

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

February 14, 1981

The meeting of the Labor & Employment Relations Committee was called to order by Chairman Harold Nelson on February 14, 1981, in Room 404 of the State Capitol at 1:15 p.m.

ROLL CALL: All members of the Committee were present.

CONSIDERATION OF SENATE BILL 428: Chairman Nelson introduced Senator Thomas Keating, sponsor of SB 428. Senator Keating explained the bill to the Committee. This bill is an act to generally revise provisions related to employment agency fees. Senator Keating distributed a brochure to the Committee, entitled, "The Private Employment Service". This brochure is attached to the minutes. Senator Keating stated that this is the only fee that is dictated by state law. They are asking for a repealer so the agency can participate in the free market system.

PROPOSERS OF SENATE BILL 428: Mr. Jay Jensen of Bozeman, representing Snelling & Snelling Employment Agency, stated they support SB 428. Mr. Jensen told the Committee that the free enterprise system will regulate fees and see that they are not too high. He also stated that the Montana fee schedule is among the lowest in the country, and many states have no fee restrictions. He also said the guarantee provision is very awkward and ambiguous, and they want to eliminate this provision by setting a 100-day limit.

Mr. Roger Koopman of Bozeman, representing a private employment agency, stated he supports SB 428. He stated that this industry is people-oriented and that his agency is not in business just to make money, but there is a great reward in finding people jobs and there is no way you can put a dollar value on this kind of reward. Their philosophy is to find jobs for people. Private employment agencies are looking for the freedom to operate under the same lack of restrictions that other private firms operate under. The bill encourages private agencies to work.

Mr. Arlan Quandahl of Bozeman, representing Culligan U.S.A., stated they are in support of SB 428. He stated it is difficult to find motivated employees, and many companies are cutting back in personnel. His business could be more profitable if it had good candidates for the position and unregulated fees.

Ms. Sylvia Jensen of Bozeman, representing Snelling & Snelling, urged support for SB 428.

Mr. Cory Bamis of Billings, representing Bryant Bureau and Snelling & Snelling, stated they are in support of SB 428.

Mrs. Delores Wordal of Helena, representing Career Concepts, urged passage of Senate Bill 428.

Mr. Doug Gousser of Billings, representing Snelling & Snelling, stated they support SB 428.

Mr. Ken Travis of Helena, representing Acme Personnel, stated they support SB 428.

Mr. Glen Drake of Helena, representing the Association of Private Employment Agencies, stated they support SB 428.

There were no opponents of Senate Bill 428 present at the hearing.

Senator Keating made closing remarks in support of SB 428, and he distributed a packet of letters from constituents urging support of SB 428. These letters are attached to the minutes.

QUESTIONS ON SENATE BILL 428: Senator Hafferman asked about the raise in percentage, in other words, by what percentage would the fees increase as a result of the bill.

Mr. Drake stated that the fee schedule as it now exists is very unfair, that the fee on the higher end of the salary range would increase, and there will have to be some adjustment made.

Senator Goodover stated that the pendulum is now swinging back to deregulation, and this kind of dictating to an agency that provides a service must be eliminated.

Senator Ryan asked about line 6, page 2, regarding "reasonable fees". He asked whether or not the intent of the bill in deleting "reasonable fees" was to then allow unreasonable fees.

Senator Keating stated that if this fee is accepted by the applicant then it isn't unreasonable to him. There was a further exchange about applicants who may not be able to read the contract.

Senator Goodover said that whether an applicant could read would depend upon the type of job, and most applicants who go to employment agencies can read.

Senator Nelson called the hearing closed on Senate Bill 428.

CONSIDERATION OF SENATE BILL 438: Senator Mike Anderson, sponsor of SB 438, explained the bill to the Committee. Senator Anderson stated that this bill is by request of the Judiciary Committee. This bill makes penalties, court costs, and attorney fees discretionary in wage dispute cases.

Nothing in this bill is being changed to award the attorneys' fees to either side. This bill would allow the judge to take

into consideration all of the circumstances surrounding the case--against the employer or the employee. Senator Anderson feels the judge is the one to make the proper decision.

PROPOSERS OF SENATE BILL 438: Mr. David Hunter, representing the Department of Labor and Industry, stated that the kind of complaints being addressed here are usually filed with the Department of Labor and they are often settled before they get to court. It would give the Department more discretion and would cause the Department no additional problem.

There were no opponents to SB 438 present at the hearing.

Senator Anderson made closing remarks in support of SB 438.

