

PAID SICK LEAVE, PAID FAMILY LEAVE

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex, and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: A 2020 report for the National Conference of State Legislatures notes that paid leave is available to less than 20% of the U.S. workforce, but unpaid leave was available to nearly 90% of workers in 2018. Paid leave can be for sick leave or parental/family leave.

The Family Medical Leave Act enacted by Congress in 1993 provides layoff protections for about 60% of the workforce (primarily workers in companies that employ 50 or more workers), the NCSL report says, but FMLA only protects a person's ability to return to their job after 12 weeks of leave in a year for time off required for personal or family medical reasons, for newborn care or time to bond in a new adoption. The leave is not required to be paid. One of the first acts that Congress passed in response to the COVID-19 concerns would allow paid sick leave under certain circumstances related to personal or family COVID-19 infections.

NCSL said in 2018 that 10 states plus the District of Columbia require private employers to provide some form of paid sick leave. A [RocketLawyer.com blog](#) noted in 2020 that 15 states (or municipalities within those states) plus the District of Columbia require employers (of a certain number of workers – varied by state) to offer paid leave of some type. Some of the laws indicate smaller businesses may have to offer unpaid leave.

Legislative Services Division Materials: None

Other Materials:

National Conference of State Legislatures (NCSL)

Accessed 10/2020: <https://www.ncsl.org/research/labor-and-employment/time-off-to->

care.aspx?utm_source=National+Conference+of+State+Legislatures&utm_campaign=04f4f58d35-09_OCTOBER_2020_NCSL_TODAY&utm_medium=email&utm_term=0_1716623089-04f4f58d35-377777400

Accessed 10/2020: <http://www.ncsl.org/research/labor-and-employment/paid-sick-leave.aspx>

Paid Sick Leave Laws by State and Recent Federal Legislation, March 23, 2020, by RocketLawyer.com

Montana Business Quarterly: "Struggling to Get Paid Time Off: Montana Falls Short in Providing Family Leave," by Daphne Herling, Summer 2018, www.montanabusinessquarterly.com

Introduced Legislation

*Chapter number assigned means bill was passed and approved.

2019

[HB 208](#) – (Died in Process) - "AN ACT CREATING A MONTANA FAMILY AND MEDICAL LEAVE INSURANCE ACT; CREATING AN ENTERPRISE FUND WITH CONTRIBUTIONS FROM NONEXEMPT EMPLOYERS AND EMPLOYEES; PROVIDING CRITERIA FOR BENEFIT ELIGIBILITY, DURATION OF BENEFITS, COORDINATION OF BENEFITS, AND TERMS FOR MAKING CONTRIBUTIONS; IMMUNIZING THE STATE FROM TOTAL FUND LIABILITY IN CASE OF INSOLVENCY; PROVIDING THE COMMISSIONER OF LABOR AND INDUSTRY WITH THE DUTY TO DETERMINE AND MAINTAIN FUND SOLVENCY; EXTENDING PROTECTIONS FOR JOB RIGHTS AND HEALTH INFORMATION PRIVACY TO THOSE USING BENEFITS; PROVIDING FOR PUBLIC OUTREACH AND NOTIFICATIONS; PROVIDING PENALTIES FOR MISREPRESENTATIONS AND FAILURE TO FORWARD CONTRIBUTIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 2-18-606, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

2017

[HB 392](#) – (Died in Standing Committee) - "AN ACT CREATING A MONTANA FAMILY AND MEDICAL LEAVE INSURANCE ACT; CREATING AN ENTERPRISE FUND WITH CONTRIBUTIONS FROM NONEXEMPT EMPLOYERS AND EMPLOYEES; PROVIDING CRITERIA FOR BENEFIT ELIGIBILITY, DURATION OF BENEFITS, COORDINATION OF BENEFITS, AND TERMS FOR MAKING CONTRIBUTIONS; IMMUNIZING THE STATE FROM TOTAL FUND LIABILITY IN CASE OF INSOLVENCY; PROVIDING THE COMMISSIONER OF LABOR AND INDUSTRY WITH THE DUTY TO DETERMINE AND MAINTAIN FUND SOLVENCY; EXTENDING PROTECTIONS FOR JOB RIGHTS AND HEALTH INFORMATION PRIVACY TO THOSE USING BENEFITS; PROVIDING FOR PUBLIC OUTREACH AND NOTIFICATIONS; PROVIDING PENALTIES FOR MISREPRESENTATIONS AND FAILURE TO FORWARD CONTRIBUTIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 2-18-606, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

2015

[SB 197](#) – (Missed Deadline for General Bill Transmission) - "AN ACT REVISING PAID LEAVE LAWS; REQUIRING CERTAIN EMPLOYERS TO ALLOW EMPLOYEES TO USE PAID LEAVE TO ADDRESS SITUATIONS RELATED TO DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING SITUATIONS OR TO CARE FOR FAMILY MEMBERS; AND PROVIDING AN APPLICABILITY DATE."

[SB 246](#) – (Missed Deadline for General Bill Transmission) - "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."

2013

SB 221 – (Died in Standing Committee) - "AN ACT REQUIRING EMPLOYERS THAT OFFER PAID LEAVE AND THAT REQUIRE A REASON FOR TAKING PAID LEAVE TO INCLUDE BEING A VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING AS AN ALLOWABLE REASON FOR TIME OFF."

2011 - None

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