

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Senator Richard Manning, on January 29, 1991,
at 1:05 p.m.

ROLL CALL

Members Present:

Richard Manning, Chairman (D)
Thomas Towe, Vice Chairman (D)
Gary Aklestad (R)
Chet Blaylock (D)
Gerry Devlin (R)
Thomas Keating (R)
J.D. Lynch (D)
Dennis Nathe (R)
Bob Pipinich (D)

Members Excused: Senator Gary Aklestad (R) at 1:25 p.m.

Staff Present: Tom Gomez (Legislative Council).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: Chairman Manning informed the
Committee that today's agenda would be Executive Action of
Senate Bills 73, 74, and 75.

EXECUTIVE ACTION ON SENATE BILL 73

Motion:

Senator Towe moved amendment SB007304.ATG.

Discussion:

Senator Pipinich called for the Question.

Amendments, Discussion, and Votes:

NONE.

Recommendation and Vote:

Roll Call Vote was UNANIMOUS. Senator Nathe not present.

Motion:

Senator Towe moved amendment SB007303.ATG with the following insertion under item 4. Page 1, line 21.

(3) [Section 1] does not apply to persons employed in the broadcast media.

Discussion:

Senator Lynch told the Committee that there are no problems in the school districts in Montana, but that they would have to include in an agreement that breaks would not require them to extend their workday. Senator Lynch stated his concern to limit this legislation to address workers not being extended this benefit instead of "trying to harass everybody".

Senator Towe pointed out that those employers already allowing breaks would not be affected.

Senator Lynch said workers were getting breaks but not as specifically as stated in this bill.

Senator Keating questioned what workers were not getting breaks. Senator Towe referred to the construction workers on the coker plant at Conoco. Senator Keating stated that this bill would not apply to the construction workers at the coker plant, because there is a collective bargaining agreement.

Senator Devlin stated that all the people getting breaks now cannot be exempted, and unless those not getting breaks were more narrowly defined, the labor force and employers would be disrupted.

Senator Keating pointed out that this bill narrowly defines the time period in which they take their break or lunch. Senator Keating said the specific language could cause problems for employers who have been fairly giving breaks.

Senator Lynch told the Committee that most employees do not have a collective bargaining agreement. He said that with an 8 to 5 job this bill would mandate a 10:30 a.m. and 2:30 p.m. coffee break. He pointed out that this may also make it difficult for contract negotiations, by forcing it into collective bargaining agreements.

Senator Towe explained the intent is for those not getting breaks to have a right under state law to insist on it every 2 1/2 hours. It addresses those specifically denied breaks after requesting one.

Senator Keating proposed that it say "every employer will allow a fifteen minute coffee break for their employee at a time convenient to both". He explained that he was not going to vote for this because he felt the employer will take care of the employee if the employee is doing the job.

Senator Lynch proposed that it say "any employee presently being denied rest time, coffee break during the day this law shall apply to".

Senator Pipinich asked to ask questions of Bob Heiser, United Food and Commercial Workers International Union. Senator Pipinich asked Mr. Heiser how he felt about the amendment. Mr.

Heiser explained that almost all of their labor contracts call for a ten minute rest period in addition to a lunch period. He explained problems occurred with the fifteen minute break given at the discretion of the employer and that mutual agreements do not work. He told the Committee that there is employer intimidation as to when the employee would take their break. He said their labor agreements say "the employee will be allowed a coffee break no sooner than one hour after the start of the shift; no later than two and one-half hours".

Senator Keating asked Mr. Heiser why unions would support this bill when collective bargaining units would be excluded. Mr. Heiser said the unions are in favor of the legislation in order to give those not covered under a collective bargaining agreement the opportunity to have breaks.

Senator Keating asked Mr. Heiser what evidence there was that those non-union workers want unions arguing on their behalf. Mr. Heiser said the union has been contacted by some not covered and that not all labor agreements have breaks in them.

Senator Keating asked if Mr. Heiser had any contracts that say that breaks would be given every two and one-half hours. Mr. Heiser told the Committee that their contracts state "no later than two and one-half hours after the start of the shift and no sooner than one hour". Senator Keating said that gives flexibility, unlike this bill.