QUESTIONS ON SENATE BILL 438: Senator Hafferman asked if this bill would weaken labor. Senator Anderson stated that he hoped the bill would make both parties take a look at their claim and try to get it settled out of court.

Senator Ryan wondered who would pay these attorneys' fees. Senator Anderson stated that the person who loses the case would pay the fees. The judge must award fees to the prevailing party.

Chairman Nelson called the hearing closed on Senate Bill 438.

CONSIDERATION OF SENATE BILL 439: Chairman Nelson called on Senator Dover, sponsor of SB 439, to explain the bill to the Committee. Senator Dover stated that the purpose of this bill is to define in more detail an "independent contractor". He feels this is a much-needed piece of legislation. He stated that the language pertaining to social security status and tax status might be difficult for college students and that the requirement of signing forms might be too much red tape.

PROPOSERS OF SENATE BILL 439: Mr. Tom Harrison, representing the Montana Home Builders, stated there is a problem with language in the law now, but he is concerned about some type of definitive line and how to meet the qualifications in the law.

Mr. Clyde Smith of Kalispell, representing the Montana Logging Association, stated that he had just spent four days in court trying to solve the problem that this bill addresses, and he urged a Do Pass on SB 439.

Mr. Roger Claridge of Kalispell, representing L.H.C. Inc., stated that no one really knows what the law is saying, and he urged support of SB 439.

Mr. Ben Havdahl, representing the Montana Motor Carriers, stated they support SB 439.

Mr. Cliff Christian of Helena, representing the Montana Association of Realtors, stated they have had some harassment from Workers' Compensation, and he urged that SB 439 Do Pass.

Mr. Ray Kuntz of Helena, representing The Floor Show, stated there needed to be clarification of wording in the law, and he supports SB 439.

Mr. Tom Wester of Helena, representing Helena Home Builders, Universal Mortgage, and himself, stated the bill is of vital importance for the protection of both the contracting agent and the sub-contractor, and they support SB 439.

Mr. Jerry Hamlin of Helena, representing himself, stated that it is good to have one method of clear-set rules. He feels the language in the proposed bill would be a great help, and he urged passage of SB 439.

OPPONENTS OF SENATE BILL 439: Mr. Jim Murry of Helena, representing Montana AFL-CIO, distributed printed testimony to the Committee, and this testimony is attached to the minutes. They feel SB 439 is not fair and urged SB 439 Do Not Pass.

Mr. J. D. Lynch of Helena, representing the Montana State Building and Construction Trades Council, stated their concern is for the workers. They want no further erosion of Workers' Compensation and Industrial Accident Insurance, and they oppose Senate Bill 439.

Mr. Robert Kokoruda of East Helena, Montana, representing Montana State Council of Carpenters, stated they are in opposition to SB 439. Mr. Kokoruda's printed testimony is attached.

Mr. Laurie Lewis, Director of the Workers' Compensation Division, stated that he feels there are some problems with the bill. He stated that the bill would create a large amount of administrative work, and even upon passage of the bill, there would be a lot of litigation. Whether one classifies as an "independent contractor" is one of the biggest issues in all of workers' compensation.

Mr. Lewis stated that under the workers' compensation laws, an independent contractor elects coverage and problems arise when an independent contractor gets injured. The bill has the effect of removing mandatory coverage for many would-be employees, and Mr. Lewis wasn't certain this bill would solve all of the problems. He feels the bill is too liberal, and he would like to submit an amendment to SB 439 to the effect that employees of independent contractors must be covered, yet, he stated under the bill anyone could be an independent contractor.

Mr. Jerry Driscoll of Billings, Montana, representing the Laborer's Union Local 98, stated they oppose SB 439. Mr. Driscoll's printed testimony is attached to the minutes.

Senator Dover made closing remarks in support of SB 439. He feels there is a real need for this type of legislation, and that the idea of the bill is to apply to entire jobs rather than to jobs done for an hourly wage. Senator Dover concluded by urging that SB 439 Do Pass.

QUESTIONS ON SENATE BILL 439: Senator Anderson felt it was defined on too narrow a base.

Senator Hafferman would like to have the amendment proposed by Mr. Lewis before the Committee when they consider action on Senate Bill 439.

Senator Keating asked about independent contractors paying social security.

Senator Hafferman wondered what this bill would do to the Industrial Accident Fund.

