

March 22, 1977

The meeting of the Joint Select Committee on Employee Compensation was called to order at 5:30 p.m. by Chairman Senator Joe Roberts in room 225 of the State Capitol Building. Roll call was taken and a quorum was present for hearings on the following bills:

Senate Bill 363

Concerning the amount of retroactive pay awarded under a classification appeal.

Senator Allen Kolstad, District #5, sponsor of this bill, was not able to be present. Therefore, proponent Pat Estenson, Chief of the Classification Bureau in the Department of Administration, addressed the committee stating that the purpose of this bill is to cut off retroactive pay in the appeal process. Some amendments were made to this bill and comments to those amendments are presented on the attachment. Mr. Estenson recommended the committee give this bill a DO PASS.

Proponents:

Staff Attorney Steve Veazie of the Office of the Commissioner of Higher Education spoke as a proponent on behalf of the university system. They support this bill and urge a DO PASS.

Tom Schneider of the Montana Public Employees Association was also a proponent. He said that they amended the bill in the Senate by providing that anyone who had an appeal of record upon passage would not be eligible for retroactive pay. They now have a problem because this bill was tied to Senate Bills 379 and 380 which the committee is hearing at this meeting. Those bills were not violently opposed by the Finance and Claims Committee in the Senate; they are being opposed, however, in the House. He concluded that the M.P.E.A. will hold their support of Senate Bill 363 until they find out what happens to those two bills in question.

Opponents: None

Questions: None

Senate Bill 233

Senator Robert E. "Bob" Lee, District #43, was sponsor of this bill and explained that this bill takes teachers at the state institutions out of the state classification and pay plan. Approximately fifty teachers would be affected by this change. He distributed a sheet entitled "Deer Lodge School District #1 Salary Schedule" with an explanation of the differences in salaries paid to the teachers at the state institutions.

Proponents:

Jim McGarvey of the Montana Federation of Teachers, AFL-CIO, spoke in support of Senate Bill 233 on behalf of his union. See the attached written testimony. He added that the pay scales, especially at Deer Lodge, are quite low compared to other salaries and he is concerned that the real problems of the teachers are the state institutions are not dealt with. Mr. McGarvey recommended that the bill receive favorable consideration by the committee.

Don Judge, Field Representative for the American Federation of State, County and Municipal Employees, AFL-CIO, supported the bill with the attached written testimony.

Tom Schneider of the M.P.E.A. stated that he has six teachers out of 7,000 members of the organization. He stated that he did not want the teachers to become a part of that organization but the state forced their acceptance and that they be put in a bargaining unit. It is a problem for both the M.P.E.A. and the teachers, who do not fit into the state classification plan. They have to maintain continuing education for which there are no provisions under the current contracts and statutes of the state. These teachers work twelve months a year, so they do not have the time off to return to school. The M.P.E.A. would support the bill because they feel "teachers are teachers" and, therefore, need a pay plan equivalent to the school districts.

Opponents:

Pat Estenson, Chief of the Classification Bureau, stated that this bill addresses a serious problem with teachers in the fact that in the school districts in Montana the pay plan does key off with education and experience. This bill has a tendency to establish other attempts to exempt other classes currently in the system. He recommended to the committee that the teachers negotiate their wages and fringe benefits with the Department of Institutions and that would include an appropriate pay plan. Other employees in the Department of Institutions will be under the pay plan with the same benefits that the teachers received but with this the teachers would get a pay matrix which would be more beneficial to the employees in that particular classification.

Closing Remark:

Senator Lee presented for the record a letter of support for this bill signed by six teachers at the Warm Springs State Hospital. If some teachers are excluded from the pay plan, all teachers should be; there must be some kind of equity established for the teachers at the state institutions. That is what this bill is attempting to do.

Questions:

Rep. Tropila asked what the salary difference was between the school for the deaf and blind students and these schools. Mr. McGarvey said it is intensely higher; it is close to what they would be making in

the schools in Great Falls. The Helena public schools are probably the lowest paid. He distributed a "Pay Comparison" sheet pertaining to the Mountain View School in Helena.

### Senate Bill 380

Concerning the prohibiting of any agency of state government from interfering, restraining, coercing, or retaliating against a state employee who exercises the right of appeal under the classification and wage act.

