

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

January 22, 1981

The meeting of the Labor & Employment relations Committee was called to order by Chairman Harold Nelson on January 22, 1981, in Room 404 of the State Capitol at 1:00 p.m.

ROLL CALL: All members of the Committee were present with the exception of Senator Bill Norman.

There was a motion by Senator Keating that the Committee reconsider its last action on Senate Bill 64.

Senator Aklestad asked on what grounds we should reconsider SB 64. Senator Keating stated there were questions of interpretation of the bill. He further stated that because of misunderstanding by the Committee it would be well to have a rehearing or another executive session and more explanation of the bill.

Senator Anderson agreed with Senator Keating.

Senator Goodover stated that he was not sure that if the bill is reconsidered there would be any agreement on it.

There was general discussion about language clarification in the bill.

Senator Anderson asked about bringing it up next Thursday in executive session. This would give the Committee time to be more informed on the bill--better educated in terms by the Labor Department.

Senator Aklestad stated he would like to have one person from each side present at the hearing to hear pros and cons. Senator Goodover agreed.

Senator Ryan was the only Committee member opposed to Senator Keating's motion that SB 64 be considered for rehearing in the near future with one representative from pro and con side to more thoroughly explain this bill.

The Committee decided to amend the motion that SB 64 be scheduled for a new hearing. The motion passed 4-3 on a Roll Call Vote. This vote is attached.

Senate Bill 64 will be posted for a new hearing on Thursday, January 29, 1981, at 1:00 p.m.

ACTION ON HOUSE BILL 77: Senator Aklestad moved that House Bill 77 Be Concurred In. Staff Attorney, Katherine Orr, explained the bill to the Committee once again since Senator Goodover had missed the explanation at the hearing.

There was a unanimous vote by all Committee members present that HOUSE BILL 77 BE CONCURRED IN.

ACTION ON SENATE BILL 128: Since Senator Norman was not present at the meeting, it was decided to hold up voting on SB 128.

Senator Hafferman moved that Senate Bill 128 Do Pass. Senator Anderson asked Attorney Orr to explain the words "preponderance of medical evidence" to the Committee. After the explanation by Ms. Orr, Senator Hafferman stated he would withdraw his motion.

Attorney Orr said that she had talked with Laury Lewis from the Workers' Compensation Division and there appears to be a problem with language in the bill. He would like to have the word "medical" taken out of the weight of evidence standard for determining disability and he would like to have a preponderance of medical evidence standard added to the determination of impairment.

Senator Aklestad stated that he thought the Committee should wait until Senator Norman is present to make a decision on SB 128. The Committee decided to do this, so NO ACTION WAS TAKEN ON SB 128 at this meeting.

ACTION ON SENATE BILL 52: Senator Aklestad asked Attorney Orr exactly what was repealed under this act. Ms. Orr stated that what was repealed under Senate Bill 52 are provisions in the Maternity Leave Act requiring: 1) Adjudication of a complaint within 60 days, 2) District Court enforcement of the Commissioner's decision (under 39-7-209) 3) The definition of Commissioner, and 4) a) The Commissioner of Labor would not investigate cases, and b) relatedly, the Human Rights Commission would investigate claims and could initiate claims on its own.

The effects of putting the Maternity Leave Act provision under the auspices of the Human Rights Commission are: 1) All claims must be filed within 180 days, 2) The Human Rights Commission must informally attempt to settle claims, and 3) There is no sixty-day limitation on the time of adjudication by the Human Rights Commission.

Senator Aklestad asked Ms. Orr how many cases have been filed under the Maternity Leave Act with the Human Rights Commission. Ms. Orr stated that 23 cases in fiscal years 1978-1980 were filed with the Human Rights Commission, and 14 cases were filed in the Department of Labor under the Maternity Leave Act.

Senator Anderson asked how many cases could be filed simultaneously under both the Maternity Leave Act and the Sex Discrimination Act with the Department of Labor and the Human Rights Commission, in State District Court and subsequently in Federal District Court. Ms. Orr expressed that she wasn't certain, but stated she would look into it.

Senator Hafferman asked why we had to have two departments. There was brief discussion on this point among the Committee.

Senator Goodover asked how many cases were settled under the informal settlement procedure.

Ms. Orr stated that 40 percent were dismissed, and 40 percent have some cause for action, and of the last 40 percent--40 percent again are settled.

There was discussion on the amendments submitted by Senator Regan to Senate Bill 52.

