

April 5, 1977

The Joint Select Committee on Employee Compensation meeting was called to order at 7:30 p.m. in room 225 of the State Capitol Building by Senator Joe Roberts, Chairman. The roll call was taken and a quorum was present.

EXECUTIVE SESSION

House Bill 834, continued:

Section 9: Refer to amendment #5 on the newest sheet from Mike Billings. Rep. South suggested striking "or systems for specific occupational groups negotiated" from line 3 of the proposed amendment, and inserting "negotiated with the blue collar crafts and teachers". After this session, he stated, there will be only about 60 teachers to deal with; this needs to be tightened up. If it is not tightened, the majority of the contracts that have been signed by the executive will be adopted. This committee must decide what to do about a blue collar pay plan; the decision must be made this session.

MOTION: Rep. South moved that Amendment #5 on Mike Billings' proposals be adopted with several changes to it. On the first line, following "Section 9."; strike "Exclusive procedure." and insert: "Exceptions for collective bargaining. (a)". Line 3 would be amended as indicated above. On line 7, following "plan.", insert "(b)"

Discussion: Mr. Judge indicated they have had some misgivings in the AFSCME membership that they may not want to go on a blue collar plan, and they feel this language would mandate that. Rep. South said it would not but the committee must narrow this down to the intent of the committee.

VOICE VOTE: The motion carried with a vote of 5-1; Rep. Tropila voting NO; Representatives Ellis and Driscoll and Senator Himsl absent.

Section 2: MOTION: Rep. South moved to amend section 2 as set forth in Amendment #1 on the attached sheet.

VOICE VOTE: The motion carried with a vote of 5-1; Rep. Tropila voting NO; Representatives Ellis and Driscoll and Senator Himsl absent.

Section 7: Rep. South asked that the committee reconsider its actions taken this morning; there was no objection by the committee.

Rep. South said that once the exception is made of not hiring at step one, they can bring someone on at a step higher than step one and that would defeat the purpose of having the step one provision. He suggested that this section be stricken in its entirety and remain silent on the issue. That provision was placed in by the Senate. He felt that some of these things could be worked out internally without having it in the statutes.

MOTION: Rep. South moved that section 7 be stricken in its entirety (Section 7. New hires.)

VOICE VOTE: The motion carried unanimously. (6-0)

Section 10. MOTION: Rep. South moved that Mike Billings' amendment #6 be adopted.

VOICE VOTE: The motion carried unanimously. (6-0)

New Section 13. Refer to the proposed amendments set forth by John LaFaver on the attached sheet. In discussing the first amendment, Mr. LaFaver said that "employees" is used differently in section 11-1024 than in section 1; therefore, the amendment is necessary. In discussing the new section, Mr. LaFaver said that all employees except collective bargaining units shall receive \$240 per year in 1978 and \$360 per year every year thereafter. Local governments would be left at \$10 per month. An amendment to the title will also be required.

Rep. South said he has a problem with the language "... the employer shall pay the amount negotiated with the collective bargaining unit." That language makes it mandatory, where the language proposed by Mr. Billings was more permissive. Mr. LaFaver responded that for the time period we are talking about the employer shall pay the amount negotiated; that amount is subtracted from the amount in the matrix. If the word "may" is used, they have to negotiate but don't necessarily have to pay it. Rep. South said that is right, because the legislature has the final say. Senator Stephens said that whatever they agree to in negotiations, they are going to have to abide by that subject to the formula; he did not see a problem with the language. Rep. South commented that his problem is not with the language here for this pay plan but with what the law will be when they look at it in two years from now in the next legislative session. Senator Roberts felt that the term "negotiated" might be broad enough to get around the problems. Senator Fasbender said that anything negotiated is not final until the legislature approves it.

Senator Roberts felt that there could be a problem with part time and seasonal employees and the amounts of \$240 and \$260 and proposed that after the "...and \$260 per year for each fiscal year thereafter." the following should be inserted: "The employer shall prorate this amount for employees who work less than 2,080 hours a year."

MOTION: Rep. South moved that the amendments proposed by John LaFaver be adopted with the above sentence added at the designated point in the new section 13. Also the title would be amended to add ";AMEND SECTION 11-1024, R.C.M. 1949".

VOICE VOTE: The motion carried unanimously. (6-0)

MOTION: Senator Stephens moved that H.B. 834 AS AMENDED DO PASS.

ROLL CALL VOTE: The motion carried with a vote of 6-0 (3 absent).

Senate Bill 363:

MOTION: Rep. Tropila moved S.B. 363 BE CONCURRED IN.

