HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE MINUTES
January 18, 1983

The House Labor and Employment Relations Committee convened at 12:30 p.m. in Room 224K of the State Capitol, on January 18, 1983, with Chairman Williams presiding and all members present. Chairman Williams opened the meeting to a hearing on HB 142.

HOUSE BILL 142

REPRESENTATIVE HAL HARPER, District 30, chief sponsor, said this bill changes the provision of 50-percent reduction for the amount of pension received in calculating unemployment compensation to a proportionate amount where the claimant has contributed in part to the pension.

There were no other proponents or opponents and no questions from the committee.

Chairman Williams closed the hearing on HB 142 and opened the meeting to a hearing on HB 157.

HOUSE BILL 157

REPRESENTATIVE JERRY DRISCOLL, District 69, chief sponsor, said the bill was at the request of the Personnel and Labor Relations Study Commission. The bill allows the unions or public employers to disqualify a hearing examiner without cause. The department would send out a name to the public employer and the union telling who the hearing examiner would be and they would have five days to respond with a letter saying they reject that examiner. In which case the Board would send another name. Each would get one rejection of the hearing examiner. The reason for the legislation is that Montana has a small staff and they handle adversial proceedings as well as mediation so personality conflicts could develop. Now there is no way for the union or public employer to disqualify a person unless they have cause under law.

SUE ROMNEY, Montana School Board Association, spoke in support. She said this will increase acceptance of the Board of Personnel Appeals, may result in fewer appeals, and could provide input on hearing examiners which could be used to evaluate them and so improve the effectiveness of the Board of Personnel Appeals.

LEROY H. SCHRAMM, representing the Personnel and Labor Relations Study Commission, spoke in support. He said the bill when before the study commission received virtually no opposition. He said they didn't think the right granted in this bill would be used very often. Hearing examiners would not be disqualified lightly as it is likely they would run up against the same person again. He felt it would enhance the credibility of the Board. He also felt it might be a good way to keep the hearing examiners at their best as they would tend to take a more balanced outlook.

DENNIS TAYLOR, Personnel Division, Department of Administration, spoke in support of the bill. He said since both labor and management have expressed a need for this position, it should be adopted.

TOM SCHNEIDER, Montana Public Employees Association, said their organization supports the bill.

REPRESENTATIVE DRISCOLL said in closing that this is one of the few measures the commission was able to all agree on.

Questions were asked by the committee members. Rep. Addy asked Bob Jensen if this would have any administrative effect on his level. Mr. Jensen said as long as the issue is kept with the Unfair Labor Practices it is workable. (Mr. Jensen is the Administrator of the Personnel Appeals Division, Dept. of Labor and Industry.) In reply to another question, he said there are five full time hearing examiners and they are primarily assigned in accordance with issues but at times of heavy mediation this is not always possible.

Chairman Williams closed the hearing on HB 157 and opened the meeting to an executive session on the following two bills.

EXECUTIVE SESSION

HOUSE BILL 142 Rep. Driscoll moved DO PASS. The motion carried unanimously with all members present.

HOUSE BILL 157 Rep. Smith moved DO PASS. Rep. Hannah asked if the language on page 2 makes it clear that each party gets one disqualification. The researcher said he felt the full sentence makes it clear. Rep. Thoft expressed concern also and moved to amend on page 2, line 15, following "once" to insert "by each party." The motion carried unanimously. Rep. Smith added AND AS AMENDED DO PASS to his motion and the motion carried unanimously with all members present.

Chairman Williams closed the executive session and turned the chair over to Vice-Chairman Bob Dozier as he had bills to sponsor in another committee. Vice-Chairman Dozier opened the meeting to a hearing on HB 163.

HOUSE BILL 163

REPRESENTATIVE CAL WINSLOW, District 55, chief sponsor, said he was sponsoring the bill at the request of the Personnel and Labor Relations Study Commission. He said the act requires that mediation be utilized before taking any concerted action. It also provides for a 120 hour notice prior to concerted action.

ROD SUNDSTED, State Labor Relations Bureau, expressed support of the bill. He felt the requiring of mediation and prior notice would serve to protect the good of the public. He said in a public sector strike all three parties lose and the third party is the public. He said they have seen the benefit of mediation and if it only averts one strike it is worthwhile. He said the notice is needed so steps can be taken to mitigate the effects of the strike on the public.

DONALD C. ROBINSON, State Personnel Study Commission, from Butte-Silver Bow, spoke in support. He read an excerpt from a letter written to Mr. Taylor by the Governor favoring this legislation. This is in Exhibit 3 of the minutes. He said 42 of the 50 states do not let public employees strike and 7 of the remaining 8 have limitations. We are the only state of the 50 with no limitation on the right to strike. Hawaii has legislation similar to this bill and Wisconsin requires mediation before going on strike. He said the federal government in the Taft-Hartley Act requires a ten day notice before a strike by health care personnel. He said this recommended measure drew three minority votes on the commission and the three minority did not file a minority report so he didn't feel the opposition was that strong. He felt the notice requirement would prevent the quicky strikes. He said the five days notice was a compromise as most statutes require ten. He felt the five day notice could be a leverage point for the union - strike notice is given so you know it is serious; and many agreements are reached the day prior to the last day of the notice. He felt this was a good piece of legislation. He said it conforms with what other states have done and it has worked well in other states.

SUE ROMNEY, Montana School Board Association, spoke as a supporter. A copy of her testimony is Exhibit 1.

LEROY H. SCHRAMM, Personnel Study Commission, spoke in support. He especially supported the mediation part as he said it would be difficult for anyone to say mediation does not have merit. He had reservations on the five day notice provision. He questioned if the time approached the 120 hour could it be extended for just a few more or would it need to be extended for 120 hours more. He said his experience with the institution strike of 4 years ago was that labor did give notice. He expressed a fear that messing with this right to strike might give the employer a little more leverage. He felt law enforcement and health personnel are the only ones that need a notice (firemen must give notice). He didn't feel school boards needed it badly enough to take this right away from the employees.

BECKY SMITH, Montana Hospital Association, spoke in support. She said fifteen hospitals in the state are county and therefore public employees. She said it is important that hospitals run smoothly

as they involve many emergency situations. She said nurses now must give 30 days notice. She said the Hospital Association urges the committee to pass the bill.

