

HOUSE BILL 415

Introduced by Stickney, et al.

1/28	Introduced
1/28	Referred to Appropriations
1/29	First Reading
1/29	Fiscal Note Requested
1/29	Rereferred to Education & Cultural Resources
2/04	Fiscal Note Received
2/04	Fiscal Note Printed
2/06	Hearing
2/19	Committee Report--Bill Passed
2/20	Rereferred to Appropriations
3/12	Hearing
3/23	Tabled in Committee

1 House BILL NO. 415  
 2 INTRODUCED BY Michael J. Blagden  
 3 Whalen Hyman Wasson Brown Quarles

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE  
 5 DEPARTMENT OF FAMILY SERVICES TO ADOPT PAY SCHEDULES FOR THE  
 6 TEACHERS AT MOUNTAIN VIEW AND PINE HILLS SCHOOLS; PROVIDING  
 7 AN APPROPRIATION; AMENDING SECTION 2-18-303, MCA; AND  
 8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 **Section 1.** Section 2-18-303, MCA, is amended to read:

12 "2-18-303. Procedures for utilizing pay schedules. (1)  
 13 The pay schedules provided in 2-18-312 must be implemented  
 14 as follows:

15 (a) The pay schedules provided in 2-18-312 indicate the  
 16 annual compensation for the fiscal years ending June 30,  
 17 1990, and June 30, 1991, for each grade and step for  
 18 positions classified under the provisions of part 2 of this  
 19 chapter.

20 (b) Each new employee shall advance from step 1 to step  
 21 2 of a grade after successfully completing 6 months of  
 22 probationary service. The anniversary date of an employee  
 23 must be established at the end of the probationary period in  
 24 accordance with rules promulgated by the department.

25 (c) (i) The compensation of each employee on the first

1 day of the first pay period in fiscal year 1990 is that  
 2 amount corresponding to the grade and step occupied on the  
 3 last day of fiscal year 1989.

4 (ii) The compensation of each employee on the first day  
 5 of the first pay period in fiscal year 1991 is that amount  
 6 corresponding to the grade and step occupied on the last day  
 7 of fiscal year 1990.

8 (2) The pay schedules provided in 2-18-312 and the  
 9 provisions of subsection (1) do not apply to those teachers,  
 10 liquor store occupations, or blue-collar occupations  
 11 compensated under the pay schedules provided in 2-18-313  
 12 through 2-18-315.

13 (3) The pay schedules provided in 2-18-313 through  
 14 2-18-315 must be implemented as follows:

15 (a) (i) The pay schedules provided for in 2-18-313  
 16 indicate the annual compensation for the contracted school  
 17 term for teachers employed under the authority of the  
 18 department of institutions or the department of family  
 19 services for fiscal years ~~1990~~ 1992 and ~~1991~~ 1993.

20 (ii) On the first day of the first pay period in July  
 21 1989 of each fiscal year, each teacher shall advance three  
 22 steps one step on the appropriate pay schedule ~~for fiscal~~  
 23 ~~year 1990 from the step that he occupied on June 30, 1989~~  
 24 adopted pursuant to subsection (6).

25 ~~(iii) The compensation of each teacher on the first day~~

1 of-the--first--pay--period--in--July--1990--is--that--amount  
2 corresponding--to--his--level--of--academic--achievement--and--the  
3 step--occupied--on--June--30--1990-

4 (b) (i) The pay schedules provided in 2-18-314 indicate  
5 the maximum hourly compensation for fiscal years ending June  
6 30, 1990, and June 30, 1991, for those employees in liquor  
7 store occupations who have collectively bargained separate  
8 classification and pay plans.

9 (ii) The compensation of each employee on the first day  
10 of the first pay period in fiscal year 1990 or 1991 is that  
11 amount corresponding to the grade occupied on the last day  
12 of the preceding fiscal year.

13 (c) (i) The pay schedules provided in 2-18-315 indicate  
14 the maximum hourly compensation for fiscal years ending June  
15 30, 1990, and June 30, 1991, for employees in apprentice  
16 trades and crafts and other blue-collar occupations  
17 recognized in the state blue-collar classification plan who  
18 are members of units that have collectively bargained  
19 separate classification and pay plans.

