

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

March 6, 1979

The meeting of the Labor and Employment Relations Committee was called to order by Vice-Chairman Harold C. Nelson at 1:00 p.m. in Room 404 of the State Capitol on March 6, 1979.

ROLL CALL: All members were present with the exception of Senator Hafferman who arrived late and Senator Lowe who was excused.

Vice-Chairman Nelson opened the hearing on House Bill #129 sponsored by Representative Pavlovich of District 86. Representative Pavlovich asked the Committee to kill the bill as he was asked by the Department of Labor and Industry not to let the bill go through.

Senator Smith moved not to pass House Bill #129 which passed unanimously.

The hearing was then opened on House Bill #302 sponsored by Representative Quilici of District 84. Representative Quilici explained that this act provided binding arbitration between a public employer and a firefighters' organization or its exclusive representative. Mr. Quilici explained that he had been asked by the firefighters to present this legislation. Mr. Quilici stated that the firefighters were showing good faith by asking for this type of legislation in that they did not want to strike and put the cities in jeopardy during the negotiations of a contract.

Mr. Ray Blehm, Jr., representing the Montana State Firemen's Association then addressed the Committee in favor of House Bill #302. Mr. Blehm's testimony is attached as Exhibit "A". Mr. Blehm also proposed an amendment to this bill as follows:

Page 2, line 12.

New subsection (3): "At the conclusion of the hearings the arbitrator shall require the parties to submit their respective final position on matters in dispute."

Renumber: subsequent sections.

Page 2, line 13.

After "determination of"

Strike: "The matters in dispute"

Insert: "which final position on matters in dispute will be adopted"

Page 2, line 17.

Strike: "may"

Page 2, line 18.

Strike: line 18 in its entirety

Page 2, line 19.

Strike: "arbitrator and"

Mr. Les Nilson, representing the Montana State Firemen's Association, also spoke in favor of the bill. Mr. Nilson stated that he felt this bill would better motivate both sides to reach an agreement without a work stoppage. Mr. Vern Erickson also of the Montana State Firemen's Association spoke in favor of the bill. Mr. Erickson also felt that this type of legislation would motivate both parties to become serious about the arbitration process and urged the Committee to support this bill.

Vice-Chairman Nelson then asked for opponents to House Bill #302. The following opponents addressed the Committee and urged a do not pass. Mr. Terry O. Mattison, representing the Billings City Council, spoke in opposition to this bill and his testimony is attached as Exhibit "B". Mr. Mattison also added to his written testimony that the Council felt that the arbitration should be left to the officials responsible to the taxpayers.

Mr. Dan Mizner, Executive Director of the League of Cities and Towns also spoke in opposition to House Bill #302. Mr. Mizner felt that the arbitration should be left to the people who were accountable to the taxpayers for the way that they spent their money. Mr. Mizner also stated that compulsory arbitration provisions had been declared unconstitutional in some states.

Mr. Jim Nugent, representing the City of Missoula, stated that the existing law already recognized and allowed final and binding arbitration. Mr. Nugent stated that there were several approaches or procedures available for use in establishing an arbitration procedure and that House Bill #302 established a procedure for a select group. Mr. Nugent stated that the local government was better able to manage its own affairs and knew what they wanted within a labor contract. Mr. Nugent pointed out that the bill did not specify which side had the right to strike the first name on the arbitrator list.

Mr. Bill Verwolf, representing the City of Helena, testified against the bill and his testimony is attached as Exhibit "C". Mr. Kent Rodebaugh, representing the City of Great Falls, also testified against the bill and this testimony is attached as Exhibit "D".

Representative Quilici then closed for the Committee indicating that the elected officials in most cases were not the individuals during the arbitrating in labor contracts. Mr. Quilici further stated that the firemen did not want strikes and urged the Committee to pass the bill.

After a short question and answer period, the hearing was closed on House Bill #302.

The hearing on House Bill #349 was then opened and Representative Anderson of District 16 addressed the Committee. Representative Anderson explained that this bill required the issuance of final orders concerning unfair labor complaints within 6 months after submitting the complaint to the Board of Personnel Appeals.

Mr. Wayne Buchanan, representing the Montana School Boards Association, spoke in favor of House Bill #349. Mr. Buchanan explained to the Committee that there were some cases of unfair labor complaints which had taken as long as two years for a decision to be handed down and further felt that unfair labor complaints where an individual had become unemployed because of the unfair labor practise should be determined in a shorter period of time.

Mr. Phil Campbell, representing the Montana Education Association, also spoke in favor of the bill and cited some cases where it has taken more than two years for a decision to be handed down in some unfair labor complaints.

There were no opponents to House Bill #349, so the hearing was closed.

The hearing on House Joint Resolution #24 was then opened. Representative Marks explained to the Committee that this Resolution was designed to direct the Department of Social and Rehabilitation Services to adopt a rule in their Administrative Rules establishing a program which would provide work experience and training to recipients of public assistance. Representative Marks stated that he had checked with the Department and they concurred with the objectives of this Resolution. Representative Marks indicated that in this way, some people would eventually be eliminated from the welfare roles. Representative Marks presented some handouts to the Committee on a similar plan in Utah which was working very well and these handouts are attached as Exhibits "E", "F", "G" and "H".

Mr. Grant Roset, representing the Department of Social and Rehabilitation Services, then addressed the Committee in favor of the Resolution and Mr. Roset's testimony is attached at Exhibit "I". Also, Ms. Diane Williams, representing The League of Women Voters, whose statement is attached as Exhibit "J". Ms. Gail Stoltz, representing the Montana Human Resource Development Council Directors' Association, stated that she did not oppose the bill, however, felt that the Department should be directed to coordinate with those community programs who are already doing this type of program. Ms. Stoltz proposed some amendments to the Resolution and these are attached as Exhibit "K". Mr. Arvin Post, Computer Programmer for the City of Billings also spoke to the Committee and explained the CETA, YCC, etc. programs already in existence which the Department should coordinate with. Another proponent was Linda Fish who also supported the amendments presented by Ms. Stoltz.

The only opponent to the Resolution was Mr. Don Judge, representing the AFSCME, AFL-CIO. Mr. Judge explained that his organization did not oppose training for any purpose, but indicated that the Employment Security Commission and other programs in the community were doing basically the same thing. Mr. Judge did submit an amendment, which if included in the Resolution, his organization would support. Mr. Judge's amendment is attached as Exhibit "L".

Representative Marks stated that he had no objection to Mr. Judge's amendment with the exception of the list of names of the people participating in the program. He felt that these names should remain confidential and Mr. Judge agreed.

Members of the Committee felt that a Fiscal Note should be attached to this Resolution and asked the Secretary to obtain one before considering this Resolution for executive action.

The Secretary was also informed that should House Bill #302 be passed out of Committee, Senator Blaylock would carry this bill on the floor.

There being no further business, the meeting adjourned at 2:20 p.m.


  
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Senator Harold C. Nelson,  
Vice-Chairman

Exhibit "A"  
ARBITRATION SEQUENCE

MEDIATION & FACT FINDING EXHAUSTED



PETITION FOR FINAL & BINDING ARBITRATION



SELECTION OF ARBITRATOR



ARBITRATOR SETS TIME AND PLACE



HEARING COMMENCES



ARBITRATOR MAY <sup>REFER</sup> ISSUES BACK FOR  
FURTHER NEGOTIATIONS



FINAL POSITIONS SUBMITTED



ARBITRATOR MAKES DETERMINATION



NEW CONTRACT