue Code section
5 501(c)(9) pursuant to 2-18-1304.

6 (13) "Seasonal employee" means a seasonal employee as defined in 2-18-101.

7 (14) "Short-term worker" means:

8 (a) for the executive and judicial branches, a short-term worker as defined in 2-18-101; or

9 (b) for the legislative branch, an individual who:

10 (i) is hired by a legislative agency for an hourly wage established by the agency;

11 (ii) may not work for the agency for more than 6 months in a continuous 12-month period;

12 (iii) is not eligible for permanent status;

13 (iv) may not be hired into another position by the agency without a competitive selection process; and

14 (v) is not eligible to earn the leave and holiday benefits provided in this part or the group insurance
15 benefits provided in part 7.

16 (15) "Sick leave" means a leave of absence with pay for:

17 (a) a sickness suffered by an employee or a member of the employee's immediate family; or

18 (b) the time that an employee is unable to perform job duties because of:

19 (i) a physical or mental illness, injury, or disability;

20 (ii) maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care
21 for the employee or the employee's child;

22 (iii) parental leave for a permanent employee as provided in 2-18-606;

23 (iv) quarantine resulting from exposure to a contagious disease;

24 (v) examination or treatment by a licensed health care provider;

25 (vi) short-term attendance, in an agency's discretion, to care for a relative or household member not
26 covered by subsection (15)(a) until other care can reasonably be obtained;

27 (vii) necessary care for a spouse, child, or parent with a serious health condition, as defined in the Family
28 and Medical Leave Act of 1993; or

29 (viii) death or funeral attendance of an immediate family member or, at an agency's discretion, another
30 person.

1 (16) "Student intern" means a student intern as defined in 2-18-101.

2 (17) "Temporary employee" means a temporary employee as defined in 2-18-101.

3 (18) "Transfer" means a change of employment from one agency to another agency in the same
4 jurisdiction without a break in service.

5 (19) "Vacation leave" means a leave of absence with pay for the purpose of rest, relaxation, or personal
6 business at the request of the employee and with the concurrence of the employer."

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8 **Section 2.** Section 2-18-711, MCA, is amended to read:

9 **"2-18-711. Cooperative purchasing of employee benefit services and insurance products --**

10 **procedures.** (1) To provide employee group benefits, an agency, as defined in 2-18-601, and the state
11 compensation insurance fund may participate with other agencies, nonprofit organizations, or business entities
12 and in voluntary disability insurance purchasing pools provided for under 33-22-1815 if the agency or the state
13 fund determines that cooperative purchasing is in the agency's or the state fund's best interest.

14 (2) Cooperative purchases under this section may be conducted according to purchasing procedures
15 developed by the participating parties if, for contracts valued at \$20,000 a year or more, purchasing procedures,
16 at a minimum, include:

17 (a) public notice in three major Montana newspapers of requirements for submitting bids or offers; and

18 (b) consideration of all submitted bids or offers.

19 (3) For purposes of this section, "employee" also means a schoolteacher or a member of the instructional
20 or scientific staff of a community college."

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22 **NEW SECTION. Section 3. Effective date -- applicability.** [This act] is effective on passage and
23 approval and applies to contracts entered into and signed on or after [the effective date of this act].

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