

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

February 10, 1977

The second 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 Senator Smith, Chairman, Senator Mehrens, Senator Himsl and Senator Goodover were all present.

FURTHER CONSIDERATION OF SB 80: Dick Hargershiemer went through the clerical amendments that were submitted. The first amendment to amend page 8, section 5, line 10. Following: "59-1603(1)<sub>7</sub>" Insert: "~~of this act~~" was put in because it is a clerical error. This was a mistake and left out of the bill when it was drafted.

The second and third clerical amendments to amend page 12, section 7, line 13. Following: "wages, " Insert: "hours," and amend page 12, section 7, line 17. Following: "functions of" Insert: "and interchange among" were put in to follow with the other language of the bill.

The fourth amendment dealing with arbitration and the fifth amendment adding the Severability clause were discussed at the last Sub-committee meeting.

Senator Himsl made a motion that these five clerical amendments be adopted. The motion carried unanimously.

The committee then went through the amendments that the union submitted. George Hammond, Executive Director of Montana State Council 9, AFSCME, AFL-CIO, presented supporting testimony to the sub-committee.

The first amendment was to Amend page 2, section 2, line 19. Following: "employees" Insert: "and employee organization or either of them". This amendment reinstates a right granted under existing law and makes it possible for representative organizations to responsibly represent their membership in classification or position appeals. Senator Mehrens moved that this amendment be accepted. The motion carried unanimously.

The second amendment was to Amend page 2, section 2, line 21. Following: "determination of" Insert: "classifications". This reinserts the employee's representatives right to collectively bargain on factors relevant to classification construction. There was much discussion on this and it will be brought to the whole committee for action.

The third amendment to Amend page 3, section 3, line 6. Strike: "position of" and "series". The fourth amendment to Amend page 3,

section 3, line 9. Strike: "position" and the fifth amendment to amend page 3, section 3, line 10. Strike: "within a" and "series". These three amendments clarify an employee's or labor organization's right to appeal a classification whether or not it falls within his series. Senator Himsel moved that these three amendments be accepted by the committee. The motion carried unanimously.

The sixth amendment is to amend page 5, section 4, lines 2 and 3. Following "person" Strike: "with access to confidential labor relations information" Insert: "ruled on by the board to be a confidential labor relations employee. These would preclude most possible abuse of exclusion of confidential employees from the collective bargaining act. As the bill is written, the language is too broad and leaves open chances for abuse. There was much discussion on this amendment. Senator Mehrens moved that it be accepted by the committee. The motion carried unanimously.

The seventh amendment is to amend page 10, section 6, line 18. Following: "evidence" Strike: "If" Insert: "Whenever". This amendment makes a more definite positive statement of the time frame intended under current law. Senator Mehrens moved that this amendment be accepted by the committee. The motion carried unanimously.

The eighth and ninth amendments to amend page 11, section 6, line 1, and page 11, section 6, line 15 by changing "may" to "shall". The unions thought shall was the stronger word. John Bobinski clarified this and the bill will be left as it is. Pat McKittrick stated that by changing the work may to shall will not attempt to change the law at all. It is just a grammatical change, rather than an intent of policies.

The tenth and eleventh amendments the unions submitted were the exact same as the second and third clerical amendments. They were already acted on.

The 12th amendment to amend page 12, section 8, line 25 Following: "employees shall" Strike: "be banded" Insert: "work" more clearly states what the intent of coalition bargaining structure is. Senator Mehrens moved this amendment be accepted. The motion carried unanimously.

The second part of this amendment to amend page 12, section 8, line 25. Following: "together" Strike: "to" Insert: "with" could forestall proper functions of coalition bargaining. There was discussion on this amendment and no decision was made until it was brought to the whole committee.

The 13th amendment to amend page 13, section 8, line 1. Strike: "form", Insert: "the representative of the public employer to determine". This amendment coincides with existing conditions in which the representative of the public employer is the bargaining agent. There was no decision on this amendment. It will be brought to the whole committee.

The 14th amendment to amend page 13, section 8, line 3. Following: "The" Strike: "department of administration" Insert: "representative of the public employer". Senator Mehrens moved that this amendment be accepted. The motion carried unanimously.

The 15th amendment to Amend page 13, section 8, line 4. Following: "hold hearing" Insert: "or meeting with the employee organizations". This allows for more flexibility in determining appropriate coalitions. Senator Himsl moved that this amendment be accepted. The motion carried unanimously.

