

VERIFYING PRIOR SERVICE TO BE APPLIED TO THE ANNUAL LEAVE RATE EARNED

Time worked with other Montana public-sector employers may count toward the rate at which an employee earns annual vacation leave credits. Time which counts includes employment by a state agency, the university system, a city, county, town, school district, or any other public jurisdiction which is covered by and provides annual leave to its employees under [2-18-611](#) and [2-18-612](#), Montana Code Annotated. For additional information, see 2-18-612, MCA, Rate Earned and [Annual Vacation Leave Policy](#), III,B.6. Determining Years of Service.

A *covered employee* is any person employed by an agency except elected state, county, and city officials, schoolteachers, persons contracted as independent contractors or hired under personal services contracts, short-term workers, and student interns.

An *agency* is any legally constituted department, board, or commission of state; county, or city government; or any political subdivision thereof. Note: Human Rights Development Council (HRDC) entities in Butte and Missoula are political subdivisions and therefore service in these two locations does apply. The others HRDC entities are not political subdivisions and therefore service HRDC entities other than Butte or Missoula do not apply.

Service with federal agencies, other states' agencies, or their political subdivisions does not apply.

Military service

Time in military service may count if it interrupts eligible public employment. The employee must leave a Montana public employer and return to that same employer within 90 days of release for the military leave time to apply. See [2-18-614](#), MCA.

University system

Most professional and administrative employees of the Montana University System accrue leave time based on state law. As long as a university system employee accrues leave time based on the statutory rate, the time worked with the university system applies. An eligible university system employee who worked an entire *academic year* is entitled to a full year's (12 full months') credit toward the rate earned, even though the academic year may have been 9 or 10 months long. Persons who work for the University as independent contractors or under personal service contracts may not apply that service.

School districts

Time worked as a school teacher is excluded by the law.

Time worked in a school district by other employees may apply. An eligible school employee who worked an entire *academic year* is entitled to a full year's (12 full months') credit toward the rate earned. As long as a school district employee accrues leave time based on the statutory rate, the time worked with the district applies. Time worked as an independent contractor or under a personal services contract will not apply as public-service time.

I. WHAT TIME MAY APPLY?

- A. Section [2-18-612](#), Montana Code Annotated, provides that in most cases you may apply all time as a state, county, or city employee or employee of another jurisdiction of the State of Montana to the rate at which you will earn annual (vacation) leave. Such employment may have been interrupted.
- B. Section [2-18-614](#), Montana Code Annotated, provides that, "a period of absence from employment with the state, county, or city occurring either during a war involving the United States or in any other national emergency and for 90 days thereafter...is considered as service for the purpose of determining the number of years of employment used in calculating vacation leave credits."

You must be employed by the state, county, or city immediately prior to serving with the armed forces and return to that same service within 90 days after separation or discharge.

II. SUPPLYING DOCUMENTATION.

THE EMPLOYEE MUST PROVIDE DOCUMENTATION OF PRIOR MONTANA PUBLIC EMPLOYMENT OR MILITARY SERVICE TIME TO BE CREDITED TOWARD THE RATE AT WHICH YOU EARN ANNUAL (VACATION) LEAVE WITH THIS AGENCY.

III. HOW DOES AN EMPLOYEE CERTIFY PRIOR MONTANA PUBLIC EMPLOYMENT OR ELIGIBLE MILITARY SERVICE?

- A. If you have prior employment with another Montana public employer, complete the appropriate sections of the attached certification [form](#) and send a copy to each former employer, requesting certification of your employment.
- B. If you have prior eligible military service time, you must provide a copy of the certification form completed by your prior Montana public employer and a copy of your military separation or discharge papers (commonly, Form DD-214), which shows the dates you entered and were separated from the military.
- C. When you provide appropriate documentation of eligible prior public employment hours and/or military service hours, those hours will be added to your employment hours to calculate the future rate at which you earn annual leave. Your leave credit balance and your accrual rate will **not** be adjusted retroactively. You will begin earning leave at an adjusted scale, where appropriate, at the beginning of the next pay period.