DAVE WILCOX, City of Missoula, spoke in support as he said this would help to maintain sound relations with employees and allow them to continue essential services. Mediation would promote good labor relations and the 120 days notice would help them to prepare so essential services can be continued. Mr. Wilcox left written testimony supporting the bill from MAE NAN ELLINGSON, Deputy City Attorney of the City of Missoula, and this is Exhibit 2 of the minutes.

DENNIS TAYLOR, Personnel Division, Department of Administration, spoke next in support and a copy of his testimony is Exhibit 3 of the minutes. Exhibit 3 also includes a letter to Mr. Taylor from Governor Schwinden.

GENE FENDERSON, Business Manager of Local , spoke in opposition to the bill. He said as far as notification is concerned, unions give this as a matter of courtesy where health services are concerned. On page 1, line 18, he questioned what happened to the request time -which party becomes the illegal party in the process; on line 12 - should "lockout" be part of concerted action as lockout is something done by management to employees; on page 2, line 7, when does the 120 hours begin if both sides are forbidden to leave the mediation table; line 8, written agreement of both parties -what if one of the parties doesn't want to agree to extend it. He felt the bill does not address what the bill is intended to do.

JIM GARVEY, American Federation of Teachers, AFL-CIO, spoke next in opposition. He said the collective bargaining law was enacted in 1973 and that it works. He said mediation is just one facet of this process that either party can request. He said they had supported the formation of the study commission expecting it to study classification and pay problems of state employees. He said they had no idea they would be back defending themselves from the recommended bills.

TOM SCHNEIDER, MPEA, said this bill came out very early and had two simple little things in it. The parties could request mediation. There was some concern that it took both parties to call the Board of Personnel Appeals and have a mediator. This was to say either could. If it had stayed in this form we would have had no problem with it. Then the bill was extended to include mediation before a strike. Any legitimate union in the public employee sector would have a mediation before going on strike. No problem with that. But then it added the five days notice and that we can't support. If the law can be changed so each party can seek mediation, fine, but the rest of the bill will create problems.

DAVID SEXTON, Montana Education Association, said the right to strike is essential to equity as it is the only power employees have. He felt there should be no limitation on this power. He said this bill is unnecessary and a bad bill. He said the present law provides for mediation and he felt either party could ask for a mediator now. He felt the collective bargaining law was working well.

DON JUDGE, Montana State AFL-CIO, spoke in opposition and a copy of his testimony is Exhibit 4 of the minutes.

JOE BASSUM, Butte, Teamsters, spoke next in opposition. He said there was no need for the bill and urged the committe to give it a do not pass.

KEN NYEL, Helena, representing self, spoke in opposition.

REP. DRISCOLL AND REP. BACHINI asked to be noted as opposing the bill.

REPRESENTATIVE WINSLOW in closing reemphasized that everybody is hurt when a strike happens and the purpose of the bill is to get mediation before a strike and so try to avert that strike. He asked the committee to remember that the bill deals with public employees and the purpose of public employees is to be of service to the taxpayers of Montana. He felt five days was not restrictive.

Questions were asked by the committee. Rep. Driscoll asked if the parties do not have to accept mediation under the present law. Mr. Schramm said there is a difference between the way the statute reads and the practice. The practice has been if anyone asks for mediation they will send a mediator. It was pointed out that in 1979 the union asked for mediation and the university refused.

Rep. Dozier expressed a problem with the word "alleged." Mr. Robinson said you could say proved or established.

Vice Chairman Dozier closed the hearing on HB 163 and returned the chair to Chairman Mel Williams. Chairman Williams discussed the upcoming bills that were to be heard in the committee.

Meeting adjourned at 2:25 p.m.

Respectfully submitted,

MEL WILLIAMS, CHAIRMAN

Emelia A. Satre, Secretary

VISITOR'S REGISTER

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

BILL HB 142 DATE 1/18

SPONSOR Rep. Harper

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Dan Judge	Helena	Sen. Mike Halligan		
Rebecca Smith	Helena	Montana Hosp. Assn	X	
[illegible]	Bozeman	Cement workers		
[illegible]	THREE FORKS	CEMENT WORKERS		
[illegible]	Three Forks	CEMENT WORKERS		
Harold Hanson	Helena	Dept of Labor	—	

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33

WITNESS STATEMENT

NAME Sue Romney BILL No. HB 157

ADDRESS 702½ Highland, Helena DATE 1/18/83

WHOM DO YOU REPRESENT MT School Bds Assoc

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

(1) Will increase acceptability of Board of Personnel appeals.

(2) May result in fewer appeals

(3) Will provide input on hearing examiners which can be used to evaluate and improve effectiveness of BPA

FORM CS-34
1-81

WITNESS STATEMENT

NAME LeRoy H. Schramm BILL No. H.B. 157

ADDRESS Personnel Study Comm. DATE 1-18-83

WHOM DO YOU REPRESENT ↓↑ Helena

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

FORM CS-34
1-81

WITNESS STATEMENT

NAME Dennis M. Taylor BILL No. HB 157

ADDRESS Mitchell Bldg. - Helena DATE 1-18-83

WHOM DO YOU REPRESENT Personnel Division Department of Admin.

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

HB 157 provides that both parties to an Unfair Labor Practice will the opportunity to disqualify a hearings officer whose neutrality and professionalism both parties ~~suspect~~ and since both labor and management have expressed a need for this position, I feel the measure should be adopted.

FORM CS-34
1-81

WITNESS STATEMENT

NAME Tom Schneider BILL No. HB157

ADDRESS Box 716 DATE 1/18/83

WHOM DO YOU REPRESENT Helena

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

FORM CS-34
1-81

VISITOR'S REGISTER
LABOR AND
HOUSE EMPLOYMENT RELATIONS COMMITTEE

BILL HB 157 DATE 1/18/83

SPONSOR Rep. Driscoll

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Dennis M. Taylor	Mitchell Bldg. Helena	Personnel Div/DofA	X	
Jerry Brown	Mitchell Bldg	Pres. of Labor Rel. Study Com	X	
[illegible]	Helena	MPEA	X	
Rebecca Smith	Helena	Smith Law Firm	X	
David Sax	Helena	MEA		
[illegible]	Helena	MSBA	X	
[illegible]	Helena	MSBA	X	

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33
1-83

WITNESS STATEMENT

NAME Rod Sundsted BILL No. HB 163

ADDRESS Mitchell Bldg DATE 1-18-83

WHOM DO YOU REPRESENT State Labor Relations Bureau

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

FORM CS-34
1-81

WITNESS STATEMENT

NAME Donald C. Robinson BILL No. 163

ADDRESS 1341 Harrison Ave., Butte DATE 1-18-82

WHOM DO YOU REPRESENT State Personnel Study Com.

SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

FORM CS-34
1-81

Ex. 1

WITNESS STATEMENT

NAME Sue Romney BILL No. HB# 163

ADDRESS 702 1/2 Highland DATE 1/18/83

WHOM DO YOU REPRESENT MT School Bds Assoc.

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Mediation has been shown to be a useful & valuable tool ~~and~~ in resolving disputes. Of 60 mediations occurring on school districts in the last two years, there has been only 3 strikes.

The public good should require that reasonable steps be taken to avert a strike or to mitigate ill effects on the public. This bill does this by requiring mediation & 5 days notice, without depriving employees & unions of any existing rights.

FORM CS-34
1-81

WITNESS STATEMENT

NAME LeRoy H. Schramm BILL No. H.B. 163

ADDRESS Personnel Study Commission DATE 1-18-93

WHOM DO YOU REPRESENT ↓ Helena

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

FORM CS-34
1-81

Ex. 2
Dave Wilson
handed in

Missoula, Montana 59802

THE GARDEN CITY
HUB OF FIVE VALLEYS

January 18, 1983

OFFICE OF CITY ATTORNEY
201 West Spruce Street
Phone 721-4700

83-33

TO: MEL WILLIAMS, CHAIRMAN
MEMBERS OF LABOR AND INDUSTRY

FROM: THE CITY OF MISSOULA, BY MAE NAN ELLINGSON, DEPUTY CITY ATTORNEY

RE: HOUSE BILL NO. 163

Throughout the summer of 1982 the City of Missoula followed with interest the deliberations of the Personnel and Labor Relations Study Commission; and while we have not agreed with all of the recommendations made by the Commission, we believe that overall the Commission's legislative proposals represent an attempt to peacefully resolve the labor disputes that arise between public employees and their employer and at the same time continue to provide essential public services.

HB 163, by requiring both the employer and the employee to utilize mediation through the State Board of Appeals prior to engaging in concerted activity, furthers two valid governmental objectives:

1) the promotion of labor peace, rather than unrest, and
2) the continued provision of necessary governmental services.

This bill does not take away the right of the public employee to strike, nor would we suggest that the right be abrograted. We do not believe that public employees should ever become second-class citizens when in the exercise of their collective bargaining rights. We do believe, however, that the provision of certain public services, such as police protection, sanitation, and snow removal during a winter storm are important enough that we would like to be able to mediate our differences with those workers before they engage in a strike or other concerted activity resulting in a refusal to work. Likewise, we think it would be helpful in our effort to provide essential government services to have the 5 days' notice of strike that is required by this Bill. While we recognize that if some of our employees are on strike we can never provide the level of services we otherwise could, this 5 days' notice could allow us to assemble a work crew and plan so that the public health, safety, and welfare is not totally in jeopardy.

We recognize, of course, that this Bill imposes the same restrictions on public employers that it does on employees; nevertheless, we feel it is a good compromise and will result in better employer-employee relations.

Respectfully,

Mae Nan Ellingson by JD

Mae Nan Ellingson
Deputy City Attorney
201 West Spruce
Missoula, Montana 59802

MNE/jd

Ex. 3

WITNESS STATEMENT

NAME Dennis M. Taylor BILL No. HB 163

ADDRESS 835 Breckenridge - Helena DATE 1-18-83

WHOM DO YOU REPRESENT Personnel Division, Department of Administration

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Please refer to attached statement

FORM CS-34
1-81

EX 3

TESTIMONY OF DENNIS M. TAYLOR, ADMINISTRATOR OF THE PERSONNEL DIVISION, DEPARTMENT OF ADMINISTRATION, PRESENTED TO THE LABOR AND EMPLOYMENT RELATIONS COMMITTEE OF THE MONTANA HOUSE OF REPRESENTATIVES IN SUPPORT OF HOUSE BILL 163 ON TUESDAY, JANUARY 18, 1983.

Mr. Chairman, my name is Dennis M. Taylor, Administrator of the State Personnel Division in the Department of Administration. I appear before you today in support of HB163.

The Personnel and Labor Relations Study Commission, appointed by Governor Ted Schwinden in 1981, studied a variety of options designed for limiting strikes by public employees. They considered options to:

(1) prohibit strikes by public employee unions,

(2) to require mandatory mediation and fact-finding before a strike could be called,

(3) provide for a mandatory "cooling off" period,

(4) require unions to cast strike votes by secret ballot.

All of these measures were rejected in favor of the balanced approach embodied in HB163, introduced by Representatives Winslow and Bardanouve. HB163 applies equally to public employers and public sector employee unions.

The provisions of HB163 apply equally to the collective bargaining process at the school district, county, city, and university system level of government. This is not just a measure aimed at the state government collective bargaining process.

The bill encourages resolution of collective bargaining disputes by the parties themselves. It is designed to contribute to and enhance the collective bargaining process. The measures promotes stability and improvement in public bargaining and its outcomes and meets the needs of both parties and the public. The bill requires the use of mediation before concerted action by either party to a dispute whether it is a lockout by the employer or a strike by employees. The bill requires a five day notice of a concerted refusal to work at any public place or before engaging in any strike, lockout or picket which results in a concerted refusal to work at any public place of employment. Finally, the bill provides injunctive relief for a violation of either of these provisions.

HB163 is a good compromise--one that recognizes the rights of the public without distorting the collective bargaining process. Montana's impasse resolution methods are similar to those used by most other states. However unlike other states, Montana's organized public employees may stop work or strike to end an impasse without restriction. Every other state in the Union either prohibits all strikes by public employees,

prohibits strikes which interrupt essential public services, or in some way limits the strike environment.