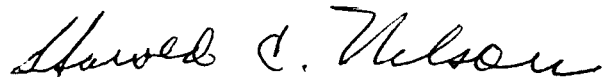
Mr. Murry stated that when you talk about an amendment to the law requiring that you buy your own insurance, it changes the whole concept of workers' compensation; under the new laws and amendments, the burden of buying coverage shifts to the employee.

Senator Keating asked Mr. Murry if there are independent contractors who were union members. Mr. Murry stated that there are some.

Senator Ryan asked if it was correct that whether or not you are an independent contractor has nothing to do with union membership. Mr. Murry stated that this is right.

Chairman Nelson called the hearing closed on Senate Bill 439.

ADJOURN: There being no further business, the meeting adjourned at 2:47 p.m.



Senator Harold C. Nelson, Chairman

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

67th LEGISLATIVE SESSION - - 1981

Date Feb. 14

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.

NAME: Ray Kruger - Smelling & Smelling Boston DATE: 2-14-81
of Hingham

ADDRESS: 708 W. Main, Boston, MA

PHONE: 557-1264

REPRESENTING WHOM? Private Employment Industries

APPEARING ON WHICH PROPOSAL: # 212

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: Totally Support SB 428

DONT TO TESTIFY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Arlan C GUANDAHU DATE: 14 Feb. 81

ADDRESS: 3002 Westridge Bogeman, Mt

PHONE: 406-587-7134

REPRESENTING WHOM? Private employer Colligan USA
Contract III 60002

APPEARING ON WHICH PROPOSAL: 478

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: I support proposal 478
because it is a fair and
reasonable proposal and it is
in the best interest of the
company and the employees.
I am not aware of any
other proposals that are
being considered at this
time.
I am not aware of any
other proposals that are
being considered at this
time.
I am not aware of any
other proposals that are
being considered at this
time.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Sylvia Jensen-Sullivan & Sullivan DATE: 2-14-81
Bellingham, WA

ADDRESS: 410 Spring Creek Dr.

PHONE: 586-1193

REPRESENTING WHOM? Private Employment Industry

APPEARING ON WHICH PROPOSAL: # 428

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: I am Supporting b F-20

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Cloty Bamis

DATE: 2-14-81

ADDRESS: 4104 Corbin Billings, MT

PHONE: 252-5388

REPRESENTING WHOM? Bryant Bureau & Snelling & Snelling

APPEARING ON WHICH PROPOSAL: SB 428

vas

AMEND? _____

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Doug Jousseaume DATE: _____

ADDRESS: 3221 North St Bldg, Mt

PHONE: 652 3973

REPRESENTING WHOM? Private Employment Agency

APPEARING ON WHICH PROPOSAL: SB 428

DO YOU: SUPPORT? ☒ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

DATE: 2-14-81

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OP ?OSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ellen Deady DATE: 2/14/80

ADDRESS: Hillman

PHONE: 442-0230

REPRESENTING WHOM? Assoc Private Emp Agency

APPEARING ON WHICH PROPOSAL: SB 428

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

John Elder

DATE:

2-14-81

ADDRESS:

1901 Broadwater - Billings, MT

PHONE:

406-652-3050

REPRESENTING WHOM?

Acme Personnel of Billings

APPEARING ON WHICH PROPOSAL:

SB 428

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Ray Kuntz DATE: 7-81

ADDRESS: 224 Greenwood Helena Mt. 59601

PHONE: 443-6443

REPRESENTING WHOM? The Flour Show

APPEARING ON WHICH PROPOSAL: SB 439

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: We use many subcontractor
for carpet laying service & need the
protection of defining what they are

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Tom Weston DATE: 2-27

ADDRESS: Misses Cant Helena M

PHONE: 443-6060

REPRESENTING WHOM? Self, Helena Hennrich, Universal Mfg.

APPEARING ON WHICH PROPOSAL: ✓ \$ 400

DO YOU: SUPPORT? ☒ AMEND? ☒ OPPOSE? ☐

COMMENTS: See above

graph - $\frac{1}{2}$ - Contract, fact on

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: TERRY HAMLIN DATE: 2-14-81

ADDRESS: 2551 TEAKWOOD LANE

PHONE: 443-2797

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: SB 439

DO YOU: SUPPORT? YES AMEND? OPPOSE?

COMMENTS: WE EMPLOYERS MUST HAVE
CLEARLY DEFINED CRITERIA TO DEFINE
A SUBCONTRACTUAL AGREEMENT. I FEEL
SB 439 ACCOMPLISHES THIS GOAL.

