

MINUTES OF THE MEETING
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

March 12, 1987

The eighteenth meeting of the Labor and Employment Relations Committee was called to order by Chairman Lynch on March 12, 1987, at 1:00 p.m. in Room 413/415 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 699: Sponsor, Representative Norm Wallin, House District 78, stated this bill is an act to exclude outside salesmen from overtime compensation requirements of the state wage law.

PROPOSERS: Mr. George Moore, representing Montana Press Association, stated the employees' success depends on their own personal initiative and resourcefulness. This type situation exists with advertising sales people. This bill attempts to address the situation of overtime and enhance the marketing climate. It would make the work of the sales person more rewarding, professionally and financially.

Mr. Bob Bullock, representing the Bozeman Chronicle, said he worked for the Detroit News where he worked on a salary basis. He has learned advertising revenues are available to a newspaper at different times of the year for different amounts. He would adapt his schedule to be available to get those dollars when they are best reached. Mr. Bullock stated he has found a 40 hour week and an 8 hour day do not fit into that schedule. If this bill passes, it will help him personally, and it will help him do the best job.

Mr. Ron Scoles, representing the Billings Gazette, feels it would be detrimental to his performance if he was limited to an 8 hour day. He would like to be able to see his clients when it is convenient for them. He urged the committee to support this bill.

Mr. Richard Robbins, representing the Billings Gazette, stated the system is basically flawed.

Mr. Fred Lynch, representing himself, urged support of the committee.

Mr. Gary Selleck, representing The Missoulian newspaper, stated he supports this bill. He said people working in his field put in the time necessary to get the job done, and that is usually more than a 40 hour work week.

Lorretta Breslin, representing the Billings Gazette, stated the people she represents want to be treated as professionals to make their own decisions about their work time and to do their job to the best of their ability. Being restricted to a 40 hour work week does not permit them to work to their full potential.

OPPONENTS: Mr. Oliver D. Jones, III, representing himself, stated he is employed by the Independent Record in Helena. Mr. Jones stated under the current guidelines he is an hourly salesman. He is not paid commissions except for performances over and above the previous year. Currently he is involved in litigation against the Independent Record concerning this matter. Mr. Jones feels this bill would be detrimental to the people working in the Helena area because they are hourly employees. Also, there is no clear definition of an outside sales person or what they are paid.

Ms. Virginia Knight, representing her husband, who is an employee at the Helena Independent Record, stated their concern is with the lack of what constitutes the definition of an outside sales person. Her husband is paid an hourly wage, but asked how the hourly employees would be compensated for their overtime. These hourly employees are not on a commission, so they need to be compensated for their overtime.

Ms. Gladys Martinsen, representing herself, stated she is employed by The Independent Record and they are not sure the amount of work that will be required of them in their 8 hour day. They should be compensated for the overtime they work.

QUESTIONS (OR DISCUSSION) ON HOUSE BILL 699: Senator Lynch stated he does not feel the opponents are in the same category as the proponents. He suggested there be an amendment that would direct this piece of legislation to people receiving commissions, and not affect the people working for an hourly wage.

Mr. Moore stated an amendment is possible, but the situation is the original commission involved the intent of the employee and the employer to hold the work to a 40 hour work week.

Mrs. Knight asked how the employees overtime would be effected if this bill passed. Senator Lynch stated this bill could take away for their overtime.

Mr. Moore stated he believes the Federal Fair Labor Standard Act would go into effect concerning hourly employees' overtime. There is a definition of outside sales persons under the Fair Labor Standards Act which is a person who spends 80% or more of their time out of the office. The federal law states anyone who works over 40 hours per week must receive overtime unless they are outside sales people. (See Exhibit 1).

Senator Manning asked Mr. Jones to respond to the question. Mr. Jones stated he does 75% of his work in the office.

Senator Thayer asked Mr. Moore if each newspaper in the state has different policies. Mr. Moore replied yes.

Senator Blaylock suggested there be an amendment with a clear definition of employees being excluded from overtime.

Rep. Wallin stated he feels the bill does not need to be amended.