VOICE VOTE: The motion carried unanimously. (6-0)

Senate Bill 379:

MOTION: Senator Fasbender moved that it BE NOT CONCURRED IN.

Discussion: He said that the way it was written in the Senate the language in section 3 was cleared up. But in this bill now, we are not doing that and we are operating under a double standard. He felt it would still be costing money and causes a contradiction that could happen. Senator Roberts pointed out that they could increase the salary as long as they did not effect the overall appropriation to the agency.

VOICE VOTE: The motion carried with a vote of 5-1 (Senator Roberts, NO).

Senate Bill 380:

MOTION: Rep. Tropila moved S.B. 380 BE CONCURRED IN.

Discussion: It was pointed out that an amendment had been offered to the committee from Joan Uda of the Budget Office. Rep. South said they could get by without additional cost if they cut down on travel or something else if the cost to the agency would be more for that particular individual employee. The agency would have to assume the additional costs. Senator Roberts pointed out that the language on page 2, lines 16 and 17 is already law. They would make the order to the Board of Personnel Appeals for the specific agency rather than the Department of Administration.

MOTION: Senator Fasbender made a substitute motion that the amendment by Joan Uda be adopted as set forth.

Discussion: He said that it is difficult to keep budgets in line if the department is required to do it. They should do everything to resolve the grievance, but should not give that much power to the Board. It was felt that S.B. 379 does that. Senator Stephens said that the amendment may give them some flexibility to resolve the problems and stay within their budget, because they would have alternative choices. Most of the committee felt confused by the amendment and felt it was not written well. Rep. South said that we might as well not have the bill if the amendment is made.

VOICE VOTE on the substitute motion: The motion failed with a vote of 2-4 (Senators Stephens and Fasbender voting yes and Representatives South, Tropila, and Fabrega and Senator Roberts voting no.)

VOICE VOTE on Motion by Rep. Tropila: The motion carried with a vote of 5-1 (Senator Fasbender voting NO).

Senate Bill 168:

MOTION: Senator Fasbender moved it BE CONCURRED IN.

Discussion: Mr. Judge said that when this bill was heard previously in the committee, Mike Young was asked to draft some amendments. The minutes of that hearing were reviewed and it was found that this bill was to be contingent upon H.B. 346.

House Bill 346:

Rep. South asked how this bill would effect the definition of a "component group"? Senator Roberts said that this bill does not deal directly with that definition; a component group would continue to be the employees of agencies of state government. Rep. South asked if there were 3 bargaining units in one agency and all 3 want different insurance carriers, what would happen to question of a component group? The component group would be the entire group of employees in an agency. The problem being addressed, Senator Roberts stated, is the possibility of fractionating the component groups because there could be many different insurance carriers through this. Under the definition of a component group, any employee of a department could split off and go another way. Although this has not occurred to a very large degree, it is a possibility, Senator Roberts stated. Rep. South felt this would be most detrimental to the university system.

MOTION: Senator Stephens moved that H.B. 346 DO NOT PASS.

VOICE VOTE: The motion carried with a vote of 5-1 (Rep. Tropila, NO).

Senate Bill 168, continued:

MOTION: Rep. South moved to strike "the approval of the director of the department of administration" from page 2, lines 12 and 13, introduced copy.

VOICE VOTE: The motion carried unanimously.

MOTION: Senator Fasbender moved that S.B. 168 AS AMENDED BE CONCURRED IN.

Discussion: Mr. Schneider said that a component group is defined only by an Attorney General's opinion. Rep. South, in response to a question said that if a simple majority vote is used, they might as well kill the bill.

VOICE VOTE: The motion carried unanimously. (6-0)

Senate Bill 233:

Mr. Duane Johnson indicated that he would have some amendments to offer for this bill tomorrow (April 6, 1977). His amendment would exempt teachers from the employment status from the state and they would work through bargaining units for fringe benefits. They would then contract with them just as the school districts do. The teachers would not be under the pay plan. This bill just exempts them from

classifications and a way to work out the compensation still needs to be found.

Rep. South indicated that the amendment made to H.B. 834 exempting teachers and blue collar workers from the matrices would have to be changed. He suggested that possibly with H.B. 834 amended as it is, then there would be no need for S.B. 233.

Pat Estenson, Chief, Classification Bureau, said that under the pay plan as adopted they would have the flexibility to negotiate different pay matrices but they would still be subject to the classification act and they should be classified and have the right to appeal that classification.

It was decided by the committee that they would meet on April 6 to take action on this bill and to consider amendments offered by the Department of Administration, Personnel Division.

The meeting adjourned at 9:15 a.m.

Joe Roberts, Chairman

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