HB163 will restrict strikes somewhat by precluding them until after mediation had been attempted and will potentially reduce the adverse effects on the public by giving the public employers advanced notice and an opportunity for contingency planning. This is important where services to individuals in institutions such as Warm Springs State Hospital, Boulder River School and Hospital, and the prison at Deer Lodge are involved. The state has an obligation to those people intrusted to our care. We have an obligation to the public and taxpayers where an unexpected interruption of work could have serious consequences. A labor dispute must not be allowed to adversely affect our ability to render these types of public services.

The five day notice provision will allow for some time to implement alternative procedures to insure proper care for individuals in institutions and prisons before striking public employees leave their jobs. Because of the adverse effects of strikes on the public, every effort must be made to settle disputes. Mediation is responsible for resolving a large percentage of disputes and should be required before concerted action.

HB163 does not represent a serious infringement on the right to strike, it simply insures that some attempt is made to resolve the dispute and that limited notice is provided thus protecting the public against the unnecessary adverse consequences of a strike. HB163 deserves your close scrutiny as one small step in the effort to ease the problems inherent in providing essential public services while protecting the rights of management and labor. I believe this procedure will enhance the possibility of settlement and will lead to improvements in the bargaining relationship.

I hope the committee will give this measure a favorable recommendation. HB163 has been reviewed by Governor Schwinden and he supports its adoption. Please review the highlighted portion of the attached letter.

Thank you.

State of Montana
Office of the Governor
Helena, Montana 59620

TED SCHWINDEN
GOVERNOR

January 13, 1983

Mr. Dennis Taylor, Administrator
State Personnel Division
Department of Administration
Capitol Station
Helena, Montana 59620

Dear Mr. Taylor:

After reviewing a draft of the Personnel and Labor Relation Study Commission's final report, I would like to commend you on a tremendous effort. I believe that the commission brought a balanced perspective to its mission and conducted a thoughtful and reasoned analysis of the state's personnel and labor relations programs.

By identifying and defining the significant Personnel and Labor Relations issues for Montana State Government in the '80's, the commission has laid the groundwork for significant improvements in the management of state personnel. I understand that improvements in the classification system, as well as a shift in Board of Personnel Appeals policy on deferral of grievance disputes to arbitration, have already resulted, at least partially, from commission review of these areas.

With respect to the commission's 33 specific recommendations, following is a brief summary of my administration's position on each.

Recommendation 1. Institute measures to improve executive/legislative branch communications on collective bargaining.

This administration strongly supports this recommendation and the Department of Administration has begun implementation for this collective bargaining session as follows:

A meeting has been held with members of the legislative leadership to brief them on the status of collective bargaining and the Department of Administration is working with the Office of Budget and Program Planning and the Legislative Fiscal Analyst's office to develop mutually acceptable procedures to calculate the costs of negotiated settlements.

Recommendation 2. At the option of the Legislature, establish a Joint Legislative Committee on Employee Compensation.

I agree with Morris Brusett's observation that irrespective of structure, the success of the collective bargaining process depends upon consistent and credible communication between all parties including the Legislature, and his conclusion that Recommendation 1 should correct any past breakdowns

in communication. I also fear that substantial involvement by additional parties would further lengthen and complicate an already lengthy and complex process.

Despite these reservations, I am willing to defer to the Legislature and will not oppose adoption of Recommendation 2.

Recommendation 3. Amend the Collective Bargaining for Public Employees Act to clarify the time limit for Unfair Labor Practice decisions by the Board of Personnel Appeals.

I feel this recommendation helps clarify ambiguous language and support its implementation.

Recommendation 4. Amend the Collective Bargaining for Public Employees Act to permit the Board of Personnel Appeals staff to investigate and dismiss unmeritorious Unfair Labor Practices.

Although I doubt that this change in procedure will significant shorten the adjudication process for Unfair Labor Practices and may in fact lengthen it, again, I am willing to defer to the collective bargaining judgment of the Legislature.

Recommendation 5. Provide both parties to an Unfair Labor Practice with the opportunity to disqualify the designated hearings officer.

Since this provision should help insure that quasi-judicial Unfair Labor Practice proceedings are conducted by a hearings officer whose neutrality and professionalism both parties respect, and since both labor and management have expressed a need for the provision, I endorse its adoption.

Recommendations 6 and 7. Provide funds to the Board of Personnel Appeals to provide mediation training to its staff and to complete an index of its decisions.

I defer to the study commission's judgment that these limited expenditures will enhance the board's professionalism, although they are not currently part of the executive budget due to late introduction, and I will support the necessary appropriation.

Recommendation 8. Amend the statute establishing the Board of Personnel Appeals to give the board authority to hire its own staff.

Although I understand the need for Board of Personnel Appeals' neutrality and independence, I think it is achieved through the strict balance, and lay status of the board, not through board authority to hire and manage its own staff. The Board of Personnel Appeals, like most lay boards, cannot be expected to manage the day-to-day operations of a full-time staff. Accountability for effectiveness and productivity must rest with a full-time

official who can himself be held accountable.

Since I have been presented with no evidence of infringement on board authority by the Commissioner of Labor and Industry, and since I feel this recommendation violates principles of good management, I am opposed to its adoption.

Recommendation 9. Amend the Collective Bargaining for Public Employees Act to require use of mediation notice of concerted action, including strikes and lockouts.

This recommendation encourages resolution of collective bargaining disputes by the parties themselves, and where resolution is not possible, mitigates the adverse effects of concerted action on the public by providing time for contingency planning without restricting the collective bargaining rights of labor or management. It appears to be a good compromise recommendation -- one that recognizes the rights of the public without distorting the collective bargaining process. I support it.

GOVERNOR

Recommendation 10. Amend the Collective Bargaining for Public Employees Act to permit District Courts to enjoin a strike that endangers the public upon petition by the public employer. Strike injunction automatically initiates mandatory arbitration, which is binding on the governing body responsible for appropriations.

This recommendation, like Recommendation 9, would help protect the public from disruption of services. However, I feel that it significantly distorts the collective bargaining and budget process by shifting decision-making to an outside party that is not accountable.

I oppose its adoption.

Recommendation 11. Administratively move toward a single pre-budget negotiation session for all items.

Although the Department of Administration has expressed some reservations about the feasibility of a single session for all units, given the short negotiation period, large numbers of units and small staff, the advantages in increased flexibility for both parties make this a desirable goal and one the department is currently working toward.

