

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE
February 17, 1981 (Evening Meeting)

The House Labor and Employment Relations Committee convened on February 17, 1981, at 7:45 p.m., in the House Chambers of the State Capitol, with Chairman Ellerd presiding and all members present except Reps. Hanson and O'Connell, who were excused.

Chairman Ellerd opened the meeting to a hearing on HB 645.

HOUSE BILL 645

REPRESENTATIVE JIM BURNETT, District 71, chief sponsor, introduced the bill. A copy of his introductory testimony is EXHIBIT 1. Rep. Burnett read an excerpt from the "Farm Labor Research Committee (a copy is EXHIBIT 1a). He said in researching he found material on what is classified as "fair representation" and a copy of this material is EXHIBIT 1b and is an excerpt from "The University of Pennsylvania Law Review." He asked the committee to peruse this. Also, in the packet he gave each committee member is an Independent Record news clipping titled "Painters file third complaint," EXHIBIT 1c, which tells of a number of public employees that are wanting to be decertified. Included is a news clipping from the Great Falls paper titled "Only Schwinden veto may save labor's laws" (EXHIBIT 1d). Also included is an excerpt from the Congressional Record on "The Case of the Free Rider" (EXHIBIT 1e), and one from the Boulder Monitor on the "Union Members File Suit Against Officers" (EXHIBIT 1f). Rep. Burnett said he would be happy to answer any questions.

AL LOVINGTON, Great Falls, representing self, said as a military man he could say there was no union in the army and no strikes. He felt municipal people like firemen, city police, sanitation people should not be allowed to strike against the public as it is a threat to life and property. He felt if the workers had a choice to belong or not to belong in the union, more would choose not to and the remainder would not be so eager to go on strike. He felt as citizens of the United States they should have this choice.

ALVIN H. ELI, Great Falls, representing self, said he supported the bill as introduced by Mr. Burnett. He said he believes in freedom of choice as far as union membership is concerned. He said the union is obviously showing by their attendance that they are concerned that if this bill were to pass they might lose some of the members who don't have the choice to belong or not to belong. He asked the members not to let the mass attendance influence them but to look at what is in the bill.

CHASE PATRICK, Helena, representing self, spoke next in support and a copy of his testimony is EXHIBIT 2 of the minutes.

Opponents

JAMES W. MURRY, Executive Secretary, Montana State AFL-CIO, Helena, spoke in opposition and a copy of his testimony is EXHIBIT 3 of the minutes. Mr. Murry introduced the next group of testifiers.

JAMES J. MCGARVEY, Executive Director, Montana Federation of Teachers, Helena, and Chair of the Montana State AFL-CIO Public Employees Committee, spoke next in opposition and a copy of his testimony is EXHIBIT 4 of the minutes.

MITCH MIHAILOVICH, Business Agent, Plumbers Local 41, and President, Montana State Building and Construction Trades Council, Butte, spoke next. He said they have 10,000 members in the state. Mr. Mihailovich felt collective bargaining has worked well. He said HB 645 is a right-to-work bill and a prelude for right-to-work legislation for all employees public and private. He said the workers want jobs, development and progress but they have a right to a decent, living wage. He said this bill would preclude them from having that right.

PHIL TAWNEY, Executive Secretary, Montana State Democratic Central Committee, spoke next. He said the Democratic Party has opposed this for years and will continue to oppose it in the future. He said HB 645 takes the basic right to organize from one important segment, that being the public employee, and is a blanket attack on all unions and a step backward. It takes effectively away the fundamental right of labor that has been fought for successfully --and he said this is not a strong statement if you recall the struggles of John L. Lewis to obtain the very basic right to organize. He said this was a social justice issue then and still is. He read from an issue brief (EXHIBIT 5) that stated our neighboring states that have the right-to-work law do not fare as well wage-wise as the workers in Montana. The average Montana wage is \$371.38 as compared to \$232 for North Dakota, \$252 for South Dakota, and \$279.41 for Wyoming. He said this ability of workers to organize is a basic human right issue and the Democratic Party stands side by side with the union members in opposition to this bill.

SUE BARTLETT, representing self, spoke next and a copy of her testimony is EXHIBIT 6 and part of the minutes.

NADIEAN JENSEN, Executive Director, Montana State Council No. 9, AFSCME, Helena and Secretary of the Montana State AFL-CIO Public Employees Committee, spoke next and a copy of her testimony is EXHIBIT 7 and part of the minutes.

PAT MCKITTRICK, International Brotherhood of Teamsters, Great Falls, thanked the committee for the opportunity to speak in opposition to the bill. He said this particular bill is in conflict with one of the most fundamental concepts of democracy and that is majority rule. He begged to differ with Mr. Burnett as the law as it now exists is not a closed shop but an agency shop.

This means if an employer and the majority of the people represented wish to bargain over an agency shop they may do so. An employee can either join or not join the union but he must pay the amount equal to the fees and dues since he benefits from the services. He said this bill would destroy the present law and the rule by the majority, as it favors the rights of the free riders who do not want to pay their fair share for benefits and so unduly shifts the cost of representing, and the other workers must pay more.

RANDY SEIMERS, District Representative, Operating Engineers Local 400, Billings, said he was speaking especially for 900 of his people who are public employees. He said the operating engineers are unalterably opposed to right-to-work legislation that would cover any group of their employees. He said they know what right-to-work means as it would undermine the collective bargaining and would mean a lower standard of living for workers and their families. He said he would like to express appreciation for the bill as it has brought about a resurgence of solidarity in the union movement. He said Rep. Burnett could well be the new father of unionism as he undoubtedly has had a part in strengthening the union movement in Montana. Mr. Seimers called on unions and union people to work together to be strengthened and renewed and to fight for progressive legislation.

J. D. LYNCH, Montana State Building and Construction Trades Council, Butte, said he had to read the bill several times to assure himself that he wasn't missing something and we were back in the old days. He asked where the lobbyists for the League of Cities and Towns were and the Police Association - why weren't they supporting the bill? Mr. Lynch said this bill would make negotiations difficult, as 535 individual contracts would be needed in Butte. He said collective bargaining is also good for the employer.

ROBERT G. KOKURUDA, President, Montana State AFL-CIO, and Executive Secretary, Montana State Council of Carpenters, Helena, said the bill is definitely a right-to-work bill against public employees. He said it doesn't give any rights but removes some they have like good wages, working conditions and fringe benefits. He said that is the main reasons working people join unions. He also mentioned the difference in pay between neighboring right-to-work states and Montana. He said at the Decker project the Wyoming workers get \$2 less than the Montana workers doing the same work. He said right-to-work is a right to work for less. He asked the committee not to support the bill.

JOAN MILES, Environmental Information Center, Helena, said their 1300 members statewide would like to go on record as opposing the bill. She said they consistently support legislation that helps the environment and the most important of all environmental values is the high quality of jobs and workers in the state. This bill would limit rather than enhance worker environment in Montana.

MIKE WALKER, Secretary-Treasurer, Montana State Council of Professional Firefighters, Great Falls, and member of Montana State AFL-CIO Public Employees Committee, said they are opposed to the bill as it is basically a right-to-work bill for public employees. He said this would be like a return to the dark ages, as they would work without voice, and work longer and cheaper. This would make more for those already on the top of society's economic ladder.

DONNA SMALL, Montana Nurses Association, Billings, said they are unalterably opposed to the bill. She said many reasons have already been given why the bill should be killed and on behalf of the nurses she urged they do so.

DORINDA STOCK, President, Data Entry and Computer Services Union Local 3923, Helena, spoke next in opposition and a copy of her testimony is EXHIBIT 8.

JOHN FITZPATRICK, Secretary, Machinists Union Local 88, Butte, and a member of the Montana State AFL-CIO Public Employees Committee, said he would like to point out that bargaining units representing state employees have been certified by the present laws. He said any agreement reached through the bargaining unit affects not only the union members but all state employees. He drew a parallel between their collective bargaining units and the Legislature. He said not everybody in the Legislature is elected unanimously, nor does every action have a unanimous approval by the legislators. He said it would be nice if with items like tax levies a person could individually say whether he wanted to adhere to them or not. Mr. Fitzpatrick said it is only fair that everybody that will benefit should pay their fair share of the tariff. He said he has taken part in collective bargaining and knows the effects and frustrations of it. He said strike actions by public employees is a final and last resort used only after all other avenues fail. He said public employees are not second class citizens and should have the right to take part in any action needed.

BILL POTTS, Executive Board Member, District 2, Montana State AFL-CIO, and member, Paperworkers Union Local 885, Missoula, spoke next in opposition and a copy of his testimony is EXHIBIT 9 and part of the minutes.

JERRY DRISCOLL, Recording Secretary, Laborers Local 98, Billings, and a member of the Montana State AFL-CIO Public Employees Committee, said in 1963 when Wyoming passed their right-to-work law a laborer was making 25¢ an hour more than in Montana. The difference today is \$3 more in Montana - that's what right-to-work laws do. He asked the committee to give the bill a do not pass.

TIM LOVELY, President, United Food and Commercial Workers Union Local 242, and Secretary Treasurer, Missoula County Trades and Labor Council, Missoula, urged the committee to oppose the bill because the bill opposes basic democracy - the majority rule concept and it treats public employees as second class citizens. He submitted five petitions containing the names of 98 people

who oppose HB 645 (EXHIBIT 10). He thanked the committee for the opportunity to speak to them.

PHIL WAVER, President, Anaconda Teachers' Union Local 509, Anaconda, said he was a union member and a public employee and proud to be both. He said he has taken part in the negotiations with their school board and they have an agency shop and over the forty years there never has been a problem. He said the bargaining process has operated smoothly and the teachers have had union security. He said these items of disagreement should be items for negotiation.

JOE ROSSMAN, Special Representative for Teamsters Joint Council #2, said majority rules in our democratic state of Montana, and a slim majority is still a majority if it passes by one vote. He said the majority of the citizens of the state of Montana hope you give this bill a do not pass.

HOWARD ROSENLEAF, Business Agent, Carpenters Local 88, Anaconda, and member, Montana State AFL-CIO Public Employees Committee, said they rise in opposition of this bill. He said he represents the carpenters that work at Warm Springs, Galen, and the prison.

JOHN WALSH, President of Montana State Council #9, of the American Federation of State, County and Municipal Employees, AFL-CIO, spoke in opposition and a copy of his testimony is EXHIBIT 11 and part of the minutes.

LEROY SCHRAMM, Chief, Labor Relations Bureau, State of Montana, said he was there on behalf of the entire executive branch to voice their opposition to this bill. He said the first reason is that the bill is unworkable from a personnel management view. They would have contracts where part of the people were in the bargaining unit and part not covered. It would be chaotic as one month you would have a person in and the next month he's out. He said they were also opposed on the following principle - unions don't spring up but they are voted in. He said they have had 17 certification elections and the union has won 16 of those and in almost every case the turnouts were 90% and in the smaller cases 100%. He said there have been 6 decertifications - four of these from employees who voted to substitute their unions but kept their same representatives. So he felt the remedy for the problem was for the employees who become dissatisfied not to stop paying their dues but rather they should vote the union out. He said in the six cases attempted four were successful and it involved over 1000 employees. He said the rights of the minority are protected by due process in the labor relations as the union must represent all fairly. He said two years ago they had a rather protracted strike of state employees and he has had his differences with the unions, but all in all the system is working amazingly well and is a law we can be proud of. He said as long as the people can vote the unions in or out, the law is not an unfair provision.

TOM SCHNEIDER, Executive Director, Montana Public Employees Association, spoke next in opposition and a copy of his testimony is EXHIBIT 12 of the minutes.

KRISTINE ROBY, Secretary, University of Montana, President, UM Chapter of MPEA, spoke next in opposition and a copy of her testimony is EXHIBIT 13 of the minutes.

BARBARA KAPINOS from MSU, representing self, spoke next in opposition and a copy of her testimony is EXHIBIT 14 and part of the minutes.

DAN BLACK, Conrad, Montana Highways, said they wished to go on record as opposing the bill.

JUDY WOLFE, Montana Department of Agriculture, Great Falls, said she rises in opposition to the bill.

RAY HOFFMAN, Missoula, President of MPEA, urged the committee to vote down the bill.

DAVID SEXTON, Montana Education Association, spoke next in opposition and a copy of his testimony is EXHIBIT 15 and part of the minutes.

Chairman Ellerd said he had a letter from the Western Montana District Council's United Brotherhood of Carpenters and Joiners, Missoula, which has 16 signatures opposing the bill and he was having it added to the minutes (EXHIBIT 16).

Since the time was becoming short, Chairman Ellerd requested that others who wished to speak rise and state their name and whom they represented. The following did:

JAMES MULAR, Butte
CLARENCE KOSTENKO, Billings, Sanitation Department, Local 190
ROBERT R. BEARD, Missoula, Local 1145
JEROME LEMAR, Helena, National Assoc. Letter Carriers
RICHARD FERDERER, Great Falls, Teamsters, and he left a list of 150 signatures opposing (EXHIBIT 17)
BILL BRADFORD, MEA, Missoula
JOHN AHNSTAD, U of M, Laborers 1334
BILLY H. BROTHERS, Industrial workers, Kalispell
ONRIGHT, Stevensville, U of M, Local 259 Plumbers
HUBERT Local 2774, Helena
MAUREEN MEE, Butte Teachers
TESSURENA SIMONSON, speaking for 7 other people also in opposition, MSLA, Western Montana Carpenters.

Written testimony left because of lack of time to testify were left by:

Mike Walker, Sec. of the MT State Council of Professional Firefighters, EXHIBIT 18.

M.W. Gullickson, United Transportation Union, Livingston, EXHIBIT 19.

Kathy O. Van Hook, Business Representative, UFCW, Local 1981, Helena, EXHIBIT 20.

Letters sent to Chairman Ellerd opposing the bill which he requested be included in the minutes were from:

Kenneth W. Baier, Msla, EXHIBIT 21

Chris Murphy, Msla., EXHIBIT 22

John Lawry, Msla, EXHIBIT 23

Jeny Brown, Msla, EXHIBIT 24

Bonnie Faust for Msla, Elementary Education Association
(365 members) a mailogram which is EXHIBIT 25

There are over 100 letters or notes written opposing the bill attached to the minutes and the signatures of those attending the meeting are also attached to the minutes.

Chairman Ellerd opened the hearing to questions from the committee.

Mr. Murry in response to a question from Rep. Seifert said he felt the movement behind this legislation is purely from those that stand against the trade union movement and is a violation of the law. Rep. Seifert asked if Mr. Murry would have any objections to including all employees so the law would not be discriminatory and Mr. Murry said he would have objections.

Rep. Harrington asked Rep. Burnett who else worked on the bill. Rep. Burnett said he had assistance from a researcher. He also said he had a number of letters from public employees that weren't here tonight because of a fear of harrassment.

Rep. Dozier asked Rep. Burnett if he didn't feel the bill would create a lackey system and cause unnecessary competition among employees. Rep. Burnett said no.

Rep. Keyser said the bill will create individual decisions from all public employees and he asked Rep. Burnett if that wouldn't be creating an absolute nightmare as far as bargaining with the public employees of the State of Montana and different departments. Rep. Burnett said he didn't think so. Rep. Burnett said if the unions were doing their job the individual wouldn't be objecting to being in their camp. He felt that no one should be forced to belong or not belong. He said undoubtedly most have their minds made up. He said if the unions are so sure they are right why don't they have this put on the ballot and see how right they are. He felt labor reform is a little overdone, and the welfare of the individual should be of top priority. He felt labor unions should develop an acceptance to serve and higher ethical standards. They should work for the advancement of local and national understanding. He felt the working man should have a great degree of loyalty for the man or institution for which he works. He said if a man must condemn or find fault he should first resign his position. He urged the committee to read the material he had handed to them.

Chairman Ellerd closed the hearing on HB 645. He expressed his and the committee's appreciation for the attendance and for the testimony presented. Mr. Lynch responded expressing appreciation for the courtesy extended to the people testifying and those in attendance.

EXECUTIVE SESSION

Chairman Ellerd opened the meeting to a consideration of HB 645.

HOUSE BILL 645 - Rep. Keyser moved DO NOT PASS. He said he was moving that not because Mr. Murry or Mr. Tawney were there but because it was a poorly written bill that would create havoc with the present employees that work for the state of Montana. He said if the bill were adopted the state would have to deal with hundreds of units. He said the pros talk of a closed shop and Montana's is not a closed shop - workers do not have to belong but they do have to pay. He said it wasn't until we became organized and had some sort of voice that we were able to make any type of gain. He urged the committee to kill the bill.

Rep. Sivertsen moved a substitute motion of TABLING the bill. He said he has worked all his life so was not taking anything away from laboring people. He said he has a long standing belief in the laboring people. He said he also believes in the rights of the laboring people to organize. But he said there needs to be control in the organization and tonight he said injustices have been mentioned and he felt this was one of the reasons to lay it on the table. He said there are injustices in the labor movement across the country and that is unfortunate. He said some working people fear retaliation and he told of an instance where a laboring man's life and his family were threatened because he stood up to the union. He said he didn't support right-to-work for Montana and he felt HB 645 was not the right way to proceed. He expressed faith that hard working Montanans will resolve inequities in the system if they are given the chance.

Rep. Harrington opposed the motion to table the bill. He said it is important to take the bill and have it on the board so people can know exactly how we feel.

Rep. Dozier said he was totally opposed to the bill and opposed to hiding it. He said if the bill is about freedom of choice it is about as false as right-to-work.

Rep. Underdal said he supported Rep. Sivertsen's motion. He said he has a little problem with labor unions, too, as he was opposed to many of the things they do. He felt they were bringing some of this on themselves as they need to clean up their act, and if they did a bill like this wouldn't be needed. He questioned the right of public employees to strike where lives could depend on them.

Rep. Menahan said he rises in support of Rep. Keyser's motion. He said agriculture takes advantage of certain privileges wholeheartedly like renting federal land. He said we could put up all state lands for open bid and make it an every year bid. He said we all have a little dust on our door stop.

Rep. Sivertsen said he didn't make the motion with any intention of bringing it off the table. It will stay on the table.

Chairman Ellerd called for a roll call vote and it failed with 8 voting yes (Reps. Hanson, Seifert, Schultz, Sivertsen, Briggs, Smith, Underdal and Ellerd) and 9 voting no (Dozier, Harper, Harrington, Keedy, Keyser, Menahan, O'Connell, Pavlovich, Thoft). Reps. Hanson and O'Connell had left absentee ballots with the Chairman.

Chairman Ellerd then called on a roll call vote on the motion of DO NOT PASS and this carried unanimously.

Chairman Ellerd called for a short recess during which time the committee convened in Room 129 for further executive action.

HOUSE BILL 557 - Two sets of suggested amendments were passed to the committee members. One set had been presented at a former meeting by Rep. Seifert and this is EXHIBIT 26 of the minutes; and the other set was presented by Rep. Keedy and this is EXHIBIT 27 of the minutes.

Rep. Dozier moved DO PASS. Rep. Keedy then moved that his suggested amendments be adopted by the committee. He said the amendments would simply peg the minimum wage in Montana to the federal minimum wage. It would provide that the employer could use the tip credit up to the maximum amount allowed by the federal as long as she receives enough tips to equal the minimum wage. All tips received by the employee are solely hers or his to keep.

Rep. Dozier said he was opposed to the tip credit all the way.

Rep. Seifert said his only problem was to have the minimum wage fit the federal standard. Not in any other portion throughout Montana is it the same as the federal. It would be an increase of 86%.

Rep. Harrington said the bill would be worthwhile for all but the tipped employees. He told Rep. Keedy he appreciated what he was trying to do but that he had to oppose the tip credit.

Rep. Seifert asked about farm labor and Rep. Keedy said the amounts in Brown's bill are untouched by his amendments.

The question was called on Rep. Keedy's amendments and the motion failed with Rep. Dozier, Menahan, Harrington, Keedy and Pavlovich voting yes and ten voting no (Reps. O'Connell and Hanson absent).

Dozier moved to reconsider action on the last motion so the amendments could be taken individually. This motion carried with Reps. Smith, Briggs, Harper and Keyser voting no.

Rep. Schultz moved that Rep. Keedy's first amendment be not accepted. This motion carried with 9 voting yes and 6 voting no (Reps. Dozier, Harper, Menahan, Pavlovich, Keedy, Harrington) and two absent (O'Connell and Hanson).

Rep. Menahan moved the second amendment of Rep. Keedy's 2 (3) (a) and (b). This motion failed.

Rep. Dozier moved the second half of amendment 2 (3) (c) and (d) be adopted and this motion carried with Reps. Seifert, Underdal, Smith, Ellerd and Hanson (by a left vote) voting no.

Rep. Smith moved a substitute motion of DO NOT PASS. Rep. Keyser moved a motion for all motions pending to adopt Rep. Seifert's amendments omitting small (iii) and (c) on amendment 5 as these have already been adopted from Rep. Keedy's amendments.

Rep. Harrington said this would leave it the same the first year and increase it by 20% the second year. Then we turn around and say anyone under 16 years can't be covered by the minimum wage. Rep. Seifert said the reason I reduced it to 16 years is that the law states "under 18 years of age." Rep. Harrington said that's federal law and there is no mention of it in the state statute.

Rep. Thoft read from the codes the part that deals with farm labor and 18 year olds. Rep. Harrington said this is under the farm but not for the city. He said he would have to oppose putting a law like that on the books to cover 16 year olds in the city.

Rep. Dozier said this is age discrimination. We have put through a joint resolution to study child labor laws and then have a bill that not only encourages the use but abuse of child labor.