Senator Thomas Towe, District #34, sponsored this bill which addresses the problem in the board of personnel appeals. The problem has been that someone would appeal their classification, and after that the agency would reclassify everybody under that description so that appeal did not help anybody. He directed the committee's attention to that portion of this bill on page 2, line 20 through page 3, line 4. This bill will prevent the situation which has occurred and has been in abuse. He also brought attention to lines 6 and 7 of page 2 which would mean that the same rule would apply to other agencies of state government as to the agency in which the appeal was brought.

### Proponents:

Tom Schneider of the M.P.E.A. reported that this bill was drafted to correct the problems addressed by Senator Towe. As far as the changing of the class specifications, this is something that is currently being done and we have been told that it will not be done again. But by putting it in the statute, it can be guaranteed that it will not occur in the future. This is a necessary change, he stated; the current law provides that retaliation by an employee's supervisor or an agency is the ground for a complaint. Under the current law the change in classification or some other changes would not be covered by this act because they were not occurring in the department or agency in which the employee worked. This bill just puts for protection for the employees in writing and further guarantees that protection to which they are entitled. He urged the support of Senate Bill 380.

Don Judge of the AFSCME, AFL-CIO, was another proponent for this bill; his prepared written testimony is attached. He also commented on the Senate amendment made to page 3, lines 1 through 3 which they feel could cause problems explained in the testimony.

### Opponents:

Joan Uda, Staff Attorney for the Office of Budget and Program Planning, did not oppose the principal issues in the bill; the retaliation provision is not the problem for their office. She offered the attached amendment to be made to page 2, lines 17 and 18, as the new language in the bill is a problem for them. Since this opposition is in response to Senate Bill 379, Ms. Uda briefly addressed that bill. The proposed amendment would say that the board of personnel appeals would issue its alternative orders for correcting the situation, one of which would have to be such so that the agency could implement it without increasing costs. Senate Bill 379, she explained, states that an agency

cannot exceed its appropriation. They cannot make such corrective changes if it would cause them to increase appropriation or cause a deficit in the balance for that agency. There should be some check in here to assure that in perhaps a rare case the agency must assume the increased costs of these orders.

#### Closing Remarks:

Senator Towe said that he would oppose that amendment and suggest that we really should keep this bill a grievance bill and discuss those amendments in Senate Bill 379. We would want the agency to do what they must within their budget but it is extremely important that if we have a board of personnel appeals it must have the authority to do what is spelled out on lines 17 and 18 of page 2 of this bill. This board must have some authority and there must be strong language in the bill. There have been some problems in the past that we must be assured will not happen again.

#### Questions:

Senator Stephens asked Ms. Uda for examples of alternatives that would not cost more money. The example given was an employee appealing a position of a grade 10 which should have been a grade 11. If it was found that that position should be an 11 rather than the 10 and the board could make the recommendation to upgrade it to an 11 or delete those duties so it would actually be classified a grade 10. She asserted that this may not be a problem with the individual appeal cases, but it could be a very serious problem in class appeals.

#### Senate Bill 379

Concerning making orders of the board of personnel appeals in classification and wage proceedings binding.

The sponsor of this bill also was Senator Thomas Towe, District #34; he testified that the authority of the board of personnel appeals is to order a correction of that grievance. Under sections 1 and 2 of Senate Bill 379, Senator Towe explained, an agency may not make increases without authority of the budget director. These changes will allow the decision of the board of personnel appeals to have some effectiveness. The adjusting must be made within the agency's budget; they would have to forego some other expenses to meet the orders of the board. He explained that the bill also provides a new section as an attempt to give some authority to the budget director to intervene. The budget director would have ten days to respond to the decision of the board, and the board could change its consideration after the budget director has appeared before it on the orders issued. This provision is in recognition that the board must address itself to the budgetary problems as well as the grievances. Anything less than the provisions in this bill would be a complete emasculation of the board of personnel appeals, which was designed to be an authority board and not just a discussion group.

