

HOUSE BILL NO. 64

INTRODUCED BY W. STAHL

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF ADMINISTRATION TO ADOPT RULES FOR LOANING EMPLOYEES BETWEEN AGENCIES; AND AMENDING SECTION 2-18-102, MCA."

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

**Section 1.** Section 2-18-102, MCA, is amended to read:

**"2-18-102. Personnel administration -- general policy setting -- rulemaking authority.** (1) Except as otherwise provided by law or collective bargaining agreement, the department shall:

(a) encourage and exercise leadership in the development of effective personnel administration within the several agencies in the state and make available the facilities of the department to this end;

(b) foster and develop programs for recruitment and selection of capable persons for employment and for the improvement of employee effectiveness, including training, ethical conduct, safety, health, counseling, welfare, discipline, grievances, and evaluation for productivity and retention in permanent status;

(c) foster, develop, and promote job sharing in agencies;

(d) investigate from time to time the operation and effect of parts 1 and 2 of this chapter and the policies made under those parts and report the findings and recommendations to the governor;

(e) establish policies, procedures, and forms for the maintenance of records of all employees in the state service;

~~(f) adopt administrative rules regarding the loaning of employees between agencies and assigning responsibility for salary and benefits;~~

~~(f)(g)(F)~~ apply and carry out parts 1 and 2 and the policies under those parts and perform any other lawful acts that may be necessary or desirable to carry out the purposes and provisions of parts 1 and 2.

~~(2) THE DEPARTMENT SHALL ADOPT ADMINISTRATIVE RULES REGARDING THE LOANING OF EMPLOYEES BETWEEN AGENCIES AND ASSIGNING RESPONSIBILITY FOR SALARY AND BENEFITS. THE RULES MAY NOT ALLOW AGENCIES TO LOAN EMPLOYEES IN EXCESS OF 3 MONTHS EXCEPT FOR EMPLOYEES LOANED FOR FIRES OR OTHER DECLARED EMERGENCIES.~~

~~(2)(3)~~ The department may delegate authority granted to it under parts 1 and 2 to agencies in the state



1 service that effectively demonstrate the ability to carry out the provisions of parts 1 and 2, provided that the  
2 agencies remain in compliance with policies, procedures, timetables, and standards established by the  
3 department.

4 ~~(3)~~(4) The department shall develop and issue personnel policies for the state and shall adopt rules to  
5 implement this part, except 2-18-111. Adequate public notice must be given to all interested parties of proposed  
6 changes or additions to the personnel policies before the date on which they are to take effect. If requested by  
7 any of the affected parties, the department shall schedule a public hearing on proposed changes or additions to  
8 the personnel policies before the date on which they are to take effect.

9 ~~(4)~~(5) The department shall develop model rules of conduct for all state employees based upon the  
10 provisions of Title 2, chapter 2. The department shall provide employees with a pamphlet summarizing the  
11 provisions of Title 2, chapter 2. Each state agency shall adopt the model rules of conduct and additional rules  
12 appropriate to the specific circumstances of the agency."

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