Rep. Keedy moved to divide the question so we can take these one at a time. The motion carried with Rep. Thoft, Ellerd, Underdal, Smith, Seifert, Pavlovich, Briggs voting no.

Rep. Harper moved to delete amendment no. 7 of Rep. Seifert's amendments. This motion carried unanimously with those present.

Rep. Pavlovich moved to delete amendment no. 6 of Rep. Seifert's amendments and this motion failed with Reps. Keyser, Seifert, Briggs, Schultz, Thoft, Underdal, Ellerd, Smith voting against the motion.

Rep. Underdal moved to adopt 1, 2, 3 and 4 of Rep. Seifert's amendments. Rep. Pavlovich moved to separate these amendments. Rep. Pavlovich's amendment failed with Reps. Briggs, Seifert, Schultz, Ellerd, Smith, Thoft, Sivertsen, Keyser and Underdal voting not. A vote was then taken on Rep. Underdal's motion to adopt the first four amendments. This motion carried with Reps. Dozier, Harper, Menahan, Pavlovich and Harrington voting no.

Rep. Seifert moved Seifert amendment no. 5. Rep. Keyser moved a substitute motion since (iii) and (c) were already accepted as they are similar to 2(c) and (d) of Keedy's amendments to adopt only 5 (3) (a) and (b) (i) and (ii). Rep. Keedy said he opposed this motion as it is putting us into the federal system.

Under the circumstances it would be inconsistent to plug into the federal system.

Rep. Sivertsen said this is simple. Let us delete Seifert amendment no. 5 and hold onto (iii) and (c) of Keedy's amendments. Rep. Harper moved a substitute motion for all motions pending to do this. This motion carried with Reps. Ellerd and Smith voting no.

Rep. Menahan said we should delete Seifert amendment no. 6 as it doesn't apply any longer. Rep. Keyser so moved and the motion carried unanimously with those present.

The question was called on the motion to DO PASS AS AMENDED and the motion carried with Rep. Pavlovich voting no. Rep. Hanson and Rep. O'Connell had left votes to vote for the bill.

HOUSE BILL 190 - Rep. Seifert moved DO NOT PASS. The motion carried with Reps. Pavlovich, Dozier, Menahan and Harrington voting no.

The meeting adjourned at 10:45 p.m.

Respectfully submitted,



ROBERT ELLERD, CHAIRMAN

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For the Record, I am Jim Burnett, Representative for District 71 and prime sponsor of HB 645.

This piece of legislation was introduced by request of some State employees. It was these same employees that were enthusiastic supporters of the closed shop concept. The argument at that time was it will bring labor harmony with everyone working together for the benefit of the individual. It was my argument then and is now, that everyone should have a free choice to belong or not to belong to any organization. There is no doubt in my mind that the individual employee is of little importance to the overall union movement. The only thing that is of importance to the union leadership is money - and once the king pin position is arrived at, they will do anything to hold it, including crime. Over the years I've been threatened because of my stand and many employees and their families have been threatened. Boycotts, sympathetic strikes and ^{violence} ~~reliance~~ both within and out of the union is of common occurrence.

Money is the name of the game - and for the public employee it is a ripoff--so little can be bargained for. The legislature, commissioners and trustees set up budgets and for the most part are funded by tax paying entities, therefore, any negotiation has to deal with the tax paying public in mind. At the end of the 1973 session when the "closed shop" legislation for public employees was enacted, I would go home at night believing what we were doing to the public and the State of Montana was a dream, and that we

just couldn't be doing what we were doing, but we were.

The labor unions had sent up a trial balloon bill at the beginning of the session and found they had captured the legislature and every labor bill that had been waiting in the wings for many sessions just sailed through.

The last day of that session on the House floor, when I was recognized by the Speaker, I made this statement and no one challenged it. "I am sorry to have been a part of what we've done to Montana and private enterprise. We have put in effect regimentation limitations and taxation on the business community and I have my doubts that private enterprise can survive for many sessions like this one." *and turned control over to organized labor.*

I would ask you to look at the bill. Under Sec. 1 it provides for free choice. It is not an anti-union measure. If the union is doing its job for the membership everyone will want to be a member.

Section 2, as it is now the unions have lost the individual touch. This will give the individual an exclusive in their own right.

Section 3, gives the individual the validation of an agreement.

Section 4, this section is meant to insure the individuals voluntary decision.

Section 5, sub sec. (3) is the open shop provision by eliminating the closed shop provision.

Section 6, is the grandfather clause that allows present contracts to run out to the expiration date.

2x. 1a

FARM LABOR RESEARCH COMMITTEE

Seeking a Sound Labor Policy for American Agriculture

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EXCLUSIVE REPRESENTATION--WHOSE INTERESTS SERVED?

The National Labor Relations Act and legislative proposals to extend it or similar labor law to agriculture, all base their central provisions upon the stated principle of free employee choice. However, they all flatly contradict that principle by their "exclusive representation" provisions. Under these provisions, a particular union selected by a bare voting majority of employees becomes the exclusive bargaining agent for all employees in the unit. This perversion of the majority rule principle abrogates the free choice of the employees who do not want to be represented by a particular union, or indeed may wish to act as their own bargaining agents, without representation by any union. The effect is to serve the interest only of union officials.

Under our current system of labor law based on the NLRA as it has been amended and interpreted, the exclusive representation provision amounts to an overwhelming organizing advantage for union officials, and a denial of the freedom and common law rights of employers and employees. The only thing union officials are required to do in order to become the sole bargaining agents for all the employees in a particular unit is to sign up or win the election votes of fifty percent plus one of those employees. Then fifty percent less one are required to accept the terms and conditions of employment negotiated by those union officials, losing the right to seek their own best deal with their employer in free competition. Furthermore, the nonconsenting employees will probably have to pay dues or equivalent fees to the union officials they voted against, since one of the primary bargaining objectives of any union bargaining agent is a contract clause requiring union membership and dues payment as a condition of employment.

The organizing advantage accorded to union officials by the exclusive representation provision has been further extended at the cost of individual rights by the National Labor Relations Board. Under an NLRB rule, upheld by the Supreme Court, an employer can be required to bargain with union representatives who have actually been rejected by a majority of his employees in a secret ballot election. According to the NLRB, this is justified where union officials have obtained the signatures of a majority of the employees on "bargaining authorization" cards prior to the election, and where they have charged the employer with "serious" unfair practices that make a fair rerun elec-

any way discourage his employees from casting ballots for representation by a particular union might be construed as a "serious" unfair practice under the NLRB's interpretation. On the other hand, the NLRB and the Supreme Court have held, in the recent Gissel case, that a card majority authorizes exclusive representation even where the meaning of the cards is misrepresented to the employees who sign them. In that case, employees signed cards believing that they were calling for a representation election, only to be told later that their signature on the card was considered as a vote for exclusive representation by a particular union.

Once past the organizing stage, union officials enjoy a monopolistic advantage in the collective bargaining process by virtue of the exclusive representation principle. The employer is forbidden to deal with anyone other than the exclusive bargaining agent in all matters pertaining to wages, hours, and other terms and conditions of employment.

The exclusive representation provision thus binds both employers and employees, and ultimately consumers, in a strait jacket. The organizing advantage it gives to union officials, along with the other special privileges granted by the NLRA, has contributed to the unionization of virtually all the organizable "blue collar" employees in American industry, destroying the employees' freedom of choice in the process. The bargaining advantage under the exclusive representation principle has enabled union officials to make the demands that have created inflation and unemployment in industry and have priced many American goods out of world markets.

But while industry has been suffering under union monopolistic privileges for 35 years under the NLRA, its amendments and interpretations, American agriculture has used its freedom from governmental intervention in farm labor-management relations to establish an impressive record of productivity and efficiency, and has developed into one of the healthiest segments of our national economy. Ninety-five percent of American farms are small family farms, which would be at least as vulnerable to unionization industry generally, if pending legislative proposals were passed. Armed with the special monopolistic privileges granted by our current system of labor law, union officials would be able to undermine the productivity, destroy the economic health, and abuse the rights of agricultural employees, employers, and consumers of agricultural products to the same extent as in industry generally. Can we afford to extend to the food-producing sector of our economy labor laws that serve the interest only of powerful hungry union officials?

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addition to the obvious and severe impact of these cases on the often helpless individual employees, the effect of this narrow interpretation of section 7 is to place restrictions on unions' ability to exert economic pressure upon employers. Often—if not usually—employees engaged in concerted activities for the betterment of their wages, hours, and other conditions of employment are acting at the behest of, or in league with, their collective bargaining agent.

A fallout, or unintended, consequence of having stripped unions of considerable power by this strict construction of the Act may have been a tendency to balance things by giving unions greater strength in other areas than otherwise would be justified. These areas may be, unfortunately, also contexts in which the individual workers pay the major price, rather than the unions being repaid for the loss of their economic strength by interpretations of the Act which would come out of the employers' hides. It is ironic, and perhaps cruel as well, that the employees are the primary victims in an effort to keep employers strong vis-à-vis unions, and that employees are similarly victimized to keep unions strong vis-à-vis employers.

Much of what follows are examples of keeping unions strong. Exclusive representation appears often, if not always, to be the doctrinal cause or justification. While I have made no exhaustive effort to explore the various problems, I do attempt to suggest some better ways to deal with the issues.

A. *Fair Representation*

It is often said that a union, in the representation of employees, should be analogized to a legislature in its representation of all persons.¹³ Like the legislature, the union has been selected by a majority; and like the legislature, it will participate in the creation of laws which will affect all, even those who did not want it to represent them in the first place. To that point, the analogy appears to have some merit, although it is unduly simple and somewhat deceptive. It should not be pushed too far. For example, the union does not decide unilaterally what the new "legislation" will be; the employer must participate and, indeed, in a very real sense remains the one to call the tune. As antiunion employers are fond of pointing out in election cam-

¹³ "For the [bargaining] representative is clothed with power not unlike that of a legislature . . ." *Steel v. Louisville & N.R.R.*, 323 U.S. 192, 198 (1944).

paigns, only the employer can put a raise in the employees' pay envelope. And, at least after giving collective bargaining a try, an employer may be able to put that pay increase into the envelope even without the union's agreement.¹⁴ While a legislature passes laws which deal with all walks of life, rarely does it deal with issues of intense and direct interest and effect to all the electorate. Unions do this all the time in reaching agreements with employers about wages, hours, and other terms and conditions of employment.

Moreover, in our society neither the legislature nor its agents represent all people in their individual concerns or grievances with others. Quite to the contrary, people select their own representatives to help in settling individually identifiable interests. Unions, on the other hand, represent all employees in their individual grievances, including the complaints of employees who actively oppose the union or its leadership.

Thus, one can question whether the analogy to the legislature is very useful when dealing with the obligation owed by the union to all the individuals it represents. While it is true the individuals often will have conflicting interests which may be irreconcilable, and that someone has to resolve the competing interests, one may be compelled to conclude that close supervision of the resolver is in order, especially when the decision-maker is an exclusive representative chosen by the majority. This should be clear because the union is not neutral, but is controlled by one employee group or another from among the conflicting interests. It is from this concern, with a possible constitutional basis as well, that the duty to represent all the employees in the unit, the duty of fair representation, found and still finds its bottom.¹⁵

Given the conflicting interests of the many employees in a unit and the expertise of the union, the courts are prepared to defer to the unions' judgment, in most cases, of what cause is best for the most employees. Accordingly, the Supreme Court has told us that the duty of fair representation requires only that the union refrain from acting "arbitrar[il]y, discriminator[il]y or in bad faith."¹⁶ It is not clear to what extent the duty

¹⁴ *See, e.g.*, *NLRB v. Crompton-Highland Mills, Inc.*, 337 U.S. 217, 225 (1949); *NLRB v. U.S. Sonics Corp.*, 312 F.2d 610 (1st Cir. 1963).

¹⁵ *See Steele v. Louisville & N.R.R.*, 323 U.S. 192 (1944).

¹⁶ *Vaca v. Sipes*, 383 U.S. 171, 190 (1967).

outlaws union discriminatory activity based on what are arguably irrelevancies to the union's accepted role,¹⁷ nor whether violation of the duty requires that the union act intentionally to deprive the employee of something he or she has a right to have.¹⁸ Perhaps time will make clearer what the duty implies. In the meantime, it does appear that the doctrine is to be construed narrowly.¹⁹

What is clear, however, is that the concept of fair representation, whatever it means, is a necessary implication of the Act because of one idea in particular: the doctrine of exclusive representation. Without that doctrine, employees would be free to select their representatives without being subjected to a political majority which is unsympathetic to the minority's desires. While I am not so naive as to believe that all conflicts between employees and their representatives would disappear if only exclusivity were jettisoned, conflicts created by individuals' need for fair treatment at the hands of their union could be greatly reduced if exclusivity were abandoned and employees were allowed to be represented by their own individually chosen agents.

Whatever can be said for sacrificing the minority's interests for the good of all, or at least for the majority, the idea makes no sense when the issue is what should be done regarding a single individual's grievance with his or her employer. No longer can it be said that the union is acting like a legislature. In this context, the union is the representative of the individual; it does not suffice to say that even in this context the union must first think of and consider the interests of the majority, or consider what is the best for the most, or that the union must consider as paramount the "proper" interpretation of the collective bar-

¹⁷ The Court said in *Steele* itself that union discrimination within the bargaining unit could not be "irrelevant and invidious." 323 U.S. at 203. While courts have found failures to represent fairly where the basis for disparate representation was deemed "irrelevant," e.g., *Berman v. National Maritime Union*, 166 F. Supp. 327 (S.D.N.Y. 1958); *Brotherhood of Locomotive Engineers*, 116 F. Supp. 3 (D.D.C. 1953), what is deemed "relevant" has a very broad scope. See *Ford Motor Co. v. Huffman*, 345 U.S. 330 (1953).

¹⁸ Compare *Amalgamated Ass'n of St., Elec. Ry. & Motor Coach Employees v. Lockridge*, 403 U.S. 274, 301 (1971) ("[T]he very distinction . . . between honest, mistaken conduct, on the one hand, and deliberate and severely hostile and irrational treatment, on the other, needs strictly to be maintained."), with *Vaca v. Sipes*, 386 U.S. 171, 190 (1967) (mandate that the union refrain from engaging in conduct that is "arbitrary, discriminatory or in bad faith").

¹⁹ See *Amalgamated Ass'n of St., Elec. Ry. & Motor Coach Employees v. Lockridge*, 403 U.S. 274, 301 (1971). But see *Clark, The Duty of Fair Representation: A Theoretical Structure*, 51 TEXAS L. REV. 1119 (1973).

gaining contract. Those are no longer the issues. The issues now center on the individual's allegations and interests. Moreover, there are opportunities, albeit not unilateral, for the union to amend the contract if an individual grievance is settled in a manner which the union does not want. If the issues were still general, rather than specific, still a matter of unit concern, where could an individual ever find vindication of the legitimate interests that he or she has as a result of the collective bargaining contract and the expectations that the contract has created?

The almost universal fact that the union was opposed by a minority of the employees who now must look to that organization for representation in their individual grievance proceedings compels one to come face to face with a real novelty in our law, to which reference has already been made: An individual is forced to use a representative not of his or her own choosing to settle an individual grievance or complaint. Indeed, the representative may be antagonistic to the employee, either personally or ideologically. Nevertheless, the law tells us that these individuals must be represented by such unsympathetic institutions.

As protection, the Supreme Court has held that the duty of fair representation applies to grievance and arbitration proceedings.²⁰ This might be of some protection if the duty were broadly and clearly defined, but the courts have yet to set forth such an exposition. Moreover, proof of a violation of the duty of fair representation does not make out a successful case against the employer under the collective contract: The individual must prevail on the contract issue as well. The individual probably has to prevail on the contract issue even if the union is the only defendant, because it is difficult to show how the employee has been injured by the union's failure to represent fairly unless there was a contract right at the bottom of the employee's claim.

While this appears to make sense, at least at first blush, it is neither reasonable nor fair that the employee can successfully sue the employer on the contract only when the union also violates its duty of fair representation. After all, if the employee's contract rights were violated, what relevance has the union's behavior to an action between the employee and employer? Nevertheless, in *Vaca v. Sipes*,²¹ the Court held that an individual

²⁰ *Vaca v. Sipes*, 386 U.S. 171 (1967).

²¹ *Id.*

has to prove a failure of fair representation before he or she can sue an employer on the collective bargaining contract. On one level, the Court's reasoning seemed to be that the union and the employer were the parties to the contract (whatever happened to the employees?) and that it therefore followed that the union had to be dissatisfied with the employer's actions and seek redress if any relief was to be had (unless the union acted illegally in its acquiescence, in which case the individual needed protection). On another level, the Court appeared to be saying that the union needed to participate in all grievance settlements because whatever was decided could affect all the other employees whom the union represented.

There is some truth to both levels of analysis, but neither is wholly persuasive. First, the fact that a union does not pursue a grievance does not prove that the union, one of the two parties recognized by the Court, agrees with the other party—the employer. The union may have chosen not to pursue the grievance for reasons which were legitimate, at least for fair representation purposes, but it might still agree with the employee's position on the merits of the grievance. Secondly, while many grievances have elements which may have some impact on other employees, this is obviously a more or less proposition, varying from case to case. Resolution of seniority disputes can affect large numbers of employees, while resolution of a discharge case where the only issue is whether an employee showed up late for work may involve no other employees' interests at all; as a practical matter. While drawing the line is made easier by opting for the idea that other employees' interests and the union's interests are always involved, that hardly comports with the legitimate interests of the grieving employees. Sometimes the grievant's interests far outweigh the union's or other employees' theoretical concern.

Finally, it should be noted that, in the past, the Supreme Court has ordered arbitration in one case although it was plain that one of the parties most likely to be affected would not, and could not, participate. In *Carey v. Westinghouse Electric Corp.*,²² the Court ordered an arbitration between an employer and one union which had a jurisdictional dispute with another union not involved in the litigation or in the arbitration-to-be. What

²² 375 U.S. 261 (1964).

legal impact the required arbitral decision might have on the unrepresented union was not decided by the Court. If the Court can order such an arbitration where it is virtually certain that further litigation or arbitration would be necessary to resolve the matter because an interested union was absent, surely one can have doubts about the sanctity of requiring a union to participate voluntarily when an employee seeks justice from his or her employer. Combining with this the fact that there is often reason to be suspicious of union motivation for refusing to process grievances, especially since the grievant may have all sorts of unprovably bad relationships with union leaders and the leaders all sorts of unprovably hostile motives towards the individual, one must conclude that the *Vaca* solution does not make sense.

A more appropriate, albeit not perfect, solution under the existing statutes is the following:

1. If an employee is severed from employment, he or she is able to sue the employer on the contract without exhaustion of contractual remedies (so long as the employee does not seek reinstatement).²³

2. If the employee has not been severed from employment, or he or she seeks reinstatement as a remedy, the employee has the right to take up the grievance, although not the right to force the union to pursue it.²⁴ If the union chooses not to support the grievance formally, the employee is entitled to a written reason why the union will not pursue the matter; the reason

²³ This once was the law under the Railway Labor Act. *Moore v. Illinois Central R.R.*, 312 U.S. 630 (1941). The Supreme Court first refused to extend *Moore* to *Taft-Hartley* cases, *Republic Steel Corp. v. Maddox*, 379 U.S. 650 (1965), and then overruled *Moore* entirely. *Andrews v. Louisville & N.R.R.*, 406 U.S. 320 (1972).

²⁴ See the proviso to § 9(a), 29 U.S.C. § 159(a) (1970), which states: "[A]ny individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the intervention of the bargaining representative as long as the adjustment is not inconsistent with the terms of a collective bargaining contract or agreement then in effect." Despite the more obvious meaning of this language, which creates an exception to the purity of exclusivity on behalf of the employee, the usual interpretation given these words is limited to permitting an employer, if it wants, to discuss a grievance directly with an employee. *E.g.*, *Black-Clawson Co. v. Machinists Lodge 355*, 313 F.2d 179 (2d Cir. 1962). It makes more sense to give the individual employee the right to settle grievances. In this fashion, the employee is more apt to be satisfied and the employer is more likely to hear employees' problems. Since the proviso assures the union's presence at the grievance discussions, it is difficult to understand any harm that can befall exclusivity concepts by assuring an individual this limited right. *See, e.g.*, *Donnelly v. United Fruit Co.*, 40 N.J. 61, 190 A.2d 825 (1963). I do not accept the *Donnelly* opinion, however, where it suggests

should set out what efforts the union made to investigate the grievance as well as the reasons for its abandonment. The union must follow reasonable procedures to investigate, and the union is expected to have reasonable grounds for not pursuing the matter. If its motivation was improper (unreasonable or irrelevant), the stated reasons would in no way bind the employee. If the evidence does not support the union's position, or if its reasons for not pursuing the grievance are improper, the employee should be successful in a fair representation action. A fair representation action should be permissible without proof that the employee was correct on the contract claim; it should be enough that the employee lost a chance of winning the contract claim because of the union's mal- or misfeasance.²⁵

3. The employer may be liable to the employee on the contract, even if the union does not pursue the grievance through arbitration and even if the employee is not separated from employment, if (a) the union is guilty of a failure to represent fairly, (b) the union does not agree with the employer's position but has failed to pursue the matter for reasons which do not violate the duty to represent fairly, or (c) although the union agrees with the employer, the union's reasons for not pursuing the grievance do not significantly or legitimately involve the interests of other employees covered by the contract.²⁶

4. The employee should not be required to join the union and the employer as defendants in order to succeed against either.

an individual can even insist upon going to arbitration. This seems, to a considerable extent, a futile gesture for the employee. Moreover, the dilemma of identifying the "parties" to the arbitration may be more trouble than it is worth. Finally, such a doctrine might result in unfair financial burdens. However, as indicated in the text, the individual's rights in the courthouse should be greatly expanded.