Senator Haffey asked Mr. Killoy, representing the Montana Standard, if they are on salary. Mr. Killoy stated The Montana Standard employees are on salary, but if they work more than 40 hours per week, they receive overtime. Senator Haffey asked Mr. Killoy if this bill passes, would those employees remain on salary. Mr. Killoy replied no. Senator Haffey asked Mr. Mike Bolher, representing Dee Enterprises, Inc., if the employer could order their employee to work more than 8 hours per day. Mr. Bolher replied no, the employer could not order the employee to work 12 hours per day. This bill would just allow employees to work a longer day if he chose to work longer. Senator Haffey asked Mr. Bolher if, under any circumstance, would this bill cause any hardship on sales people. Mr. Bolher replied no.

Senator Lynch asked Rep. Wallin if this bill is primarily for the newspaper industry. Rep. Wallin replied yes. Senator Lynch suggested the amendment that a salesman paid on a commission or contract basis, who is primarily engaged in selling advertisements for radio or television employers. Mr. Bolher thought it could cover their situation.

There being no further questions, Rep. Wallin closed.

CONSIDERATION OF HOUSE BILL NO. 640: Rep. Bernie Swift, House District 64, sponsor of the bill, stated this bill changes the reporting date of an injury from 60 days to 14 days. The reason for the change is because with the 60 day period there is a build up of the backlog cases. Currently there is a problem with latent injuries, but it should be taken care of with this bill.

PROPOSERS: Mr. George Wood, representing the Montana Self-Insurers Association, stated 14 days is a reasonable time to report to the supervisor if you are injured. The prime reason for the 14 days is to avoid dispute whether the injured person reported the accident, and it will help in awarding the benefits from Workers' Compensation. Also, this is an aid to the employer because he can begin an investigation of the accident and make any necessary changes that are needed. The quicker the notice, the easier it is for insurance agencies to try to reconstruct circumstances. He urged the committee to support this bill.

OPPOSERS: Mr. Karl Englund, representing the Montana Trial Lawyers Association, stated the 60 day notice requirement is similar to a statute of limitations and is designed to work well for both parties. Currently 60 days has worked well for the system, and if the time is shortened it will cause problems for both the employees and the employers. Mr. Englund is not sure this bill will be of benefit to anyone.

Mr. Jim Murry, representing the Montana AFL-CIO, gave testimony in opposition to this bill. His testimony is attached as Exhibit 2.

Mr. Bob Robinson stated he did an informal research to find the average time of reporting an injury. There are no official statistics, but it is believed 90-95% of the injuries are reported to their employer between one and three days of occurrence of the injury. Currently, most people report their injury within the 60 days. 26 of the 50 states have a 30 day notice. What should be decided is a judgement of what is a fair amount of time. Mr. Robinson explained the reason they feel 60 days is too long. He stated 30 days would be better than the 60 days.

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 640: Senator Haffey asked Mr. George Wood the reason for the 60 day limit. Mr. Wood explained this was decided a number of years ago due to a problem with latent injuries. It was thought an injury would show up within 60 days; however, it has not proven to be true.

Senator Keating asked Mr. Wood if latent injuries are covered under another area. Mr. Wood replied latent injuries are covered by the facts of each individual case. There are some court cases that set guidelines for latent injuries, but like most court cases, the interpretation varies.

Senator Kating asked Mr. Wood if the 60 day reporting time did not effect the latent injury. Mr. Wood replied no, all it does is cause difficulties.

Senator Lynch asked Mr. Wood if this has to be a written notice. Mr. Wood replied no, but most employers have a log book to keep records and they require the injured worker to sign the log book when reporting an injury.

Senator Thayer asked Mr. Englund if the committee recommended a 30 day limit of reporting an injury. Mr. Englund stated his opposition is directly related to the amount of time, so he would like 30 days better than 14 days.

Senator Thayer asked Mr. Murry if the 30 day limit was recommended, would that change his view from an opponent to a proponent. Mr. Murry stated they would much rather see 30 days than the 14 days. He stated when an employee is laid off and then reports a previous injury, the burden of proof still rests with the employee. If the employee was truly injured on the job, the employee deserves the Workers' Compensation benefits.

Senator Gage asked Mr. Robinson what was the average amount of time employees are taking to report their injury. Mr. Robinson stated the average time is probably within a week, and the majority of time, the supervisor knows immediately when it happens.

Senator Haffey stated he doesn't see a problem with the current statute if within a weeks time, 90-95% of the injured employees report their accident. Senator Keating said laws are not needed for the 95%, but they are needed for the 5%.