The 16th amendment to amend page 13, section 8, lines 4 and 5. Strike: "banding together" Insert: "formulating" and Following: "appropriate coalitions." Strike: "The" Insert: "On agreement the". This precludes interpretations of banding together and more clearly shows the intent of coalition bargaining and further makes agreement mandatory on deciding the appropriate coalition. Senator Mehrens moved that this amendment be accepted. The motion carried unanimously.

The 17th amendment to amend page 13, section 8, line 6. Following: "of the following" Strike: "six". Senator Goodover moved that this amendment be accepted. The motion carried unanimously.

The last amendment that the Sub-committee acted on was to amend page 13, section 8, line 14. Following: line 13 Insert: "(g) any other occupational coalition mutually agreed to by employee organizations and the representative of the public employer." This amendment provides for a possibility of a unit other than those specifically listed if the conditions justify it. Senator Himsl moved that this amendment be accepted. The motion carried unanimously.

The last two amendments that the unions submitted will be brought to the whole committee for action because there was no time left. A complete listing of the action that the sub-committee acted on is attached.

ADJOURN:

There being no further business, the meeting was adjourned at 11:00 a.m.

  
Richard Smith, Chairman

BILL SB 80

# VISITORS' REGISTER

DATE 2/10

[illegible]

AMENDMENT TO SB 80

The following amendments are amendments to SB 80 that the Sub-Committee accepted:

1. Amend page 2, section 2, line 19.  
Following: "Employees"  
Insert: "and employee organizations" ~~or either of them~~
2. Amend page 3, section 3, line 6.  
Following: line 5  
Strike: "position within a"  
Following: "classification"  
Strike: "series"
3. Amend page 3, section 3, line 9.  
Following: "assigned"  
Strike: "position"
4. Amend page 3, section 3, line 10.  
Following: line 9  
Strike: "within a"  
Following: "classification"  
Strike: "series"
5. Amend page 5, section 4, lines 2 & 3.  
Following: "person"  
Strike: "with access to confidential labor relations information"  
Insert: "ruled on by the board to be a confidential labor relations employee"
6. Amend page 10, section 6, line 18.  
Following: "evidence."  
Strike: "If"  
Insert: "Whenever"
7. Amend page 12, section 7, line 13.  
Following: "wages,"  
Insert: "hours,"
8. Amend page 12, section 7, line 17.  
Following: "functions of"  
Insert: "and interchange among"
9. Amend page 12, section 8, line 25.  
Following: "shall"  
Strike: "be banded"  
Insert: "work"
10. Amend page 13, section 8, line 3.  
Following: "The"  
Strike: "department of administration"  
Insert: "representative of the public employer"

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11. Amend page 13, section 8, line 4.  
Following: "hearings"  
Insert: "or meeting with the <sup>LABOR</sup>~~employee~~ organizations"
12. Amend page 13, section 8, line 4.  
Following: "of"  
Strike: "banding"  
Insert: "formulating"
13. Amend page 13, section 8, line 5.  
Following: line 4  
Strike: "together"  
Following: "coalition."  
Strike: "The department"  
Insert: "On agreement, the representative of the public employer"
14. Amend page 13, section 8, line 6.  
Following: "following"  
Strike: "six"
15. Amend page 13, section 8, line 13.  
Following: "technical"  
Strike: "."  
Insert: "; or"
16. Amend page 13, section 8, line 14.  
Following: line 13  
Insert: "(g) any other occupational coalition mutually agreed to by <sup>Labor</sup>~~employee~~ organizations and the representative of the public employer."
17. Amend page 13, section 8, line 14.  
Following: "board"  
Strike: "of personnel appeals"
18. Amend page 13, section 8, line 15.  
Following: "an"  
Insert: "established"
19. 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;"  
Re-number: subsequent subsections

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20. 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."

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

Following: "59-1603(1)7"

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

AMENDMENTS TO SB 80

The following amendments are amendments to SB 80 that the Sub-Committee did not act on:

1. Amend page 2, section 2, subsection 3, line 21.

Following: "determination of"

Insert: "classifications and"

2. Amend page 12, section 8, subsection 1, line 17.

Following: "together"

Strike: " to"

Insert: "with"

3. Amend page 13, section 8, subsection 1, line 1.

Strike: "form"

Insert: "the representative of the public employer to determine"

4. Amend page 13, section 8, subsection 2, line 12.

Following: "health"

Strike: "services"

Insert: "care and support"

5. Amend 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."

6. Amend 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."



## AMENDMENTS TO SB 80

The following amendments are amendments to SB 80 that the Sub-Committee did not accept.

1. Amend page 11, section 6, line 1.  
Following: "appropriate"  
Strike: "may"  
Insert: "shall"
2. Amend page 11, section 6, line 15.  
Following: "An election"  
Strike: "may"  
Insert: "shall"