

## Sherley, Laura

---

**From:** Davis, Karol Anne <karol.anne.davis@mt.gov>  
**Sent:** Friday, April 17, 2026 4:58 PM  
**To:** Sherley, Laura  
**Subject:** RE: MT Criminal Justice Oversight Council - Proposed statutory changed  
**Attachments:** DRAFT CJOC PD2.2 - For Review Only.pdf

Good afternoon, Laura -

Hope you week went well. Below is our feedback on the attached draft.

Under current statute, employees can already use accrued sick leave for things like mental health-related absences, specifically, anything involving examination or treatment by a licensed health care provider (Section V). The proposed Section IX would add coverage for "preventative medical or mental health care." It would be helpful to understand what Section IX is meant to cover that isn't already captured by Section V.

The proposed language is broad, which could lead to some gray areas for employees and managers trying to figure out what qualifies as "preventative medical or mental health care." For example, under current law if an employee wants to take time off to go hiking, they would generally use accrued vacation leave; however, under the proposed amendment, that same employee may argue that the time off for hiking falls into sick leave as "mental health care." In practice, that kind of ambiguity can sometimes push employers toward requesting medical documentation for absences that wouldn't normally require it. Adding some definitions or concrete examples of qualifying circumstances would assist in consistent application.

There are a couple of cost considerations worth flagging. First, broader qualifying criteria for sick leave could shift how employees use their leave meaning some absences that would have come out of vacation balances might instead come out of sick leave. That matters at separation, because accrued sick leave is paid out at 25%, while vacation leave is paid out at 100%. If vacation balances grow as a result, the State's payout liability at separation would grow with them. Second, the broader scope of the proposed language at the end could also set a precedent, creating a basis for future requests, whether from employees or employee organizations, to expand sick leave benefits further.

We hope these notes are useful as you move through the review process. SHRD is happy to provide additional information or answer any questions you might have.

Have a great weekend!



**KAROL ANNE DAVIS** | Administrator  
State Human Resources Division  
Department of Administration  
DESK 406.444.3885  
[website](#) | [map](#) | [email](#) | [facebook](#)