Senator Thayer asked Mr. Wood if he feels some of the reports of latent injuries are reported as a result of a visit to their attorney's office. Mr. Wood replied yes, there are actual cases where this happens, but Mr. Wood does not feel this is a major problem. With the 95%, reporting goes

smoothly; it is the 5% that is what causes the unnecessary litigation.

Senator Gage asked Mr. Robinson if the cause for litigations is due to the 5% who have allowed a long period of time to expire. Mr. Robinson stated the employers he has dealt with claim an injury did not occur, and they feel the claimant would not have filed if they were not laid off.

Mr. Englund stated if it is an obvious injury, then there is no litigation. If there is a case that was not reported, it could be the claimant did not want to report it as he might not have known how seriously he was injured. This results in a more complicated situation.

Senator Lynch asked Mr. Englund if an employee is seriously injured and taken to a hospital and is in the hospital for two weeks, but does not notify the boss, how would this situation be handled. Mr. Englund stated this is considered to be actual knowledge.

Rep. Swift closed by stating this bill will get the injured worker to report the injury as soon as possible. He urged the committee to support this bill.

CONSIDERATION OF HOUSE BILL NO. 689: Rep. Bernie Swift, House District No. 64, sponsor of the bill, stated this bill is an act to clarify the independent contractor status. When a person elects that status, they go through a waiver process for an exemption through the department. The present language is not clear. The reason there is a problem is when a person gets the exemption, it can be lost. Once you elect exemption in the waiver, it must be clarified from that point on. This gives the employer a clear situation of where the employee is. This bill will clarify the language.

PROPONENTS: Mr. Bob Robinson, representing the Workers' Compensation Division, stated this bill will clarify the responsibilities of the person who claims to be an independent contractor, and it will also reduce the burden the Division will have of proving the independent contractor's request.

Mr. George Wood, representing the Montana Self-Insurers Association, stated people are independent contractors until they are injured, and then they want to be an employee. This bill will help clarify the definition of independent contractor.

OPPONENTS: There were no opponents present.

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 689: Senator Keating asked Mr. Bob Robinson if this bill will expose the person who claims to be an employee only after he has been injured. Mr. Robinson stated this may do that, but mostly this bill will pick up on the person who claims to be an independent contractor until something happens, and then claim to be an employee. Senator Gage asked if there is a reason there is no effective date for this bill. Rep. Swift stated there is no specific reason, it was just overlooked.

Rep. Swift closed by urging the committee to support this bill.

DISPOSITION OF HOUSE BILL NO. 689: Senator Thayer made a motion that House Bill 689 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

FURTHER DISCUSSION OF HOUSE BILL NO. 640: Senator Blaylock suggested amending the bill from 14 days to report the injury, to 30 days.

DISPOSITION OF HOUSE BILL NO. 640: Senator Blaylock made a motion to adopt the amendment. The motion carried 6-2. See attached roll call vote sheet.

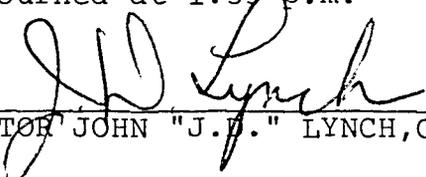
Senator Keating made a motion that House Bill 640 AND AS AMENDED, BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

FURTHER DISCUSSION OF HOUSE BILL NO. 699: Senator Lynch stated there is an amendment to insert a new section into the bill, under exemptions an outside sales person paid on commission or on a contract basis, who is primarily employed in selling advertisements for a newspaper.

DISPOSITION OF HOUSE BILL NO. 699: Senator Keating made a motion to adopt the amendments. The motion carried unanimously.

Senator Manning made a motion that House Bill 699 AND AS AMENDED, BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT: There being no further business to come before the committee, the hearing adjourned at 1:35 p.m.