MONTANA LEGISLATIVE COUNCIL  
LIBRARYProponents:

Tom Schneider, representing M.P.E.A., submitted the attached prepared testimony. He further stated that the Senate went along with the amendments; it does not provide that the order of the Board can make an appropriation and budget supplemental. The Board of Personnel Appeals can have a budget supplemental. The problem today without this bill is that an employee could go through a two-year process for a classification appeal and the state determines they have won the appeal; but then they have to go to court to get it enforced. His concern is for the employee who files his own classification appeal without a union or organization behind him would then have to hire his own attorney to enforce the decision of the Board. It is not fair or proper. The Office of Budget and Program Planning has asked that their own rules be amended to provide for the current form; that was denied. The problem is that the employee is doing the job and the determination is made on the basis of what they are doing. What will happen is that the department is going to say you are going to have to keep doing the job. The prime loser in this situation, Mr. Schneider said, is the employee; and in 99% of the cases the employee will not consider the grievance. This is a rights bill, an employee rights bill; and M.P.E.A. supports it in that manner.

Don Judge, representing AFSCME, AFL-CIO, presented the attached prepared statement; in concluding, he added that there is a system now that was created two years ago and funded then for equal pay for equal work. Abuses in that denying money and taking away the duties of the job does not solve the problem of the person in the last period of time during which he was doing that work. Current laws allow that to be done and get around that. The system, as it is, can be abused. Currently they have the ability to upgrade the system. Additional duties can be put on the job without reclassifying as long as they do it within the current law, and as long as they add the duties in the specs. Protection for the employees is what Senate Bills 379 and 380 are doing. All it does is get the Board of Personnel Appeals to respect these decisions. He asked the committee to give this bill a "DO PASS" recommendation.

Opponents:

Joan Uda, Staff Attorney for the Office of Budget and Program Planning, stated that much of what has been said up to now is not relevant to this bill. She asked to draw the committee's attention to other features of this bill. The Budget Office's intention is not to hurt employees' rights; their concern is that one of the things that the legislature has also created is a check on growth in state government and budgets. The bill is to centralize position control so there is one point where all positions would come through; that is a proper and good thing. It also seems from testimony that the Budget Director is refusing to authorize upgrading; that is not so. The only requirement is that the agencies try to find a way to pay for those increases without coming to the Budget Office for a budget amendment. This is a part of responsive government. These checks are good and this should not be amended. The amendment to S.B. 380 is one solution; that would resolve the problem. She objects to the new amendment put in by the

Senate. It is not proper for the Budget Office to get involved in the appeal process and decisions of the Board of Personnel Appeals. Nor is it proper for us to come in after the decision has been made and try to change it. This is not the way to handle the problem. She would like to see it resolved so that it would not lift any fiscal controls and it would not put various state agencies in untenable positions. She asked that this bill be given a "DO NOT PASS" recommendation.

Pete Byrnes, Chief, Labor Relations Bureau, presented the attached prepared comments as an opponent to Senate Bill 379. This bill has the potentation of going far beyond adjudicating employee grievances, he concluded.

George Losleben, Attorney for the State Personnel Division, submitted his prepared testimony to the committee. In the past, he said, the language was specifically limited to the Department of Administration. Can the Board decide misclassifications and make an order only to the Department of Administration? With an amendment to S.B. 380, the orders of the Board do become permanent and binding and that is the only thing needed to make it do what they want. Presently, the law provides on page 3 of S.B. 380 the processes of going through district court. The Board has the authority to go to court on orders.

#### Closing Remarks:

Senator Towe asked why the employees should be required to go to court on decisions, when it could be made clear right now and the problems would be taken care of. Now there is a flaw; the Budget Director has the authority in effect to veto any decision of the Board of Personnel Appeals. The Budget Director should have authority over the budget. As the bill is amended starting on line 15, page 2, they will still have that authority; that still remains. Strike all of section 3, he suggested. The other is in the law and will stay there. He asked the committee not to say that the Budget Director can veto all decisions of the Board of Personnel Appeals.

#### Questions:

Speaker Driscoll asked if the Budget Director can appeal, and if the Board can make decisions based on the Budget Director's comments. Sen. Towe answered affirmatively; he felt this is information which the Board can use.

In response to another question from Speaker Driscoll, Senator Towe said that the problems come when they have an appeal that affects a class of people and if the appeal is to be successful for 150 people it could have a great impact. There is still a check starting on line 15 that exists in the law and that will not change, he said.