Senator Anderson made a motion that we reconsider our action in adding the amendments and the amendments now be stripped from the bill.

Senator Goodover made a substitute motion that SB 52 Do Not Pass As Amended.

There was discussion about the funding of the Human Rights Commission.

There was a Roll Call Vote on Senator Goodover's motion that SB 52 Do Not Pass As Amended. On this Roll Call Vote, the Committee voted 5-2 that SENATE BILL 52 DO NOT PASS AS AMENDED.

ADJOURN: There being no further business, the meeting adjourned at 2:15 p.m.



Senator Harold C. Nelson, Chairman

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ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

47 th LEGISLATIVE SESSION - - 1981

Date Jan. 22, 1981

NAME	PRESENT	ABSENT	EXCUSED
GARY C. AKLESTAD, VICE-CH.	✓		
MIKE ANDERSON	✓		
PAT M. GOODOVER	✓		
WILLIAM HAFFERMAN	✓		
THOMAS F. KEATING	✓		
BILL NORMAN		✓	
PATRICK L. RYAN	✓		
HAROLD C. NELSON, CHAIRMAN	✓		

Each day attach to minutes.

SENATE COMMITTEE LABOR & EMPLOYMENT RELATIONS

Date Jan. 22, 1981 Senate Bill No. 64 Time 1:17

NAME	YES	NO
GARY C. AKLESTAD, VICE-CHAIRMAN		✓
MIKE ANDERSON	✓	
PAT M. GOODOVER		✓
WILLIAM HAFFERMAN	✓	
THOMAS F. KEATING	✓	
BILL NORMAN	absent	
PATRICK L. RYAN		✓
HAROLD C. NELSON, CHAIRMAN	✓	

Marjorie L. Nichols
Secretary

Harold C. Nelson
Chairman

Motion: by Senator Keating that AB 64 be set for
rehearing.

Passed 4-3.

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

January 22, 19 81

MR. PRESIDENT

We, your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 77

Respectfully report as follows: That HOUSE Bill No. 77

BE CONCURRED IN
DOYASE

SENATE COMMITTEE LABOR & EMPLOYMENT RELATIONS

Date Jan. 22, 1981 Senate Bill No. 52 Time 2:10

NAME	YES	NO
GARY C. AKLESTAD, VICE-CHAIRMAN	✓	
MIKE ANDERSON	✓	
PAT M. GOODOVER	✓	
WILLIAM HAFFERMAN	✓	
THOMAS F. KEATING		✓
BILL NORMAN	absent	
PATRICK L. RYAN		✓
HAROLD C. NELSON, CHAIRMAN	✓	

Margie L. Nichols
Secretary

Harold C. Nelson
Chairman

Motion: by Senator Goodover that HB 52
Do Not Pass As Amended.

Motion passed 5-2 vote.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

January 22, 1931

MR. PRESIDENT

We, your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration SENATE Bill No. 52

Respectfully report as follows: That SENATE Bill No. 52 introduced bill be amended as follows:

1. Title, line 10.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "39-7-203"
Insert: "AND 39-7-208"

2. Title, line 11.
Following: "39-7-201"
Strike: "AND"
Insert: ", "
Following: "THROUGH"
Strike: "39-7-209"
Insert: "39-7-207, AND 39-7-209"

DO PASS

(continued)

Chairman.

January 12, 1981

3. Page 1.

Following: line 13

Insert: "Section 1. Employer defined. 'Employer' means any public or private employer."

Renumber: subsequent sections in the bill.

4. Page 2.

Following: line 15.

Insert: "Section 4. Section 39-7-208, MCA, is amended to read:

"39-7-208. Individual Action. Nothing in this part [Sections 1 and 2] shall preclude an individual from prosecuting a private action in the district court alleging violation of the provisions of [Sections 1 and 2] or any other law."

Renumber: subsequent sections.

5. Page 2, line 17.

Following: line 16

Strike: "and"

Insert: ", "

Following: "39-7-204,"

Insert: "and 39-7-208,"

6. Page 2, line 20.

Following: "39-7-203"

Strike: "and"

Insert: ", "

Following: "39-7-204"

Insert: ", and 39-7-208"

7. Page 2, line 21.

Following: "39-7-201"

Strike: "and"

Insert: ", "

8. Page 2, line 22.

Following: "through"

Strike: "39-7-209"

Insert: "39-7-207, and 39-7-209"

And, as so amended, DO NOT PASS

G.A.