Terry Hamlin

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: James W. Murray

DATE: 2-14-81

ADDRESS: P.O. Box 1176

Hofmann

5960,


PHONE: 442-1708

REPRESENTING WHOM? *Mont. State AFL-CIO*

APPEARING ON WHICH PROPOSAL: SB 439

SUPPORT?

AMEND?

OPPOSE? 

COMMENTS: _____



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59601
406/442-1708

Room 100 "Steamboat Block"
616 Helena Ave.

TESTIMONY OF JIM MURRY, FOR THE MONTANA STATE AFL-CIO, BEFORE THE
SENATE LABOR COMMITTEE, FEBRUARY 14, 1981

I am Jim Murry, executive secretary of the Montana State
AFL-CIO. I am here to oppose Senate Bill 439.

This bill and Senate Bill 313 both have one goal in common.
Both are disguised as bills that are supposed to aid independent
contractors. And both have the effect of allowing employers to
deny unemployment insurance and workers compensation to employees.

SB 439 redefines "independent contractor" for purposes of
workers compensation protection. The Montana State AFL-CIO has
nothing against independent contractors. Under present law, such
contracting is legal. The present law defines an independent
contractor as one who "(1) has been and will continue to be free
from control or direction over the performances of the services, both
under his contract and in fact; and (2) is engaged in an independently
established trade, occupation, profession or business."

That is what an independent contractor is in reality. SB 439
would change that. It takes out the requirement that the contractor
has an independently established business. According to SB 439,
a person is free from direction and control in certain circumstances,
"even though work is performed on a jobsite according to a specified
sequence and even though time limits or date limits are established
for completion of piecework or an entire job."

That could refer to a carpenter, who owns his own saw and hammer,
and who works on a jobsite, doing work in a particular sequence.

It could refer to masons and sheetrockers and plumbers and electricians.

This special interest porkbarrel legislation is aimed at making all employees in the building trades so-called independent contractors. That would increase profits for employers, because they wouldn't have to pay workers compensation taxes, unemployment insurance taxes, perhaps social security taxes, and possibly withhold state and federal taxes.

The present definition of "independent contractor" has developed through the years, based on well established principles. It represents the intent of the legislatures over the years that workers should be covered by workers compensation. This legislature should not take away this vital protection for workers in some of Montana's most dangerous occupations.

Craftspeople are often injured on the job, unfortunately. The loss of a hand or arm or leg is not an unusual occurrence. Montana has traditionally had one of the highest industrial accident rates in the nation. Consequently, Montana has had one of the highest industrial death rates.

SB 439 removes mandatory workers compensation protection from construction workers and probably some other types of workers also. It allows some employers to profit, while individual employees pay a horrible price. In some cases, that price could be financial ruin for entire families due to lack of adequate industrial accident coverage at the time of a serious accident. SB 439 just isn't fair.

NAME: J. D. Lynch DATE: 2/14/81

ADDRESS: 532 W McCarry

PHONE: _____

REPRESENTING WHOM? Montana State Building & Const TRADES Council

APPEARING ON WHICH PROPOSAL: S.B 439

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Jerry Driscoll

2-14-81

4344 Stone St

Belling

259-1655

Saboreis Union Local 98

56439

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

LABORERS INTERNATIONAL UNION OF NORTH AMERICA

Local Union No. 98



Bill McColley
Secretary-Treasurer
and Business Manager
345 Calhoun Lane
Telephone 259-4471

BILLINGS, MONTANA 59101,

Testimony on Senate Bill 439 for the Senate Labor Committee.
February 14, 1981

I am Jerry Driscoll, Laborers Local 98, Billings. Naturally, laborers are against this bill to gut workers' comp.

As far as I can tell, this bill would apply to just about every building and construction trades worker. Every contractor would be forcing the workers to be independent contractors.

Think about what happens to an honest contractor. Here's a guy who wants to treat his employees right. He doesn't want them getting hurt. And if they do get hurt, he wants them to have workers' comp, so that they can handle the bills. This good contractor would have to be competing for jobs with contractors who don't give a damn about thier workers. If this bill passed, lots of contractors would cut their employees off workers' comp. and unemployment insurance. That means the honest contractor is paying more to keep his people protected. But it also means he has a tough time getting bids.

The way it is now, every employer has to protect his workers. He can't force his employees to become independent contractors so that he can take away thier benefits. Mandatory workers' comp. coverage insures that every working person is not taking a risk of financial disaster, even if there is an accident.