SENATOR JOHN "J.D." LYNCH, Chairman

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date March 12, 1987 Bill No. HB 1040 Time 2:00

<u>NAME</u>	<u>YES</u>	<u>NO</u>
John "J.D." Lynch, Chairman	X	
Gene Thayer, Vice Chairman	X	
Richard Manning	X	
Thomas Keating	X	
Chet Blaylock	X	
Delwyn Gage	X	
Jack Haffey	X	
Jack Galt	X	

Julie Rademacher
Secretary

John "J.D." Lynch
Chairman

Motion: _____
Be Concurred In, And So Amended.
Done

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date March 12, 1987 Bill No. HR 1640 Time 2:00

<u>NAME</u>	<u>YES</u>	<u>NO</u>
John "J.D." Lynch, Chairman	X	X
Gene Thayer, Vice Chairman	X	X
Richard Manning	X	
Thomas Keating	X	
Chet Blaylock	X	
Delwyn Gage	X	
Jack Haffey	X	
Jack Galt		X

Julie Rademacher
Secretary

John "J.D." Lynch
Chairman

Motion: Amendments

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date March 12, 1987 Bill No. HB 689 Time 2:00 p.m.

<u>NAME</u>	<u>YES</u>	<u>NO</u>
John "J.D." Lynch, Chairman	X	
Gene Thayer, Vice Chairman	X	
Richard Manning	X	
Thomas Keating	X	
Chet Blaylock	X	
Delwyn Gage	X	
Jack Haffey	X	
Jack Galt	X	

Julie Rademacher
Secretary

John "J.D." Lynch
Chairman

Motion: Be Concurred In
(Thayer)

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date March 12, 1987 Bill No. #B 699 Time 2:00

<u>NAME</u>	<u>YES</u>	<u>NO</u>
John "J.D." Lynch, Chairman		
Gene Thayer, Vice Chairman		
Richard Manning		
Thomas Keating		
Chet Blaylock		
Delwyn Gage		
Jack Haffey		
Jack Galt		

Julie Rademacher
Secretary

John "J.D." Lynch
Chairman

Motion: Be Concurred In
And As Amended
(Boylan)

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date March 12, 1957 Bill No. HB 699 Time 2:00

<u>NAME</u>	<u>YES</u>	<u>NO</u>
John "J.D." Lynch, Chairman	X	
Gene Thayer, Vice Chairman	X	
Richard Manning	X	
Thomas Keating	X	
Chet Blaylock	X	
Delwyn Gage	X	
Jack Haffey	X	
Jack Galt	X	

Julie Rademacher
Secretary

John "J.D." Lynch
Chairman

Motion: Amendments

STANDING COMMITTEE REPORT

March 12,

87

19.....

MR. PRESIDENT

LABOR AND EMPLOYMENT RELATIONS

We, your committee on.....

HOUSE BILL

699

having had under consideration.....

No.....

third reading copy (blue)
color

EXCLUDE OUTSIDE SALESMEN FROM OVERTIME COMPENSATION REQUIREMENTS

(WALLIN) (BOYLAN)

Respectfully report as follows: That HOUSE BILL.....

No. 699.....

be amended as follows:

1. Title, line 5.
Following: "EXCLUDE"
Insert: "CERTAIN NEWSPAPER"

2. Title, line 6.
Following: line 5
Strike: "MEDIA OUTSIDE"

3. Page 3, lines 10 through 13.
Strike: subsection (d) in its entirety
Insert: "(d) an outside salesman paid on a commission
or contract basis who is primarily employed in selling
advertising for a newspaper;"

**AND AS AMENDED,
BE CONCURRED IN**

~~XXXXXX~~
~~DO PASS~~

~~XXXXXX~~
~~DO NOT PASS~~

Sen. John "J.D." Lynch

Chairman.

STANDING COMMITTEE REPORT

March 12,

87

19.....

MR. PRESIDENT

We, your committee on.....**LABOR AND EMPLOYMENT RELATIONS**.....

having had under consideration.....**HOUSE BILL**..... No. **640**.....

third reading copy (blue)
color

REQUIRE WORKER TO NOTIFY OF INJURY WITHIN 24 HOURS TO CLAIM WORKERS' COMP.

(SWIFT) (GAGE)

Respectfully report as follows: That...**HOUSE BILL**..... No. **640**.....

be amended as follows:

1. Title, line 6.

Strike: "14"

Insert: "30"

2. Page 1, line 13.

Strike: "14"

Insert: "30"

3. Page 1, line 16.

Strike: "14"

Insert: "30"

**AND AS AMENDED,
BE CONCURRED IN**

~~DO PASS~~

~~DO NOT PASS~~

.....
Sen. John "J.D." Lynch

Chairman.

