

Opinion No. 278.**Public Officers—County Employees—
Board of County Commissioners—
Wages and Hours—
Labor Unions.**

HELD: The Board of County Commissioners may enter into an agreement with a labor union regarding wages, hours of work and working conditions.

January 4, 1940.

Mr. J. E. McKenna
County Attorney
Lewistown, Montana

Dear Mr. McKenna:

You have submitted a proposed agreement between the American Federation of State, County and Municipal Employees, Local No. 262, of Lewistown, Montana, and Fergus County, and have asked if it is within the authority of the county to enter into a contract with a labor union.

The proposed agreement provides for an eight hour work day and a forty-eight hour work week; extra pay for overtime employment; grants those employees who have worked for twelve months or more a two weeks' vacation; sets out the legal holidays already fixed by law; provides for grievance committees and adjustment of difficulties; gives seniority rights; prohibits strikes or stoppage of work and fixes salary and wage rates.

Our national government and many of our states have recognized that labor organizations striving for better working conditions, increased wages, and higher standards equalize the bargaining power in free labor contracts and thus perform a beneficial service in our social and economic system. Such acts as the Wagner Act and the Fair Labor Standards Act are examples of the type of legislation that has been enacted under the power of the government to promote the public

welfare by protecting the living standards of its citizens. Our own state has a comprehensive code legislating working conditions, restricting the work day and providing for safety regulations. The principle of collective bargaining has become a fundamental right in American industrial and commercial life.

Section 4465, R. C. M., 1935, gives the board of county commissioners power to fix the compensation of all officers not fixed by law. Section 4465.21 provides that the board of county commissioners have the management and control of county property and the management of the business and concerns of the county, and by Section 4465.22 are to make and enforce such rules for the transaction of business as may be necessary. Section 4465.24 gives the board of county commissioners power to perform all acts and things not enumerated which may be necessary to the full discharge of the duties of the chief executive authority of the county government.

These statutes grant the county commissioners the necessary power to hire employees, fix wage rates, regulate working conditions, and the like. See Volume 15, Opinions of the Attorney General, 278, where the question of vacations for county officers and county employees is discussed.

There is no question but that the county could make such a contract with an individual employee. Then the same power exists to contract with a trade union which is merely a union of individual employees representing them.

It is my opinion that the executive officers of the county or any other political subdivision of the state have the authority to enter into agreements with labor unions providing for working conditions, wage rates, seniority rights, etc., subject to the usual qualifications that such contracts must be fair and reasonable and not violate the public policy or express statutes. The contract submitted appears to a just one and subject to no legal objection.