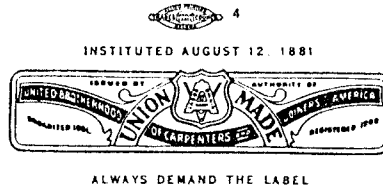
This bill does away with employers providing workers' comp. protection for construction workers. I ask you to kill this bill.

Montana State Council of Carpenters

Robert G. Kokoruda
Executive Secretary
P. O. Box P
East Helena, MT 59635

United Brotherhood of Carpenters and Joiners of America

Phone
406/443-3847
or Leave Message
406/442-4326



TESTIMONY OF ROBERT KOKORUDA, MONTANA STATE COUNCIL OF CARPENTERS.
SENATE LABOR COMMITTEE, FEBRUARY 14, 1981

My name is Robert Kokoruda and I am Secretary of the Montana State Council of Carpenters. The people I represent work in a dangerous business. Over the years, Montana has had one of the highest industrial accident and death rates in the nation. You can just about count on 1 out of every 10 carpenters getting hurt on the job this year. Before the protection of mandatory workers comp, getting seriously injured was a sure ticket to lifelong poverty. What a difference workers comp protection has made to proud working people who work in a risky business!

Now this bill would let employees call carpenters and other construction workers "independent contractors". That is a cheap trick to take away workers comp and unemployment insurance and social security. When an employer says you either become an independent contractor or you don't get this job, what is a carpenter going to do? And then he is not protected by workers comp. And if he crushes his hand, he can't make a living and he has thousands of dollars of medical bills. So it is back to the welfare rolls for some working people who have been good productive, tax-paying citizens.

It is not just working people who are going to get shafted by this bill. When you do everything by independent contractors, you're talking piecework. That means one guy says "I can do that job for 10¢ a foot," and the next one says, "I can do it for 8¢". You wind up having people work real fast, because their margin of profit is so low. You get very poor quality work and that affects the public who lives in the houses or works in a building. When pressure is

on carpenters to work as fast as possible, with no regard for quality, then injuries happen, and these same carpenters won't have the protection of workers comp coverage.

This might be a good bill for some contractors who want to cheat their employees, but it is terrible for workers and the public.

On behalf of the Montana State Council of Carpenters, I ask that you vote against Senate Bill 439.

The Professional Employment
Counselor's Creed

I will . . .

COUNSEL both our candidates and our client companies to help them reach satisfactory solutions to their employment needs as rapidly and efficiently as possible

GUARANTEE that every candidate referred to a client company meets the requirements of the position and that the position meets the desires and needs of the candidate

EXTEND our professional services to all employed and unemployed candidates regardless of race, color, creed, religion, national origin, sex, age, income level, or physical handicap

RECOGNIZE the right of our candidates to seek employment, and our client companies to seek employees, by any and all means, including the use of other Professional Employment Services

PROVIDE clear and complete information on all agreements and our published charges for services rendered

ACCEPT no compensation, regardless of amount of professional services rendered, unless our candidate has been offered and has accepted a fully satisfactory position of his choice

INSURE the permanency of positions obtained for our candidates for a reasonable period of time under the terms of our mutual agreement

RESPECT every confidence entrusted to us by our candidate and our client companies . . . and otherwise conduct ourselves in a professional and honorable manner

STRIVE for the right of every individual who wants the dignity of work to choose his field of endeavor and to utilize his abilities and talents for his own fulfillment and the good of his country



**THE PRIVATE
EMPLOYMENT SERVICE**

and You!



The Supreme Court of the United States on Personnel Consultants . . .

"The service rendered in acting as the paid representative of another to find a position in which to earn an honest living is useful, commendable and in great demand."

244 U.S. 590, 61 L ed. 1336

The above sentence perhaps best illustrates the value of The Private Employment Service in its vital role in today's modern, changing society. The key words to you are "useful and commendable."

Private Employment Services are in great demand. More and more individuals are seeking out the Employment Counsellor to initiate or advance their careers. These Counsellors are trained specialists who combine a thorough knowledge of the employment market with a skilled ability to interview, evaluate your experience and potential and channel you into your desired job opportunities.

The Private Employment Service companies also perform a valuable function for their corporate customers. In obtaining qualified applicants, they save the employers considerable time and money through application of their specialized functions.

Private Employment Services can be, therefore, an integral and vital part of your economic well being, while performing like services for industry, as well. As people are particular in their selection of legal or financial counsel, so, therefore, should you be particular about the selection of a Private Employment Service in your time of need.