STANDING COMMITTEE REPORT

March 12, 1987

MR. PRESIDENT

We, your committee on **LABOR AND EMPLOYMENT RELATIONS**

having had under consideration **HOUSE BILL** No. **689**

third reading copy (**blue**)
color

**WORKERS' COMP. INDEPENDENT CONTRACTOR EXEMPTION EFFECTIVE UNTIL CHANGED
SWIFT (THAYER)**

Respectfully report as follows: That **HOUSE BILL** No. **689**

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXX~~

.....
Sen. John "J.D." Lynch Chairman.

part of Labor that such employment of under- age minors was unlawful. *Mashburn v Tribble* (1953, DC Ga) 24 CCH Lab Cas ¶ 67873.

Secretary of Labor was entitled to permanent injunction restraining defendant employer from violating child labor provisions of Fair Labor Standards Act, where employer had violated such provisions by employing, suffering, and permitting "oppressive child labor" to work in production of goods for interstate commerce, despite fact that employer was part-time family business manufacturing hamper tops for vegetable storage and shipment, employing extra help only during business seasons, and was not prosperous manufacturer seeking to increase wealth by paying low wages and using child labor, but on contrary, like employees, wore "the yoke of poverty," and struggled for existence, not for wealth. *Mitchell v Thaxton* (1958, DC Ga) 34 CCH Lab Cas ¶ 71313.

Secretary of Labor was entitled to injunction permanently enjoining defendant employer, his agents, servants, employees, and all persons acting or claiming to act on his behalf and interest, from violating child labor provisions of Fair Labor Standards Act, where it was shown that defendant employer had violated provisions of 29 USCS § 212(c) by employing "oppressive child labor" during school hours in harvesting of tomatoes for commerce, and had violated provisions of 29 USCS § 212(a) by delivering tomatoes for shipment in commerce within 30 days of their employment. *Mitchell v Carmichael* (1958, DC Ill) 36 CCH Lab Cas ¶ 65042.

Secretary of Labor was entitled to injunction permanently restraining defendant employer from violating child labor provisions of Fair Labor Standards Act through employment of children during school hours in picking of figs.

213. Exemptions

The provisions of sections 6 (except section 6(d) in the case of paragraph (1) of this subsection) and 7 [29 USCS §§ 206, 207] shall not apply with respect to—

- (1) any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act except than [that] an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in

fact that violations had ceased prior to institution of suit not making case moot, since defendant intended to continue to expose himself to risk of employing oppressive child labor in future by continuing to use minor children, although he indicated that hours would be restricted to non-school time, and fact of exception to child labor provisions of Fair Labor Standards Act permitting children to work in agriculture outside of school hours making it all the more mandatory that child labor provisions be strictly enforced as to employment during school hours. *Mitchell v Munier* (1958, DC Cal) 38 CCH Lab Cas ¶ 65781.

Injunction against violations of child labor provisions of Fair Labor Standards Act would be granted, where employer was custom broker of wool and mohair who employed, suffered, and permitted to work in and about his place of business four minors under age of 16 years, in loading on and unloading from trucks of wool and mohair for out-of-state purchasers. *Mitchell v Witting* (1961, DC Tex) 42 CCH Lab Cas ¶ 31071.

Secretary of Labor was entitled to permanent injunction against violations of child labor provisions of Fair Labor Standards Act, where defendant farm operator employed children under 16 years of age to pick cotton, substantial quantity of which was shipped in interstate commerce, and children were employed during school hours, and where violations of Act continued to occur even after defendant employer had been informed thereof by investigator for Wage and Hour division of Department of Labor, and after employer had given assurances that such violations would cease. *Goldberg v Daniels* (1962, DC Ga) 45 CCH Lab Cas ¶ 31314.

his workweek which he devotes to activities not directly or close related to the performance of executive or administrative activities, less than 40 per centum of his hours worked in the work-week a devoted to such activities); or

(2) any employee employed by any retail or service establishment (except an establishment or employee engaged in laundering, cleaning, repairing clothing or fabrics or an establishment engaged in the operation of a hospital, institution, or school described in section 3(s)(4) [29 USCS § 203(s)(4)]), if more than 50 per centum of such establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located, and such establishment is not in an enterprise described in section 3(s) [29 USCS § 203(s)] or such establishment has an annual dollar volume of sales which is less than \$225,000 (exclusive of excise taxes at the retail level which are separately stated). A "retail or service establishment" shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry; or