Recommendation 12. Amend the Collective Bargaining for Public Employees Act to clarify the nature of the grandfather clause so that it protects current, but not future, employees in grandfathered units from exclusion when they occupy supervisory positions.

I concur with both the Council on Management's and Study Commission's recommendations that supervisors be excluded from bargaining units. I doubt that the grandfather clause was intended to lock supervisors into

bargaining units, and feel that collective bargaining is most successful when the division between management and labor is clear. I consequently support adoption of this recommendation.

Recommendations 13 and 14. Amend the Collective Bargaining for Nurses Act to make it more consistent with the Collective Bargaining for Public Employees Act, and amend 39-51-2305 to require the Labor Appeals Board to defer to the Board of Personnel Appeals or National Labor Relations Board for a determination of whether an Unfair Labor Practice has been committed for purposes of awarding unemployment insurance.

On both of these recommendations, I will defer to the Legislature and its determination of whether the proposed changes will simplify and/or improve the affected processes.

Recommendation 15. Enhance the existing position classification system by the introduction of quantitative methods.

I concur that the state's procedures for classifying positions should be as objective and understandable as possible and feel that this recommendation represents a practical and cost effective approach to better achieving those objectives. The Department of Administration is currently proceeding with plans for implementation.

Recommendation 16. Establish a non-base building, pay for performance bonus system for unorganized employees, leaving the subject negotiable for organized employees.

I feel that this concept has considerable merit but question whether sufficient funds will be available given the state's budgetary constraints. If the Legislature appropriates the necessary funds, I assure every effort will be made to implement an effective program, and have asked the Department of Administration to draft a pay-for-performance bill to be introduced.

If no funds are appropriated, I would consider authorizing its implementation on an agency-by-agency basis, depending on the availability of agency funds that can be used for this purpose.

Recommendation 17. Allow different pay plans and matrices for broad occupational groups.

This recommendation is currently under further study by the Department of Administration and may or may not be adopted, depending on the Department's determination of the merits and hazardous of separate plans. I am generally opposed to separate plans for narrow groups of employees because of the fragmentation and confusion it would create.

Recommendation 18. Establish a mandatory recruitment and selection training program to improve the quality of incoming employees.

I support this recommendation and such training is currently being provided by the Department of Administration.

Recommendation 19. Require all state agencies to recruit through job service for all job openings.

I strongly support this recommendation and have issued a memorandum in effect requiring it. In light of information that it is not being fully implemented, I will review the problems and attempt to secure more universal compliance.

Recommendation 20. Requiring job service to post notices of all state job openings.

I support this recommendation and plans are currently being made by the job service for implementation.

Recommendation 21. Establish a comprehensive agreement between job service and the state providing that Job Service will screen applicants down to the number specified by the agency for positions which readily permit such screening and refer all applicants who meet minimum qualifications for positions requiring less easily assessed qualifications.

I concur that state agencies and the Job Service should establish service agreements that satisfy legal and professional standards for employee selection and meet the needs of the agencies within the program capability of job service.

Recommendation 22. Establish a joint Job Service/Personnel Division training team to provide selection training to Job Service interviewers involved in referrals to state positions.

I feel that this recommendation should improve the coordination between Job Service selection services and Department of Administration selection training and technical assistance programs and support its adoption. The Department of Administration and Department of Labor and Industry are proceeding with implementation.

Recommendation 23. Provide sufficient resources (2 FTE's) to update and validate merit examinations administered by Job Service.

Although I agree that use of unvalidated tests as unwise, no additional FTE's have been included in the executive budget, and I oppose the substantial appropriation which would be required. I feel that this problem can be resolved more effectively by the elimination of any formal examinations which fail to meet professional standards.

Recommendations 24 through 27. Amend the Veterans'/Handicapped Preference Act to clarify the nature of the preference.

I support these recommendations and understand that most, if not all, of them will be incorporated in bill drafted by the Council on Employment of the Handicapped in cooperation with other handicapped and veterans organizations.

Recommendations 28 through 30. Involving establishing more comprehensive management and job or program specific employee training.

Both the Council on Management and Study Commission have stressed the need for more comprehensive training programs for state managers and employees to increase employee morale and productivity. I support this concept and will support its implementation.

Recommendation 31. Establish a non-monetary reward program that recognizes the accomplishments of individuals and groups of employees.

I agree that this recommendation could help improve both employee morale and motivation and support it.

Recommendation 32. Study the need for a state employee assistance program.

I concur that an employee assistance program deserves further study and have given the assignment to the Department of Administration.

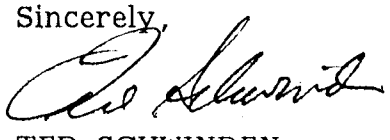
Recommendation 33. Establish a uniform intra-agency grievance procedure for resolutions of significant employee grievances and discontinue special procedures.

I understand that this was a fairly controversial area, but I feel that the commission has developed a good compromise recommendation. I think the value of having a uniform, impartial and understandable process overrides the legitimate objections raised by the minority. Consequently, I support the recommendation so long as a single lay-board is created to oversee the uniform appeal procedure.

I appreciate your taking the time from your busy schedule to participate in the study commission's meetings and hearings. Your personal sacrifices and investment have already resulted in significant improvements in many areas of the state's personnel and labor relations systems. A lot more work needs to be done. I look forward to your continued assistance during the Legislature's consideration of study commission recommendations.

Again, thank you.

Sincerely,



TED SCHWINDEN
Governor

WITNESS STATEMENT

NAME Tom Schneider BILL No. HB 163

ADDRESS Box 716 DATE 1/18/83

WHOM DO YOU REPRESENT MPEA

SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

FORM CS-34
1-81

6X.4

WITNESS STATEMENT

NAME Don Judge BILL No. HB 163

ADDRESS PO Box 1176, Helena DATE 1/18/83

WHOM DO YOU REPRESENT MT STATE AFL-CIO

SUPPORT ——— OPPOSE HB 163 AMEND ———

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Support testimony of opponents previously speaking.

our law has worked quite well. According to preliminary estimates obtained from the Board of Personnel Appeals, there are approximately (perhaps even at least) 200 contract negotiations per year. Since 1974, when the Montana Supreme Court ruled on the legality of Public employee strikes in Montana, there have been 38 public employee strikes. Hardly a significant number, considering the total number of bargaining actions taking place since that time. There are approximately 60 mediation requests per year. Interestingly enough, in all but 6 [redacted] of the occuring public employee strikes, mediation preceeded the strikes. This bill does not extend additional authority to the proponents to use mediation, the current law already allows employers to request mediation. I suggest that our current system works quite well, and as the old adage goes "If it ain't broke, don't fix it."