When Contacting . . . A Private Employment Service . . .

Remember, you rarely find a job by mere luck. It requires a well organized effort in presenting yourself, your abilities, your qualifications.

Here are some points to remember when making contact with a Private Employment Service:

- Be honest with the Service. When completing your application, make the information clear and complete.
- Make your specific job desires known. The Counsellor will give you pertinent details regarding job openings and will furnish you with information about prospective employers.
- Have a realistic target. Do not underestimate or overestimate yourself and your abilities. The Counsellor will give you a professional appraisal of your strengths and weaknesses.
- Read the Employment Service Agreement carefully and fully understand this contract.
- Let the Counsellor know the results of your interview immediately. The Counsellor may be able to tell you the company's reaction and possibly offer advice based on that impression.
- Give careful consideration to the acceptance of a position. An acceptance automatically means an obligation to pay the Employment Service for your start in a new career.
- Be particular when it comes to selecting your Employment Service. Check with your Chamber of Commerce or Better Business Bureau to find reliable, capable Private Employment Services.

Profile of the World's Largest Employment Service . . .

Snelling and Snelling is the world's largest Employment Service with more than 650 offices coast to coast and overseas.

Founded in 1951, the company began franchising its services in 1955, and went public in 1969. Its formula for success has been such that new offices are constantly being franchised and added to its international network. Internally, the company has developed a training program for all franchisee personnel that is the model for the profession.

Snelling and Snelling specializes in placing people in secretarial, office, clerical, administrative, technical and sales positions. In doing so, it services the personnel needs of client companies on a regular basis and maintains contact with prospective employers to obtain listings for job openings.

You are not obligated to pay for the many services performed by Snelling and Snelling on your behalf — interviewing, evaluating, counselling, calling employers, arranging interviews, etc. — until, and unless you, the applicant, have accepted a position that is satisfactory to you.

Community involvement is of prime consideration in every Snelling and Snelling office. The company initiated and vigorously supports School Programs and Women's Programs among its many corporate citizenship commitments.

As the leader in its field, Snelling and Snelling has been an imaginative innovator. It has created and established some of the basic standards, ethics and procedures which are accepted by many as the criteria for the employment service industry.

Snelling and Snelling's international headquarters are located at 4000 South Tamiami Trail, Sarasota, Florida.

Prepared by

Snelling and Snelling, Inc., Sarasota, FL 33581

BANKING & FINANCE
COMMERCIAL INSPECTION & REGULATION
HUMAN RIGHTS
INSURANCE
PROFESSIONAL & OCCUPATIONAL LICENSING
SECURITIES
RACING COMMISSION



DEPARTMENT OF COMMERCE

State Capitol
Pierre, South Dakota 57501
Phone 605/773-3177

January 27, 1981

JoAnn Peavey
Snelling and Snelling
2118 Grand Avenue
Billings, Montana 59102

Dear Ms. Peavey:

This letter is being written as a follow up to our telephone conversation regarding South Dakota House Bill 1058 which would repeal all of Chapter 60-6A of the Codified Laws. Chapter 60-6A, Private Employment Agencies was passed into law in 1919.

The Department of Commerce, and formerly the Department of Labor have administered the private employment agency program. The administrative rules adopted prior to 1975 contain the fee schedule that agencies are limited to, the maximum being 60% on an employee paid fee.

I am convinced that the private employment agencies are proven to be self governing and the degree of professionalism is evident by the complete absence that has come out of committee and will be scheduled for floor action later this week. I am not anticipating a problem with passage of the repeal. Also we have placed an emergency amendment on the bill to negate licensing for a two month period until July 1, when the bill would go into effect.

The strongest argument that can be made for deregulation is that applicants are free to use the services of a private employment agency, but are in no way forced to use them. The alternatives available to applicants is extensive, ranging from Job Services to Media advertisements.

I have enclosed a copy of House Bill 1058 for your review.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dorothy J. Howe".

