

MINUTES OF THE MEETING
SELECT COMMITTEE ON EMPLOYEE COMPENSATION

9:00 A.M.
March 21, 1979
Room 108
State Capitol Building

Acting Chairman Senator Himsel called the meeting to order at 9:00 A.M. All members were present. Senator Himsel opened the hearing on HB 528 and introduced Representative Carroll South.

Representative Carroll South, sponsor of HB 528 from District 51, stated that his bill was drafted to keep the classification system intact and give it integrity. This bill, he went on further to state allows management classification changes whenever it feels necessary in order to treat state employees in an equitable manner. If there are problems with their decisions, employees can appeal individually or collectively to the State Appeals Board. Representative South stated that management should have this prerogative. Senator Himsel asked if there were any proponents to HB 528.

Mr. Bill Gosnell, representative of the Personnel Division of the Department of Administration, stated that he was in favor of this bill because the nature of the problem is critical. He stated that his testimony would be the same as it had been to the House committee, and he presented written material to each member explaining his position. A copy of this testimony is attached. There were no other proponents to HB 528. Senator Himsel then asked if there were any opponents to HB 528.

Mr. Cordell Brown, representing the Montana Federation of Teachers, stated that he felt it was a bad bill and that it was being passed only out of frustration because no solution has been reached on the problem of re-classification and negotiations of collective bargaining. He went on further to state that these two situations can co-exist. He presented a PDF and it's cost analysis for a mistake that was made by the Department of Administration. It is very easy to get a PDF through, and felt that there really wasn't a need for this legislation. The Board of Appeals says that they feel it would be better to bargain over the table rather than go through the appeals process. He urged the Committee to give the bill a do not pass recommendation.

The next opponent to HB 528 was Mr. Don Judge, the Executive Director of the AFL-CIO, stated that the abuses and wage problems weren't created by labor, but that this bill will further penalize them. He stated that negotiations are needed, because the appeals process cuts out labor's input. He requested that the Committee give the bill a do not pass recommendation.

The next opponent to HB 528 was Mr. Jim McGarvey, representing the Montana Federation of Teachers, who testified previously against the bill. He stated that all AFL-CIO affiliates who represent the public employees have been frustrated by negotiations in the past, but that this is not the answer to those problems. He felt that this bill would negate the rights of collective bargaining. He stated that this bill may make the job of a few people in state government easier, but at the expense of the majority. He requested that the Committee give the bill a do not pass recommendation.

Mr. Jim Murray, the Executive Secretary to the AFL-CIO in Montana, was the next person to rise in opposition of HB 528. He requested that the Committee please remember that it is not the unions who are abusing the plan. He felt that it was a bad plan in the beginning and had been put together very poorly. He stated that the job descriptions weren't accurate, classifications had been suggested which were not in line with the position, and the wage guidelines were out of line with the classifications. He advocated that the Administration had been abusing the plan and requested that the Committee do not pass the bill.

The next opponent to HB 528 was Mr. Joe Rossman, representing the Teamster's Union, stated that he was against this bill because Montana's Legislature mandated equal pay for equal work, and that this would dissolve if management were given the right to work on pay plans, etc. He stated that private industry has not been opposed to the dual classification system, because jobs constantly change due to advancements in technology, etc. If the private sector can work with the dual classification system, why can't the public sector do the same, he suggested. He requested that the Committee do not pass this bill.

Mr. Tom Snyder, the Executive Director of MPEA, was the next person to rise in opposition of HB 528. He stated that it was not true that the striken sections in this bill were working today. He explained that the basic reason for problems in this area is because of the fragmented bargaining process, and that it is hard to get all of the similar classifications at the table at once. He cited the clerical profession as a good example, which has five different unions each with different classifications. He reminded the Committee of SB 80, similar legislation to HB 528 introduced last session, which called for mandatory coalitions for bargaining. He felt that negotiations should be voluntary and not mandatory for classifications. He stated that if we reduced the number of bargaining units, we would be reaching the core of the problem. He requested that the Committee give the bill a do not pass recommendation.

The next opponent to HB 528 was Mr. Ed Mars, the Executive Director of the Montana Nurses' Association, who was strongly opposed to HB 528. He stated that in several areas, the State has attempted to move staff employees to management without any changes in duties or responsibilities. They fought this proposal, and today face a strong possibility for reprisal and discrimination by the Hospital

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Administration. He explained that HB 528 completely "washes out" the intent of the law by allowing the State Personnel Division to merely "consult with the representative of the bargaining unit over classification specifications". This would destroy any power the bargaining agent has he explained, and he urged the Committee to give a do not pass recommendation to HB 528.

At this point, questions were asked by the Committee and answered by the different organizations represented at the hearing. The hearing was then closed on HB 528 by Senator Himsel. Representative Gerke and Senator Story then left the hearing and so did not vote. At this point, the Committee went into Executive Session to consider HB 260. Representative Tropila moved that HB 260 do pass. This motion carried unanimously, and it was the concensus of the Committee that Senator Fasbender would carry this bill on the Senate floor.

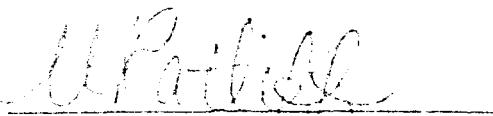
Representative Tropila then moved that the amendments to HB 859, as presented do pass. Representative South, the sponsor of HB 859, stated that he was in agreement with the amendments proposed. This motion carried unanimously. Representative South then moved that as amended HB 859 do pass. This motion carried unanimously, and it was the concensus of the Committee that Senator Himsel would carry this bill on the Senate floor.

Representative South then moved that both pages of amendments proposed to HB 437 do pass. This motion carried unanimously. Senator Regan then moved that HB 437 do pass as amended. This motion also carried unanimously. Senator Himsel then stated that this bill would be placed back in the Senate Finance and Claims Committee for their approval. It was the concensus of the Committee that Senator Fasbender would carry HB 437 on the Senate floor.

Representative South then moved that consideration of HB 528 with it's amendments proposed be postponed until he was able to talk to Governor Judge. This motion carried unanimously.

There being no further business, the meeting was adjourned at 10:20 A.M. by Senator Himsel.


CHAIRMAN


SECRETARY