Senator Fasbender said that his understanding is that the Budget Director would still have the authority to prevent action if it would increase the bduget. The sections in this bill are in conflict. Sen. Towe responded that this is where the hard decisions take place. An

agency or class can get a change but cannot come in for a budget amendment. On page 2, lines 15 through 19, it will still remain. These two sections are diametrically opposed; there will be no hard decisions made, Senator Fasbender asserted. One section says they can prevent action; the other says they cannot. Senator Towe responded that this was being misunderstood. Differences could be made up in other areas, such as vacancy savings or in other services. There is no conflict. Senator Fasbender disagreed with that. Ms. Uda said that there is a problem there; the agencies are not the ones making the hard decisions. Those decisions are being made in the Budget Office and that is the way it was designed. The agencies will not do that because they have not done it until they had to. They have not been the ones to make the decisions.

Representative South asked what effect this would have upon the classification system at the university. Senator Towe responded that he was not certain of the effect; but that it would not be unconstitutional.

The language stricken is in the existing law; it is just stricken from the bill, Representative Tropila said. Senator Towe stated that they were going to change it but then decided there should not be a difference for the Board of Personnel Appeals and the way to solve that is to leave the existing law as it is.

#### Senate Bill 168

Concerning the participation of state employee groups in the statewide group insurance plan.

Chairman Roberts explained that Senator Cornie Thiessen, District #27, sponsor of this bill, was not able to attend the hearing today but that this bill has been heard once already by this committee when the bill was on the Senate side.

#### Proponents:

Mike Young, Attorney for the Department of Administration, appeared as a proponent; he testified in favor of S.B. 168 at the earlier hearing.

#### Opponents:

Don Judge, representing AFSCME, AFL-CIO, presented to the committee the amendments on the attached sheet. He used a recent example of the Highway Department which just recently had an election. He could possibly see a 20% increase in benefits without cost and \$100 per month for the plan. If the Highway people could get out and save \$20 they should be able to do that. This bill in the present form could allow for that. We should allow a simple majority to make the decisions. No one person should have the veto powers on this. Mr. Young's amendments would be all right if it does what AFL-CIO wants. On page 2, lines 5 through 9, it does not allow the Department to combine those groups.

Questions:

There was a brief discussion of this bill, mostly relating to comments answered in the testimonies.

Senate Bill 80

Concerning generally revising and clarifying the laws relating to collective bargaining and public employment relations.

Senator Joe Roberts, Chairman of the Select Committee on State Employee Pay, testified on this bill which is a product of the interim study that was established by the previous session of the legislature because of a concern if collective bargaining and the pay plan would work together. They did a final report entitled "Collective Bargaining and the State Wage Pay Classification Plan," which was delivered to all members of the legislature. Dick Hargesheimer of the Legislative Council also worked with the committee and did a superlative job, Sen. Roberts said. Mr. Hargesheimer was present at this hearing to answer questions and comments. Senator Roberts submitted a copy of his testimony before the Senate on February 4, which is attached hereto. He read a portion of that testimony that related to the collective bargaining section. The interim committee felt strongly that classification and the pay plan should endure but there was a fear that the many different bargaining units would split it up and the compromise for that was the coalition bargaining. There is the desire to reach a situation for the betterment of the state employees. After stating the alternatives, Senator Roberts said that the committee, which also included Senator Himsel and Representative Fabrega, was not attracted to any of the alternatives and that is why they decided on coalition bargaining. There are concerns about how the coalition will be established and how disagreements will be ratified. Senator Roberts said that he will do everything in his power to see that there is a new look at this section to resolve whatever differences there are. We will listen to the recommendations made to this committee, he stated, and the committee will try to make it as mechanically workable as possible. When the interim committee put the bill together, they were buying the concepts rather than the mechanics of this bill.

Proponents:

Pat Estenson, Chief of the Classification Bureau, Department of Administration, testified that this bill is intended to address two problems as mentioned earlier. Under the current statutes, classification is a negotiable item. Since Duane Johnson, Chief of the Personnel Division, was not able to be present for this hearing, Mr. Estenson said that he would try to answer questions on his behalf.

Pete Byrnes, Chief of the Labor Relations Bureau, also testified in support of this bill. One problem repeatedly called to attention is the removal of the university system from the classification system. It must be clarified that the intention was that the university system would continue the administration of the classification system for those employees.