DOROTHY J. HOWE
Director
Division of Human Rights

DJH/pm

Enclosure

REGULATION OF PRIVATE EMPLOYMENT AGENCIES
(by state)

STATE	REGULATION OF APPLICANT PAID FEE	REFUND REGULATION UNCONDITIONAL/CONDITIONAL + TIME & AMT. SPECIFIED	STATE ADVISORY BOARD
Alabama			
Alaska	X	U/90 days/10% earned	
Arizona		C/90 days/ unspecified	X
Arkansas		U/90 days/ 1/90 fee per day	X
California		U/90 days/ 1/90 fee per day	X
Colorado			
Connecticut	X	U/10 wks./10% earned	
Delaware		U/11 wks./10% per wk.	X
Florida			
Georgia			
Hawaii		U/90 days/10% earned	
Idaho			
Illinois		C/30 days/25% earned	
Indiana		C/90 days/ unspecified	
Iowa	X/8%	U/8% earned	
Kansas			
Kentucky		C/30 days/20% earned	X
Loisiana	X/At dept. discretion	U/90 days/20% earned	X
Maine		U/30 days/10% earned	
Maryland		C/40 days/20% earned*	X
Massachusetts	X	C/10 wks./10% earned	
Michigan		U/60days/20% earned	X
Minnesota			X
Mississippi			
Missouri			
Montana	X	U/90 days/10% earned**	
Nebraska		U/90 days/10% earned	
Nevada			
New Hampshire	(by city)		
New Jersey		C/1 wk./10% of fee	
New Mexico			
New York	X	C/10% of salary***	
North Carolina			X
North Dakota		U/3 mos./10% earned	
Ohio	X	U/60 days/20% earned	
Oklahoma	X	U/60 days/20% earned	
Oregon		U/90 days/ 1/10 fee per day	X
Pennsylvania		C/10 wks./10% earned	X
Rhode Island			
South Carolina			
South Dakota	X/Bill pending		
Tennessee		C/4 wks./25% earned	X
Texas		C/30 days/20% earned	
Utah			
Vermont			
Virginia		C/12 wks./ 1/12 fee per wk.	X
Washington	Just deregulated (1981)		X
West Virginia		C/90 days/unspecified	
Wisconsin	X	U/3 mos./20% earned	
Wyoming			
Washington, D.C.			

75% if app. terminated for cause
30 days if app. at fault
50% if app. at fault

The 5 lowest-fee regulated states in U.S. are Alaska, Nevada, Iowa, Montana, Massachusetts.

BASIC EMPLOYMENT STATISTICS

SNELLING & SNELLING
2118 Grand Avenue
Billings, Montana

Secured Employment/Combined Annual Earnings-1980

Jan.	\$241,300.00
Feb.	346,929.00
March	359,144.00
Apr.	301,990.00
May	203,796.00
June	275,973.00
July	261,338.00
Aug.	253,196.00
Sept.	240,716.00
Oct.	209,062.56
Nov.	215,092.00
Dec.	135,872.00
TOTAL	\$3,044,408.56

Out of Town Applications-1980

Total 329
Interoffice 60%
Call/Write-In 40%

Job Orders-1980

		(Employer Call-Ins)
Jan.	129	26 (Avg.)
Feb.	117	25 (Avg.)
March	125	25 (Avg.)
Apr.	122	31
May	129	48
June	112	27
July	106	30
Aug.	109	44
Sept.	113	39
Oct.	131	27
Nov.	97	20
Dec.	80	27
TOTAL	1370	369

BASIC EMPLOYMENT STATISTICS
(cont.)

Applicant Source-1980

Newspaper Advertisement	784
Relative/Friend	190
Prior Use	142
Telephone Book	128
National Reputation	61
Other Media	23

Traffic-1980

Return/New Applicants (Total Traffic for Month)		New Applicants	Applicants Placed
Jan.	645	187	28
Feb.	639	161	37
March	547	136	42
Apr.	594	158	34
May	547	121	22
June	655	197	33
July	614	156	31
Aug.	303	99	29
Sept.	536	114	25
Oct.	520	124	23
Nov.	357	78	20
Dec.	373	106	16
TOTAL	6335	1637	340
TOTAL			
1979	6598	1725	477
1978	7153	1910	568
1977	9999	2196	781

JOB SERVICE Evaluation by Snelling & Snelling Applicants Registered

Service Excellent	0%
Service Satisfactory	24%
Service Poor	63%
N/A	12%

Mr. Bill Norman
Capitol Station
Helena, Mt. 59601

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Signed Ruby Bielefeld Date 2/13/81

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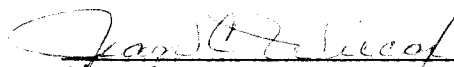
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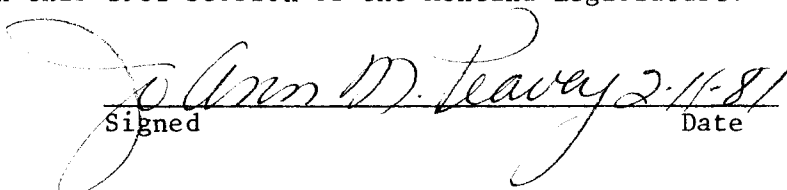
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Capitol Station
Helena, Mt. 59601

