

*Senate* BILL NO. 363  
INTRODUCED BY Kolstad, Roberts, Shinnel, Strommen

A BILL FOR AN ACT ENTITLED: "AN ACT CONCERNING THE AMOUNT OF RETROACTIVE PAY AWARDED UNDER A CLASSIFICATION APPEAL; AMENDING SECTION 59-907, R.C.M. 1947."

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

Section 1. Section 59-907, R.C.M. 1947, is amended to read as follows:

"59-907. Review of positions -- change in classification. (1) The department shall continuously review all positions on a regular basis and adjust classifications to reflect significant changes in duties and responsibilities, provided, however, employees

(2) Employees and employee organizations will be given the opportunity to appeal any changes in classifications or positions.

(3) The period of time for which retroactive pay for a classification or position appeal may be awarded under this chapter or under 82A-1014 may not extend beyond the date the appeal was filed.

(4) Anything relevant to the determination of reasonable classifications and grade levels for state employees shall be a negotiable item appropriate for the

1 consideration of the state and exclusive representatives  
2 under the provisions of Title 59, chapter 16, R.C.M., 1947."

-End-

INTRODUCED BILL

SB 363

STATE OF MONTANA

REQUEST NO. 528-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 15, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 363 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 363 defines the period of time for which retroactive pay may be awarded under a classification appeal.

ASSUMPTIONS:

The proposed legislation would eliminate retroactive pay as a result of implementation of the Classification Plan (January, 1975,) and would eliminate any retroactive pay beyond the date an appeal was filed. It is assumed that the appeals, both individual and group, which would be filed after July 1, 1977, would be somewhat less than the number of appeals approved during the implementation period from January, 1975, to July, 1977.

From January, 1975, to April 13, 1976, 627 individual appeals and 31 class action appeals were filed. Of those appeals which were resolved, both individual and class action, the cost of retroactive pay to agencies in the Executive Branch and the University System was \$85,161 for the period of January to June 30, 1975. Based on these assumptions and given the fact that appeals granted in FY78 and FY79 might be retroactive to January, 1975, the figure of \$60,000 was chosen as the amount which would not be expended in future fiscal years.

FISCAL IMPACT:

	<u>FY78</u>	<u>FY79</u>
Estimated decrease in expenditure due to proposed legislation	<u>\$60,000</u>	<u>\$60,000</u>

*Richard L. Young for*  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 2-17-77

Approved by Committee  
on State Administration

1 SENATE BILL NO. 363

2 INTRODUCED BY KULSTAD, ROBERTS, HIMSL, STEPHENS

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CONCERNING THE AMOUNT  
5 OF RETROACTIVE PAY AWARDED UNDER A CLASSIFICATION APPEAL;  
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7 IMMEDIATE EFFECTIVE DATE."

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17 ~~(2) Employees~~ and employee organizations will be given  
18 the opportunity to appeal any changes in classifications or  
19 positions.

20 (3) The period of time for which retroactive pay for a  
21 classification or position appeal may be awarded under this  
22 chapter or under 82A-1014 may not extend beyond 30 DAYS  
23 PRIOR TO the date the appeal was filed. THIS PROVISION SHALL  
24 NOT AFFECT A CLASSIFICATION OR POSITION APPEAL ALREADY IN  
25 PROCESS ON THE EFFECTIVE DATE OF THIS ACT.

1 (4) Anything relevant to the determination of  
2 reasonable classifications and grade levels for state  
3 employees shall be a negotiable item appropriate for the  
4 consideration of the state and exclusive representatives  
5 under the provisions of Title 59, chapter 16, R.C.M. 1947."  
6 SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE UPON  
7 ITS PASSAGE AND APPROVAL.

-End-

SECOND READING

SENATE BILL NO. 363

INTRODUCED BY KOLSTAD, ROBERTS, HIMSL, STEPHENS

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(3) The period of time for which retroactive pay for a classification or position appeal may be awarded under this chapter or under 82A-1014 may not extend beyond 30 DAYS PRIOR TO the date the appeal was filed. THIS PROVISION SHALL NOT AFFECT A CLASSIFICATION OR POSITION APPEAL ALREADY IN PROCESS ON THE EFFECTIVE DATE OF THIS ACT.

(4) Anything relevant to the determination of reasonable classifications and grade levels for state employees shall be a negotiable item appropriate for the consideration of the state and exclusive representatives under the provisions of Title 59, chapter 16, R.C.M. 1947. SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

-End-

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 2           INTRODUCED BY KOLSTAD, ROBERTS, HIMSL, STEPHENS  
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REFERENCE BILL

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