²⁵ The fact that paragraph "three" permits the employee to sue the employer on the contract if the union fails to represent fairly should not preclude the employee from suing in fair representation only, and having the damages measured in terms of a lost chance to prevail on the contract issue. In some situations, at least, that chance will not be equated with the merits of the contractual dispute. This will be true especially where the designated interpreter of the contract is an arbitrator, not the courts.

²⁶ It should be noted that the proposal made in the text does not wholly reject some of the institutional interests protected by *Vaca*. If the union's refusal to support the individual is based significantly on the legitimate interests of other employees, e.g., a seniority dispute, I am prepared to leave a real contract issue to the interpretation of the creating parties, the employer and the union. However, there are limits to the rational meaning of words and, beyond that point, the courts should not defer to the parties' contract interpretation when it comes at the expense of identifiable individuals.

5. An employee should never be required to exhaust internal union procedures before suing either the employer on the contract or the union for failing to represent fairly in a grievance context.²⁷

6. If the union does choose to pursue a grievance to arbitration, an individual employee may employ his or her own representative for the proceeding.²⁸

While these proposals would not completely protect legitimate interests of individuals, they would go a long way without abandonment of the exclusivity doctrine.

B. *Board Abstention in Individual Rights Cases*

A few years ago, the National Labor Relations Board reversed its then longstanding practice of virtually never deferring to the arbitral process.²⁹ Much can be said for the NLRB's decision to abstain from deciding a case in which the arbitration process is available to resolve an issue revolving around the authority of the employer to impose "unilaterally" changed working conditions during the term of a collective bargaining contract.³⁰ In such a case, there can be no "unilateral action" if the contract authorizes the employer conduct; any unfair labor practice finding would necessarily turn solely on the meaning

²⁷ A growing body of law is requiring employees in *Vaca* contexts to exhaust both contractual and internal union remedies, even in cases where the employer is the defendant. See Simpson & Berwick, *Exhaustion of Grievance Procedures and the Individual Employee*, 51 TEXAS L. REV. 1179 (1973).

²⁸ Note that the proposal does not authorize an individual to enforce arbitration where neither the union nor the employer seek it. This assumes, of course, that the contract does not authorize individual authority to initiate arbitration. The reason for this apparent omission is primarily a skepticism about an arbitrator's ability to retain an objective and fair stance when his or her "employers," the union and management, are opposed to the arbitration. Even the right of counsel contained in paragraph "six" may not be worth much. Either the union will support the individual, in which case the independent attorney is probably not needed (although his or her presence may assure more competent representation), or the union will not support the claim, in which case the arbitrator's neutrality will be somewhat suspect. (Of course, the arbitrator may not be aware of the union's indifference or animosity to the individual's claim, and the attorney's presence may prevent the union from being open about its true attitude. Moreover, the union's indifference may be reflected in poor advocacy, which the attorney may cure. Alternatively, the arbitrator may treat the presence of such an attorney and everything he or she does with considerable skepticism, given the fact the attorney does not speak for either the employer or the union.)

²⁹ *Collyer Insulated Wire*, 192 N.L.R.B. 837 (1971).

³⁰ See Schatzki, *NLRB Resolution of Contract Disputes Under Section 8(a)(5)*, 50 TEXAS L. REV. 225 (1972).

AROUND HELENA

Painters file third complaint

By BILL SKIDMORE
in Staff Writer

Another link was added to a chain of related disputes between members of Local 1023 of the Brotherhood of Painters and Allied Trades and union leaders Thursday as members launched a third formal complaint against their leadership.

Eight painters working for the state Department of Institutions mailed an unfair labor practices suit to the State Personnel Appeals Division complaining that the leadership inadequately represented them, that it failed to pay bills authorized by the membership, and that it illegally raised dues.

Those same painters filed a lawsuit in Boulder District Court Dec. 31 making the same charges and seeking \$400,000 in damages. That case has been moved to Federal District Court in Butte because several of the issues raised by the union members were con-

stitutional ones. No federal court hearing has been set.

Meanwhile, another group of six painters, this time employees of the State Highway Department, have filed a petition with the Personnel Appeals Board seeking decertification from the same union.

They say they want out of the union because it does nothing for them, and that their monthly payments to the union for increased dues and unwanted retirement benefits amount to about \$80 a month.

Robert Jensen, administrator of the appeals division, said the cases won't come to formal administrative hearings until next month.

He said there currently is a case in the Supreme Court relating to whether his division or the courts should handle the kind of unfair labor practice complaint filed by the Department of Institutions painters.

In any event, he said, he will send copies of the complaint to the union and the department,

and an administrative hearing probably will be scheduled.

As for the Highway Department painter's request for decertification filed last week, Jensen said the department has requested a time extension until early February in which to reply.

He said the union's leadership is contending that the petition is improper because it seeks only "partial decertification."

The painters are allied with other labor unions representing state employees in the Crafts and Trades Council bargaining unit, and the painters' union leadership contends it would be improper to decertify only part of that council, Jensen said.

He said that although no other union has expressed interest in representing the Highway Department painters, they have until Jan. 25 to intervene in the case.

The painters' local represents about 200 workers in Boulder, Butte, Bozeman and Helena.

Only Schwinden veto

Sunday, February 1, 1981 Great Falls Tribune 9-A

may save labor's laws

By CHARLES S. JOHNSON
Tribune Capitol Bureau

HELENA — Montana's organized labor movement faces an onslaught of hostile bills in the 1981 Legislature at a time when many unions themselves are badly divided.

News analysis

As much as any single group, labor reaped the benefits from the Democratic-controlled Legislatures of the early and mid-1970s. But as Republicans gained strength to capture control both the House and Senate this year, labor finds itself increasingly on the outside and under

As if that weren't enough, bitter splits within the labor movement have reduced the unions' political voice in recent years.

The immediate problem facing labor is the 1981 Legislature.

While labor leaders aren't publicly announcing anything yet, privately some of them are bracing for the worst. They also know they may have to urge Gov. Ted Schwinden, who won about 60 percent of the vote last year, to veto the worst of the bills.

Jim Murry, executive secretary of the Montana AFL-CIO, said labor leaders were divided in their assessment of the 1981 Legislature before it began. Some expected labor to be treated

harshly by the Republicans, he said, while others believed the Republicans should be given a chance and not be ousted prematurely.

After four weeks of the session, several labor leaders seem to have made up their minds.

"There are certainly more bad bills introduced at this point than at any time in my recent memory," said Murry, who's been on the scene since 1967.

At the end of last week, the bad bills outnumbered the good by 26-4, Murry said.

"This is certainly the hardest run taken at workers' rights since Montana in the early 1970s was able to come into the 20th century and pass

many of the best worker protection laws in the nation," he said.

Murry ran through a litany of "bad" bills introduced and said labor only hopes that the entire Legislature will show more concern for working people than some individual lawmakers have.

Gene Fenderson, business manager of Local 254 of the Laborers Union, Helena, said he had hoped Republican legislative leaders would use their influence to keep out some of the worst bills so the GOP could build on its strength.

"But apparently they're just going to take us on full board and be done with it," Fenderson said.

Rep. Steve Waldron, D-Missoula, who heads his local timber products workers union, was also pessimistic.

"We will be spending most of the time trying to protect the legislation we have now," he said.

He said he doubted whether Republicans would show much concern for working people and expects some bills "repressive" to labor to pass with GOP support.

Labor leaders were apprehensive about the composition of the House and Senate labor committees, which are headed by men with poor voting records in the unions' opinion.

House Labor chairman Bob Ellerd, R-Bozeman, was given a zero percent rating by the AFL-CIO in 1979, while Senate Labor chairman Harold Nelson, R-Cut Bank, got a 23 percent mark.

Both men said they have nothing against labor; they just don't happen to agree with the unions on much.

"I have great respect for the union people," Ellerd said. "They're entitled to their opinions and philosophy. Mine happen to be the opposite."

Still, Ellerd pledged to be fair, and union officials said he is.

"Ellerd is extending every courtesy to us," Fenderson said. "But I feel if we're for something, they're against it. I don't think some of these people are really looking at the merits."

Nelson said he gets along fine with labor leaders despite their disagreements on issues and pledged to treat them fairly in committee.

Apart from courtesy, labor isn't likely to get much else from the labor committees, just as business interests had little chance when the Democrats controlled the labor committees in past sessions.

For all their pessimism, the unions have helped defeat a couple of bills in committee.

The House Labor Committee killed HB89, sponsored by Rep. Jack Moore, R-Great Falls, to delay unemployment benefits if a person and his spouse had made more than \$24,000 over the previous nine months.

Unions also lobbied to get a "do not pass" recommendation from the House Business and Industry Committee for HB185, sponsored by Rep. Joe Kanduch, D-Anaconda. That bill would have provided for jail sentences and fines for some persons who delayed industrial developments, which could have led to the imprisonment of workers on wildcat strikes.

The unions are bracing for fights over many other bills, including:

- SB101, sponsored by Sen. Thomas Keating, R-Billings, to deny unemployment compensation benefits to strikers even if there not a work stoppage because management took over running a plant.

- HB259, sponsored by Rep. John Harp, R-Kalispell, to deny unemployment compensation benefits to school district employees, not including teachers, during the summer.

- HB260, sponsored by Moore, which the unions say will weaken the current "prevailing wage" law that requires contractors awarded government contracts must pay employees the "prevailing wage" and fringe benefits paid for similar jobs in the community.

- HB132, sponsored by Rep. Glenn Jacobsen, D-Plentywood, to weaken state building codes.

- SB198, sponsored by Sen. Matt Himsl, R-Kalispell, to prohibit public employees from striking.

- HB224, sponsored by Moore, to do away with state liquor stores and allow the state to contract out the responsibilities. Union clerks fear job losses.



Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 85th CONGRESS, FIRST SESSION

The Case of the Free Rider

EXTENSION OF REMARKS
OF

HON. RALPH W. GWINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 30, 1957

Mr. GWINN. Mr. Speaker, I desire to insert in the RECORD an article in the magazine of labor and management called *Partners*, for August 1957, by Maurice R. Franks.

The article follows:

THE CASE OF THE FREE RIDER

(By Maurice R. Franks)

The main argument advanced by the labor leaders in their fight to have compulsory unionism made universal revolves about the so-called free rider—the worker who stands back and declines to join the union. With anger they point to the fact that he reaps all the advantages secured through the union's negotiations with management because the law requires that a labor-management contract cover all employees within the bargaining unit. Tearfully the labor leaders point to the free rider as the enemy of union security, whose continued employment in business and industry can cause the collapse of the entire labor movement. In the labor leader's book of foul names the free rider is all kinds of a slacker, slob, and heel—the lowest type of cheapskate and the most vicious type of ingrate—an individual unworthy to ride on the bandwagon of unionism beside those who have paid their fare. Rending their garments and tearing their hair, the labor leaders have lumped all free riders together in a single repulsive category and have demanded that no right-to-work law shall appear on any statute book to block the advance of compulsory unionism.

These emotional pleas have tugged at the heartstrings of many a lawmaker in State and Nation and stirred the fancy of judges sitting on some pretty high benches in these United States of ours. The result has been that in an alarming number of cases the free rider has come out second best in his struggle against organized labor's effort to license all employment. This means that what may or may not have been a serious

inequity in the first place has resulted in one that now most definitely is.

It therefore seems imperative to me that, while there is still time to do so, all of us who still have a voice in the march of American affairs should carefully reexamine the case of the free rider and determine if we can the direction in which true justice lies. Because, although every free rider still remains a prospect for voluntary union membership, from universal compulsory unionism there can be no retreat. We'll be stuck with it and with all the un-American things it stands for.

NO STANDARD BRAND

The first thing that should strike us as we look into the facts of the case is that there is no standard brand of free rider and that the unions make a dangerous mistake when they lump them all together in one category.

For example, the fellow who lays back his ears and refuses to the bitter end to join the union that has successfully appealed to a majority of his shop mates and may indeed be a heel, a cheapskate, and all kinds of a despicable character. Or he could be a working fool or a screwball. He could be the very heart and soul and body of human repulsiveness, so that the wonder really should be how any self-respecting union man could ever desire to call him brother.

Such a worm cannot possibly be a discredit to the union—and for the simple reason that he doesn't belong to it. If anything, he emphasizes its character and dignity and adds to its stature and prestige so long as he remains a conspicuous holdout. Being who and what he is, he injures the union only on the day when he comes crawling to it for a card and the union, in a moment of weakness, takes his buck and cuddles him into its arms.

So long as a union is an organization of self-respecting workers and not a mechanical license bureau serving the shakedown enterprises or social herding of a dangerous leadership, you'd think it would make a point of giving the widest possible berth to all who might in any way give it an unsavory reputation. But, however the case may be, and however the leaders of unions may feel about it, even such low characters as pictured here still are Americans and still are

as inherently entitled as the next man to have their basic American heritage of freedom preserved, not abrogated, by the laws of State and Nation. Freedom of thought and conviction, voluntary association of individuals, undictated choice in all issues affecting their organization—these are matters of fundamental American principle which no union and no law and no court should be privileged to take away from any person—even the least of our number.

Next, let's take a look at the free rider who is not a heel or a slob or a cheapskate, who is not an ingrate—for he knows that he has nothing to be grateful for.

There is the free rider, for example, who has taken a good long look at the kind of union offered him and doesn't like at all what he sees. He may have found its leaders to be a bunch of petty crooks or big-league criminals, a nest of dangerous radicals, or a huddle of equally dangerous nincompoops. Maybe he can see, even with one eye closed, that the spirit of brotherhood isn't present in the union and could never prick the skin of the hard-boiled gangsters who have organized, or are out to organize, his shop.

There is the free rider who by personal deed and circumstance has enjoyed a long and mutually faithful relationship with his employer and who would not care to prejudice that relationship by joining a union offering him fewer and shallower advantages.

There is also the free rider who is ideologically opposed to unionism because he believes it to be the sworn enemy of incentive and personal initiative. There is also the free rider who is as openminded as he is hesitant and wants only to be shown. He may be only a temporary holdout, a worker who is a better man because he is no push-over for high-pressure salesmanship—who is no superficial joiner but who, when he does join up, will want to play a conscientious part and work hard for the organization he has sworn his allegiance to.

BUILDERS OF UNIONISM

And just as a heel can be good for a union by staying out of it, so can a first-class character help a union to attain acceptability or even excellence by refusing to join it until it shows signs of improvement. A first-class character, so long as he is and is left to

remain a first-class citizen, provides the union with a first-class target to shoot at—a continuing incentive to operate respectfully, honestly, and efficiently so as to attract such members as will build it into a true brotherhood of creative effort.

The high type of holdout or so-called free rider—and the unions know very well how many of this type there are—is no enemy of decent unionism. He is the enemy of only the type that is unworthy to police his employment, that is unworthy to tamper with the economy of the Nation, that in fact can be its ruination through the indulgence of its leadership in crime, political subversion, and incompetent social planning. Considering the low estate to which all too many unions have sunk through the unseemly or grossly incompetent operations of their leaders, the high type of free-rider holdout can in fact be a builder of better unionism by refusing to be a pushover and publicly stating the reasons.

RIDING CAN BE EXPENSIVE

Though told that only the union leaders can possibly know or decide what is good for labor, many a free rider knows and, from what he sees, can tell the world that this just isn't so. Refusing to have any wool pulled over his eyes, he can count the cost of riding on certain union bandwagons—when the elaborate show planned by the leaders fizzles into a dismal flop. And he can also figure that such a ride could end in a bad economic smashup for him.

There was, for example, the Westinghouse strike of 1955—a strike the IUE leaders cooked up quite without regard for what the company could or could not do for them without jeopardizing its competitive position, its workers' employment, and, in the final analysis, even their union's security. Formulas were so complex that for the better part of 155 days negotiations were either topsy-turvy or stalemated. For over 5 months, picket lines held down production at the Pittsburgh and other plants of the Westinghouse Corp., and the blind but faith-

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ful union toll payers were left sitting at home and counting up the pay they were losing.

And what did the blind and the faithful gain for their long standstill ordered by their union? A well-nigh incomprehensible technicality or two in certain instances. But meanwhile, their losses were large and tangible. According to the union's figures, the average pay per worker lost during the strike was \$1,850—and setting this off against reckonable monetary gains, it will take the more fortunate workers a full 50 years to pay up their deficit, and the least fortunate a total of 124 years to make up theirs.

Many a free rider throughout the land figured the cost of that ride on the bandwagon of unionism and also figured, "No, thanks, not for me." And many another free rider is reaching the same conclusion today when he eyes the Kohler strike in Wisconsin. Out there, the bandwagon of UAW unionism has been rolling for about 3 years—not forward toward bigger and better employment, but downward on the skids. Thus far, the blind and faithful unionists of Kohler have lost over \$10,000 apiece through no wages, and the strike isn't settled yet and probably never will be.

"And," asks many an observant free rider, "just how unimpressive can union representation be?"

UNIONISM ITSELF A FREE RIDER

There is, finally, the free rider who is keen and observant enough to catch his would-be destroyers in a gross inconsistency. He catches them—in the very propaganda they discharge—boosting unionism itself aboard a big bandwagon for the nerviest free ride in all history. He hears them telling workers everywhere that they owe everything they have gained through their employment to unionism alone—their well-equipped homes, their cars, their entire high standard of living—that without unionism and the bigtime bargaining of its leaders, the

workers of this Nation would still be living in abject poverty.

Well, this just isn't true, of course. And many a free rider in possession of the brains the good Lord endowed him with knows very well that it isn't. Labor has come into its present lucrative estate mainly because of the progressive accomplishments of business and industry operating in a free economy. The American worker is better off because of the investments unlimited of American stockholders, of the know-how unlimited of American management, and because of the marketing and selling unlimited of American commercial interests. Our standard of living is what it is, not because of union intervention, but because of technology and engineering as it has been made by investment capital to blossom in every corner of our land. The unions came later and added their mite to an expanding human mechanism, but they were mainly a byproduct rather than a great-power source of the economic development of our country.

Now that is the truer picture of what lies behind today's lucrative employment and effective worker purchasing power—and the union leader who publicly claims a larger spot in it than the facts accord him is the cheapest sort of free rider.

But no one need hate him or excommunicate him or legislate him out of business for that—if such is the extent of his effort to puff himself up. Where the labor leader really becomes dangerous—both socially and economically—is in his relentless campaign to change the face of this Nation, through economic and political pressure, through pulling wool over the eyes of the American people and denying them the opportunity to see and to judge organized labor for what it really is—a phenomenon, both good and bad in itself—and who would compel all workers everywhere to pay a toll for the right to earn a living. The union leader becomes a peril in our midst when he subverts the basic freedoms of people by publicly distorting the case of the free rider.

THURSDAY, JANUARY 8, 1981

Union Members File Suit Against Officers

\$400,000 Sought By Members

Eight members of Union Local No. 1023 of the Brotherhood of Painters and Allied Trades filed a complaint last week in the District Court of Jefferson County against officers of that union. Named as defendants in the complaint are Ray Hoshaw, treasurer; Dennis Mallory, president; John Schilla, recording secretary; John Mohr, financial secretary and John Kunz, vice-president.

The members of the union filing the complaint include LeRoy Delger, Rex Halvorson, Steven A. Kinzle, Larry Koleff, John Miller, R.E. Sanford, Benjamin Donaldson and Richard Sonsteng. Donaldson and Sonsteng are both Boulder residents employed at Boulder River School and Hospital.

The complaint, filed in district court December 31, alleges the union officers "purposely and repeatedly attempted to increase the dues of the union in flagrant violation" of union working rules or by-laws. The plaintiffs allege that a meeting held June 2, 1980, for the purpose of raising dues was called on improper notice at which time the members voted on the dues increase. At the conclusion of the meeting the ballots were put in a cardboard box, unsupervised. A second meeting to increase dues was held June 9, 1980, at which time protests by the membership were lodged. The executive board then declared the June 2nd and June 9th meetings as both being invalid, in contravention of the union's constitution.

A third special meeting to increase dues was called July 14, 1980, which the plaintiff's allege contained the following irregularities:

(a) The notice calling the meeting was unsigned, improper notice was given and the required ten (10) percent of the membership requesting the meeting was not obtained.

(b) The Defendants tried to throw out the ballot of Jim McFadden who had voted against the dues increase. The Defendant officers counted the June 2nd ballots. The Defendants allowed an officer to cast an extra ballot after the balloting box had closed so that the dues increase could pass.

(c) Furthermore, notice of the July 14th meeting was not given to the entire membership of the union, but only to the Helena members.

The plaintiffs stated in the complaint they had tried to resolve the matter through grievance procedures and had filed an appeal to the International Union on August 25, 1980. On November 21, 1980, they received notification from Secretary-Treasurer of the International, Robert Petersdorf, Washington, D.C., denying the appeal.

As required by law, the plaintiffs then requested the local's executive board to file suit against the officers and to take the necessary actions to "prevent any further union funds from being misused and expended by the defendants," and to recover "the funds and

dues increases that have been illegally appropriated."

The plaintiffs state the executive board "failed and refused" to take action.

The union dues have increased from approximately \$21.80 to \$50.00 and over per month, which the plaintiffs contend was done without justification and legal authority to do so. In addition, the plaintiffs contend the officers failed to pay bills and expenditures they were directed by the membership to do, and that the union officers have failed to give good service to and represent the membership.