Opponents:

Jim Murry, Executive Secretary of the AFL-CIO, opposes the bill because it restricts the collective bargaining process for state employees. For the record, he submitted a copy of a letter addressed to Speaker John Driscoll on March 16, 1977. The AFL-CIO wanted S.B. 80 moved to the House Labor Committee as they felt it should be heard by a committee that had not already formed opinions. He indicated four main areas of concern. The first is on page 2, line 23; he feels that the right to negotiate class levels has been taken away. Second is the issue of coalition bargaining. They are not opposed to the coalition bargaining if it is done on a voluntary basis. Unions not negotiating for public employees engage in coalition bargaining. It works well but they are not mandated by law, and that is their opposition. Thirdly, they disagree with the representation in the coalition because the larger groups will dominate the larger organizations. The fourth area of concern is their opposition to the ratification of contracts on page 14, because larger groups will totally dominate the group. This flies in the face of the unions. It provides that ratification of a contract goes back to the whole group to decide if it will be turned down. It is unfair and violates the constitution and bylaws of the unions. On the Senate side several amendments were made to take care of some of the problems, not all were accepted. The Judge Administration would not support the controversial amendments because of objections by the M.P.E.A. Mr. Murry said that the AFL-CIO opposed this because it gravely damages the collective bargaining process and it is clearly in violation of the Democratic platform. Montana state employees do not deserve the treatment they will get under S.B. 80, he stated. The collective bargaining process is not easy and there is no way to make it easier. We must try to make it work, he concluded; it is the responsibility of everybody.

George Hammond, Executive Director of the Montana State Council No. 9 of the American Federation of State, County and Municipal Employees, AFL-CIO, presented the attached testimony.

Patrick McKittrick, speaking on behalf of the Joint Council of Teamsters, concurred with the testimony given about the pitfalls of this legislation. This particular piece of legislation was suppose to ensure there would be equity for all state employees. He felt that Senator Roberts' position is a non-position because this deletes from negotiations for classification systems; classification is deleted from the negotiation process. He said that by enacting this piece of legislation collective bargaining is actually being eliminated. If \$13 was negotiated for health benefits, and \$10 was the amount allowed by the legislature, the entire agreement could be tied up because of this bill. The give and take of the bargaining table is going on; it is a maturing type of situation and should be given the opportunity to continue.

Vince Bosh, representing the Operating Engineers, presented the attached testimony. He stated that his union negotiates 88 different contracts and over 200 short-term contracts; he questioned why the administration finds it difficult to negotiate 70 different contracts.

Vern Reinhart, Field Assistant Director for the Retail Clerks International Union, stated that this would be in violation of their constitution. He feels on-job classification should be a negotiable item. The current collective bargaining bill now is a good one; and although there have been some problems in the formation stage, they feel we have a good collective bargaining bill now which should not be changed.

Jim McGarvey, of the Montana Federation of Teachers, AFT, AFL-CIO, submitted the attached testimony.

Joe Rossman of the Montana Joint Council of Teamsters agreed with Senator Roberts' statement that the aim of the committee was for equal pay for equal work, but disagreed that this bill accomplishes that goal. He felt that the interim committee had a lot of good input from the people working with that in the state, but this bill will not help the workers in the state.

Mike Pichette, Executive Secretary of the Montana Democratic Party, stood to testify on this bill and read the following from the Democratic Platform: "We support the public employees' collective bargaining statute that provides public workers with full protection in our employment. We oppose any legislation that will weaken the statute." He said that he is respectfully aware that there are individuals that tell him that they subscribe to the statement but each want collective bargaining to be strong in this state. He would echo the comments of Senator Roberts and ask the committee to take a close look at this bill in the light of what is best for a strong collective bargaining system in Montana. Make sure that your actions here do not weaken the collective bargaining system.

