

SENATE BILL 74

Introduced by Towe, et al.

1/11	Introduced
1/12	Referred to Labor & Employment Relations
1/12	First Reading
1/24	Hearing
1/30	Committee Report--Bill Passed as Amended
1/31	2nd Reading Do Pass Motion Failed
1/31	2nd Reading Indefinitely Postponed

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2 INTRODUCED BY

SENATE BILL NO. 74
Sen. Blaylock *Orville Hughes*
Donna Dolezal *Bob Ferguson*

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN EMPLOYER
5 TO PROVIDE THE REPRESENTATIVE OF A LABOR ORGANIZATION AN
6 EQUAL AMOUNT OF TIME TO MEET WITH EMPLOYEES IN ORDER TO
7 RESPOND TO INFORMATION INTENDED TO DISCOURAGE EMPLOYEES FROM
8 VOTING FOR CERTIFICATION OF THE LABOR ORGANIZATION AS THEIR
9 EXCLUSIVE REPRESENTATIVE IN COLLECTIVE BARGAINING WITH THE
10 EMPLOYER."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. **Section 1.** Purpose. The purpose of
14 [sections 1 through 5] is to protect the right of employees
15 to self-organization for the purpose of collective
16 bargaining through a representative of their own choosing
17 and to assure that this right is exercised free from any
18 interference by an employer.

19 NEW SECTION. **Section 2.** Definitions. For purposes of
20 [sections 1 through 5], unless the context requires
21 otherwise, the following definitions apply:

- 22 (1) "Employee" means a person who is employed to
23 provide services for hire to an employer.
24 (2) "Employer" means a firm, corporation, organization,
25 or person who employs the services of another for hire,

1 including any person acting directly or indirectly in the
2 interest of an employer in relation to an employee. The term
3 does not include the United States or any instrumentality or
4 wholly owned corporation of the federal government.

5 (3) "Labor organization" means an organization or
6 association in which employees participate that exists for
7 the primary purpose of representing employees in collective
8 bargaining with their employer concerning wages, rates of
9 pay, hours of employment, or conditions of work.

10 NEW SECTION. **Section 3.** Duty of employer. An employer
11 shall provide the representative of a labor organization an
12 equal amount of time to meet with employees during working
13 hours in order to respond to information presented by the
14 employer that is intended to discourage employees from
15 voting for certification of the labor organization as their
16 exclusive representative in collective bargaining with the
17 employer.

18 NEW SECTION. **Section 4.** Investigation and enforcement.

19 (1) The board of personnel appeals shall investigate
20 complaints and enforce [section 3] in all cases involving
21 complaints against:

- 22 (a) a public employer as defined in 39-31-103; or
23 (b) a health care facility as defined in 39-32-102.

24 (2) The department of labor and industry shall
25 investigate complaints and enforce [section 3] in all cases

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1 involving complaints against an employer who is not
2 described in subsection (1).

3 NEW SECTION. Section 5. Applicability of state law.
4 [Sections 1 through 5] apply to all employers in Montana
5 except as may be prohibited under the National Labor
6 Relations Act (29 U.S.C. 151, et seq.) or the Railway Labor
7 Act (45 U.S.C. 151, et seq.).

8 NEW SECTION. Section 6. Codification instruction.
9 [Sections 1 through 5] are intended to be codified as an
10 integral part of Title 39, chapter 33, and the provisions of
11 Title 39, chapter 33, apply to [sections 1 through 5].

12 NEW SECTION. Section 7. Severability. If a part of
13 [this act] is invalid, all valid parts that are severable
14 from the invalid part remain in effect. If a part of [this
15 act] is invalid in one or more of its applications, the part
16 remains in effect in all valid applications that are
17 severable from the invalid applications.

-End-

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

SENATE BILL NO. 74

INTRODUCED BY TOWE, BLAYLOCK, DRISCOLL, HARRINGTON,
WANZENRIED, DOLEZAL, KILPATRICK, PIPINICH

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN EMPLOYER
TO PROVIDE THE REPRESENTATIVE OF A LABOR ORGANIZATION AN
EQUAL AMOUNT OF TIME TO MEET WITH EMPLOYEES IN ORDER TO
RESPOND TO INFORMATION INTENDED TO DISCOURAGE EMPLOYEES FROM
VOTING FOR CERTIFICATION OF THE LABOR ORGANIZATION AS THEIR
EXCLUSIVE REPRESENTATIVE IN COLLECTIVE BARGAINING WITH THE
EMPLOYER; AND PROVIDING THAT IT IS AN UNFAIR LABOR PRACTICE
FOR A PUBLIC EMPLOYER OR HEALTH CARE FACILITY TO VIOLATE THE
REQUIREMENTS OF THIS ACT."

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

NEW SECTION. Section 1. Purpose. The purpose of
[sections 1 through 5] is to protect the right of employees
to self-organization for the purpose of collective
bargaining through a representative of their own choosing
and to assure that this right is exercised free from any
interference by an employer.

NEW SECTION. Section 2. Definitions. For purposes of
[sections 1 through 5], unless the context requires
otherwise, the following definitions apply:

(1) "Employee" means a person who is employed to

provide services for hire to an employer.

(2) "Employer" means a firm, corporation, organization,
or person who employs the services of another for hire,
including any person acting directly or indirectly in the
interest of an employer in relation to an employee. The term
does not include the United States or any instrumentality or
wholly owned corporation of the federal government.

(3) "Labor organization" means an organization or
association in which employees participate that exists for
the primary purpose of representing employees in collective
bargaining with their employer concerning wages, rates of
pay, hours of employment, or conditions of work.

NEW SECTION. Section 3. Duty of employer. An employer
shall provide the representative of a labor organization an
equal amount of time to meet with employees during working
hours in order to respond to information presented by the
employer that IN MEETINGS THAT EMPLOYEES ARE REQUIRED TO
ATTEND DURING WORKING HOURS IF THE INFORMATION is intended
to discourage employees from voting for certification of the
labor organization as their exclusive representative in
collective bargaining with the employer.

NEW SECTION. Section 4. Investigation and enforcement.

(1) The board of personnel appeals shall investigate
complaints and enforce [section 3] in all cases involving
complaints against:

- 1 (a) a public employer as defined in 39-31-103; or
- 2 (b) a health care facility as defined in 39-32-102.

3 (2) IT IS AN UNFAIR LABOR PRACTICE FOR PURPOSES OF
4 39-31-401 OR 39-32-109 FOR AN EMPLOYER WHO IS DESCRIBED IN
5 SUBSECTION (1) TO VIOLATE THE REQUIREMENTS OF [SECTION 3].

6 ~~(2)~~(3) The department of labor and industry shall
7 investigate complaints and enforce [section 3] in all cases
8 involving complaints against an employer who is not
9 described in subsection (1).

10 NEW SECTION. Section 5. Applicability of state law.

11 [Sections 1 through 5] apply to all employers in Montana
12 except as may be prohibited under the National Labor
13 Relations Act (29 U.S.C. 151, et seq.) or the Railway Labor
14 Act (45 U.S.C. 151, et seq.).

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16 [Sections 1 through 5] are intended to be codified as an
17 integral part of Title 39, chapter 33, and the provisions of
18 Title 39, chapter 33, apply to [sections 1 through 5].

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20 [this act] is invalid, all valid parts that are severable
21 from the invalid part remain in effect. If a part of [this
22 act] is invalid in one or more of its applications, the part
23 remains in effect in all valid applications that are
24 severable from the invalid applications.

-End-