The plaintiffs have asked the court to (1) issue a restraining order prohibiting the defendants from collecting illegal dues and expending union funds to defend this lawsuit; (2) declare the dues increase invalid; (3) declare a breach of duty by the officers has occurred in representing the membership; (4) award compensatory, punitive and exemplary damages in the sum of \$400,000.00, and (5) award court costs and attorneys' fees.

A temporary restraining order to prohibit the collection of the increase in dues and to use union funds in their defense was issued to the officers by Judge Frank E. Blair on Dec. 31, 1980. A hearing in district court at Boulder is scheduled for Monday, January 12, at 10 a.m.

The plaintiffs are being representing in their action by Patrick Flaherty of Boulder.

1980

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Jim McFadden

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Mr. Chairman and members of the committee:

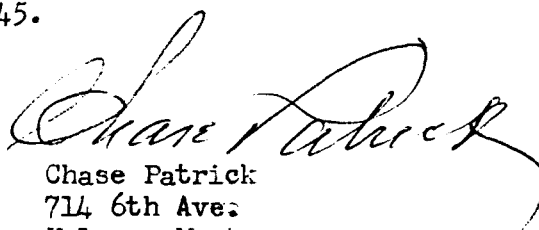
My name is Chase Patrick. I am a citizen of the State of Montana, Retired, and live in Helena... a resident for 63 years.

I wish to urge favorable consideration of House Bill 645 which I understand will amend existing law by deleting compulsory payment of "dues" to a union by a public employee who chooses not to be a member of a union.

I feel it is patently unfair to compel some of our public employees to pay tribute to an organization which they choose not to join.

I feel the present law discriminates against those public employees compelled to pay tribute where other public employees are not compelled to pay.

It seems logical and reasonable to correct these inequities now with this remedial legislation. I urge again your favorable consideration of House Bill 645.


Chase Patrick
714 6th Ave.
Helena, Montana

Opponents to House Bill 645

James W. Murry, executive secretary, Montana State AFL-CIO, Helena

James J. McGarvey, executive director, Montana Federation of Teachers, Helena and chair of the Montana State AFL-CIO Public Employees Committee

Mitch Mihailovich, business agent, Plumbers Local 41; and president, Montana State Building and Construction Trades Council, Butte

Phil Tawney, executive secretary, Montana State Democratic Central Committee

Sue Bartlett, self

Nadiean Jensen, executive director, Montana State Council No. 9, AFSCME, Helena; and secretary of the Montana State AFL-CIO Public Employees Committee

Pat McKittrick, lobbyist, International Brotherhood of Teamsters, Great Falls

Randy Seimers, district representative, Operating Engineers Local 400, Billings

J. D. Lynch, lobbyist, Montana State Building and Construction Trades Council, Butte

Robert G. Kokoruda, president, Montana State AFL-CIO; and executive secretary, Montana State Council of Carpenters, Helena

Joan Miles, representing Environmental Information Center, Helena

Mike Walker, secretary-treasurer, Montana State Council of Professional Firefighters Great Falls; and member, Montana State AFL-CIO Public Employees Committee

Donna Small, representing Montana Nurses Association, Billings

Dorinda Stock, president, Data Entry and Computer Services Union Local 3923, Helena

John Fitzpatrick, secretary, Machinists Union Local 88, Butte and member of the Montana State AFL-CIO Public Employees Committee

Bill Potts, executive board member, district 2, Montana State AFL-CIO; and member, Paperworkers Union Local 885, Missoula

Jerry Driscoll, recording secretary, Laborers Local 98, Billings and member of the Montana State AFL-CIO Public Employees Committee

Tim Lovely, president, United Food and Commercial Workers Union Local 242; and secretary-treasurer, Missoula County Trades and Labor Council, Missoula

Joe Rossman, Special Representative for Teamsters Joint Council #2

Phil Waver, president, Anaconda Teachers Union Local 509, Anaconda

Howard Rosenleaf, business agent, Carpenters Local 88, Anaconda; and member, Montana State AFL-CIO Public Employees Committee

John Walsh, president of Montana State Council #9, of the American Federation of State, County and Municipal Employees, AFL-CIO

LeRoy Schramm, chief, Labor Relations Bureau, State of Montana; representing the administration

Tom Schneider, executive director, Montana Public Employees Association

David Sexton, Montana Education Association

EX. 3



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59601
406 442-1708

Room 100 Steamboat Block
616 Helena Ave.

TESTIMONY OF JAMES W. MURRY ON HOUSE BILL 645, HEARINGS OF THE HOUSE LABOR COMMITTEE, FEBRUARY 17, 1981

I am here tonight on behalf of the Montana State AFL-CIO to express our strong opposition to House Bill 645, which is nothing less than a "right to work" law for Montana public employees.

I believe it is important to direct the attention of the committee to the language of the bill. I would direct your attention specifically to page 1, lines 13 and 14. This is clearly right to work language. Please look on page one, beginning with line 23, and ending with line 1, on page 2. This new language is clearly right to work, as is the new language on page 2, lines 7 and 8. And on page 3, the deletion of the language from lines 11 through 18 is clearly in keeping with right to work philosophy.

The introduction of House Bill 645 is an example of the resurgence of the anti-union philosophy that is becoming pervasive throughout the northwest. A battle over "right to work" legislation is currently being fought in our neighboring state of Idaho. And we are convinced that this bill -- House Bill 645 -- is just the opening salvo in the battle for "right to work" in Montana. We believe that it is no coincidence that this bill was introduced after Charles Bailey, vice president of the National Right to Work Committee promised a so-called "right to work" law for Montana when he was in our state last summer.

Representative Jim Burnett and I have known each other for almost 20 years. Though we have disagreed on most of the political issues of the day, we have remained friends.

But I think his philosophy as expressed in House Bill 645 is out of the political mainstream of both the Democratic and Republican Parties. House Bill 645 is an extreme and misguided approach to labor-management relations.

House Bill 645 is not only extreme and misguided, it is blatantly unfair to Montana workers. Montana workers as a group are some of the most productive workers in the world. Montana workers are responsible. Montana workers have demonstrated their belief in the work ethic, and they give their employers more than 8 hours work for 8 hours pay. Montana workers are good workers and good citizens, and Mr. Chairman and members of this committee, we don't have to apologize to anyone. Montana workers don't deserve House Bill 645.

Though this bill singles out public employees for right to work, we view it as an attack on all union members in Montana. House Bill 645 threatens the strength and the rights of all union members. House Bill 645 is just the beginning. For, if we

do not stand fast on House Bill 645, it may be too late to take a stand when right to work legislation for all union members is introduced.

It is analagous to a story you may remember about a German citizen in Nazi Germany during the rise of the Third Reich. In describing what happened in his homeland, he said, "When they came to get the Jews, I did not protest, because I was not a Jew. When they came to get the Catholics, I did not protest, because I was not a Catholic. When they came to get the trade unionists, I did not protest, because I was not a trade unionist. When they came to get me, there was no one left to protest."

Mr. Chairman, members of the committee, not all of the trade unionists here tonight are public employees. But with House Bill 645, our adversaries have come to get our Brothers and Sisters who are public employees.

And all of us are here to protest.

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MONTANA STATE FEDERATION OF TEACHERS
AMERICAN FEDERATION OF TEACHERS
AFL-CIO



P.O. Box 1246

Helena, Montana 59601

(406) 442-2123



TESTIMONY BEFORE THE HOUSE LABOR AND INDUSTRY COMMITTEE

FEBRUARY 17, 1981

Mr. Chairman and Members of the Committee:

My name is Jim McGarvey and I represent the Montana Federation of Teachers and Montana Federation of Nurses and Health Professionals, AFT, AFL-CIO. I am appearing in opposition to House Bill 645 which attacks the most fundamental right of all workers -- the right of self-organization.

It is the belief of our organization that a well-ordered and well-structured process is necessary for a harmonious employer-employee relationship. This process is currently provided for by the Montana Public Employees Collective Bargaining Act of 1973 (39-31-101 to 39-31-409, Montana Code Annotated). Collective Bargaining is the only orderly process available by which workers can address their conditions of employment.

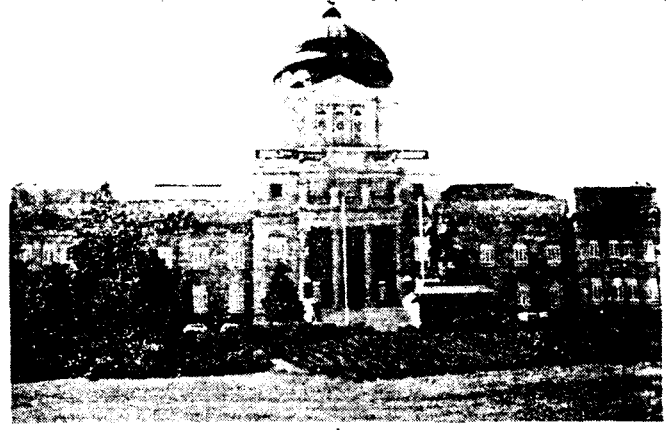
The Collective Bargaining law currently provides that an employee organization must represent all employees covered in a given bargaining unit. Employees should have the right to negotiate for a provision that would require all members of a bargaining unit to contribute to the cost of that representation.

We currently have a workable, orderly process. The implementation of HB 645 would limit the scope of bargaining and interject chaos into the Collective Bargaining process. Any law that would tilt the balance in favor of either the employer or employee would gradually deteriorate, if not destroy, the only forum public workers have for addressing their conditions of employment.

Collective Bargaining for Public Employees, Chapter 31, Montana Code Annotated provides protections for both the employer and the employee that are similar to those provided workers in the private sector by the National Labor Relations Act. It is our belief that Public Employees are entitled to pursue the same rights afforded workers of the private sector.

On behalf of the health care, school district, state, university and community college employees in our union I urge a NO vote on HB 645.

Montana Democratic Party



"hard at work for good government"

POLICY COMMITTEE

Issue Brief No. 2

"RIGHT TO WORK"

An Attack on the Rights of Working Montanans

The Policy Committee was created by the Montana Democratic Party's Executive Board in November of 1979 to assist in the developing of ideas and the gathering of information on the critical issues facing Montana in the 80's.

This Issue Brief was prepared by the Policy Committee and is not necessarily an official party statement. It is, however, consistent with past party positions. This is a background and informational paper meant to provide a greater understanding of this issue for Democratic candidates and members of the Montana Democratic Party.

"Right to Work" An Attack on the Rights of Working Montanan's

What is the "Right to Work"?

"Right to Work" is a deliberately deceptive name for a law designed to lower wages by destroying a union's ability to organize and bargain collectively for the wellbeing of its members. It would be more properly called the "right to work for less." These laws work by denying union security, so that workers and management are forbidden to negotiate for a union shop. A union shop simply means that the workers organize to bargain collectively for their interests, where all who benefit from the bargaining also share equally in shouldering the costs. This is usually done through the collection of union dues.

"Right to work" for less laws:

- do not convey new rights to workers or management;
- do not safeguard any existing rights;
- do not create more jobs;
- do not protect existing jobs
- do not attract socially-responsible, good-wage industry to a state; and
- do not improve or protect a state's economic health

"Right to work" for less laws:

- do impede a state's economic growth;
- do abridge basic contract rights;
- do undermine sound labor-management relations; and
- do foster discord among workers by encouraging freeloaders who benefit from collective bargaining without carrying their share of the costs.

What are the Effects of "Right to Work" Laws?

States which have "right to work" for less laws have a lower per capita number of union members. This, along with the provisions of these laws that restrict union activity severely, weakens the effect of unions. The greatest effect of such

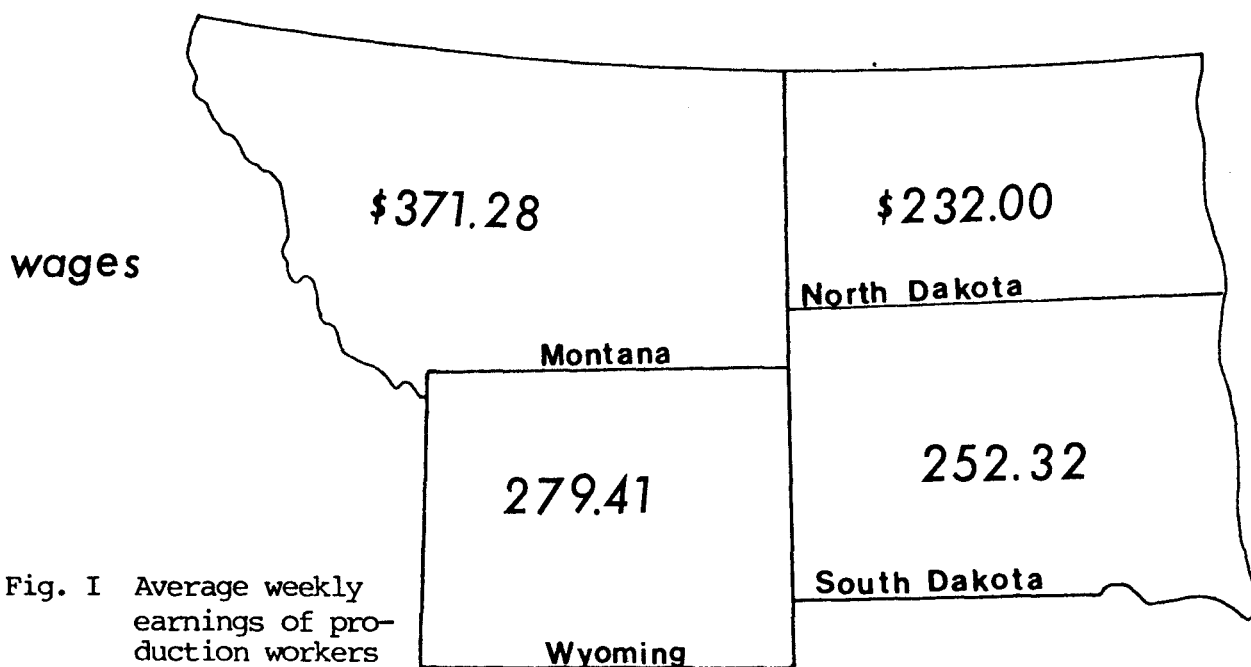


Fig. I Average weekly earnings of production workers

laws are lower wages and less benefits. Three of Montana's neighbors, North Dakota, South Dakota, and Wyoming have anti-union laws. Figure I, on the previous page illustrates the difference in weekly income among production workers. It is clear that "right to work" for less laws have a negative effect on wages. Furthermore, the gap in wages between "right to work" for less states and free states is increasing.

When wages are lower, workers have less money to spend at the grocery, for the T.V. repairperson, the doctor, and at the drug store. Small businesses suffer, especially those providing services to the wage earner.

Low wages lead to a depressed economy where everybody suffers. A depressed economy due to low consumer spending power requires more government services and higher taxes. Less revenue is available because fewer people have the ability to pay the needed taxes to pay for the additional services. Taxes have to be increased to make up for the spending power workers could thus earn.

Do Unions Have an Advantage over Employers under Current Law?

When a "Right to Work" for less law is enacted in a state, employers are given the upper hand in controlling the ability of workers to organize or bargain collectively. Employers can advise workers not to join a union. If a union makes any gains at the bargaining table, nonmembers receive the same benefits as members without contributing to the operating costs of the union. These "free-riders" are one method employers use to break the influence of unions in "right to work" for less states.

Under current federal law--section 9(a) of the Taft-Hartly Act, unions must provide the same benefits and services to nonmembers as they do to members. Unions are the only group in our country that are forced to provide services for everyone regardless of membership or dues.

What is Union Security and How does it Benefit the Worker?

Union security is simply a clause negotiated into a labor contract which provides that all employees covered by the contract must be members of the union. As in any democratic organization, the decision to include a union security clause in a contract is made by a majority vote of the workers themselves. This same majority vote is used when determining which union will represent the workers; who will be the officers of the union; how much the dues will be; and what the by-laws and constitution of the organization will say. A union security clause is no more undemocratic than the laws which require all citizens to pay taxes, drive safely or respect the rights of other citizens.

The advantage workers gain in belonging to a union is strength--strength in dealing with their employer on matters of wages, hours, fringe benefits and conditions of employment. As an individual, a worker cannot effectively bargain with an employer who has control over these matters. As an individual, or collectively, a worker's greatest strength is his right to withhold his labor. Logic alone says that withholding this labor will be much more effective if it is done collectively rather than individually.

The advantage an employer has with a union contract is stability of his work force. All employees covered by a union contract are required to follow the principles of employment set forth in the contract. This includes hours of work, lunch breaks, safety rules, job ability requirements, processes for resolving grievances, and many other labor-management issues. In this type of situation, the employer is not faced with a myriad of different approaches to questions on absenteeism, sick leave promotions, wage levels, hours of work and many other potential areas of disagreement. Without a union contract, an employer not only must deal with each of these problems separately, but also with the potential of as many approaches to these problems as there are employees. Higher levels of wages normally associated with a union contract also mean less turnover. Less turnover generally results in greater productivity, less time lost in training of new workers and less time and money spent on the paperwork associated with turnover.

The Community also benefits from the result of union contracts through the establishment of a more stable economy and population base, and through more citizen participation in community activities.

The table below compares the average income for production employees in "right to work" states to those which do not interfere with the rights of workers to unionize and make union security contracts. The comparison is between production workers because they are the most likely to unionize.

Table I. A Comparison of the Average Weekly Income of Production Workers in Montana and Neighboring States.

State	Average Weekly Wage	Rank among states
Montana	\$333.49	3
Idaho	\$253.36	20
Wyoming	\$239.62	31*
North Dakota	\$219.94	36*
South Dakota	\$216.42	38*

*denotes "right to work" for less states
 source: U.S. Dept. of Labor, Survey of Current Business, 1967, and 1979.

The comparison of personal and per capita income between "Right to work" and non-"right to work" states at the national level shows the distinct advantage of union security contracts. Table II, below, readily illustrates this point.

Table II. A Comparison of Average per capita Income of "Right to Work" (R-T-W) States and "Free" States.

	1951	1966	1978
national average	\$1,653	\$2,962	\$7,836
"right to work" states	\$1,283	\$2,442	\$7,128
non-"right to work" states	\$1,800	\$3,171	\$8,170

Source: U.S. Department of Commerce, Survey of Current Business 1967 and 1979.

That is what union security is all about--every worker in a shop must become a member of the union representing them in labor negotiations. That is also what "right to work" for less laws are all about--they would prevent an employer and union from signing a union security agreement even if they both felt it to be in their mutual best interest.

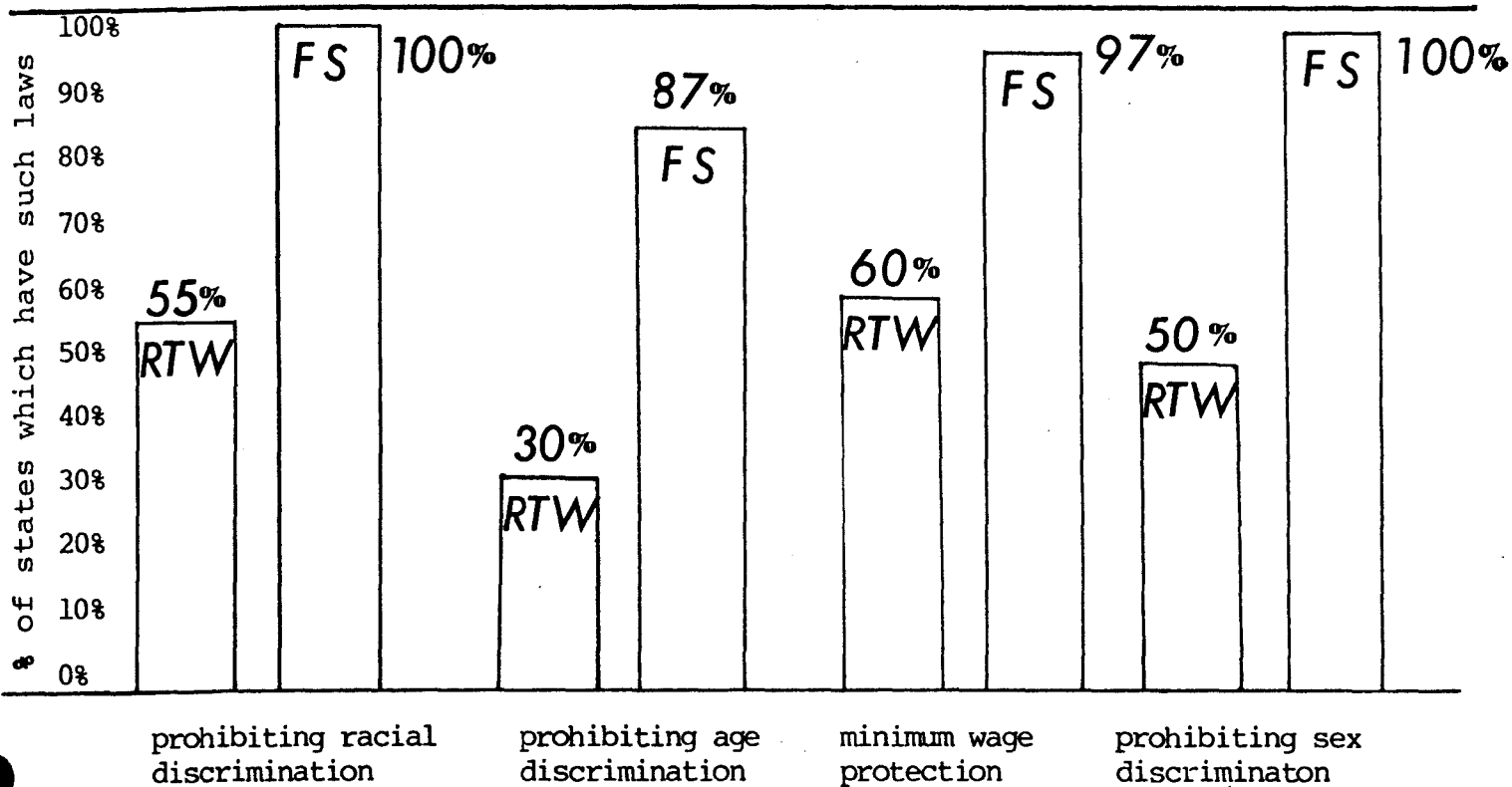
Is Union Security Undemocratic?