Tom Schneider, M.P.E.A. representative, presented the attached statement. He also said that there are some problems in the current collective bargaining process but this is a new process and a lot of new people, companies, employees and employers are involved. We really don't have anything that we didn't think was going to happen. The cure is the education of those parties and not a statutorial change. In private industry they cannot change the negotiated agreement if they don't like them; in state government, they can not only change the agreement but also the process of getting the agreement. House Bill 346 would allow bargaining units to be groups; but in Senate Bill 80 the negotiations would have to be along coalition lines. He used the non-maintenance section of the Highway Department as an example of problems that would arise. There is a problem with the make up of the coalitions. There is a possibility that in a coalition that five unions might represent 40 people out of a membership of 2,000. Those five unions would have control over the negotiations and the ratifications of the whole group. This would be a problem for all concerned. They subscribe to the idea of one man, one vote. The majority of the people should decide the outcome. If this becomes law, it will say, no you no longer identify with the group of people you work with; and they will have people sitting in the same office with different sets of pay, benefits, health insurance, vacations, etc. He said they will try to address the problem in any we can work them out on a voluntary basis; but they cannot go along with the mandatory coalition bargaining.

Randall Ward, representative for the Nurses' Association in Montana, submitted his prepared testimony, which is attached.

Questions:

In other states, Representative South stated, coalition bargaining is done on a voluntary basis; do you do it on a voluntary basis? Mr. Murry responded they do, and it is working well. The craft council in the Highway Department was one example; it has created some problems for those in the labor movement but not in the bargaining.

Representative South asked, hypothetically, if there was a bargaining unit of 100 members, 75 of which were M.P.E.A. members and the remaining of which were AFL-CIO members, how many AFL-CIO members would you wish to vote for ratification; would 13 of the AFL-CIO members prevent that action? Mr. Murry responded that a voluntary coalition will work because if there is a disagreement the 25 people could pull out. That is like a safety valve and they should be able to retain that right. The 13 would not be able to prevent ratification or stop it because it has the right to veto and the right to walk out. Their intention is to see that they have the right not to agree.

Speaker Driscoll asked for an explanation of what the natural causes would be for unions to come together in voluntary coalition bargaining. Mr. Hammond said it is because they are able to represent their members best in this way. In Senate Bill 80 some small organizations will not have any representation.

On page 2 in the section regarding the classification reviews, Rep. Driscoll asked what this is trying to relieve. Mr. Schneider stated that you have left in the negotiations of grade levels and that and the classifications are both necessary to handle the problems.

Rep. Driscoll said that someone had suggested to keep that provision in because it pulls organizations together and he asked what the causes of voluntary coalition are. That is the crux of the whole issue, Mr. Murry responded; unions have voluntary coalitions because it gives them more strength at the collective bargaining table. This bill does just the opposite; it makes those bargaining units more manageable for management. The voluntary coalitions are for the advantage of the unions.

Senator Himsel explained that the intention of the committee was to try to preserve classifications and a pay plan. Classification was to be a scientific function of the Personnel Division leaving open for negotiation the grade and salary. We have a real concern about having collective bargaining for classification and a pay plan, he stated. If there is negotiation for both, you in effect have no pay plan, in his view. Mr. Murry countered that he feels they are compatible; it is the concept of equal pay for equal work. When negotiations are conducted, they are for everybody in state government.

There is a difference between the public and private industries. The problem is to try to make collective bargaining and a pay plan work. If you can negotiate classification and grade, then we have no pay

plan; all we have is some sort of a skeleton structure that you can put yourself on at any point. In this bill we are trying to preserve those two factors of collective bargaining and the pay plan.

Insurance is a big issue, Senator Himsl observed. The law says that negotiable items are wages and fringe benefits and other conditions of employment. But it does not specifically mention insurance; can insurance be precluded from this list, he asked. The answer from Mr. Schneider was no, it should instead be added to that list. It is declared a fringe benefit, he said in answering further questions, because it is traditionally part of a pay package in the public and the private sectors of business. He felt it could not be excluded. There is nothing to mandate the legislature to change the amount of contribution, etc., Senator Roberts interjected, and anything in excess of what is authorized by the legislature takes a change in the state law.

Directing attention to page 9, lines 13 through 16, Representative South said that he does not see that the clause changes anything. Mr. McKittrick said it does change things; that is something that has been defined in the courts. If there are negotiations on any items without the legislature being in session and that item does exceed state law by the negotiations of that clause in the contract without legislative approval the entire contract is not effective until the legislature comes back in session.

In response to another inquiry, Mr. McKittrick said that on money matters the legislature already has the budgetary control on it. That is the distinction of private vs. public.

In response to a question from Representative Tropila referring to page 2, line 23, Mr. Murry stated that this part addresses the issue that Senator Himsl raised about negotiating classification levels. The AFL-CIO feels strongly that it should be negotiable.