Senator Devlin suggested discontinuing action until further amendments are put forth. Senator Towe agreed that amendments would clarify what has been discussed.

EXECUTIVE ACTION ON SENATE BILL 74

Motion:

Senator Towe moved amendment sb007401.atg (lower case sb).

Discussion:

Senator Keating asked if this is consistent with the National Labor Relations Board. Senator Towe explained it was, because the NLRB did not have jurisdiction over state employees.

Senator Pipinich called for the Question.

Amendments, Discussion, and Votes:

NONE.

Recommendation and Vote:

Roll Call Vote with Senator Aklestad absent. Motion CARRIED.

Motion:

Senator Towe moved amendment SB007401.atg (upper case SB).

Discussion:

Senator Devlin asked if this happens all the time. Senator Towe explained that it does. Employers portray the unions to the employees as being violent through these meetings.

Senator Pipinich called for the Question.

Amendments, Discussion, and Votes:

NONE.

Recommendation and Vote:

Roll Call Vote was called with 6, YES, 2, NO. Senator Aklestad asked not to vote on this amendment. Motion CARRIED.

Motion:

Senator Towe moved Senate Bill 74 as amended.

Discussion:

Senator Towe explained that this bill would apply to any employer mandating meetings. He also explained there may be some cases where it is preempted by NLRA.

Senator Pipinich called for the Question.

Amendments, Discussion, and Votes:

NONE.

Recommendation and Vote:

Roll Call Vote was called with 5, YES, 4, NO. DO PASS as amended.

EXECUTIVE ACTION ON SENATE BILL 75

Motion:

Senator moved to amend Page 2, Line 15 following the word "that":

Strike: "the activity"

Strike: all of Line 16

Strike: Line 17 through "person or"

Insert: "the order is necessary to prevent violence or irreparable injury to"

Discussion:

Senator Blaylock called for the Question.

Amendments, Discussion, and Votes:

NONE.

Recommendation and Vote:

Roll Call Vote was UNANIMOUS. Senator Aklestad asked not to vote on amendment.

Motion:

Senator moved Senate Bill 75 as amended.

Discussion:

NONE.

Amendments, Discussion, and Votes:

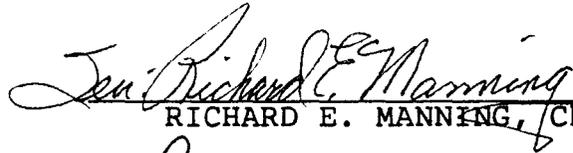
NONE.

Recommendation and Vote:

Roll Call Vote was 5, YES, 4, NO. DO PASS as amended.

ADJOURNMENT

Adjournment At: 1:55 p.m.


RICHARD E. MANNING, Chairman


LINDA CASEY, Secretary

REM/11c

ROLL CALL

SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

DATE 1/29/91

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR AKLESTAD	P 1:10p	A llc	left at 1:25pm to testify
SENATOR BLAYLOCK	P		
SENATOR DEVLIN	P		
SENATOR KEATING	P		
SENATOR LYNCH	P		
SENATOR MANNING	P		
SENATOR NATHE	P 1:20p	A llc	
SENATOR PIPINICH	P		
SENATOR TOWE	P		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 30, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 74 (first reading copy -- white), respectfully report that Senate Bill No. 74 be amended and as so amended do pass:

1. Title, line 10.

Following: "EMPLOYER"

Insert: "; AND PROVIDING THAT IT IS AN UNFAIR LABOR PRACTICE FOR A PUBLIC EMPLOYER OR HEALTH CARE FACILITY TO VIOLATE THE REQUIREMENTS OF THIS ACT"

2. Page 2, line 14.

Following: "employer"

Strike: "that"

Insert: "in meetings that employees are required to attend during working hours if the information"

3. Page 2, line 24.

Following: line 23

Insert: "(2) It is an unfair labor practice for purposes of 39-31-401 or 39-32-109 for an employer who is described in subsection (1) to violate the requirements of [section 3]."

4. Page 2, line 24.

Strike: "(2)"

Insert: "(3)"

Signed: _____
Richard E. Manning, Chairman

MA H30-91
Und. Coord.