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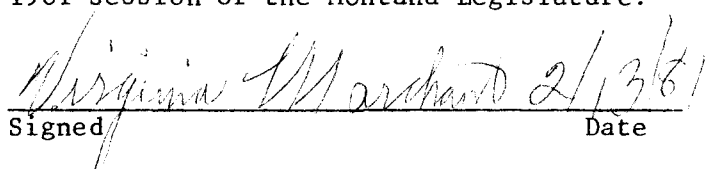
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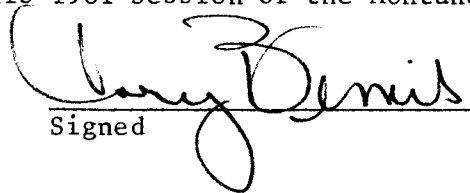
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Signed Luis Pates Date 2-13-81

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Sandy Nelson 2/13/81
Signed Date

Senator Bill Norman
Capitol Station
Helena, MT 59601

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7 15 81
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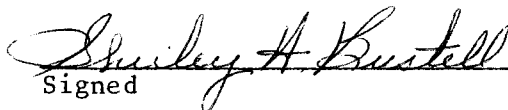
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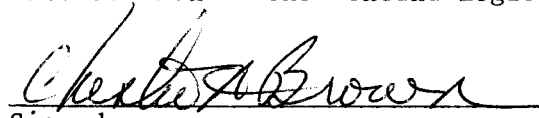
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Aria Sheneman 2/13/81
Signed Date

Bill Norman
Capitol Station
Helena, MT.

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Signed Barbara Rosen Date 2-15-91

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Signed Jean Sell Date 2/13/81

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Signed Donna McDonald Date 7/13/87

Senator Bill Norman, Missoula
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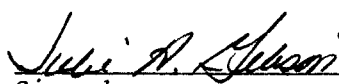
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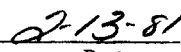
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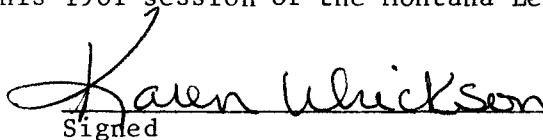
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Marilyn J. Stermann 2-13-81
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Madeleine Grasshop 2/13/81
Signed Date

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

DATE February 14, 1981

COMMITTEE ON Labor & Employment Relations

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Opp
Neil Welsch	Montana Home Builders Assoc	SB 439	✓	
Tom Welter	Self - Builder	SB 439	✓	
JERRY JIMLIN	SELF - BUILDER	SB 439	✓	
Ray Kuntz	The Floor Show	SB 439	✓	
Bob Kuehford	SELF BUILDER	SB 439	✓	
Don Jude	MT STATE AFL-CIO	SB 439		✓
R. Adrian Jensen	AFSCME	SB 439		✓
Jeff Kristian	mt. Assn of Realtors	SB 439	✓ Amend.	
Eugen Fendler	Laborers Union	SB 439		✓
LARRY HISS	Mont. Contractors Assoc			
James W. Murphy	Mont. State AFL-CIO	SB 439		✓
Terry Driscoll	Laborers Union Local 98	SB 439		✓
Robert L. Laponda	Mont. State Council of Carpenters	SB 439		✓
Jack Kane	Labor Standards Admin	SB 438		
David L. Hunter	Dept of Labor - Industrial	SB 428, 438, 439		
Delores Wordal	Career Concepts	SB 428	✓	
Jerome Sherman	Bryant Bureau	SB 428	✓	
Wing Blumix	Bryant Bureau & Snelling & Snelling	SB 428	✓	
John Snelling	Snelling & Snelling	SB 428	✓	
Robert Handell	Colligion USA	SB 428	✓	
Jay Jensen	Snelling & Snelling	SB 428	✓	
Don Hoopman	Career Concepts	SB 428	✓	
Doug Glover	Snelling & Snelling	SB 428	✓	
Ken Lawrie	Acme Personnel	SB 428	✓	
Ken Walsh	Acme Personnel Eng Corp	SB 428	✓	
John Elder	Acme Personnel of Billings	SB 428	✓	