Representative Driscoll asked if the pay plan appears to be torn up as badly as some have stated it is. Mr. Murry felt it is a very good plan and said that if a look is taken at the total number of agreements made, he thinks one could only conclude that the collective bargaining process has worked well. Based on what happened in the legislature, if S.B. 80 is defeated there will be a great effort to set up effective collective bargaining. We want to see the pay plan work yet we must also represent our members, he said.

In the Senate committee, Senator Roberts said to Mr. Hammond, you offered a series of amendments dealing with the make up and latitude of coalitions which you indicated would make the bill palatable to you. You have not spoken about those tonight; are you against the bill in whatever form it is amended? Mr. Hammond commented that we worked up the amendments. We met with the subcommittee and didn't get the time to go into all the amendments proposed because of time pressures of other meetings. We told them if we got the amendments in the Senate, we would not object to the bill in the House. But we never heard about

We also told the Department of Administration, Mr. Hammond continued, that if those amendments were not adopted in the Senate, we would be in opposition to the bill now. Senator Roberts asked Mr. Hammond what his position is now with respect to those amendments. He replied that as chairman of the public employee committee, he is committed to oppose the bill because the amendments were not considered in the Senate. I am not in a position to do otherwise, he said. We did not get the amendments there. I would have to go back to the public employee committee to get new instructions about what to do. We are not going to try to get them in the House; we were told that we would not get them anyway. Senator Roberts asked who told him that; Mr. Hammond said that you (Senator Roberts) told us that you would be amenable; you said you would not object to them. Senator Roberts asked if he heard his statements at this hearing. Mr. Hammond replied that where we missed the boat was in the Senate. Senator Roberts said that he wants to know what the position of his committee is. If your position is to oppose it, you could save the committee time if you told us that at this point; you will have to advise us one way or another. Mr. Hammond indicated he would have to call a meeting of his committee.

Representative Fabrega asked a question in reference to page 9, lines 13 through 16, which Mr. McKittrick responded to by saying that they had to approve the money part before they could approve an agreement. Anything that had money would have to have legislative approval. This causes further problems as it goes into the whole issue of whether it involves money or not.

Mr. McKittrick said that he has a philosophical problem with the bill and with the legislation. It is a mechanical problem. A mechanical change could be made so a part of any negotiated agreement that exceeds state law or budget would not leave the entire agreement ineffective until the legislature approves it, but only that part in excess of the authorized amount would need legislative approval.

Regarding bargaining for classification, Mr. Estenson said that it seems to him that if there is going to be coalition bargaining, it has to be on a pay matrix for five different occupational groupings. That is the only way we can get equal work for equal pay. If we are going to maintain some type of uniformity in the pay plan and still have fringe benefits negotiable the bargaining will have to take place along some type of bargaining or some type of groups.

Mr. Judge said that the final settlement has not yet been agreed upon for the blue collar craft plan. That is a prime example of the internal working on classifications; everything is negotiated between the unions involved. The concept of the plan has involved all the unions; the money is the only thing not agreed upon yet.

Representative Tropila said he is a firm believer in compromise and asked if this bill is a good compromise or if it could be amended to be such. Mr. Murry said he and the AFL-CIO have some strong philosophical problems with this bill. They have demonstrated over the years that they were always open to amendments. We would look over it and would appreciate the opportunity to work on some amendments, he concluded.

Mr. Hammond said he has been thinking about the discussion he and Senator Roberts had earlier in this hearing. As chairman of the public employee committee, he would ask them to get together and he will talk to them. If the committee is open to amendments, we can work on some, he said. He will call the committee back together, but right now he is bound by their previous decision. Senator Roberts said he is not trying to dictate anything but just find out what their position is. Mr. Hammond said they will have a meeting tomorrow. Sen. Roberts said that he has never heard any such talk about this committee not considering any amendments to this bill; that is not the attitude of the committee and he had not even heard that kind of suggestion. He again said that the committee should look at this bill again. If AFSCME has changed its position, Senator Roberts would like to know.

Speaker Driscoll asked for anyone who would like to submit amendments to please do so and the committee will consider them.

The meeting adjourned at 9:00 p.m.

---

Joe Roberts, Chairman

jlm