

MINUTES OF THE MEETING  
LABOR & EMPLOYMENT RELATIONS SUBCOMMITTEE  
MONTANA STATE SENATE

February 8, 1977

The meeting of the Labor and Employment Relations Subcommittee was called to order by Chairman Richard Smith on the above date in Room 402 of the State Capitol Building at 9:00 a.m.

ROW CALL: The Sub-committee composed of Chairman Smith, Senator Mehrens, Senator Himsl, and Senator Goodover. Senator Mehrens and Senator Goodover were excused.

FURTHER CONSIDERATION OF SB 80: Proposed amendments to SB 80 were submitted to the Committee.

George Hammond, Montana State Council No. 9, AFSCME, AFL-CIO, turned in a set of amendments which he would like to add to SB 80. These amendments have been worked on with most of the unions and the Department of Administration as well. He felt he had agreement with most of the people. (See attached amendments.)

Dick Hargesheimer, Attorney for the Legislative Council, presented some amendments that dealt with clarification of some of the language in the bill. He added a Severability Clause that is important to what every change might make. It is important in bills where controversy might develop. If there is a change that would go to court, the bill is still in tact.

John Bobinski, Committee Attorney, explained that Section 10 of the current bill which is addressed to delete a controversy to arbitration violates Article 5, Section 11 of the Montana Constitution. This requires that a bill express only on subject.

Sam Gilluly, representing Montana Press Association suggested an amendment to SB 80. Amend page 14, section 9. Strike: lines 8 - 11. These lines state that negotiating sessions between exclusive representatives and public employers are not open to the public unless the parties to a collective bargaining session mutually agree otherwise. This language may raise a constitutional question and the meetings should be open to the public. We urge deletion of this part of the bill.

Thomas Schneider, representing Montana Public Employees Association, stated he did not have any amendments but he was sure there would be one addressing coalition bargaining. We are opposed to this section of the bill. We do not feel that membership within the coalition shall be on a percentage basis. This section of the bill is creating more problems.


Going back to what Senator Roberts said that AFSCME and MPEA had no problems in this area. We said there are problems and this type of legislation would permit a lot more problems. We

should look carefully at this type of legislation. The coalition section should be amended out of this bill.

Don Judge, Montana Council No. 9, AFSCME, AFL-CIO, stated to amend page 13, line 12. Strike: "services" Insert: "care and support." This would cover everyone that has contact with direct care of individuals. An example would be laundry men at the institutions.

Duane Johnson, representing the Personnel Division, stated that the Personnel Division does not oppose any amendment that Mr. Hammond offered. We have worked with Mr. Schneider, the AFL-CIO and Teamsters on the composition of these amendments. The changes are very simple and what we think will make the bill more clear. The very heart of this bill is a proposal for coalition bargaining. If coalition bargaining is tampered with, we will then have to oppose the bill. The proposal for coalition bargaining in this bill is something that is essential to the system itself.

General discussion was then held by the Committee. Because of two members being excused, nothing was decided on the amendments. The Sub-committee will meet again on Thursday.

A handwritten signature in cursive script, reading "Richard G. Smith". The signature is written in dark ink and is positioned above a horizontal line.

Richard G. Smith, Chairman

SENATE LABOR COMMITTEE

BILL SB 80

# VISITORS' REGISTER

DATE 2/8

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

February 8, 1977

CLERICAL AMENDMENTS TO SB 80

SUBMITTED BY SENATOR JOE ROBERTS

1. Amend page 8, section 5, line 10.

Following: "59-1603(1)7"

Insert: "~~of-this-act~~"

2. Amend page 12, section 7, line 13.

Following: "wages,"

Insert: "hours"

3. Amend page 12, section 7, line 17.

Following: "functions of"

Insert: "and interchange among"

4. Amend page 14, section 10, line 20.

Following: "~~arbitration,~~"

Insert: "(3) an agreement to submit a controversy to arbitration,  
except that this subsection does not apply to arbitration  
agreements entered into under Title 59, chapter 16;"

Renumber: subsequent subsections

5. Amend page 15.

Following: line 4.

Insert: "Section 11. Severability. If a part of this act is  
invalid, all valid parts that are severable from the invalid  
part remain in effect. If a part of this act is invalid in  
one or more of its applications, the part remains in effect  
in all valid applications that are severable from the invalid  
applications."

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Mr. Chairman, Members of the Committee I would request that Senate Bill 80 be amended in the following manner:

On page 2, Section 2, Subsection 2, Line 19

Following: "Employees"  
Insert: and/or employee organizations

On page 2, Section 2, Subsection 3, Line 21

Following: "determination of"  
Insert: classifications

On page 3, Section 3, Subsection 1, Line 6

Strike: "position within a" and "series"

On page 3, Section 3, Subsection 2, Line 9

Strike: "position"

On page 3, Section 3, Subsection 2, Line 10

Strike: "within a" and "series"

On page 5, Section 4, Subsection 2, Lines 2 & 3

Following: "or any person"  
Strike: "with access to confidential labor relations information"  
Insert: ruled on by the Board of Personnel Appeals to be a confidential labor relations employee

On page 10, Section 6, Subsection 2, Line 18

Following: "rules of evidence."  
Strike: "If"  
Insert: When

On page 11, Section 6, Subsection 2, Line 1

Following: "appropriate"  
Strike: "may"  
Insert: shall

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PAGE 2

On page 11, Section 6, Subsection 3, Line 15

Following: "An election"

Strike: "may"

Insert: shall

On page 12, Section 7, Subsection 1, Line 13

Following: "wages,"

Insert: hours,

On page 12, Section 7, Subsection 1, Line 17

Following: "functions of"

Insert: and interchange among

On page 12, Section 8, Subsection 1, Line 25

Following: "employees shall"

Strike: "be banded"

Insert: work

Following: "together"

Strike: "to"

Insert: with

On page 13, Section 8, Subsection 1, Line 1

Strike: "form"

Insert: the representative of the public employer to determine

On page 13, Section 8, Subsection 2, Line 3

Following: "The"

Strike: "department of administration"

Insert: representative of the public employer

On page 13, Section 8, Subsection 2, Line 4

Following: "hold hearings"

Insert: or meetings with the employee organizations

PROPOSED AMENDMENTS TO SENATE BILL 80

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PAGE 3

On page 13, Section 8, Subsection 2, Lines 4 & 5

Strike: "banding together"

Insert: formulating

Following: "appropriate coalitions."

Strike: "The"

Insert: On agreement the

On page 13, Section 8, Subsection 2, Line 6

Following: "of the following"

Strike: "six"

On page 13, Section 8, Subsection 2, Line 14

Following: line 13 "(f) technical"

Strike: "."

Insert: (g) or any other occupational coalition mutually  
agreed to by employee organizations and the representative  
of the public employer.

On page 13, Section 8, Subsection 4, Lines 18 thru 21

Following: "shall be on"

Strike: "a percentage basis. Each exclusive representative  
is entitled to representation in the coalition in  
proportion to the percentage each is of the total  
coalition."

Insert: the basis of one vote for each parent organization.  
Coalition chairman shall be selected on the basis  
of one vote for each parent organization.

On page 13, Section 8, Subsection 5, Lines 22 thru 24

Strike: lines 22 thru 24 in their entirety

Insert: Recommendation for ratification of economic packages  
negotiated by the coalition shall be based on a  
majority vote of the parent organizations within the  
total appropriate coalition.