Unions are run by the will of the majority with protections for the rights of minorities. Union security can readily be compared to running the government of the State of Montana. Under an open shop not all of the citizens of the state would have to pay for the costs of running the state of the services it provides. These people would be receiving a free ride at the expense of the tax payer. Similarly, the union member must shoulder the burden imposed by the nonunion member while receiving the the benefits the member worked and paid to attain. The purpose of a union is to provide the worker with a voice through their own organization.

Does Union Security Deny Anyone's Right to a Living?

No, the right to earn a decent living is circumsized by many factors, one of which is "right to work" for less laws. Labor does want the freedom of choice for employers and employees alike. "Right to work" for less laws interfere with that freedom just as laws that would require a shop to have a compulsory security contract reduce the options for the worker.

Fig. II Comparison of States which have R-T-W Laws and those with Laws which Protect Human Rights.



source: United Labor Committee of Missouri, Jefferson City, 1978

RTW = "Right to Work" states
FS = "Free" states

The so-called "right to work" laws do not give anyone the right to get or hold a job. Such laws make it harder for the individual to get a good paying job because the employer can get away with paying the employee what he wants regardless of the workers needs and worth.

"Right to work" laws go hand-in-hand with other forms of discrimination. It is no accident that states which do not protect the rights of workers also fail to protect people from discrimination based on age, sex, race, and lack minimum wage laws. Out of the 50 states, 20 have "right to work" for less laws, while 30 may be considered "free states". Figure II compares states which have laws to protect workers and those which allow workers to be exploited.

Who is Behind the So-called "Right to Work" Campaign?

The "right to work" for less campaigns are headed by corporate interests which lack social responsibility. The majority on the board of directors (79%) of the National Right to Work Committee is composed of corporate presidents, company officers, brokers, and bankers. In addition, 13 of the 31 members have close ties with the extreme political right. Close ties mean active involvement in the leadership or support of such groups as the John Birch Society, Americans Against Union Control of Government, Christian Committee to Preserve Taft-Hartley, Christian Freedom Foundation, National Labor Management Foundation, League for Liberty, Committee for the Survival of a Free Congress, Conservative Caucus, American Conservative Union, Young Americans for Freedom, and the Christian Anti-Communism Crusade.

There are also many well-meaning people who support "right to work" because of the misleading nature of the phrase or as a result of a lack of understanding of the issue. "Right to work" for less does not infer the right to a job or the right to earn a decent living nor does this concept create new jobs. The "right to work" concept does include the means to stop the ability of workers to collectively organize and sign union security agreements with their employers.

The most recent state to vote on "right to work" was Missouri (1978). A poll taken early in this campaign showed that 66 percent of the voters were in agreement with the statement: "Do you think Missouri should have a 'right to work' law?" However, only one in five (22%) could identify "right to work" as an obligation to pay dues to a union. Almost one in five (18%) thought this phrase referred to equal opportunity employment. More importantly, 73.5 percent of the Missouri people polled said that they did not believe it was fair to receive benefits from organizations such a labor unions without paying the costs of attaining those benefits.

Since ignorance was such a large factor in favorable attitudes towards "right to work" for less legislation, it was no surprise that after a public education campaign Missourians voted down the "right to work" initiative by a margin of two to one.

Where Does the Montana Democratic Party Stand on the "Right to Work" Issue?

The right to a job is fundamental! All Montanans willing and able to work and seeking work should have the opportunity for a useful job at a living wage. The right to a job is not the same thing as the "right to work". "Right to work" laws do not affirm the right to a job, but can make it harder for the working person to attain a living wage by making it next to impossible to deal collectively with an employer.

The Montana Democratic Party has always stood for the people and against the "right to work" for less. The Democratic Platform for the last several years has contained this statement:

We affirm our opposition to compulsory open shop laws which usually masquerade under the false label of "right to work". We support Congressional action for repeal of Section 14B, which is the "right to work" provision of the Taft-Hartley Act.

The 1978 platform also stated:

We believe the fruits of a collective bargaining contract, such as pensions accrument, vacation, holiday, and severance pay are property rights just as is the ownership of land, personal property, stocks and other forms of personal wealth. We believe this should be so recognized under Montana Law.

This is not mere idle talk, the Demoratic members of both houses of the legislature and the Democratic administrations have worked hard to insure that these beliefs become reality. The 1975 session was the last session in which the "right to work" forces tried to pass a bill. House Bill 165, a pro labor bill on collective bargaining that was completely changed in committee to a "right to work" for less bill. The bill was, soundly defeated with the vote split along party lines--the Republicans favoring and the Democrats opposed.

In the 1979 Legislature, Republicans introduced several other bills that were clearly at the expense of the working person but in favor of special interests. These bills would have eroded the Little Davis-Bacon Act (SB 8), prohibited the right of public employees from striking (SB 161), excluded classes of workers from overtime pay (SB 155), asked Congress to undermine the Occupational Safety and Health Act (HJR 26), and stripped wage protection from Montana restaurant and tavern workers (HB 177).

The Democratic Party in Montana has always had a close working relationship with labor because we are a Party of the People, not of special interests. This relationship is strongly shown in the differences in voting records in the Legislature between Democrats and Republicans. The 1979 Legislature was a dress rehearsal for what would happen if the Republican Party gains control.

Table III A Comparison of the votes between the Democratic and Republican Party's on Labor Issues for the 1970 decade.

Session	House		Senate	
	Republican	Democrat	Republican	Democrat
1971	12.1%	88.2%	31.8%	87.9%
1973 and 1974	24.1%	89.0%	21.4%	76.6%
1975	22.2%	84.7%	32.0%	76.2%
1977	35.7%	89.4%	47.2%	70.0%
1979	6.8%	63.8%	30.0%	76.3%
average	20.2%	83.0%	32.5%	77.4%

Source: Montana AFL-CIO Voting Records, 1970 to 1980.

The above table clearly shows that a Democratic legislature is essential if the rithts of the working people of Montana are to be protected. Republican control of the legislature means anti-labor legislation.

TESTIMONY OF SUE BARTLETT
IN OPPOSITION TO HB 645

I speak in opposition to HB 645 out of concern for the eventual impacts this bill would have, impacts which are probably unintended but nonetheless serious.

In 1973 and 1974, I worked as one of the Job Analysts responsible for determining the initial classifications assigned to jobs in State government. I left that position to become Chief of the Montana Women's Bureau, a position I held for the first year of the Bureau's existence.

On the basis of my experience in these two jobs, I believe HB 645 would create the following problems.

First, HB 645 would move us back toward the conditions which existed in State government before the statewide classification and pay plans were implemented. Prior to the classification and pay plans, job titles and pay levels for positions in the Executive Branch were set independently by individual Departments and sometimes by individual Divisions. Consequently, positions assigned similar duties and responsibilities but located in different Departments, Divisions or geographic areas usually had different titles and received different rates of pay.

Because HB 645 specifies that an agreement between a public employer and a labor organization is invalid as it pertains to an employee who is represented under that agreement but who is not a member of the labor organization, this bill would reinstitute the practice of providing unequal pay for equal work. An undesirable situation in and of itself, the practice of providing unequal pay for equal work would also, no doubt, lead to a number of equal pay suits being filed by the employees receiving less pay.

A related problem which would be created by HB 645 is that the situation I have just described would also complicate considerably the process of determining

the appropriations necessary to fund the State's payroll. Imperfect as it is, the State's current classification and pay system does make it possible to identify with reasonable accuracy the funds required for the State's payroll. By reinstating the practice of unequal pay for equal work, HB 645 would create a host of additional factors to be considered in determining the appropriations required to fund the State's payroll.

Finally, the problem of most concern to me personally is that, by approving HB 645, the Montana Legislature would in effect be sanctioning unequal pay for equal work. I am convinced that such an action would eventually create substantial pressure to repeal the laws which require that women be paid the same as men when they are performing work that is substantially the same. As a working woman and an advocate of women's employment rights, I find this probable outcome of HB 645 totally unacceptable.

For these reasons, I ask the Committee to give HB 645 a "do not pass" recommendation. Thank you.

8
6x.67

MONTANA STATE COUNCIL No. 9

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

Affiliated With A.F.L.-C.I.O.



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International President

William E. Lucy
International Secretary-Treasurer

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TESTIMONY OF R. NADIEAN JENSEN, EXECUTIVE DIRECTOR,
ON HOUSE BILL 645, HEARINGS OF THE HOUSE LABOR
COMMITTEE, FEBRUARY 17, 1981

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R. Nadiean Jensen
Executive Director

George F. Hagerman
Field Representative

Sharon Donaldson
Field Representative

Linda Williams
Office Secretary

Mr. Chairman, Members of the Committee, for the record, my name is Nadiean Jensen. I am the Executive Director of Montana State Council No. 9, American Federation of State, County and Municipal Employees, AFL-CIO.

I appear here, today, in opposition to House Bill 645. House Bill 645 is nothing less than a right to work bill addressed only at public employees.

Gubernatorial candidate Jack Ramirez and Governor Ted Schwinden, in their bids for governor of the state of Montana, both denounced right to work legislation.

The people of Montana in the late 1950s voted against right to work legislation.

We have heard often since November 4, 1980, that the people wanted a change in government and so they voted a change in government. Nowhere on the ballot or in the election campaigns did I note where the people voted for right to work.

As we look around the House Chambers this evening, we note many people wearing yellow or blue badges. I must assume we are coloring public employees this year.

(continued)

In the 1930s, in Germany, it was the Star of David and the motto was -- probable misquote -- "Today the Jews, Tomorrow the world."

In 1981 with HB 645 we're saying, "Today Montana's public employees, tomorrow all of the working people of Montana."

So much for levity.

Public employees via MCA 39-31-207 can petition, to the Board of Personnel Appeals, for an election to have an exclusive representative. The law outlines the procedure for such an election. All employees have the right to vote, for or against, such representation.

Public employees also have the right to file for a decertification election. This is an election to eject an exclusive representative.

HB 645 is a double-barreled bill. Not only is an employee given the right to vote against having an exclusive representative, but the employee can also opt not to pay fees for the administration of the collective bargaining agreement.

Oh, that we had the same concept on an individual basis when it comes time to pay taxes, so that had I voted against those taxes, I would not have to pay them.

Let's take a look at this bill. On page 1, section 1, a new subsection 2 has been added. It says, "A public employee, on an individual basis, has the right to choose not to form, join or assist any labor organization free from interference, restraint or coercion." That means the employee can vote in the union election, but then choose not to abide by the will of the majority.

In new section 3, this bill says that a union-negotiated agreement is invalid for a person who chooses not to belong to the union. Of course, that is ridiculous. You can't have people in the same office doing the same job and getting paid different salaries. That would be against the equal pay for equal work laws. And what about a person who is a union member long enough to get a pay raise, then drops out? Does his salary drop? What if people in one office wanted different unions. Under this bill there might be two or three or more unions in one office, which would create chaos in bargaining. What about the person who doesn't join the union for years, until he or she has need of the union's grievance procedure. Then they join long enough for the union to pay the expenses of the grievance procedure. Obviously, this section is a loophole intended to break unions.

In new section 4, the individual decides whether or not to join a union after the representation election. But how long after? Nine years. Can the individual ever change his or her mind? As the Polish unions say, there are loopholes in this law big enough to drive a tank through.

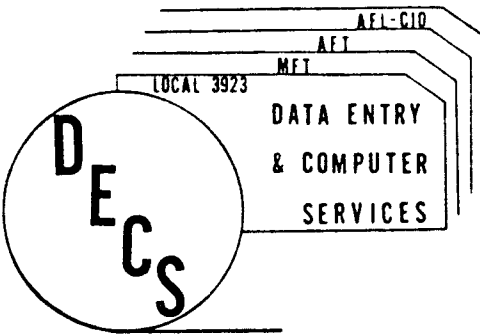
Over on page 3 of the bill, section 5, subsection 3, takes away the agency shop. That means that even if a majority of the people in a bargaining unit want union representation, even if 100% of the members want union security so that everyone pays his fair share -- even in that case they would be denied the right to put that into a contract. This is like giving taxpayers the right to pay taxes or not, whatever suits their fancy. A nation can't tolerate that kind of bad citizenship, because the nation would fall apart. The reason that these right to work bills are introduced is to make unions fall apart.

In section 6, the act says that it becomes effective in relation to any extension or renewal of a labor agreement after July 1, 1981. Does this mean that unless your union has a 1000 year contract, you are soon going to lose your right to vote democratically for union security?

What I am trying to convey is that the present Public Employees Collective Bargaining Act is operated by the same democratic process as choosing state legislators.

I urge you to vote against House Bill 645. Thank you.

DORINDA LEE STOCK
PRESIDENT
CHERYL OSTROM
VICE PRESIDENT
JEANETTE RUSHFORD
SECRETARY
MEL LISTON
TREASURER



TESTIMONY BEFORE THE HOUSE LABOR AND INDUSTRY COMMITTEE

FEBRUARY 17, 1981

Mr. Chairman and Members of the Committee:

I am Dorinda Stock and I represent the Montana Federation of Data Entry and Computer Services, MFT, AFT, AFL-CIO.

Over half of our members are the lowest paid employees in State Government. Yet we recognize the union has been our only solace in being able to deal with the day to day working conditions created by the complexity of operating a computer center.

Over the two years we have been represented by the Federation more time and money has already been expended by the union than will be recovered through dues, for years to come.

We represent all employees and therefore feel it is only right for all to pay their fair share----that's dues.

Further, we feel it vital that the current law prevail which allows us to negotiate union security covering all of our bargaining unit members.

When you work in low paid jobs, it is especially important to stick together in a union. It is also especially easy for management to play one person off against another, or one group off against another.

Right to work takes away our right to stick together. Don't pick on low paid workers. Please don't pass this right to work bill.

Ex. 9

HB 645 BILL POTTS

MY NAME IS BILL POTTS, AND I AM A MEMBER OF THE UNITED PAPERWORKERS INTERNATIONAL UNION, LOCAL 885, IN MISSOULA. I CAME OVER WITH A BUSLOAD OF PEOPLE TO TELL YOU WHAT MISSOULA THINKS OF THIS BILL.

BECAUSE I WORK IN THE PRIVATE SECTOR, YOU MIGHT FIGURE THAT THIS BILL DOESN'T AFFECT ME. IT ONLY AFFECTS PUBLIC EMPLOYEES YOU MIGHT THINK. BUT THAT'S WRONG.

IF THIS LEGISLATION PICKS ON PUBLIC EMPLOYEES THIS TIME, NEXT TIME IT WILL BE ALL THE REST OF US UNION MEMBERS.

THIS BILL AFFECTS ME BECAUSE IT IS AN ATTACK ON THE UNION MOVEMENT. IT IS AN ATTACK ON THE PHILOSOPHY OF AMERICANS THAT THEY HAVE THE RIGHT TO JOIN TOGETHER TO IMPROVE THEIR WORKING CONDITIONS. THIS BILL TAKES AWAY THE PRINCIPLE OF MAJORITY RULE.

IT TAKES AWAY A LOT, BUT IT DOESN'T GIVE US ANYTHING BACK, EXCEPT LOWER WAGES AND FRINGE BENEFITS.

OVER IN MISSOULA WE FIGURE THAT IF A BILL HURTS EVERY WORKER IN THE STATE, THEN THE BILL IS BAD FOR MONTANA. VOTE AGAINST THIS SPECIAL INTEREST BILL AND VOTE FOR THE WORKING PEOPLE OF MONTANA.

THANK YOU.

WE, THE UNDERSIGNED, OPPOSE HB 645 AS IT IS A RIGHT-TO-WORK MEASURE AND A BLATANT ATTACK ON THE FUNDAMENTALS OF OUR DEMOCRATIC SYSTEM OF GOVERNMENT. WE FEEL THAT PUBLIC EMPLOYEES ARE ENTITLED TO AN EQUAL CHANCE IN THE COLLECTIVE BARGAINING PROCESS AND SHOULD NOT BE THE VICTIMS OF UNFAIR LAWS WHICH CRIPPLE THEIR UNIONS.

NAME	ADDRESS	CITY	LEG.
John Grubbs	250-1522 N. David	Missoula	
John Grubbs	5503 23rd	MISSOULA	
Marty Buttrick	2308 Agnes	Missoula	
Calvin Bean	4521 Birch Ct	Missoula	
Kelly Kinnell	2704 N Broadway #14	Missoula	
W.H. Garcia	4077 So Blvd #15	Missoula	
Tim Girard	400 Evans ave	Missoula mt	
Chris Hughes	9297 Miller CR	Missoula	
Mark Sherry	1715 Ernest Ave	Missoula MT	
Eric Kirk	2528 S Hills	Missoula MT	
David Craig	36 RUSSELL ^{PARK} WEST	MISSOULA MT	
Norma Powell	102 Krawhead Dr	" "	
Goldon Rickors	214 Barclay	Lake MT	
Barbara A. Mast	3802 Springin Rd	Missoula MT	
Albert E. Pardo	413 EDDY	MSA MONT	
Beate Craig	36 Russell PK W.	Missoula, Mt	
Mike McPhee	4700 Mullan Rd	Missoula	
Karen Fairbrough	1540 Montana Ave	Missoula	
Ben Good	RT I	Missoula MONT.	
Debrah R. Schnackenberg	1012 Langstaff	Missoula MT	
Pam Laeuer	4020 #2 Millane	Missoula MT	
Dorothy Cooper	Lake Creek Road	Lake, Mont	
Jack Cooper	" " "	" "	
Phyllis	917 Rogers #3	Missoula MONT	
Ane Meyer	4314 Elmerett	Missoula MT	
James Williams	3503 Brown	Missoula MT	

WE, THE UNDERSIGNED, OPPOSE HB 645 AS IT IS A RIGHT-TO-WORK MEASURE AND A BLATANT ATTACK ON THE FUNDAMENTALS OF OUR DEMOCRATIC SYSTEM OF GOVERNMENT. WE FEEL THAT PUBLIC EMPLOYEES ARE ENTITLED TO AN EQUAL CHANCE IN THE COLLECTIVE BARGAINING PROCESS AND SHOULD NOT BE THE VICTIMS OF UNFAIR LAWS WHICH CRIPPLE THEIR UNIONS.

NAME Kelly D. Anderson ADDRESS 3611 Stephens #3 CITY Missoula MT LEG. D

Zola Seifert	138 Wheeler V.	Missoula, MT
Billy G. Hilburn	D.W. 248 Hannaford	Foreman MT.
Edward Bartlett	1409 S. 5th St	Ap. #2, Missoula, MT
George Hart	4402 South Hill	#39 Missoula, MT
Madame M. Newell	3306 Hollis	Missoula, MT
Karen Ketcher	81 Grand	Missoula, MT.
Neoma Wood	2301 43rd	Missoula MT
Flora Dill	2125 Jay	Missoula, MT.
Marion Satche	12 Monroe	PK MOLA
Dennis Hughes	2280 River Rd.	MOLA, MT.
Jack Boyer	1733-5-10th	MOLA
Kary Ann Ruane	1812 Ernest	Missoula, MT
Nephtaly	2530 Valley View	MISSOULA MT
Allen Newbauer	3302 42 St	MOLA MT
Ferry J. Nantz	457 Mack Ave	MISSOULA MT.
Morie Seberg	2144 Kensington	Missoula MT
Janet Rice	4350 Trails End Rd	Missoula MT.
David Caden	45 Burnell Park	Missoula MT
Wendy L. Paine	2404 Valley View Drive	MOLA, MT
Carol Remann	2125 Sidington	MOLA, MT
Manly L. Lattin	PO Box 2459	Missoula MT
Kellie L. Smith	2824 Shan Dr	Missoula MT
John Patterson	309 Wheeler	Missoula MT
James F. Horner	627 Whitaker	PO Missoula, MT
Lamine Spurlin	525 Iowa	E. Missoula MT
...

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NAME	ADDRESS	CITY	LEG. D.
Karla Anderson	1818 South 5 th W	Missoula	
Patricia Edwards	1616 South 4 th E	Missoula	
James Lee Hancock	1721 5th 7th West		
Tom M. Thomas	4109 Kennebec	Missoula	
Walter C. Swanson	1620 S 8TH W APTS	MISSOULA	97
Jon Ebel	Rt 2 Shovel	Mont.	
Doni Baker	1115 Tower	Miss. Mt.	
Jan Lechner	1936 ^S 7TH W	Miss. Mont.	
David P. Branch	804 So 5 th W	Missoula MT	98
Ben Hubber	2013 Woodlawn	Missoula MT	
FRED STONEY	4020 #2 North ave	Miss. MT	
Lee Seefelt	138 Wheelu U	Miss. mt.	
How Tripp	809 Beverly		
Nancy Strudloff	1828 Dixon	Miss. mt.	
Marianne Judging	830-1 W Broadway #1	Miss. mt.	
Marilyn Miller	276 wheelu Ullroy	Miss. mt.	
Burt Benches	152 wheelu Ullroy	Miss. mt.	
Rosalie Loewen	2323 Agnes	Miss. mt.	
Timothy M. Smith	6500 Woodruff Rd	Miss. mt.	