20 (ii) The compensation of each employee on the first day  
21 of the first pay period in fiscal year 1990 or 1991 is that  
22 amount corresponding to the grade occupied on the last day  
23 of the preceding fiscal year.

24 (4) (a) (i) A member of a bargaining unit may not  
25 receive the amounts indicated in the respective pay

1 schedules provided in 2-18-312 through 2-18-315 until the  
2 bargaining unit of which he is a member ratifies a  
3 completely integrated collective bargaining agreement  
4 covering the biennium ending June 30, 1991.

5 (ii) If negotiation and ratification of a completely  
6 integrated collective bargaining agreement as required by  
7 subsection (4)(a)(i) are not completed by July 1, 1989,  
8 retroactivity to that date may be negotiated.

9 (iii) If negotiation and ratification of a completely  
10 integrated collective bargaining agreement as required by  
11 subsection (4)(a)(i) are not completed by July 1, 1989,  
12 members of the bargaining unit involved must continue to  
13 receive the compensation they were receiving as of June 30,  
14 1989.

15 (b) Methods of administration not inconsistent with the  
16 purpose of this part and necessary to properly implement the  
17 pay schedules provided in 2-18-312 through 2-18-315 may be  
18 provided for in collective bargaining agreements.

19 (5) The current wage or salary of an employee may not  
20 be reduced by the implementation of the pay schedules  
21 provided for in 2-18-312 through 2-18-315.

22 (6) (a) Notwithstanding 2-18-313 and subsection (3)(a)  
23 of this section, the department of family services shall  
24 adopt a pay schedule for the teachers at Mountain View and  
25 Pine Hills schools, as provided in subsection (6)(b).

1 (b) The department of family services shall:

2 (i) adopt a pay schedule for the teachers at Mountain  
3 View school that is equal to the pay schedule for teachers  
4 in Helena school district No. 1 in effect in the year  
5 preceding each new biennium; and

6 (ii) adopt a pay schedule for the teachers at Pine Hills  
7 school that is equal to the pay schedule for teachers in  
8 Miles City school district No. 1 in effect in the year  
9 preceding each new biennium.

10 (c) A teacher must be placed on the adopted pay  
11 schedule according to his educational training and years of  
12 experience, not to exceed step 13 of the adopted schedule.

13 ~~†6†~~(7) The department may authorize a separate pay  
14 schedule for medical doctors if the rates provided in  
15 2-18-312 are not sufficient to attract and retain fully  
16 licensed and qualified physicians at the state institutions.

17 ~~†7†~~(8) The department may develop programs that enable  
18 the department to mitigate problems associated with  
19 difficult recruitment, retention, transfer, or other  
20 exceptional circumstances. Insofar as the program may apply  
21 to employees within a collective bargaining unit, it is a  
22 negotiable subject under 39-31-305.

23 ~~†8†~~(9) The department shall review the competitiveness  
24 of the compensation provided to registered nurses and other  
25 occupations under this part. If the department finds that

1 substantial problems exist with recruitment and retention  
2 because of inadequate salaries when compared to competing  
3 employers, the department may establish criteria allowing an  
4 adjustment in pay or classification to mitigate the  
5 problems. Insofar as these adjustments may apply to  
6 employees within a collective bargaining unit, the  
7 implementation of these adjustments is a negotiable subject  
8 under 39-31-305."

9 NEW SECTION. Section 2. Appropriation. There is  
10 appropriated \$1,310,334 for the biennium ending June 30,  
11 1993, from the general fund to the department of family  
12 services for salary increases for the teachers at Mountain  
13 View and Pine Hills schools.

14 NEW SECTION. Section 3. Effective date. [This act] is  
15 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0415, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The Department of Family Services would be required to adopt pay schedules for the teachers at Mountain View and Pine Hills Schools; providing an appropriation; amending Section 2-18-303, MCA; and providing an immediate effective date.