(3) any employee employed by an establishment which is an amusement or recreational establishment, if (A) it does not operate for more than seven months in any calendar year, or (B) during the preceding calendar year, its average receipts for any six months of such year were not more than 33 1/3 per centum of its average receipts for the other six months of such year; or

(4) any employee employed by an establishment which qualifies as an exempt retail establishment under clause (2) of this subsection and is recognized as a retail establishment in the particular industry notwithstanding that such establishment makes or processes at the retail establishment the goods that it sells: Provided, That more than 85 per centum of such establishment's annual dollar volume of sales of goods so made or processed is made within the State in which the establishment is located; or

(5) any employee employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or in the first processing, canning or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee; or

(6) any employee employed in agriculture (A) if such employee is employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than five hundred man-days of agriculture labor, (B) if such employee is the parent, spouse, child, or other member of his employer's immediate family, (C) if such employee (i) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. _____
DATE 3/12/87
BILL NO. HB 699



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF JIM MURRY ON HOUSE BILL 640 BEFORE THE SENATE LABOR AND EMPLOYMENT
RELATIONS COMMITTEE, MARCH 12, 1987

Mr. Chairman, members of the committee, my name is Jim Murry and I am testifying today on behalf of the Montana State AFL-CIO in opposition to House Bill 640.

The Montana State AFL-CIO believes that the requirement for workers to give notice of their injuries within 14 days to their employer or employer's insurer is unfair and inadequate.

Originally, this bill would have required workers to give notice within 24 hours of an injury. The 24-hour notice mandate was unworkable and extremely unfair to those who suffer on-the-job injuries.

We are glad that the House of Representatives increased the time period for notification to 14 days. However, we still believe that the 14-day notice period is too short a time frame for workers to file notices of their injuries. Currently, under the 60-day filing period, a worker may postpone filing a claim until he or she determines that medical attention is essential. We are all aware of instances where an on-the-job injury is just "shook off" after a few days and the employee doesn't file for workers' compensation or even miss a day of work.

Shortening the notification period to 14 days will encourage workers to file workers' compensation claims, if only to protect themselves. It seems to us that we must expect the numbers of claims filed will increase with added administrative costs resulting for the Workers' Compensation Division.

There are many injuries, particularly "soft tissue" injuries, that may take more than 14 days to adequately detect and diagnose. Back injuries can take days or even weeks to ascertain. If we arbitrarily limit the filing period to 14 days, many workers who have legitimate claims will be disqualified from Workers' Compensation coverage.

Members of the committee, we agree that the workers' compensation system is in need of certain changes. However, it is our belief that proposals such as House Bill 640 will only place an added burden, not only on workers but employers as well.

House Bill 640 as amended restricts access to the workers' compensation system for workers who receive on-the-job injuries. We believe strongly that all workers with legitimate injuries should be covered under workers' compensation.

Workers should not be encouraged to file claims that may ultimately turn out to be frivolous.

For these compelling reasons, we ask you to give House Bill 640 a "do not pass" recommendation.

SENATE LABOR & EMPLOYMENT
FILE NO. 2
DATE 3/12/87
BILL NO. HB 640

NAME: RON SCOLES DATE: 3/12/87

ADDRESS: 1125 TERRY AVE

PHONE: 259-1644

REPRESENTING WHOM? BIGS, GAZETTE

APPEARING ON WHICH PROPOSAL: HB699

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Richard Robbins DATE: 3-12-87

ADDRESS: 1204 HOWARD, BILLINGS, MT

PHONE: 252-0928

REPRESENTING WHOM? Billings Gazette

APPEARING ON WHICH PROPOSAL: HB699

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: As an advertising media outside salesman, I feel the reporting process is a flawed waste of time.

I make my living by my wits. I do not need others to speak for me.

I want to be responsible for my own actions.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: LORRETTA BRESLIN DATE: MARCH 12, 1987

ADDRESS: P.O. BOX 2507 - BILLINGS MT 59103

PHONE: 657-1234

REPRESENTING WHOM? BILLINGS GAZETTE

APPEARING ON WHICH PROPOSAL: H.B. 699

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

