

1 SENATE BILL NO. 87

2 INTRODUCED BY D. HARVEY

3 BY REQUEST OF THE LEGISLATIVE COUNCIL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE STATE GENERAL ELECTION DAY AS A
6 HOLIDAY FOR LEGISLATIVE EMPLOYEES; PROVIDING FOR AN ANNUAL FLOATING HOLIDAY FOR
7 QUALIFIED LEGISLATIVE EMPLOYEES; REVISING THE DEFINITION OF "HOLIDAY"; AMENDING
8 SECTIONS 2-18-601 AND 2-18-603, MCA; AND PROVIDING AN EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 2-18-601, MCA, is amended to read:

13 **"2-18-601. Definitions.** For the purpose of this part, the following definitions apply:

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

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

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

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

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

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

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

- 1 (7) "Floating holiday" means an annual scheduled day off with pay as provided for in ~~2-18-603(3)~~
2 ~~2-18-603~~ for an employee of an agency specified in 2-18-101(1) or for an employee of an entity of the
3 legislative branch consolidated as provided for in 5-2-504.
- 4 (8) "Full-time employee" means an employee who normally works 40 hours a week.
- 5 (9) "Holiday" means:
- 6 (a) for employees of an agency specified in 2-18-101(1) and employees of an entity of the
7 legislative branch consolidated, as provided in 5-2-504, a scheduled day off with pay to observe a legal holiday,
8 as specified in 1-1-216(1)(a) through (1)(k), except Sundays; or
- 9 (b) for all other employees, a scheduled day off with pay to observe a legal holiday, as specified in
10 1-1-216 or 20-1-305, except Sundays.
- 11 (10) "Member" means an employee who belongs to a voluntary employees' beneficiary association
12 established under 2-18-1310.
- 13 (11) "Part-time employee" means an employee who normally works less than 40 hours a week.
- 14 (12) "Permanent employee" means a permanent employee as defined in 2-18-101.
- 15 (13) "Plan" means the employee welfare benefit plan established under Internal Revenue Code
16 section 501(c)(9) pursuant to 2-18-1304.
- 17 (14) "Seasonal employee" means a seasonal employee as defined in 2-18-101.
- 18 (15) "Short-term worker" means:
- 19 (a) for the executive and judicial branches, a short-term worker as defined in 2-18-101; or
- 20 (b) for the legislative branch, an individual who:
- 21 (i) may be hired by a legislative agency without using a competitive process for an hourly wage
22 established by the agency;
- 23 (ii) may not work for the agency for more than 6 months in a continuous 12-month period;
- 24 (iii) is not eligible for permanent status;
- 25 (iv) may not be hired into a permanent position by the agency without a competitive selection
26 process;
- 27 (v) is not eligible to earn the leave and holiday benefits provided in this part; and
- 28 (vi) may be discharged without cause.

- 1 (16) "Sick leave" means a leave of absence with pay for:
- 2 (a) a sickness suffered by an employee or a member of the employee's immediate family; or
- 3 (b) the time that an employee is unable to perform job duties because of:
- 4 (i) a physical or mental illness, injury, or disability;
- 5 (ii) maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical
- 6 care for the employee or the employee's child;
- 7 (iii) parental leave for a permanent employee as provided in 2-18-606;
- 8 (iv) quarantine resulting from exposure to a contagious disease;
- 9 (v) examination or treatment by a licensed health care provider;
- 10 (vi) short-term attendance, in an agency's discretion, to care for a relative or household member
- 11 not covered by subsection (16)(a) until other care can reasonably be obtained;
- 12 (vii) necessary care for a spouse, child, or parent with a serious health condition, as defined in the
- 13 Family and Medical Leave Act of 1993; or
- 14 (viii) death or funeral attendance of an immediate family member or, at an agency's discretion,
- 15 another person.
- 16 (17) "Student intern" means a student intern as defined in 2-18-101.
- 17 (18) "Temporary employee" means a temporary employee as defined in 2-18-101.
- 18 (19) "Transfer" means a change of employment from one agency to another agency in the same
- 19 jurisdiction without a break in service.
- 20 (20) "Vacation leave" means a leave of absence with pay for the purpose of rest, relaxation, or
- 21 personal business at the request of the employee and with the concurrence of the employer."

22

23 **Section 2.** Section 2-18-603, MCA, is amended to read:

24 **"2-18-603. Holidays -- observance when falling on employee's day off -- floating holiday.** (1) (a)

25 A full-time employee who is scheduled for a day off on a day that is observed as a legal holiday, except

26 Sundays, is entitled to receive a day off with pay either on the day preceding the holiday or on another day

27 following the holiday in the same pay period or as scheduled by the employee and the employee's supervisor,

28 whichever allows a day off in addition to the employee's regularly scheduled days off, provided the employee is

1 in a pay status on the employee's last regularly scheduled working day immediately before the holiday or on the
2 employee's first regularly scheduled working day immediately after the holiday.

3 (b) Part-time employees receive pay for the holiday on a prorated basis according to rules adopted
4 by the department of administration or appropriate administrative officer under 2-18-604.

5 (c) A short-term worker or student intern may not receive holiday pay.

6 (2) For purposes of this section, the term "employee" does not include nonteaching school district
7 employees.

8 (3) According to policies adopted by the department of administration:

9 (a) each full-time employee of an agency specified in 2-18-101(1) is entitled to one floating holiday
10 each calendar year;

11 (b) each part-time employee of an agency specified in 2-18-101(1) is entitled to one floating
12 holiday each calendar year that must be calculated proportionately to the floating holiday allowed to a full-time
13 employee;

14 (c) unused floating holiday leave expires at the end of each calendar year, does not accrue, and is
15 not paid out to employees on termination of employment; and

16 (d) a short-term worker or student intern may not receive a floating holiday.

17 (4) According to policies adopted by the legislative branch:

18 (a) each full-time employee of an entity of the legislative branch consolidated, as provided in 5-2-
19 504, is entitled to one floating holiday each calendar year;

20 (b) each part-time employee of an entity of the legislative branch consolidated as provided in 5-2-
21 504 is entitled to one floating holiday each calendar year that must be calculated proportionately to the floating
22 holiday allowed to a full-time employee;

23 (c) unused floating holiday leave expires at the end of each calendar year, does not accrue, and is
24 not paid out to employees on termination of employment; and

25 (d) a short-term worker or student intern may not receive a floating holiday."

26
27 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2025.

28 - END -