We have a good collective bargaining law for public employees, in most areas, one of the most progressive as has been alluded to by one of this bills proponents. I suggest that we not relegate Montana's public employees to being 2nd class citizens. The Montana State AFL-CIO encourages you to oppose HB 163.

Thank you

I have heard NO testimony saying the unions have refused the process.

FORM CS-34
1-81

VISITOR'S REGISTER
LABOR AND
HOUSE EMPLOYMENT RELATIONS COMMITTEE

BILL HB 163 DATE 1/18/83

SPONSOR Rep. Winslow

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
Dennis Taylor	Mitchell Bldg-Helena	Personnel Div/DofA	X	
Jaye Brown	Mitchell Bldg Helena	Personnel & Labor Rel. Div/DofA	X	
David Wilson	Missoula, Mt	City of Missoula	X	
Bonnie Schneider	Helena	MPEA		X
Jay Bateman	Butte	[illegible]		X
Rebecca Smith	Helena	Unemployment compensation Adv. Council	X	
Mike Taylor	Helena	MMCO	X	
Wyatt L. Frost	Bozeman	Cement Workers		
Eugene Fenderson	Helena	Laborers		X
David Sexton	~~MCC~~ Helena	MEA		X
Ed Perry	Helena	MSBA	X	
Jeff Miller	Helena	MSBA	X	
Judy T. Olson	Helena	Mt. Nurses Assoc.		—
Ken Nicholl	Helena	self		✓
Lois Judge	Helena	MT STATE AFL-CIO		✓
MCIAR	Butte	BRA		✓

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33

PERSONNEL AND LABOR RELATIONS STUDY COMMISSIONERS

Chairman

Representative Francis Bardanouve
Democrat from Harlem

Legislative Commissioners

Senator Fred Van Valkenburg,
Democrat from Missoula

Rep. Calvin Winslow
Republican from Billings

Senator Jan Johnson Wolf,
Republican from Missoula

Labor Commissioners

Jerry Driscoll, President
Montana State AFL-CIO
Assistant Business Manager
Laborers Local No. 98, Billings

Richard Ferderer, Secretary-Treasurer
Teamsters Local 45, Great Falls

Tom Schneider, Executive Director
Montana Public Employee Association,
Helena

Private Sector Commissioners

Percy Cline, Staff Manager
Mountain Bell, Helena;
resigned March, 1982

Jean Fitzsimmons, Regional
Director of Personnel,
Burlington Northern Inc.,
Billings; appointed March,
1982 to replace Percy Cline

Nancy Hanson, Vice-President
for Human Resources, First
Northwestern National Bank,
Billings

Don Robinson, Attorney
Law Firm of Poore, Roth,
Robeschon and Robinson, Butte

Executive Branch Commissioners

Marilyn Miller, Executive Assistant
to the Superintendent, Office of
Public Instruction, Helena;
appointed March, 1982 to replace
Ray Shackleford

Dr. LeRoy Schramm, Chief Legal
Counsel, Office of the Commissioner
of Higher Education, Helena

Ray Shackleford, Deputy State
Superintendent, Office of Public
Instruction, Helena; resigned
March, 1982

Gary Wicks, Director
Department of Highways, Helena

Staff

Provided by the Personnel Division, Department of Administration

Dennis M. Taylor, Administrator
Personnel Division

Joyce Brown, Project Director

John Balsam, Research Specialist
Lois Lofstrom, Secretary

CHAPTER IV

ISSUE AREA B: OPERATIONS OF MONTANA'S COLLECTIVE BARGAINING LAWS

The Commission addressed the overall question of whether the actual operation of Montana's collective bargaining laws are workable and accomplishing their purpose by examining several aspects of public sector collective bargaining. These included: (1) operations of Montana's labor board or labor relations agency—the Board of Personnel Appeals, (2) impasse resolution procedures, (3) the collective bargaining process, and (4) incidences of confusion or duplication created by existing statutory language.

OPERATIONS OF THE BOARD OF PERSONNEL APPEALS

ISSUE

In its examination of Board of Personnel Appeals operations, the Study Commission addressed three major issues which are typical concerns of users of any labor board or labor relations agency. These are:

1. timeliness of dispute resolution, particularly timeliness of unfair labor practice proceedings;
2. user confidence in the professionalism and neutrality of the Board and its staff; and
3. the level of discretion exercised by the Board of Personnel Appeals in decision making.

These three issues are summarized below:

1. **THE ISSUE OF TIMELINESS:** Available figures (for unfair labor practice charges filed between 10-78 and 5-81) indicated that the Board of Personnel Appeals exceeds its statutory five-month time limit for issuing a final decision after "submission of a complaint" (interpreted by the Board of Personnel Appeals to mean five months after submission of final briefs by both parties) in 55% of the cases. Proceedings average nearly eleven months from filing to issuance of a final Board of Personnel Appeals decision and some exceed a year and a half.

Some parties to unfair labor practice proceedings complain that the time required to obtain resolution is too great and frustrates justice. Agreeing that timeliness is critical, the Board of Personnel Appeals noted recently instituted changes in staff procedures which are expected to expedite proceedings. Many of the changes were recommended by an independent Public Employment Relations Service Review and Evaluation Team. The Board of Personnel Appeals also observed that unavoidable delays are caused by the precedence given mediation requests and that one possible approach to streamlining the process (staff investigation and dismissal of unmeritorious cases) is frustrated by the statutory requirement that all cases be automatically scheduled for hearing before the Board of Personnel Appeals.

2. **THE ISSUE OF CONFIDENCE IN PROFESSIONALISM AND NEUTRALITY:** While many Board of Personnel Appeals users reportedly respect the Board of Personnel Appeals and staff for its professionalism and neutrality, others report doubts about these characteristics. HB157

3. **THE ISSUE OF LEVEL OF DISCRETION:** The Board of Personnel Appeals, like most administrative agencies, administers laws which contain ambiguities necessitating use of discretion in interpretation. This sometimes involves the use of discretion or assumption of authority that user groups feel is excessive.