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NAME	ADDRESS	CITY	LEG. D.
Susan E. Miller	21 Russell Park	Missoula	
Frank Egan	353 Burkholder	Missoula	
Frank Karanga	915 Dixon	Missoula	
J. Collins	271 Box 023	Stevensville	
Meredith Lind	9 September Dr.	Missoula	
Barbara W. Stone	210 1/2 Montena Ave. E.	Missoula	
Marie Clark	1509 Schilling	Missoula	
Christel Gott	401 Edith	Missoula	
Latricia Gott	401 Edith	Missoula	
Robert Redmond	329 E. Front	Missoula	
Dan Lutz	STAR ROUTE 6060 CR.	Lobo MT	
Barbara Miller	501 River Drive	Lobo MT	
Frank Ring	1575 Topaz Dr.	Missoula Mont.	
Carl D. Long	1535 Melody Lane	Liberty MT	
McKenna Darg	185 NW Carlton Dr.	Florence, MT	
Sharon Osborn	1800 34th	Missoula	
Teddy Bunn	1039 Cooley	Missoula	

6x.11

MONTANA STATE COUNCIL No. 9

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
Affiliated With A. F. L.—C. I. O.



Jerry Wurf
International President

William E. Lucy
International Secretary-Treasurer

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Phone: 232-4793

George E. McCammon, Treasurer
Rte. 1, Box 144
Townsend, MT 59644
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TESTIMONY OF JOHN P. WALSH, PRESIDENT, ON HOUSE BILL 645, HEARINGS OF THE HOUSE LABOR COMMITTEE, FEBRUARY 17, 1981.

VICE-PRESIDENTS

William Anderson
940 South Jordan
Miles City, MT 59301
Phone: 232-3304

James Cook
817 3rd Avenue
Havre, MT 59501
Phone: 265-4489

Mr. Chairman, Members of the Committee, for the record my name is John Walsh. I am the President of Montana State Council 9, American Federation of State, *And Pres. of Butte Police Union* County and Municipal Employees, ~~AFL-CIO~~ AFL-CIO.

I am here today to oppose House Bill 645.

William McMullin
920 Anchor Street
Billings, MT 59101
Phone: 252-4093

To have legislation, such as House Bill 645, introduced in the State of Montana appalls me. Montanans were successful in defeating the Right to Work effort in Montana in the late 1950's. WE DO NOT WANT RIGHT TO WORK.

Joe Geraghty
1550 Waterline Road
Butte, MT 59701
Phone: 494-4720

I represent approximately 2000 Public Employees in the State of Montana and am here on their behalf to urge this committee to vote "Do Not Pass" on House Bill 645.

COUNCIL STAFF

Headquarters
600 N. Cooke
Helena, MT 59601
Phone: 442-1192

R. Nadiean Jensen
Executive Director

George F. Hagerman
Field Representative

Sharon Donaldson
Field Representative

Linda Williams
Office Secretary

Thank you.

John Walsh
AFSCME

Ex. 12

PUBLIC

February 17, 1981

EMPLOYEES

ASSOCIATION

Honorable Robert A. Ellerd, Chairman
House Labor and Industry Committee
Capitol Station
Helena, Montana 59620

Re: House Bill 645

Dear Chairman Ellerd:

" NO LAWYER IN MONTANA MAY PRACTICE LAW UNLESS THEY ARE A MEMBER OF THE STATE BAR ASSOCIATION "

This requirement was imposed by the state's highest court, the Supreme Court of Montana. This supplies credibility to the practice of a majority of the employees who desire to negotiate for better wages, hours and working conditions binding fellow employees to the payment of dues to pay for the cost of gaining those improvements.

Rather than debate the pros and cons of " right to work " which will be adequately debated by others, I want to impress upon the committee that " agency shop " is not a GIFT to our association or any union. First, thirty percent of the employees of any group interested in bargaining must petition the Board of Personnel Appeals for an election. A MAJORITY of the employees must vote for representation at the election. THIS STILL DOES NOT AUTOMATICALLY GRANT AGENCY SHOP.

Following the election, MPEA bargaining unit members decide amongst themselves what they desire to bargain for. If they desire agency shop it will be included among those items to be negotiated, but if they don't it will not be submitted. Even with the desire of the employees to have an agency shop clause in their contract it still must be agreed to by the employer. Many employers in Montana refuse to negotiate such clauses. The present law does not force them to do so.

With MPEA, after it is all said and done it is the employees who demand association security and it is the employees who must ratify it with the other negotiated items. In some cases we have even had a special vote just on agency shop because the members wanted it that way.

As written House Bill 645 would cause chaos. It requires that management can only give the benefits and protections of the contract to members of the association or union. HOW DO YOU TAKE THINGS AWAY WITH THE PRESENT STATE AND FEDERAL LAWS ON DISCRIMINATION?

MPEA respectfully requests your committee give HB 645 a "do not pass " recommendation. Thank you very much.

Sincerely,


Thomas E. Schneider
Executive Director

Eastern Region

(Mailing Address) 502 Nelson
Billings, Montana 59102
(Phone) (406) 652-3530

Western Region

(Mailing Address) 1420 Jackson
Missoula, Montana 59801
(Phone) (406) 728-4768



February 17, 1981

TO: Members, House Labor and Industry Committee
RE: House Bill 645

When the 43rd Montana Legislature adopted in 1973 the Montana Public Employees Collective Bargaining Act, the benefits of collective bargaining were for the first time extended generally to non-management public employees. The Legislature left no doubt as to the policy behind this act; they said:

"In order to promote public business by removing certain recognized sources of strife and unrest, it is the policy of the State of Montana to encourage the practice and procedure of collective bargaining to arrive at a friendly adjustment of all disputes between public employers and their employees."

To promote this policy the 1973 Legislature expressly permitted agency shop provisions in collective bargaining agreements. The purpose of this provision should be obvious; because non-union members in a collective bargaining unit will receive the benefits of union representation, the employer and the union can agree to require non-union members to pay their fair share for the benefits obtained by union representation. Had the 1973 Legislature not

included a provision permitting agency shop provisions, non-union members of a collective bargaining unit would have been given a "free ride" to improved employment conditions and benefits at the expense of those employees who sought to improve their working conditions through collective action.

In conjunction with this provision the 1973 Legislature required that labor organizations designated in accordance with the act were "responsible for representing the interest of all employees . . . without discrimination for the purposes of collective bargaining . . . " Under this provision, irrespective of whether or not there was an agency shop clause in a collective bargaining agreement, a union representing non-management public employees had to represent all the non-management public employees in the bargaining unit.

These two statutory provisions make it clear that the 1973 Legislature wanted not only to remove possible labor strife and unrest in the public sector caused by the absence of the right to bargain collectively, but also to remove divisiveness among public employees once the right to bargain collectively was granted.

When House Bill 645 is viewed against this background it can

be seen for what it really is. When reduced to its essentials it stands out as an attempt, first to encourage unions to discriminate against non-union members in the bargaining unit they represent, second, to encourage divisiveness among public employees within the same bargaining unit and third to encourage those public employees now paying service fees or union dues to try to get a "free ride" at the expense of those who would organize to work collectively for better working conditions. Stated differently, House Bill 645 is an attempt to stimulate labor strife and unrest in the public sector.

The only persons who will benefit from this labor strife and unrest will be the anti-labor forces in this State. The so-called "right to work" which House Bill 645 purports to grant non-management public employees is really a thinly disguised attempt to set workers in the public sector against each other and to weaken labor unions generally.

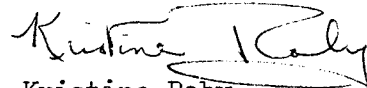
The "right to work" in House Bill 645 is not a guarantee of a right to a job or the right to keep a job unless good cause is shown for dismissal; the "right to work" contained in this bill is the right to work for lower wages, with fewer benefits and less

job security. As a member of the Montana Public Employees Association I now receive, as do those who pay service fees under agency shop contracts, the benefits of collective bargaining under the Montana Public Employees Collective Bargaining Act and I want you to know that I do not want this so-called "right to work."

At the same time I recognize that there may be some public employees who do not want, directly or indirectly, the benefits and burdens of union representation. These persons are currently protected under the Montana Public Employees Collective Bargaining Act. They can petition the Board of Personnel Appeals to decertify the union which is currently their bargaining representative. The Board of Personnel Appeals has adopted administrative regulations setting out how to petition for decertification. If a majority of the employees in a bargaining unit do not want a union currently representing them to continue its representation, then to free themselves they need only to vote for decertification. The decertification procedure ensures that employee control of the workplace will be through democratic procedures. House Bill 645 is undemocratic in that it allows a minority to disrupt and possibly to destroy an

an employment relationship established in a free, democratic election
It would also impair the ability of a majority of employees in a
bargaining unit to gain certification.

Put simply, the bill is calculated to defeat current and future
attempts by public employees to improve their working conditions
through democratic, majoritarian action. For this reason and
because of the divisiveness this bill would encourage, I strongly
urge you to vote against House Bill 645.



Kristine Roby
Secretary, University of Montana
President, UM Chapter of MPEA

P.S. Thank you for your time and consideration.

209 W. Grant St.
Bozeman, MT 59715
February 13, 1981

6X.14

Representative Robert Ellerd
c/o Capitol Station
Helena, MT 59620

Dear Representative Ellerd:

I urge you to vote against HB 645, regarding choice of membership in collective bargaining units for public employees. This bill has been scheduled for hearing before your committee on Tuesday, February 17th.

All public employees gain from benefits secured through collective bargaining, especially employees in similar jobs and classifications. With such benefits, it is only fair that all employees concerned support the attainment and protection of these benefits. Such benefits can be compared to Social Security. Public employees coverage in Social Security is via contract established through a vote of the employees. Employees cannot choose on an individual basis whether or not to be a member of Social Security. All employees must pay contributions to Social Security. Collective bargaining agreements provide similar job security for employees in a bargaining unit, and all should contribute to the support and maintenance of such agreements. The benefits gained by collective bargaining have usually been extended to other employees also.

A further problem would result from the administration of HB 645, especially for immediate supervisors. If different rules and benefits were provided for bargaining unit members than for non-members, it would prove especially difficult for immediate supervisors to know which rules were to be followed. Also, the application of benefits would greatly increase the record keeping that would be required of management, assuming that benefits were different for bargaining unit members than for non-members.

Again, I urge you to vote AGAINST HB 645.

Thank you for your consideration.

Sincerely,



Barbara Kapinos

TESTIMONY ON HB 645

The MEA, representing roughly 8,000 teachers in schools across this state, unconditionally opposes HB 645 and any other right-to-work legislation. The bill before you is particularly odious because it singles out public employees for discrimination.

First of all the bill is confusing. It is either poorly drafted or doesn't reflect its title accurately or both.

The title and paragraph 2 of Section 1 give public employees the right to join or not join a union. If this is the intent of the bill it is unnecessary because agency fee arrangements found in most public employee contracts allow the individual that choice. He doesn't have to be a union member, he just has to pay his fair assessment of the costs of union representation.

The bill actually goes well beyond the simple choice of union membership. The change in Section 2 allows the individual to opt in or out of the bargaining unit whether union member or not. This makes absolutely no sense.

New Section 3 says any contract shall only cover union members, that "the agreement is invalid as it pertains to that employee" who is not a union member. This sounds like an employer could not pay an employee the same salary negotiated by the union unless the employee joined the union.

As written the bill appears to confuse union membership with bargaining unit membership, compulsory union shop with voluntary agency shop, and is contradictory because one section could actually coerce union membership.

Our second problem with the bill is that it contradicts the

very idea of collective bargaining, although the rest of the collective bargaining law is left intact. "Collective" means everyone joins together. You can't very well have collective bargaining if every individual does his own thing. May I remind the committee that it is the public policy of this state to encourage collective bargaining. Let me read to you 39-31-101.

(Quote)

This bill contradicts the official policy of this state as established by the Legislature and reaffirmed by subsequent Legislative sessions. Collective bargaining is encouraged because 1) it gives employees a more equitable and unified voice when dealing with employers and 2) it allows employers to deal with one representative instead of each employee separately and individually. This bill flies in the face of collective bargaining.

Our third objection to this bill is that it is undemocratic. Under Montana's collective bargaining law, a union can represent a group of employees only if a majority approves. The state assures this by conducting secret ballot elections.

Further, nothing compels any employer to agree to an agency shop; it is freely negotiable. But if it is agreed to by both employer and union, it still must be ratified by a majority of the members. The process is no different from our other democratic institutions--majority rule.

Our fourth objection is that this bill undermines the ability of an organization to carry out its responsibilities under the law. Montana's PECBA requires the designated union to represent

fully and fairly all employees in the bargaining unit, whether members or not. A union which fails to represent fairly a nonmember in salary negotiations or a grievance over working conditions would be vulnerable to a lawsuit or unfair labor practice charge. We accept this responsibility without complaint, for that is why we exist--to represent everyone's best interest. However, such representation is expensive. Union security agreements simply ensure that everyone who benefits from union representation pays his fair share of the costs of that representation. A good analogy is taxes. When the voters of a school district pass a mill or bond levy, we expect every citizen to pay those taxes, not just those who voted "Yes." We don't let people decide individually whether or not to pay their taxes. Everyone pays whether we all like it or not. It is the democratic way. It is no more fair to expect union members to pay the way of the freeloaders.

Finally, Montana has a long, clear tradition of opposition to bills like this. A right-to-work law has never been successful here. Right-to-work has been rejected in the past by both our political parties. Both our most recent gubernatorial candidates opposed right-to-work. Last August, former Republican leader of the House and candidate for Governor *Jack Ramirez* said publicly that he was "unalterably opposed" to such legislation.

We hope that the members of this committee feel the same.

David Sexton

Montana Education Association

February 17, 1981

United Brotherhood of Carpenters and Joiners of America

208 EAST MAIN, MISSOULA, MONTANA 59801
406/549-8067

INSTITUTED AUGUST 12, 1881



ALWAYS DEMAND THE LABEL



Page 1

Chrm. Bob Ellard
Capital Station
Helena, MT. 59620

MISSOULA, MONT., Feb. 16, 1981

Dear Rep. Ellard:-

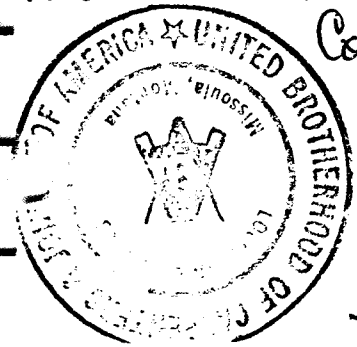
The following Resolution was passed at our regular meeting of Carpenters Loc. #28 on Feb. 16-81. Also, those present at our meeting have signed this Resolution.

Resolved **That:**

- we wish to go on record as being against H.B. 645, this is Montana's Little Right to work Bill & is designed to get a wedge into organized labor & to split our organization. With Rt. to work we see coming the following: 1. weak or no unions, 2. wages fall, 3. Fringe Benefits are reduced, & 4. Free loaders take advantage of Union services, but do not pay their fair share.
- Wyoming has Rt. to work & they wish they didn't.
- This H.B. 645 is undemocratic & detrimental to Montana

Organized labor has always been for Education, Social Security, Equal Rights, voting rights and all the other decent acts & laws that has made our Country great & made it a place where people from around the world are hoping & trying to come to.

Please use your better judgement in your Committee and on the



United Brotherhood of Carpenters and Joiners of America

208 EAST MAIN, MISSOULA, MONTANA 59801
406/549-8067

INSTITUTED AUGUST 12, 1881



ALWAYS DEMAND THE LABEL



Page 2

MISSOULA, MONT., Feb. 16, 1981

Floor to defeat this "Right to work for Less" Bill.

Very Respectfully,
Richard P. Johnson Rec. Secy.
also Chrm. Legis. Comm. Carpenters Loc. 28.

- Signers:**
- Bruce Bailey 235C Stiv. Montana
 - Henry B. Benven 4504 Edward Missoula Mont.
 - Walter Burroughs 1930 St. Francis Ave Arlee Mt
 - Carl W. Feltner 635 S. 1st St. " " " "
 - Roger A. McCutcher 107 Marion Parkway Hamilton, Mont.
 - Warren F. Williams RT. 2 MULLIN RD. MISSOULA MONT.
 - Kenneth W. Bain 606 Montana Ave Missoula Mont.
 - Nicholas Krizan 8120 Murray Drive Missoula Mont.
 - D. David Hansen 2045 Kensington Missoula Mont.
 - Paul Johnson 317 McLEOD AVE MISSOULA, MT.
 - Paul Johnson 430 Plymouth Missoula MT
 - Janet M. Butler 644 South 2nd W Missoula
 - Saul Connell P.O. Box 8292 Missoula
 - Angie Fleisshauer 2001 Strand Missoula
 - L. Bruce Morns 302 E. Sunset, Missoula MT.
 - Michael Bridges 8305 Zaugg Missoula
 - Ed. Wood 5772 Stevensville, Mont



I, the undersigned, working for the State of Montana, Highway Department, Maintenance Division, am opposed to House Bill 645.

SIGNATURE	PRINT NAME	ADDRESS
<u>Brian Collins</u>	<u>BRIAN COLLINS</u>	<u>610 33 ST NO. E. 6.1</u>
<u>John U. Knowles</u>	<u>JOHN U. KNOWLES</u>	<u>1501-16th ST. SO. 6.1</u>
<u>Malcolm W. Marshall</u>	<u>MALCOLM W. MARSHALL</u>	<u>8805-5th Ave N.W. G.F.</u> <u>Great Falls Mont</u>
<u>Michael R. McDonald</u>	<u>Michael R. McDonald</u>	<u>1012 8th Ave. So. G.F.</u>
<u>Edward N. Oswelter</u>	<u>Edward N. Oswelter</u>	<u>1613-2nd Ave. So. G.F.</u>
<u>Boyd L. Wolverton</u>	<u>Boyd L. Wolverton</u>	<u>124 Riv. 1 W Gt Falls</u>
<u>Marilyn D. Trgens</u>	<u>MERYLYN D. TRGENS</u>	<u>2105 1st AVE N 6.1</u> <u>108 Riverview 1 W.</u> <u>Great Falls 59404</u>
<u>Vervey Knapp</u>	<u>Vervey Knapp</u>	<u>Great Falls 59404</u>
<u>Arthur Dors</u>	<u>Arthur Dors</u>	<u>815-5th. Ave. N.W.</u>
<u>Roy Kirby</u>	<u>Roy Kirby</u>	<u>113 17th AVE N.W. 6.1</u>
<u>Jack Mombberger</u>	<u>JACK MOMBBERGER</u>	<u>RD 9 BOX 497 G.F. M.T.</u>
<u>Richard E. Allen</u>	<u>Richard E. Allen</u>	<u>704 33rd AV N.E. G.F.</u>
<u>Harry S. Becker</u>	<u>HARRY S. BECKER</u>	<u>915 4th Ave N.W.</u>
<u>Edward E. Nickel</u>	<u>Edward E. Nickel</u>	<u>Box 277 Mon. W.</u>
<u>Norman A. Lesofski</u>	<u>NORMAN A. LESOFSKI</u>	<u>613 36th AVE N.E. G.F.</u>
<u>Gene E. Hodgos</u>	<u>Gene E. Hodgos</u>	<u>RR. 1 Box 97 G.F.</u>
<u>Michael E. Moody</u>	<u>Michael E. Moody</u>	<u>Gen Del. Wolfcreek</u>
<u>Kenneth Larson</u>	<u>Kenneth Larson</u>	<u>Box 11 Cascade??</u>
<u>J. P. Walker</u>	<u>J. P. WALKER</u>	<u>113 Riverview Dr. G.F.</u> <u>St Falls Mont</u> <u>59404</u>

I, the undersigned, an employee of Cascade County Road and Bridge Department, am opposed to House Bill 645.

SIGNATURE

PRINT NAME

ADDRESS

David A Crowe

DAVID A CROWE

2514 1ST AVE N

I, the undersigned, an employee of Cascade County Road and Bridge Department, am opposed to House Bill 645.

SIGNATURE	PRINT NAME	ADDRESS
<u> Dale D. Piggly</u>	<u>DALE D. PIGGY</u>	<u>715-14th N.W.</u>
<u> Frank E. Tonkovich</u>	<u>FRANK E TONKOVICH</u>	<u>1912 Cab. Ave. Bo</u>
<u> James T. Fuller</u>	<u>James T. Fuller</u>	<u>3620 15th Ave. S</u> <u>Great Falls, MT.</u>
<u> Joseph F. Gruber</u>	<u>Joseph F. Gruber</u>	<u>2217 Cherry Dr. Gr. F.</u>
<u> Harvey R. Marguis</u>	<u>Harvey R Marguis</u>	<u>Po Box 187 Uln</u>
<u> Harold D. Forney</u>	<u>HAROLD D. FORNEY</u>	<u>1909-8th Ave. No</u>
<u> Vincent P. Kerouac</u>	<u>Vincent P. Kerouac</u>	<u>6-9th N.W.</u>
<u> William R. Keith</u>	<u>WILLIAM R. KEITH</u>	<u>1425-20th Ave. S</u> <u>Mont.</u>
<u> Francis L. Benway</u>	<u>Francis L. Benway</u>	<u>Box 523 Black Eg</u>
<u> Karl R. Anderson</u>	<u>Karl R Anderson</u>	<u>Box 562 Stock #1</u>
<u> Melvin Tedrick</u>	<u>MELVIN TEDRICK</u>	<u>1525 6th Ave N #7</u>
<u> Archie Swan</u>	<u>ARCHIE SWAN</u>	<u>4415 5th Ave. So</u>
<u> Monte Berg</u>	<u>Monte Berg</u>	<u>109 R.V. 5 E</u>
<u> Jerry L. Ferderer</u>	<u>Jerry L. FERDERER</u>	<u>3000 5th Ave. N.W</u>

I, the undersigned, an employee of City of Great Falls, am opposed to House Bill 645.

