

January 26, 1977

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the House Labor and Employment Relations Committee was held on Wednesday, January 26, 1977, at 3:30 P.M. in Room 428A of the State Capitol. All members were present.

The first bill to be heard was HOUSE BILL 290, sponsored by Representative Joe Quillici. He explained that this was one of a number of bills concerning illegal aliens. If an employer hires an illegal alien knowingly, he will be prosecuted. This bill would also set up a penalty clause. The reason for this legislation is two-fold; illegal aliens are becoming a problem in the Dillon and Billings areas, and some of them hold highly-paid blue collar jobs which could be held by legal residents. Also, they utilize costly public services. The sponsor read excerpts from a message from Mr. Leonard Chapman, Commissioner of the Federal Immigration and Naturalization Department. Mr. Ernie Post, Montana State AFL-CIO, assured that this measure wouldn't bother students or visitors, and they would still be allowed to work under government work permits.

There were no opponents to House Bill 290. Representative Quillici closed. Questions were then asked.

HOUSE BILL 296, sponsored by Representative Dorothy Bradley, was next on the agenda. This bill deals with part-time career employment in state government. Proposed amendments were passed out, which made the bill somewhat more flexible. This legislation would pertain to all grades through grade 15, but no specific positions are to be singled out. The bill applies to all 19 departments of state government, on the department level, not the agency level. The state work force is 14,000; 2% of that would amount to 280 employees, and 5% equals 700; therefore, it would not be difficult to comply with the provisions of this bill. Positions would be created when openings occurred. This measure would allow much more participation in the work force and cost of implementation would be minimal. The state should set a good example and pass this measure. The first proponent was Ms. Connie Crowder from Missoula, who appeared as a member of the labor force. She has done research in job sharing and presented her results to the committee; see prepared statement. The next proponent was Ms. Patricia Roos, who encouraged the committee on behalf of all women who have sought careers and decided to be housewives and mothers and who have when their kids became school-age, wanted to go back to work and didn't want their kids to spend that extra 1-1/2 hours at a day care center.

The next proponent was Dick Whitmore, Chief for the Training Bureau of the Department of Administration. There is an untapped resource of women in the community who have children and have potentially a great deal to offer to the state government on a part-time career basis. Senior citizens could also take part in this program.

Next to speak was Ms. Joan A. Duncan, Chief of the Women's Bureau. She expressed her support, stating that this bill addresses a critical problem.

January 26, 1977

There were no opponents to House Bill 296. Questions were then asked. The estimated cost of implementation was discussed. One FTE position would cost \$14,000, and the agencies themselves might incur some cost but it would be a minimum. Also, the state would have to pay more health insurance. Representative Bradley then closed, stressing that the committee should consider the benefits this bill offers to the state rather than the costs, which would be minimal.

HOUSE BILL 75 was then discussed. Chairman Kimble passed out a proposed substitute bill. Since this bill had already been heard, the consideration today would be how to change the law so that it will work to the satisfaction of everyone involved. The question was brought up of whether or not the Rules Committee would permit amending this bill in such a manner, since it had originally been a repealer. This problem shall be considered at a later date. Mr. Tony Softich, Labor Standards Division, expressed their support of the amended version of this bill; see prepared statement. Representative Underdal then spoke. He expressed reservations about the amendments and informed the Committee that he had only known about them for a short time. The Chairman then explained the amendments. The question arose of whether this was a one-time or a yearly financial statement, and it was concluded that it was a one-time statement. Representative Underdal expressed the view that the law would still be discriminatory. At this time he presented three mailgrams from proponents of the bill in its original version. Mr. Ernie Post, Montana State AFL-CIO then spoke in support of this bill, as amended. He expressed the feeling that these amendments are looking for a middle ground on which the employers are treated fairly. The language in the amendments is taken from the contractors' bonding law. Without investigation authority, how can the Department of Labor check into the experience factor? Another proponent was Phil Strobe, Montana Tavern Association. He helped prepare the proposed substitute for House Bill 75, and supports it. He suggested that a committee substitute bill for House Bill 75 be drafted, which would dispose of the old bill and create an entirely new bill. Discussion of this proposal took place. It was moved by Representative Ellerd that in light of the fact that Representative Underdal had had no input into the amendments the committee should pass the bill for the day, until the sponsor could make a decision on whether or not he could still support the bill as amended. Representative Lynch seconded the motion. Motion carried unanimously.

HOUSE BILL 319, sponsored by Representative Russell Baeth, was then heard. He explained that he had introduced this bill for the State Board of Appeals, and then turned the testimony over to Mr. Bob Jensen, Administrator of the Board of Personnel Appeals; see prepared statement. Mr. Wayne Buchanan, Montana School Boards Association, then spoke; see prepared statement. Attorney Chad Smith, representing the Montana School Boards Association, spoke, expressing that association's strong approval of this measure.

There were no opponents to House Bill 319. Questions followed. Representative Lynch pointed out that under this bill, out-of-state fact finders would not be included unless they had taken part in the Montana training.

January 26, 1977

HOUSE BILL 331 was then heard. Fred Barrett, Employment Security Division, explained the bill section by section. He suggested an amendment to the bill.

Representative Burnett, the sponsor, then appeared. He had been disturbed about the 'voluntary quit' provision in the law at present. Rather than introduce a bill even more stringent, he chose to sponsor this bill, in hopes that it would get a DO PASS recommendation. Mr. Harold Kansier, Employment Security Division, then spoke as a proponent of the bill. He also submitted a study on "Information Regarding Benefit Claims Filed by Individuals Who Voluntarily Quit Work", and also a table showing "Non-Monetary Issues in Unemployment Insurance, FY 1963-1976", and explained them. The next proponent was Mr. Bob Holding, Montana Wood Products Association. He pointed out that the unemployment fund was 'really broke'. Unemployment insurance is for those who lose their jobs through no fault of their own. These individuals have a right to know that the money will be there if it is needed. This insurance was never intended for those who quit their jobs voluntarily. Mr. Chad Smith then spoke as a representative of the Unemployment Compensation Advisors, Inc. He spoke on the proposed amendment, and hopes the committee carefully examines this definition. The bill proposes to delete the section pertaining to retirement. If this provision is deleted and the other bill concerning this is not passed, there would be no protection at all. He discussed the legal aspects of this matter. Mr. Dale Kutterer, Montana Deaconess Medical Center and Great Falls Area Chamber of Commerce, then gave his support to the bill. He would prefer an even more stringent bill, providing complete disqualification for leaving a job voluntarily. Mr. Gerald T. Neils, Montana Logging Association, was the last proponent to speak. He feels there is a high labor turnover due to this voluntary quit provision. This contributes to unsafe working conditions, as new employees are more liable to be involved in industrial accidents.

The first opponent to speak was Jim Murry, Montana State AFL-CIO. The reason the unemployment insurance fund has gone broke is because of the economy. This bill is an over-reaction to what is happening in the economy. Contrary to popular belief, there are good reasons for quitting a job voluntarily. There are serious flaws in the bill, philosophically. The president of the Retail Clerks Union in Great Falls then spoke in opposition to House Bill 331.

Representative Burnett then closed. Questions followed. Representative Lynch asked why the Board wanted to 'change the rules in the middle of the game' to help the fund. Fred Barrett said that even if the fund were in the black, he would be in favor of this bill.

page 4

January 26, 1977

The hearing was then closed. Executive action on the bills heard shall be taken the first part of the meeting on Friday, January 28th.

Meeting was adjourned.



Chairman
Representative Gary N. Kimble

Secretary