The two major instances of alleged excesses examined by the Study Commission were:

a. The Board's practice of assuming jurisdiction over contract disputes as opposed to deferring them to arbitration where the contract provides a grievance procedure ending in binding arbitration.

   Opponents of this practice argue that it makes the Board a "free" grievance panel which was never intended, that it is contrary to the precedent set by national case law, and that arbitration is faster, more conclusive and places the dispute where it belongs—with the parties.

Supporters argue that national precedent is not so clear, and that the goal of balancing the rights of employees and employers is better served by Board assumption of jurisdiction since arbitration is too expensive for small unions and small employers.

b. The Board's interpretation of the grandfather clause of the Collective Bargaining for Public Employees Act as protecting not only contracts in existence before passage of the act but also units in existence before passage of the act. This interpretation permits occupants of supervisory positions who were part of a pre-existing unit to remain in the unit even though they are ineligible under the act unless the employer can demonstrate that inclusion creates substantial conflict.

   Opponents argue that units were never intended to be protected, that the Board's interpretation frustrates legislative intent that only non-supervisory employees be eligible and that, regardless of intent, after eight years of operation, it is no longer needed and serves only to create problems and litigation.

   Supporters argue that the grandfather clause was part of the original compromises struck during passage of the act, was necessary to protect existing relationships, that the Board of Personnel Appeals correctly interprets it to cover units and that it creates no significant problems.

See the Bibliography "Issue Area B" in Appendix E for a list of the staff reports and resource materials considered.

FINDINGS

F-2. REGARDING THE ISSUE OF TIMELINESS

Although due process requirements and the precedence given mediation precludes overnight resolution of unfair labor practice charges, justice demands the speediest possible resolution consistent with these requirements and conflicting demands. In light of recent improvements in Board of Personnel Appeals staff procedures, no specific recommendations for expediting unfair labor practice proceedings and abiding by statutory time limits are needed at this time. The time limit should be clarified and the statutory impediment to speedier resolution removed.

F-3. REGARDING THE ISSUE OF CONFIDENCE IN PROFESSIONALISM AND NEUTRALITY

Specialists in the field of labor relations generally agree that, since public sector labor relations by its nature exists in the political world, establishing and maintaining a labor board or labor relations agency whose integrity and impartiality the parties respect is not an easy achievement but one that is central to its overall effectiveness. While the Board of Personnel Appeals and staff are generally respected for their professionalism and impartiality, a number of factors contribute to lack of confidence by some users.

These are:

a. Assignment of the same staff person to conduct both adversarial proceedings and mediation for the same employee or employer. (The Board of Personnel Appeals has indicated that these practices are avoided whenever possible within the constraints of a small staff.)

b. No opportunity for parties to a dispute to reject an assigned hearings officer in whom they lack confidence for whatever reason.

c. Lack of staff training in mediation due to insufficient funds.

d. Inaccessibility of precedent setting Board decisions resulting from insufficient funds to complete a case index.

e. Selection and supervision of Board of Personnel Appeals staff by the Commissioner of Labor and Industry rather than by the Board, creating the potential for outside influence over staff proceedings and potential lack of confidence in the neutrality of the Board staff in cases involving the Department of Labor and Industry.

F-4. REGARDING THE ISSUE OF LEVEL OF DISCRETION

The Board of Personnel Appeals has not clearly exceeded an appropriate level of discretion in

either of the incidents examined. With respect to deferral of contract disputes to an existing contractual arbitration process, the Board recently made two such deferrals establishing a precedent for future referrals.

With respect to its interpretation of the grandfather clause, the Montana Supreme Court in *City of Billings v. Billings Firefighters Local No. 521*, 39 St. Rep. 1844 (1982) recently upheld the Board's authority to interpret the grandfather clause to protect collective bargaining units. However, given the uncertainty about legislative intent in enacting the grandfather clause, the general principle that management employees should be excluded from bargaining units and the practical problems created by their continued inclusion, recommendation 12 has been adopted to clarify the statutory language. The recommended language protects incumbents of grandfathered positions but not their replacements, thus permitting eventual exclusion of supervisory employees.

RECOMMENDATIONS

Recommendation 3: Amend the Collective Bargaining for Public Employees statute to clarify the starting date of the five-month time limit for a final Board of Personnel Appeals decision on an unfair labor practice case as: "five months after final briefs are submitted to the hearings officer or, if no briefs are submitted, then within five months after the hearing." (Vote: passed unanimously)
See proposed implementing legislation, LC0012/01, in Appendix B.

Recommendation 4: Amend the Collective Bargaining for Public Employees statute to permit the Board of Personnel Appeals staff to expedite unfair labor practice proceedings by investigating an unfair labor practice complaint and dismissing the charge if it is found unmeritorious subject to review by the Board if a request for a review is made by the charging party within ten days of the staff notice of intent to dismiss. (Vote: passed unanimously)

See proposed implementing legislation, LC0013/01, in Appendix B.

Recommendation 5: Provide both parties to an unfair labor practice charge with the right to disqualify the person designated by the Board of Personnel Appeals to hear the complaint. (Vote: 11-yes, 1-no) HB157
See proposed implementing legislation, LC0117/01, in Appendix B.

Recommendation 6: Provide funds to the Board of Personnel Appeals to provide training in mediation to its staff -$5,000 was the projected amount needed. (Vote: passed unanimously)

Recommendation 7: Provide funds to the Board of Personnel Appeals to complete an index of its decisions—$5,000 was the projected amount needed. (Vote: passed unanimously)

Recommendation 8: Amend the statute establishing the Board of Personnel Appeals, 2-15-1705, M.C.A., to give the Board the authority to hire its own staff. (Vote: 10-yes, 2-no)

See proposed implementing legislation, LC0044/01, in Appendix B.