ASSUMPTIONS:

1. Current salaries were increased by 8% to cover extra pay for vacation and holiday pay amounts for nine month teachers. This pay augmentation was negotiated into the current contract following a court order and is presumed to continue.
2. The PPP system data are accurate for figuring the correct length of service to place FTE at the correct grade and step as required by the bill.
3. The current vacation and holiday pay amounts average 8% over the base salary in the executive budget and this is projected to hold true for the 1993 biennium.
2. Benefits calculated by Pine Hills School average 18.3% of salary.
3. The cost is derived by placing each FTE on the appropriate pay matrix (Miles City District #1 or Helena District #1 for 1990-91) and multiplying the matrix totals first by 1.08 and then that sum times 1.183. All FTE are advanced one step on the matrix for each year of the 1993 biennium and the same process was followed to arrive at the total cost.

FISCAL IMPACT:

Department of Family Services:


	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Personal Services	614,668	780,844	166,176	614,668	804,383	189,715
<u>Funding:</u>						
General Fund	614,668	780,844	166,176	614,668	804,383	189,715

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

This legislation would potentially take bargaining of salaries out of the hands of the Department of Administration and base state expenditures on local school district negotiation results. Further, the effect would be to establish multiple salary matrices for employees doing the same job for the same employer.

TECHNICAL NOTES:

No pay matrix is included in the bill. Since the effective date for this bill is "upon passage", one possible interpretation would require that all teachers would need to be accorded immediate adjustments as to their placement on the appropriate pay matrix. The fiscal impact of \$355,891 does not include such an interpretation. The appropriation is \$1,310,334.

 2-4-91  
 ROD SUNDSTED, BUDGET DIRECTOR DATE  
 Office of Budget and Program Planning

 2-4-91  
 JESSICA STICKNEY, PRIMARY SPONSOR DATE

Fiscal Note for HB0415, as introduced

**HB 415**

RE-REFERRED AND APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

House BILL NO. 415

INTRODUCED BY Whalen, Hickey, Blagden, Moyal, Hoyer, ...

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FAMILY SERVICES TO ADOPT PAY SCHEDULES FOR THE TEACHERS AT MOUNTAIN VIEW AND PINE HILLS SCHOOLS; PROVIDING AN APPROPRIATION; AMENDING SECTION 2-18-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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Section 1. Section 2-18-303, MCA, is amended to read:

"2-18-303. Procedures for utilizing pay schedules. (1) The pay schedules provided in 2-18-312 must be implemented as follows:

(a) The pay schedules provided in 2-18-312 indicate the annual compensation for the fiscal years ending June 30, 1990, and June 30, 1991, for each grade and step for positions classified under the provisions of part 2 of this chapter.

(b) Each new employee shall advance from step 1 to step 2 of a grade after successfully completing 6 months of probationary service. The anniversary date of an employee must be established at the end of the probationary period in accordance with rules promulgated by the department.

(c) (i) The compensation of each employee on the first

day of the first pay period in fiscal year 1990 is that amount corresponding to the grade and step occupied on the last day of fiscal year 1989.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1991 is that amount corresponding to the grade and step occupied on the last day of fiscal year 1990.

(2) The pay schedules provided in 2-18-312 and the provisions of subsection (1) do not apply to those teachers, liquor store occupations, or blue-collar occupations compensated under the pay schedules provided in 2-18-313 through 2-18-315.

(3) The pay schedules provided in 2-18-313 through 2-18-315 must be implemented as follows:

(a) (i) The pay schedules provided for in 2-18-313 indicate the annual compensation for the contracted school term for teachers employed under the authority of the department of institutions or the department of family services for fiscal years 1990 1992 and 1991 1993.

(ii) On the first day of the first pay period in July 1989 of each fiscal year, each teacher shall advance three steps one step on the appropriate pay schedule for fiscal year 1990 from the step that he occupied on June 30, 1989 adopted pursuant to subsection (6).

(iii) The compensation of each teacher on the first day

1 of the first pay period in July 1990 is that amount  
2 corresponding to his level of academic achievement and the  
3 step occupied on June 30, 1990.

4 (b) (i) The pay schedules provided in 2-18-314 indicate  
5 the maximum hourly compensation for fiscal years ending June  
6 30, 1990, and June 30, 1991, for those employees in liquor  
7 store occupations who have collectively bargained separate  
8 classification and pay plans.

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