RE H30-91 9:40
Sec. of Senate

210848SC.Sji

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 30, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 75 (first reading copy -- white), respectfully report that Senate Bill No. 75 be amended and as so amended do pass:

1. Title, lines 7 and 8.

Following: "THAT" on line 7

Strike: remainder of line 7 through "VIOLENCE" on line 8

Insert: "THE INJUNCTION IS NECESSARY TO PREVENT VIOLENCE OR
IRREPARABLE INJURY TO PROPERTY"

2. Page 2, lines 15 through 17.

Following: "that" on line 15

Strike: remainder of line 15 through "or" on line 17

Insert: "the injunction is necessary to prevent violence or
irreparable injury to"

Signed: _____
Richard E. Manning, Chairman

RM 1-30-91
Cmd. Coord.

CF 1-30-91 (1:40)
Sec. of Senate

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 1/29/91 Senate Bill No. 73 Time 1:11 pm

NAME	YES	NO
SENATOR AKLESTAD	X	
SENATOR BLAYLOCK	X	
SENATOR DEVLIN	X	
SENATOR KEATING	X	
SENATOR LYNCH	X	
SENATOR MANNING	X	
SENATOR NATHE <i>Absent</i>		
SENATOR PIPINICH	X	
SENATOR TOWE	X	

Linda Casuy
Secretary

Jer Richard Manning
Chairman

Motion: To Amend #7304 to SB 73

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 1/29/91 Senate Bill No. 74 Time 1:43 pm

NAME	YES	NO
SENATOR AKLESTAD		
SENATOR BLAYLOCK	X	
SENATOR DEVLIN	X	
SENATOR KEATING	X	
SENATOR LYNCH	X	
SENATOR MANNING	X	
SENATOR NATHE	X	
SENATOR PIPINICH	X	
SENATOR TOWE	X	

Linda Casery
Secretary

Sen. Richard E. Manning
Chairman

(lower case) Motion: sb 7401 with 3 amend to SB 74

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 4/29/91 Senate Bill No. 74 Time 1:45 pm

NAME	YES	NO
SENATOR AKLESTAD		
SENATOR BLAYLOCK	X	
SENATOR DEVLIN		X
SENATOR KEATING		X
SENATOR LYNCH	X	
SENATOR MANNING	X	
SENATOR NATHE	X	
SENATOR PIPINICH	X	
SENATOR TOWE	X	

Linda Casey
Secretary

Sen Richard E. Manning
Chairman

(uppercase)
Motion: SB 7401 to SB 74

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 1/29 Senate Bill No. 74 Time 1:47pm

<u>NAME</u>	<u>YES</u>	<u>NO</u>
SENATOR AKLESTAD		X
SENATOR BLAYLOCK	X	
SENATOR DEVLIN		X
SENATOR KEATING		X
SENATOR LYNCH	X	
SENATOR MANNING	X	
SENATOR NATHE		X
SENATOR PIPINICH	X	
SENATOR TOWE	X	

Linda Casuy
Secretary

Sen Richard E. Manning
Chairman

Motion: SB 74 as amended
DOPASS

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 1/29/91 Senate Bill No. 75 Time 1:50pm

NAME	YES	NO
SENATOR AKLESTAD		
SENATOR BLAYLOCK	X	
SENATOR DEVLIN	X	
SENATOR KEATING	X	
SENATOR LYNCH	X	
SENATOR MANNING	X	
SENATOR NATHE	X	
SENATOR PIPINICH	X	
SENATOR TOWE	X	

Ronan Casey
Secretary

Sen Richard E. Manning
Chairman

Motion: Amendment to SB 75

strike "the activity" on Pg. 2 Line 15

Strike line 16

Strike "of substantial injury to person" line

add "the order is necessary to prevent violence or irreparable injury to"
line 15

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 1/29/91 Senate Bill No. 75 Time 1:52 pm

NAME	YES	NO
SENATOR AKLESTAD		X
SENATOR BLAYLOCK	X	
SENATOR DEVLIN		X
SENATOR KEATING		X
SENATOR LYNCH	X	
SENATOR MANNING	X	
SENATOR NATHE		X
SENATOR PIPINICH	X	
SENATOR TOWE	X	

Linda Casery
Secretary

Sen Richard E. Manning
Chairman

Motion: ~~Do~~ SB75 as amended

DO PASS