SIGNATURE	PRINT NAME	ADDRESS
CHARLES MURPHY	Charles Murphy	513 13 th ST. SW.
Thomas C. Wilcox	THOMAS C. WILCOX	1515 21 st AVE. SW.
Dan Kandilas	DAN KANDILAS	12-29 th ST. S.W.
Gary M. Green	GARY M. GREEN	1901-17 th AVE. S.
Richard L. Mauseh	Richard L. Mauseh	901 4 th Ave NW
Edward P. Engle	EDWARD P. ENGLE	2105-5 th AVE. SW.
Mark Frahm	Mark Frahm	4245 4 th Ave. SW.
Donald Figarelle	DONALD FIGARELLE	2721-1 st Ave SW
Charles Wombold	Charles Wombold	3405 2 nd No.
Kurt E. Lindner	KURT E. LINDNER	3209 8 th AVE SOUTH
Harvey E. Dustrude	HARVEY DUSTRUDE	609-3 rd AVE. S.
Robert P. Ridese	Robert P. Ridese	105 Rueven "B"
Eric H. Long	ERIC H. LONG	1213 1 st AVE S.W.
Edward R. Gooden	Edward R. Gooden	412-2 nd E. Ave. SW
William A. Vik	WILLIAM A. VIK	253-21 st Ave. N.W.
Wilford Brown	Wilford Brown	210 $\frac{1}{2}$ -4 th ST. SW.
Raymond C. Kynett	RAYMOND C. KYNETT	1201 3 rd AVE. N.W.
Harold Bertsch	HAROLD BERTSCH	748-Myrtle Dr
Dan Merrick	DAN MERRICK	1414-20 th Ave. S.
Ronald O. Reis	RONALD O. REIS	237 15 th Ave SW
Greg Viertel	Greg Viertel	812 5 th ST South
Richard Carter	RICHARD CARTER	416 27 th St
Ralph Davis	RALPH DAVIS	STOCKETT No.

I, the undersigned, an employee of City of Great Falls, am opposed to House Bill 645.

SIGNATURE	PRINT NAME	ADDRESS
<u>Adrian E. Moody</u>	<u>Adrian E. Moody</u>	<u>1712-4th St. So. - Gt. Falls</u>
<u>Gray L. Service</u>	<u>Gray L. Service</u>	<u>1401 Cleveland Dr. E.</u>
<u>Louis Carrette</u>	<u>Louis Carrette</u>	<u>1317-10th St South</u>
<u>Theodora R. Clipp</u>	<u>Theodora R. Clipp</u>	<u>1421-24th Ave So</u>
<u>Mike Filipowicz</u>	<u>Mike Filipowicz</u>	<u>1517-9th Ave So</u>
<u>Bernard Weiler</u>	<u>Bernie Weiler</u>	<u>1600-21st Ave. No</u>
<u>Edward Mader</u>	<u>EDWARD MADER</u>	<u>3432-14th So</u>
<u>Lawrence J. Tassman</u>	<u>Lawrence J. Tassman</u>	<u>212 14th No</u>
<u>SOHN W. WEIS</u>	<u>SOHN W. WEIS</u>	<u>1423 5th (Ave. No)</u>
<u>Balkoski, Stanley</u>	<u>Balkoski, Stanley</u>	<u>513-9th Ave SW</u>
<u>Clark M. Cummings</u>	<u>Clark M. Cummings</u>	<u>3609 1st Ave So</u>
<u>R.A. Christoffersen</u>	<u>R.A. Christoffersen</u>	<u>804 8th Ave No</u>
<u>Howard Hahn</u>	<u>Howard Hahn</u>	<u>2814-2 Ave No</u>
<u>Robert Lee</u>	<u>Robert Lee</u>	<u>2911 27th Ave. So</u>
<u>William J. Heald</u>	<u>William J. Heald</u>	<u>1651-3rd Ave So</u>
<u>JAMES A. PALAGI</u>	<u>JAMES A. PALAGI</u>	<u>3225 3rd Ave So</u>
<u>DANIEL TADICH</u>	<u>DANIEL TADICH</u>	<u>1127 4th Ave No</u>
<u>RUDY MAUER</u>	<u>RUDY MAUER</u>	<u>909 6th Ave So</u>
<u>DON M. HESSE</u>	<u>DON M. HESSE</u>	<u>641 22ND ST. <small>BLACK</small></u>
<u>Bernard G. McDonald</u>	<u>Bernard G. McDonald</u>	<u>2021-5 Ave So</u>
<u>Dale C. Ekleson</u>	<u>Dale C. Ekleson</u>	<u>604-33rd St No</u>
<u>Joseph Gersack</u>	<u>Joseph Gersack</u>	<u>2900 8 Ave. No.</u>

I, the undersigned, an employee of City of Great Falls, am opposed to House Bill 645.

SIGNATURE	PRINT NAME	ADDRESS
<u>William Cameron Jr</u>	<u>William Cameron Jr</u>	<u>3017 3 Ave. So. Great Falls, MT 59405</u>
<u>Robert E Madsen</u>	<u>ROBERT E MADSEN</u>	<u>405 5th St S Great Falls mt</u>
<u>William S Skerlock</u>	<u>William S SKERLOCK</u>	<u>1316 Ave C NW Gt. Falls mt.</u>
<u>Robert E. Darnell</u>	<u>ROBERT E. DARNELL</u>	<u>1825 CENTRAL AVE. GREAT FALLS, MT 59401</u>
<u>Charles S. Welzenbach</u>	<u>Charles S. Welzenbach</u>	<u>110 27th ST. N. W. Great Falls, MT. 59404</u>
<u>William G. Argall</u>	<u>William G. Argall</u>	<u>1912 - 7th Ave N. GREAT FALLS - 59401</u>
<u>William Schoenen</u>	<u>William Schoenen</u>	<u>722-9th Ave S. West Great Falls, Mont.</u>
<u>Clarence W. Olson</u>	<u>CLARENCE W. OLSON</u>	<u>5809 4th Ave So Gt. Falls, Mont 1105 - 1st A. S.W. GT FALLS, MT. 59404</u>
<u>Richard T. Burton</u>	<u>RICHARD T. BURTON</u>	<u>716 8th Ave So #4 608 9th St S Gt Falls, MT</u>
<u>John R. Swans</u>	<u>JOHN R. SWANS</u>	<u>Rt. 1 - West Box 238, p.</u>
<u>John J. Heble J.R.</u>	<u>JOHN J. HEBLE J.R.</u>	
<u>Ted L. Marshall</u>	<u>Ted L. Marshall</u>	<u>4615 - Carol Dr ^{NE} Falls</u>
<u>Freddie R. Feback</u>	<u>FREDDIE R FEBACK</u>	<u>1223 - 6th Ave N.</u>
<u>Gerald G. Hagen</u>	<u>GERALD G. HAGEN</u>	<u>3625 1ST AVEN.</u>
<u>Duane D. Golin</u>	<u>DUANE D. GOLIN</u>	<u>RRS 213 Wash Blvd.</u>
<u>Martin J. Basta</u>	<u>MARTIN J. BASTA</u>	<u>1227 1/2 10 Ave SW</u>
<u>James D. Larson</u>	<u>James D. Larson</u>	<u>3656-4th Ave. So</u>
<u>Leo Honkemp</u>	<u>LEO HONKEMP</u>	<u>4441 3rd Ave NE</u>
<u>James E. Hall</u>	<u>JAMES E HALL</u>	<u>775 26th Ave NE</u>
<u>Thomas Nulty</u>	<u>Thomas Nulty</u>	<u>#84 Countryside Villages</u>
<u>Donald J. McBratney</u>	<u>DONALD J. McBRATNEY</u>	<u>954 Fair Court.</u>
<u>Charlotte E. Jones</u>	<u>CHARLOTTE JONES</u>	<u>513-22 Ave N.E.</u>
<u>William J. Hicks</u>	<u>WILLIAM J. HICKS</u>	<u>905-3 AVE N.W.</u>

I, the undersigned, an employee of Cascade County Road and Bridge Department, am opposed to House Bill 645.

SIGNATURE

PRINT NAME

ADDRESS

Kenneth L Beck

KENNETH L BECK

113 Riverview Street

James R. Anderson

JAMES R. ANDERSON

826 6th Ave NW

Charles C. Miesner

CHARLES C. MIESNER

Rt. 1 West - Box 240X

Henry M. Krupp

Henry M. Krupp

531 Sacajawea Dr

James R. Tucker

JAMES R. TUCKER

4233 3rd Ave NW

Daniel Jarvey

DANIEL JARVEY

P.O. BOX 414 6E

Donald C. Arps

Donald C. Arps

Stuart #411 Clatsop

Chris Rice

Chris Rice

1417 2nd Ave NE
CT F

Marion L. Nelson

MARION L. NELSON

1409 8th SW NW. Grant

Mark Peterson

Mark Peterson

814 7th Ave. N. City

Norman Olson

NORMAN OLSON

931 - 1st SE

William H. Haber

WILLIAM H. HABER

40200 Box Rd

John Christman

John Christman

314 - 7th St. SW

I, the undersigned, working for the State of Montana, Highway Department, Maintenance Division, am opposed to House Bill 645.

SIGNATURE

PRINT NAME

ADDRESS

James M. Powell

JAMES M. POWELL

RR#1 BOX 73, GT. FALLS

Berwyn O. Endicott

BERWYN O. ENDICOTT

3721 4th AVE NW GT FALLS

Alfred B. Halvorson

Alfred B. Halvorson

4104-13. E. South Rd. Gt. Falls

Ross R. Rennie

ROSS R. RENNICK

1401 2nd Ave South

Joseph A. Rege

Joseph A. REGE

525-5th AVE. No. Apt

Kenneth D. Trovatten

KENNETH D. TROVATTEN

1120-10th AVE NW

Arthur J. Baranko

ARTHUR J. BARANKO

3208-8th AVE. SE

I, the undersigned, an employee of Cascade County Convalescent Hospital and Nursing Home, am opposed to House Bill 645.

SIGNATURE

PRINT NAME

ADDRESS

[Handwritten signature]

[Handwritten print name]

[Handwritten address]

Irene Cooper

IRENE COOPER

4249-H AVE NO

Bonnie Oakes

BONNIE OAKES

STAR RT BOX 32 SAND CO

Lucia Henrichs

LUCIA HENRICHS

2817 8th Ave No.

Barbara Jabraus

Barbara Jabraus

1516 5th AVE NW

Kathy Todd

Kathy Todd

P.O. Box 1277

Debbie Archey

DEBBY ARCHAY

804-8th Ave So.

Bernard E. Norling

BERNARD E. NORLING

3844 VIGILANTE DR.

Adeline Tollefson

Adeline Tollefson

808-6-Ave-So

William R. Bauch

WILLIAM R BAUCH

RT 1 WEST BOX 2048

I, the undersigned, an employee of City of Great Falls, am opposed to House Bill 645.

SIGNATURE

PRINT NAME

ADDRESS

Bruce Thane Young

BRUCE THANE YOUNG

#8 18th Ave S

Clifton Bayless

CLIFTON BAYLESS

2316 1/2 2nd Ave N

Brian A. Schneiderbach

Brian A. Schneiderbach

2313 7th Ave N

Attilio Lencioni

ATTILIO LENCIONI

716 - 19th St So

Robert Lesh

ROBERT LESH

1400 Sunnyvale

Mr. Chairman and members of the Committee:

I am Mike Walker, Secretary of the Montana State Council of Professional Firefighters. I am also a member of the Montana State AFL-CIO Public Employees Committee.

I am here to speak in opposition to House Bill 645, a right to work bill for public employees. The name right to work is a fraud. It doesn't give any right to work. It doesn't grant any new rights at all. It doesn't create one new job. It doesn't protect existing jobs. It doesn't put one unemployed worker back to work. It doesn't attract good wage industry. It doesn't improve or safeguard a state's economic health. It doesn't safeguard existing rights.

Right to work is the right to free-load. It is the right to work for less. It is the right to wreck unions.

Right to work is the right wing extremists' plot to destroy the trade union movement in America. The left wing extremists can't wipe out the union in Poland, and the right wing extremists aren't going to get us in Montana.

I ask you to vote against House Bill 645.

Thank you.

over

Mike Walker

Montana State Council of Professional
Fire Fighters

The right to work is in essence the right to return to the dark ages. Since the beginning of time ~~men~~ ^{men & women} have worked to provide a better life for their family than the life in which they grew up. This particular piece of legislation is contrary to every aspect of that ideology.

The right to work concept is:

- ~~Work harder.~~
- Work with out voice.
- Work longer
- Work Cheaper

Make More Money for those who are already at the top of the social economical ladder.

It is only a ~~step~~ top-skip, and a step from cheap labor to child labor and I would hate to think that our Montana legislators are going to take a step back in time.

The people I ^{represent} work in the most hazardous occupation in the country. Our job is to save lives and protect property. I ask you, ^{we are highly trained and dedicated employees.} can you place a price tag on your worldly possessions and your life? and if you can I'm sure you wouldn't want to lessen or cheapen that price. ~~Should you rather have~~ ~~dedicated highly trained fireman~~ ~~respond to an emergency at your residence or would you like to have some non-resident~~

H.B. 465 would do ~~all~~ just that cheapen the price. I urge you to Oppose

NAME M. R. [unclear] BILL No. 64-111

ADDRESS [unclear] DATE 2/17/81

WHOM DO YOU REPRESENT UNITED TRANSPORTATION UNION

SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

MONTANA HAS A MUCH HIGHER STANDARD OF LIVING
& TAKE HOME PAY IN THE LABOR FIELD, BECAUSE
WE ARE NOT A RIGHT TO WORK STATE. COMPARABLE
STATES (N DAKOTA - WYOMING ETC) ARE RIGHT TO WORK
STATES. IN THE END, THE LAST CONCLUSION LEFT
TO THE WORKER, AFTER NEGOTIATIONS & ARBITRATION IS
THE RIGHT TO STRIKE.

Mr. Chairman,

Ex. 20

I do not differ with Mr. Brunetta's opinion that unions have little to offer public employees. The state employees we represent were making minimum wage before they became members of an union. These employees are not in the state pay plan but their wages are currently well above minimum wage and the turn over is very low. The County employees we represent had a starting wage of below federal minimum wage (\$2.79/hr.) before they became members in 1979. Their starting wage is currently \$3.50 an hour.

Public employees are among the most difficult to represent because of bureaucracy in which they work. We are currently trying to resolve the amount a back pay award for a County employee. I have had to deal directly with the facility ~~the~~ administrator, the director of nursing, the county auditor, the administrative assistant to the County Commissioner, the deputy county attorney, the welfare dept., the Employment Security Dept. and the frustration of the member. The County has changed its position five times. An unrepresented employee would find it very difficult to wind their way through this maze and work full-time to support her family.

Jobbing, grievances, arbitrations, unfair labor practice hearings, conference committees, education, unemployment appeals and hearings, holding ~~of~~ regular monthly meetings to report back to the memberships on the finances and business of the local, holding special meetings to deal with special issues, regular visits to the place of employment, checking rates of pay, and general assistance to members in dealing with the bureaucracy, are all jobs of a Union Representative in addition to negotiations. An union has a great deal of service to offer public employees

Please do not forget that coercion of employees by their employers ~~is~~ still exists, even in the public sector, and particularly towards the women members that I represent. If an employer made not joining the Union a condition of employment or continued employment, the chance of the Union ever finding out about it is slim - obviously, the person will also feel their job is threatened if they report the threat to their Union representative. I represent public employees who have been harassed for their Union involvement, public employees who are afraid to be stewards for fear of retribution. This bill will open public employees to more coercion and intimidation, ~~and~~ without representation if they are not Union members. This bill will promote the divide and conquer mentality, and it does exist among public administrators. I urge you, on behalf of my members, to defeat HB 645.

Thank you.

Kathy A. van Hook, Business Representative

EX-21

Feb 14, 51
Missoula Mont.

Dear Mr. Ellerd.

In reference to H.B. 645, this bill must not, I repeat must not be passed in the state of Montana. The only thing this will achieve will be to lower the salaries of all Montana employees and lower the standard of living that we, as workers, have tried to raise. Would you please help all of Montana workers in defeating House Bill # 645.

A reply on your feelings of this bill would be welcomed by myself.

Yours kindly,
KENNETH W. BIER
606 Montana Ave.
Miss Mont.

Missoula, MT.
2-14-81

To,

Rep. Bob Ellerd,

I hope you will oppose HB 645. It is foot in the door type of bill, if they get it for Public Employees, they will be after the rest of us next time.

When a state passes a right to work Bill: "For Less"

1. Strong unions are weakened.

2. Weak unions disappear.

3. Wages fall.

4. Fringe benefits are reduced.

5. Free loaders take advantage of Union services, union contracts, but do not pay their fair share. "They don't have to join".

Also less wages means less taxes for County, State ect. that someone has to make up.

Sincerely

Leg. Rep. 3038 Bonner

Chris Murphy

Saturday Feb 14th 1911

Ex. 23

Representative Robert Ellard
Capitol Station
Helena, M.T.
59020

Dear Representative Ellard,

I am writing to urge you to use your influence to defeat H. B. 645. This bill discriminates against the working women and men by weakening the unions which represent their interests. Obviously no one would join the union if he or she cannot obtain benefits the union bargains for without paying to help support the union. I am aware that the union may not have to represent the grievances of a non-member according to the bill. But Federal Law requires that the union represent all members of the unit. So the union would, unfairly, have to expend its funds for a person who has free loaded on its efforts.

Anything you can do to stop this bill will be appreciated.

Yours,
John Henry
504 Adams St.
Missoula, M.T.
59801

Ex. 24
1420 Jackson
Missoula, Montana
59801
February 19, 1981

Representative Bob Ellerd
Capitol Station
Helena, Montana 59801

Dear Representative Ellerd:

This letter is to voice strong opposition to House Bill #645. The bill would be the death-keel for the Agency shop provision thus would be a public sector "Right to Work" legislation.

As the regional representative for the Montana Public Employees Association and as a citizen the bill is disgusting. Public employees deserve in fact demand the ability to have an Agency shop in their labor contract if that provision is agreed upon by the parties. Representative Ellerd,

②

our organization represents nearly a thousand workers in Bozeman and virtually all of the employees are public employees (most are at the university) and would be directly and adversely affected by H.B. # 645. Please make ~~an~~ every effort to defeat this regressive legislation.

In closing, best of luck in defeating this legislation, and if I can be of help, let me know.