IMPASSE RESOLUTION

ISSUE

The Collective Bargaining for Public Employees Act provides three methods for resolving an impasse in collective bargaining between an employer and labor organization: mediation—a relatively informal attempt by a neutral mediator to bring both parties to agreement; fact finding—a more formal process involving information gathering by a neutral fact finder and a written report with recommendations which must be made public if agreement is not reached; and voluntary binding arbitration -a formal process involving a hearing and a binding decision by a neutral arbitrator. Since only binding arbitration involves imposition of a solution on both parties, it is the only method which automatically ends an impasse. HB163

Montana's three impasse resolution methods are used by most states. However, unlike other states, Montana public employees may, with few restrictions*, stop work or strike to end an impasse. All other states either prohibit all strikes or prohibit strikes which interrupt essential services. However, many states have found that strike prohibitions without an effective alternative—generally binding arbitration—do not eliminate strikes but rather produce illegal strikes which create greater animosity and disruption in public service than most legal strikes.

HB163

See the Bibliography "Issue Area B" in Appendix E for a list of the staff reports and other materials considered.

FINDINGS

F-5.
Mediation is responsible for resolving a large percentage of disputes and should be required before any concerted action -either a strike by employees or lockout by the employer. The most critical factors in the success of mediation aside from the extent of differences between the parties is trained mediators and the perceived neutrality of the mediators.

HB163

F-6.
Fact finding is successful in resolving some types of disputes and consequently should continue to be available for implementation by either party but should not be required.

F-7.
Binding arbitration is an effective alternative to disruptive strikes but has a major disadvantage. It transfers fiscal control from the public jurisdiction to an outside third party. Consequently, binding arbitration should *not* be *statutorily imposed* on a public sector employer unless in all cases the negative effect of a strike would outweigh the adverse fiscal impact. (Many jurisdictions who previously favored binding arbitration over the right to strike are finding that most strikes are more manageable than the fiscal impact of binding arbitration.)

F-8.
Binding arbitration should continue to be *an available option* for use when both the employer and labor organization agree to it because, in a particular case, they feel it would be preferable to the adverse consequences of a strike. It should also be available as an option to a harmful strike which can be imposed by a district court along with a strike injunction *provided* that district court, upon petition by the employer, determines that the strike poses an imminent danger to the health, safety *provided* that district court, upon petition by the employer, determines that the strike poses an imminent danger to the health, safety and welfare of the public. (See finding F-10.)

F-9.
Strikes should only be prohibited when binding arbitration is an acceptable alternative—i.e., when the public employer is willing to risk the fiscal impact of binding arbitration because a strike poses an imminent danger to the health, safety and welfare of the public. Prohibition without an effective alternative results in illegal strikes, which are more severe, create more adversarial proceedings such as contempt proceedings and jailings, produce more militancy; and generally make continuation of public service more difficult than a legal strike.

F-10.
The adverse effects of strikes by public employees on the public itself should be reduced. Adverse effects can be reduced in two ways. First, by requiring prior notice before any strike by public employees. This will permit contingency planning to minimize the adverse impact upon the public. Second, by providing a means to end strikes by public employees which are causing imminent danger to the public's health, safety and welfare.

HB163

The best means of ending strikes which are harmful to the public is to allow the employer to petition district court to enjoin the strike if the court determines it endangers the public with the condition that enjoining the strike will institute binding, package, final-offer arbitration to settle the dispute.

* There are certain restrictions on strikes by nurses and provisions for binding arbitration in lieu of a strike by firefighters when initiated by either the employer or labor organization.

Package, final-offer arbitration has been found to be a fair process because it involves a decision by an independent neutral party between the final package offered by each party involved in negotiations. Since the arbitrator will select the most reasonable package, the parties generally offer packages that are similar and at least partially meet the demands of the other party.

RECOMMENDATIONS

Recommendation 9: Amend the Collective Bargaining for Public Employees Act to:

1. require use of mediation before concerted action by either party to a dispute;

2. require a 120-hour (5 day) notice of a concerted refusal to work at any public place or before engaging in any strike, lockout or picket which results in a concerted refusal to work at any public place of employment;

3. provide injunctive relief for a violation of either of these provisions. (Vote: 9-yes, 3-no)

See proposed implementing legislation, LC0074/01, in Appendix B.

Recommendation 10: Amend the Collective Bargaining for Public Employees Act to provide injunctive relief from a strike or work stoppage upon a petition to district court by a public employer where the court determines that continuation of a strike would pose an imminent danger to the health, safety or welfare of the public, as opposed to inconvenience or discomfort. Injunctive relief automatically triggers compulsory, final-offer arbitration which is binding on both parties including the governing body responsible for appropriating funds. (Vote: 7-yes, 5-no)

See proposed implementing legislation, LC0093/01, in Appendix B.

STANDING COMMITTEE REPORT

January 18, 19 83

MR. SPEAKER:

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 142

First reading copy (white color)

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE PROVISION OF 50-PERCENT REDUCTION FOR THE AMOUNT OF PENSION RECEIVED IN CALCULATING UNEMPLOYMENT COMPENSATION TO A PROPORTIONATE AMOUNT WHERE THE CLAIMANT HAS CONTRIBUTED IN PART TO THE PENSION; AMENDING SECTION 39-51-2203, MCA."

Respectfully report as follows: That HOUSE Bill No. 142

DO PASS

MEL WILLIAMS Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

January 18, 83
19

MR. SPEAKER:

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 157

First reading copy (white)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING EACH PARTY TO AN UNFAIR LABOR PRACTICE PROCEEDING TO DISQUALIFY WITHOUT CAUSE ONE HEARING EXAMINER DESIGNATED TO HEAR THE MATTER."

Respectfully report as follows: That HOUSE Bill No. 157

first reading copy, be amended as follows:

1. Page 1, line 15.
   Following: "once"
   Insert: "by each party"

AND AS AMENDED

DO PASS

MEL WILLIAMS Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

January 20, 19 83

MR. SPEAKER:

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 163

First reading copy (White Color)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PUBLIC EMPLOYER AND A LABOR ORGANIZATION TO UTILIZE MEDIATION BEFORE TAKING ANY CONCERTED ACTION; AND PROVIDING FOR INJUNCTIVE RELIEF; AMENDING SECTION 39-31-307, MCA."

Respectfully report as follows: That HOUSE Bill No. 163

DO NOT PASS

~~XXXXXX~~
DO PASS

MEL WILLIAMS Chairman.

STATE PUB. CO.
Helena, Mont.