Sincerely,

Jerry Brown

728-4768

RICHARD FAUST
6710 SIESTA DR
MISSOULA MT 59801

western union

Mailgram

UNITED STATES
U.S. MAIL
SERVICE

4-042764S047 02/16/81 ICS IPMTZZ CSP HELB
4065495310 MGM TDMT MISSOULA MT 50 02-16 0945P EST

EX-25

BOB ELLERD
CARE HOUSE LABOR-EMPLOYMENT RELATIONS
COMMITTEE
STATE CAPITOL
HELENA MT 59601

HOUSE BILL 645 PROHIBITS AGENCY FEES FOR PUBLIC EMPLOYEES, A RIGHT
GIVEN OTHER EMPLOYEES. LABOR ORGANIZATIONS REPRESENT ALL
EMPLOYEES-ALL MUST SHARE EXPENSES. PLEASE DO NOT CONSIDER BILL FOR
PASSAGE

BONNIE FAUST FOR MISSOULA ELEMENTARY EDUCATION ASSOCIATION (365
MEMBERS)

2147 EST

MGMCOMP MGM

I The undersigned am opposed
 to H. B. 645 Please vote NO

Signature	Print Name	Address
Wayne Johnson	Wayne Johnson	12416th St. NE
Lyle Richards	Lyle Richards	Power Motel
Terry Goulet	Terry Goulet	1107 - 2nd Ave. So
James Becker	JAMES BECKER	5504 5th So NT Falls mt
Lee Pate	LEE PATE	Box 245 ULM, M.
Herald C. Eberl	GERALD C. EBERL	2710 4AVE NORTH
Michael D Bell	MICHAEL D. BELL	2312 1st AVE. N.
Craig A. Anton	CRAIG A. ANTON	823 3rd Ave, S. M.
Dan Pipiaic	DAN PIPIAIC	616 2nd Ave SW
Raeoa Sangray	RAEOA SANGRAY	1626B 5 1/2 Ave So.
Tom Mills	TOM MILLS	1123 14th Ave So.
Doug Roberts	DOUG ROBERTS	8308 4th Ave So.
John Winn	John Winn	1211 3rd Ave So
Dean Linn	DEAN LINN	3123 2AVE NO.
Donald E. Faris	DONALD E. FARIS	737-14th St. SW.
Debris Freyler	Debris Freyler	210 15th St. N.
Sherrie Busak	Sherrie Bicsak	3528 8th Ave. S.
Alice Maurer	Alice Maurer	909 6th Ave. So.
Gerald M. Wilkins	Gerald M. Wilkins	1401 7th Ave So
Cindy Swenson	Cindy Swenson	14-17 Ave. So.
Sharon Wornbold	Sharon Wornbold	2405-2nd St.
Russell Atchison	RUSSELL ATCHISON	1426-17th Ave So-

VISITORS' REGISTER

HOUSE _____ LABOR _____ COMMITTEE _____

BILL HB 645

Date 2/17

SPONSOR BURNETT

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Pat McKittrick	J. C. TEAMSTER No. 2	—		—
Ed Lynch	532 W. Main Butte	M.F.T. - M. Bldg. distn.		✓
Joe Roseman	3314 Harold Butte	J.C. Teamsters #2		✓
Nadrian Jensen	Helena	AFSCME		✓
Tarwood Jensen	Missoula	Western Montana County		✓
Bill Poth	Missoula	885 United Paperworkers		✓
Jerry Dunsell	Billings	Laborer Union		✓
Mike Baker	Gr. Falls	Mont. State Council of Professional Fire Fighters		✓
Jim Miller	Helena	Mont. Feat. Teamsters Mont. Feat. Teamsters		✓
Geo. Gabidch	Townsend			✓
Dean Powers	Townsend			✓
Robert McClure	Townsend			✓
Richard Forderer	Gr. Falls	Teamsters		✓
Ally McLaughlin	Gr. Falls	J.C. Teamsters #2		✓
Henry Lindbergh	Gr. Falls	CASE CASE COUNTY R. Bd.		✓
Van Antwerp	Gr. Falls	U.A. Local No. 41		✓
Joe Lamson	HELENA	MT. DEMOCRATIC PARTY		✓
John Walsh	Butte	AFSCME		✓
Jim Beneventi	HELENA MONT.	AFSCME		✓
Kathy Thompson	Helena MT	MT MFT DECS		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE LABOR

COMMITTEE

BILL HB 645

Date 2/17/81

SPONSOR BURNETS

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Ron Senger	919 8th A. N.W. Great Falls	S.M.W. Local 103		X
Lyle Richards	Power Mont	Teamsters Local 45		X
Russell Atch	1426 - 17th Ave So G.F.	Local 45		X
R.E. Braggfield	Anaconda	Local #88		X
Norman Hurd	1817 West Park Anaconda	Carpenters lo. 88		X
J.B. Stauderhan	38 Washoe Park Ana.	Carp. Lo. # 88		X
Don Tiqui	1162nd Ave So G.F.	Teamsters #45		X
Maurice Abbott	1621 Boulder Ave			X
Mary Lou Piliago	6890 N. Stone #7	D.E.C.S (3923)		X
Thelene Doughton	1112 Middleman Rd.	D.E.C.S "		X
Robert S. Meely	81-10th at Horse	Local 122.1 IBEW		X
Julia Bickle	2834 Festival Shraint.	D.E.C.S (3923)		X
Michael V Bell	2312 1st AVE W GREAT FALLS	LUCA-45		X
Perry Soulet	1101-2nd Ave So Great Falls, Mont.	TEAMSTERS LO. 45		X
Tom Mills	1123 14th Ave So. GREAT FALLS MONTANA	TEAMSTERS Local 45		X
Wesley Mueller	202 S. 34th Apt. 3 Billings, Montana	Local 190 Teamsters		X
Jim Frey	270 St. Johns Lolo, Mont	Missoula Trades and Labor Council		X
Larry Bane	2010 Hill 75 Helena	Operating Eng. Local 400		X
J.W. Dwyer	21 HUNTLED MOUNT.	LOCAL 190 Teamsters		X
Richard Duda	623 HUEL Big Mt	Citizen		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE Labor

COMMITTEE

BILL 645

Date 2-17-81

SPONSOR Burnett

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Donna Small	1208 Oakland Dr., Bldg Mt.	Mt. Nurses Assoc		X
Eileen Robbins	527 N. Rodney-Helena	MT. NURSES ASSOC.		X
Edward Cain	1526 Peost St, Helena Mt.	School Teachers		X
JAMES M. GALLO	Box 61 HELMVILLE MT	LABOR LOCAL # 254		X
Joe Schneller	Gen Del Helmville Mt	Cement masons Helena		X
Clarence Kostede	3455 old Hardwrd Billings mt	Sanitation Dept		X
Joy E. Gagne	1508 West Lane. Billings Mt.	City Sanitation Dept.		X
Scott A. Rumboldt	2007 S. Blythe Bldg Billings Mt.	City Sanitation Dept		X
John Linn	1211 3 rd Ave. St. Falls	St Falls Airport		X
Donald L. Fair	737-11 th St. St. Falls	St Falls Airport		X
Deora Linn	3123 Ave. No	St Falls Airport		X
Jay Ballard	1105 Mill Road	Helena		X
Bill Palmer	East Helena Ind.	Carpenters Local 153		X
SE J	Box 182 (Clancy) St. Falls	Local 153		X
Berry Persinger	1500 Phillips Ave Butte	Construction (General Laborer) Union #1334		X
Sonny Mottis	506 Waukesha	Laborer Local #254 Public Employee		X
Richard W. Souquet	1223 N FEE	Public Employee		X
James R. Hoff	Helena 1008 Logan	Local 254		X
Carson	2120 Luster Ave Helena	Self Start Metal Works		X
Norm Kroel	1265 Dudley ^E Helena	LABORS Local 254		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____ LABOR _____ COMMITTEE _____

BILL HB 645

Date 2/17/81

SPONSOR BURNETT

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Pat Stettin	17116th Ave	QSMG Council	X	
Linda Larson	1805 Jostyn #12	DECS. 3223		
Ralph Wolcott	2903 Pleasure Rd.			
Charles Davies	2245 N. D 680d. Alder	Operating Engineer	X	
John Carter	2245 N. Drive	Local #375	X	
Sherrin Bepko	3528 8th Ave. S.	Local 122		X
Richard Taylor	3000 - 6th Ave. NW	Teachers HI		X
George G. G. G.	5308 4th Ave. SE	TEACHERS		X
Craig A. A.	823 7th Ave. SE			X
M.W. GULLICKSON	LIVINGSTON MT CLINTON, 59825	UNITED TRANS UNION		X
Manij Ojeda	14275 Hampton	Local 1145		X
Robert R. Beal	2124 Pearlman	Local 1145		X
Ronald J. Strohs	1725 So 8th W Miss A	" 1145		X
Casper Sch. Th.	3904 1/2 Weybold	" 1145		X
Vern Ford	RAIB 490 Florence	" 1145		X
Warne Shatto	1700 Cooney MISSOULA	" 1145 UPIU		X
P. Williams	Clancy, MT	—		
Fritz Meyers	Helena MONT	Carpenters Union		X
H.C. Ouel	2710 4th Ave North 6th FAUS	LOCAL #45 TEACHERS		X
Arnold M. Wilkins	1401 7th Ave SE GREAT FALLS	Local #45 Teachers		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE Labor COMMITTEE

BILL HB 645

Date 2/17

SPONSOR Burnett

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Kate Webster	Helena MT	MFT DECS		✓
Bill Tracy	Helena MT	MT Demo. Party		✓
Gail Lemar	Helena MT	MFT DECS		✓
Jerome Lemar	Helena MT	National Assn. Letter Carriers #320		X
Joe Bickel	Helena MT	Retired		X
Donna Miller	E. Helena	MFT-DECS		X
Michael Calms	Helena MT	UCI GW #435		X
Lucia Mallin	Helena MT	CARPENTERS LOCAL 153		X
Rudy Maurer	Great Falls MT	Teamsters 45		X
Randy Simpson	Great Falls	Local 101		X
Candy Kingball	Great Falls	Teamsters 1145		X
Deloris Freyer	Great Falls	Teamsters Local 45		X
Alice Maurer	Great Falls	MPEA		✓
Jean Nare	Butte	ATU 381		✓
Marie Mphues	Butte	ATU 381		✓
Ed Dobson	Billings	self		✓
John King	Butte	self		✓
Peter Alice	Missoula	MPEA - U. of MT.		✓
Sid Armstrong	Helena			✓
James Thompson	O. Missoula	CONCERNED CITIZENS FOR INITIATIVE 84		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

John M Orstad	Messoula	oppose	HB 645
Charles R. Shields	Missoula	oppose	HB 645
Morris H. Olson	Missoula	oppose	HB 645
Billy H Brothers	Kalispell	oppose	HB 645
Helen Wood	Boulder	oppose	HB 645
Jeanne Zupovich	Boulder	oppose	HB 645
Jean Fitzpatrick	Boulder	oppose	HB 645
Paul Waler	Anaconda	oppose	HB 645
Fred Boyer	Anaconda	oppose	HB 645
John Mabee	Butte	oppose	H. B. - 645
Pat M. Hartung	Butte	oppose	H. B. - 645
James Mular	Butte	oppose	HB 645

Fredrick Arthur Synness 304 N. Dover
City of Helena O.P.

George Howard Boulder Hill

Ruth Smithwick Boulder Mont.

Joe Gray City Boulder, Montana

Micky V. Kinner Helena, Mt.

Adrian E. Moody Great Falls Oppose HB 645

Marion Womack St. Falls, Opposed " "

Donald Figgall " " " "

Richard L. Manseth Great Falls Mont oppose " B 645

Bernard G. McDonald " " oppose HB 645

Frank L. Womack St Falls oppose HB 645

Janice Midyett Missoula oppose HB 645

Jancy Deon Missoula oppose HB 645

Eugen Fendek Helena oppose HB 645

Robert G. Kokonda Helena oppose HB 645

Kathy A. van Hook Helena oppose HB 645

Gene Bertlett Helena oppose HB 645

Lola Kinman Butte oppose! HB 645

Murden Nee Butte oppose! HB 645

Randy Siemes Helena oppose HB 645

Lyle Westgate Missoula ~~oppose~~ HB 645

Norman Reiniche Stevensville oppose HB 645

Donald J. Atwood Stevensville oppose HB 645

VISITORS' REGISTER

HOUSE _____

COMMITTEE _____

BILL HB 645

Date 2-17-81

SPONSOR Burnett

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Tom M. Ombler	Helena	Mt. Education Assoc.		✓
Neil C. Swanson	Helena			✓
Eric Swanson	Helena			✓
Arthur Swanson	St. Falls			✓
Kevin Swanson	St. Falls			✓
John P. Walsh	Helena			✓
Tom Sweet	Helena			✓
Bob Rowe	Helena	Self		✓
Don Merrill	Wibaux Mont.	Self	✓	
Mae Merrill	Wibaux	Self	✓	
KATHY JUDGE	Helena	AFT-MFT #3399		✓
Pat Craske	Bozeman MT	TEAMSTERS #2		✓
Judith Hubbard	Bozeman	Teamsters #2		✓
Clara Beckman	Bozeman	Teamsters #2		✓
Virginia Brubaker	Bozeman	Teamsters #2		✓
Norald Nelson	Helena	Teamsters #190		✓
Bud Henman	Blgs	TEAMSTERS 190		✓
MARK JANACARO	Helena	LABOR #254		✓
Rick Abrams	Helena A	Carpenters 153		✓
Dale Feight	Helena	" "		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____

COMMITTEE _____

BILL HB 645

Date 2-17-81

SPONSOR Burnett

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Robb Ellis	Helena	Carpenters #153		✓
Gene Grant	Bozeman	Carpenters 557		✓
Russell Huser	Livingston	Carpenters		✓
Jim Brown	Bozeman	Carpenters 557		✓
John Recktenwald	Bozeman	Carpenters 557		✓
Eileen Badovinac	Helena			✓
Don Badovinac	HELENA	CARP 153		✓
Ray E. Lamm	CLANCY	CARP 153		✓
Terry J. Brown	Helena	MPEA		✓
Gene Knitt	Helena	MPEA		✓
Jim Brown	Helena	MPEA		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME _____

BILL No. ⁴⁷³ 645

ADDRESS _____

DATE 2-17-81

WHOM DO YOU REPRESENT _____

SUPPORT _____

OPPOSE _____

AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Oppose RTW

Rusty Kuper - Helena

Morris W. Quinton

Allen R. Williams

Maria McKers

Jan Darr

Harold Miller

Mary Hubber

Arthur G.

Harold Skjerwen

Mary Ellen Sampson - Mela.

Margo A. Kidden - Mela.

Nancy Jones - Helena

VISITORS' REGISTER

HOUSE _____ EDUCATION _____ COMMITTEE _____

BILL HB 645

Date 2/17/81

SPONSOR BURNETT

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Huges Slattery	1711 6 th - Helena	HSME-Council 9		✓
Ron Talley	Boulder	A.F.U. - C.T.O. -		✓
Arinda Kee Stoll	Helena	AFL-CIO MFT		✓
Wendy Beck	Galena #1620	Galena 1620		✓
Norman McEldred	Galena #1620	Galena 1620		✓
Ron Mary Hess	Galena 1620	Galena 1620		✓
Sue Dawson	Galena 1620	Galena 1620		✓
Bob Hall	Galena 1690	Galena 1690		✓
Ed King	Blue Lodge	Galena Local 1620		✓
Louise Baker	Anaconda	Galena Local 1620		✓
Lena Allen	Anaconda	Galena Local 1620		✓
Nile A. Mel	HELENA	ENVIRONMENTAL IMP. COUNCIL		✓
Mel Liston	Helena	Data Entry + 3923 Computer Services		✓
Al Smigley	" "	Labor		✓
Leta Rado	" "	Laborers		✓
Eric T. Kell	" "	Capitol		✓
James A. Hill	Missoula	L.P.I.W. Local #2875 3-28-2812		✓
Barbara Foster	"	AFT, MFT		✓
Norma Nbr	"	#427		✓
Helen Uttonel	"	#427		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____

COMMITTEE _____

BILL H B 645

Date _____

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Mitch Mikulic	1400 E. Elm Butte	MT St Bldg Trade		X
Jim McGee	Box 1246 Helena	Mont Fed of Teachers Mont Fed of Handlmen		X
Young Gooden	1517 West Park Missoula	Mont State Council of Boys		X
Robert Wheeler	2124 Laurel	PP hook 11 45 Missoula		X
Allan Williams	8936 Douglas Circle Helena	AFL-CIO		X
John E Fitzpatrick	527 N. Henry, Butte	MACHINISTS A.F. & C.I.O.		X
Ruth Jones	1736 Lowell-Butte	Culinary #457		X
Chas J. Sullivan	810 Majors Butte	Cv M6 #457		X
Alvin K. Woodring	1227 Jamell Butte	MPEA		X
Tom Reinecke	Rt #2 Stevensville	LOCAL #459		X
John McQuinn	4415-23rd Ave Missoula	LOCAL #1334 LABORS		X
Charles B. Shields	1755 W. Central, Missoula	Retired State Employee		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____ COMMITTEE _____

BILL HB 045

Date _____

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Joan Miles	Helena	Env. Info. Center		✓
Vivian Titeler	Helena	MPEA		✓
EVE Evensen	Helena	State Personnel Div.		✓
Mrs. Moore	Helena	Person Div. State		✓
Ellen England	Helena	MFT, AFT, AFL-CIO		✓
Alvin H. Hill	Great Falls, Mont	Personnel	✓	
AL KOVINGTOWN	GREAT FALLS MT	MYSELF	✓	
LeRoy H. Schramm	Helena	State Executive Branch		✓
CHASE PATRICK	HELENA	MYSELF	✓	
Kristine Roby	Missoula	University of Montana Local Chapter of MPEA		✓
Ray Hoffman	MSU	Pres. M.P.E.A.		✓
Thomas Schuler	Helena	MPEA		✓
Ray Black	CONRAD	HIGHWAY 5		✓
Barbara Kapinos	Bozeman	MSU - MPEA		✓
John Carlin	Butte	Operating Engineers		✓
Phyllis Davis	Butte	Operating Engineers #375		—
Jack Cutler	Butte	Butte Teamsters #2		✓
James S. Fluharty	Missoula	Member N.S. Ed. Assoc.		✓
Bill Bradford	Missoula	M.F.A., MSLA CO.		✓
DAVID SEXTON	HELEN	MONT. EDUC ASSN		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____

COMMITTEE _____

BILL HB 645

Date _____

SPONSOR Burnett

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Helena Kemmerer	Helena, MT	Labor #254		✓
Maude Kemmerer	Helena, MT	Labor #254		✓
Joan Relich	Helena			✓
Caroline Anderson	Helena, MT			✓
Conrad Yunker	Helena, MT	wire Service build #222 The Newspaper build		✓
L. Scher	Helena, MT	self		✓
Mel Hopil	East Helena	self		✓
Tom Sarch	Helena	#254		✓
Roger Sieg	Helena	Labor #254		✓
Paul F. Mero	Deer Lodge	Labor Local #400		✓
Eol Strey	Deer Lodge	operatory Engin #400		✓
Wm O. Ruge	HELENA	ILDE Local 400		✓
W. C. Knudrick	"	Painter 1023		✓
L. D. Dushow	Missoula	Teamsters #2		✓
Wm K. Byrne	Missoula	Teamster #2		✓
K. Andy Bond	Missoula	Teamsters #2		✓
Bar Lebury	MSLA	Mach.		✓
BARNEY BRAND	HELENA	LOCAL 185		✓
Judy Brant	Helena			✓
LeRoy C. Johnson	Blanch, East	Local #45		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____ LABOR _____ COMMITTEE _____

BILL HB 645

Date 2/17

SPONSOR BURNETT

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
John Newitt	Missoula Mont	UFCW Local 1981		✓
Douglas Peterson	Missoula Mont	UFCW " 1981		✓
Lee Gate	Blain Mont	TEAMSTERS 45		✓
John Hamer	2600 LEAN RD GREAT FALLS	Teamsters #45		✓
James Becker	5504 3rd St MT Falls	Teamsters #45		✓
Paul G. Pottak	1702 Colorado Ave	Const & Iron Works 1334		✓
David E. Johnson	612 W 12th St No. GF	Laborer AGC Training Fund		✓
Jim Jensen	Helena	LISCA		X
Margo Kiddle	Missoula, MT	Local 427		✓
Mary Ellen Sampson	Missoula	UFCW Local 1981		✓
Harriet Johnson	Missoula	Local 1334		✓
William A. Keith	GREAT FALLS	LOCAL 1046		✓
James T. Fuller	Great Falls	Machinists Local 1046		✓
Joseph G. Groun	Great Falls MT	Mech Local 1046		✓
Brendon J. Rubin	Butte MT	FFSCME 2033		✓
John LaPore	Helena	Local 254		✓
Al Smigay	Helena	Local 254		✓
Lester Kade	Helena	Local 254		✓
Erni T. Kurel	Helena	Local 254		✓
Ralph Cook	Helena	Local 2774		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

PROPOSED AMENDMENTS - HB 557

~~Ex. 26~~ Ex. 26

1. Page 1, line 14.
Strike: "\$2.95"
Insert: "\$2.50"

2. Page 1, line 16.
Strike: "\$3.25"
Insert: "\$2.75"

3. Page 2, line 11.
Strike: "\$680"
Insert: "\$575"

4. Page 2, line 13.
Strike: "\$750"
Insert: "\$635"

5. Page 2
Following: line 14

Insert: "(3) (a) An employer may apply a credit against the wages due a tipped employee by an amount not to exceed 20% of the state minimum wage, except that an employer subject to the federal fair labor standards act, 29 U.S.C. 201 through 219, may apply a credit in an amount as defined in section 203 of that act.

(b) Such a credit may not be taken by an employer against the wages due a tipped employee unless:

(i) the employee receives tips equal to or in excess of the amount of credit;

(ii) the employee has been informed by the employer of the provisions of this section; and

(i) all tips received by such employee or deposited in or about a place of business for services rendered by the employee have been retained by the employee.

(d) No employer may require an employee to share a tip with the employer or other employees. However, nothing contained in this subsection prevents an employee from voluntarily and on an individual basis sharing his tips with other employees."

6. Amend 39-3-402, the definition section of this part to read:
"(8) "Tipped employee" means an employee engaged in an occupation in which he customarily and regularly receives tips, on a monthly basis, at an amount as defined in the federal fair labor standards act, 29 U.S.C. 203 (t), as amended."

7. Amend 39-3-406, which defines those employees excluded from the provisions of 39-3-404 and 39-3-405 (minimum wage and overtime compensation sections). Add another exclusion which reads:
"(1) an employee who is under 16 years of age."

Ex. 27

NO

1. Page 1, lines 12 through 17.

Strike: These lines in their entirety

Insert: "The minimum wage defined in the federal Fair Labor Standards Act, 29 U.S.C.206(a)(1)."

Eliminated
do not
Pass

2. Page 2.

Following: line 14

Insert: "(3)(a) An employer may apply a credit against the wages due a tipped employee by an amount not to exceed the amount as defined in the federal Fair Labor Standards Act, 29 U.S.C.203(m).

(b) Such a credit may not be taken by an employer against the wages due a tipped employee unless:

(i) the employee receives tips equal to or in excess of the amount of credit; and

(ii) the employee has been informed by the employer of the provisions of this section.

(c) All tips received by an employee or deposited in or about a place of business for services rendered by the employee are the sole property of the employee.

(d) No employer may require an employee to share a tip with the employer or other employees. However, nothing contained in this subsection prevents an employee from voluntarily and on an individual basis sharing his tips with other employees."

remains
do not
Pass

do
Pass

3. Amend 39-3-402, the definition section of this part to read:

"(8) "Tipped employee" means an employee engaged in an occupation in which he customarily and regularly receives tips, on a monthly basis, at an amount as defined in the federal Fair Labor Standards Act, 29 U.S.C. 203(t), as amended."