

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE MINUTES  
January 26, 1983

The House Labor and Employment Relations Committee convened at 7 p.m. on January 26, 1983, in Room 224K of the State Capitol with Chairman J. Melvin Williams presiding and all members present except Rep. Seifert, who was excused. Chairman Williams opened the meeting to a hearing on House Bill 309.

HOUSE BILL 309

REPRESENTATIVE FRANCIS BARDANOUVE, District 6, chief sponsor, said this bill establishes a uniform grievance process for state employees, discontinues employee grievance appeal functions of the Board of Personnel Appeals for the departments of Highway and Wildlife and Parks, and discontinues the Merit System Council. He said this is one of the bills recommended by the Labor Relations and Personnel Study Commission.

LEROY SCHRAMM, chief council, Montana University System, spoke in support. He said he was a member of the Personnel and Labor Relations Commission. He said this issue was battered around by the commission more than any other. He said he voted against it then but decided to support it. He said he felt this grievance procedure is a middle of the road procedure and does a lot for employees not covered by a union contract. He said the bill would give these employees a right to a hearing, a right to question witnesses, a right to a written decision by the department head, and court costs can go to the prevailing plaintiff. He said the employee comes out with some rights to complain that he is not guaranteed by law now. One thing the bill does not do - it is not ultimately binding on the department head. He felt there is a good reason not to have this. He said it will make union organizing harder as if they can have binding procedure without belonging to a union, employees will think twice about joining. He said where the grievance is a union procedure the cost is shared by the union and the department. He said it may be to the union's advantage to drop the grievance procedure out of their contracts as why should they pay if they can get it for nothing. He urged the committee to support the commission's recommendation and give the bill a do pass.

MARILYN MILLER, Executive Assistant, Office of Public Instruction, spoke in support. She said she was also a member of the commission and this issue was frustrating. She said most of them assumed this was a minimum right that all employees had. When they discovered not, they discussed all possibilities and came down to this compromise which they thought it possible to get for the employees. She urged a do pass for the bill.

MORRIS BRUSETT, Department of Administration, said they rise in support of HB 309 as it would bring all state employees under a uniform grievance system. He had some suggested

amendments and a copy of these is Exhibit 1 of the minutes. He said the amendments would provide for a three member appeal board independent of any department. The board would be assigned all classification appeals. He said employees may perceive it as more fair to have this independent board. Also, he said, by having the independent board they would not be taking anything away from current employees such as the Highway Department and Fish, Wildlife and Parks Department employees. He said this board would develop expertise with all classification matters and would free the Board of Personnel Appeals of these matters. He said the board would be attached to the Department of Administration and the cost of it would depend on the number of appeals although their estimation is \$10-20,000. He went through the bill showing where the amendments would be added in or change what was there.

GARY WICKS, Department of Highways, spoke in support of the bill. He said he had served on the commission. He said they agreed on the problem even though they disagreed on some of the solutions. He said the problem is that there still is a number of different processes for dealing with personnel grievances - different employees have different rights. He said by statute the employees of the Highway Department and the Fish, Wildlife and Parks Department were given the right to appeal to the Board of Personnel Appeals. Some have the right to appeal to the Merit System Council, he said, and some have only the right of appealing to the department director. He said the bill shouldn't affect organized labor as they have their own appeal processes which include binding arbitration. He felt employees would choose that route rather than the route offered by the bill.

LINDA RICKMAN, Merit System Council, spoke in support. She read a letter from Norman H. Grosfield and a copy of this is Exhibit 2 of the minutes.

TOM SCHNEIDER, MPEA, spoke in opposition. He said they would support the bill if a board is included to administer the grievance procedure and if that board was the present Board of Personnel Appeals. He said that was the reason this board was established and the staff has had eight years of experience with classification issues.

R. NADIEAN JENSEN, AFSCME, spoke in opposition.

REPRESENTATIVE BARDANOUVE closed. He said he knew from experience that the best time to kill a bill is after a long day on the floor. He said there wasn't any violent opposition to the bill and he felt the witnesses had given a fine review of the bill.

Questions were asked by the committee.

Rep. Addy asked what kind of a fiscal impact there would be if this was put under the Board of Personnel Appeals. He said there you will have professional people expert in the labor law. He said the impact should not be large.

Rep. Schneider responded to a question that one area that bothers is transferring the appeals process to a new board. He said the Board of Personnel Appeals handled somewhere like 500 appeals and is very experienced and able, and to turn around and set up a new board with a new staff will not only be a fiscal cost but something you can't calculate or show on paper. He said it might change the whole classification system all over again.

Rep. Driscoll asked how their commission had arrived at their recommendation. Rep. Bardanouve said they held public meetings in which every segment of labor and management were invited. He said they advertised statewide and many people came before the commission.

In response to a question Mr. Brusett said the new grievance board would be attached to the Department of Administration while the Board of Personnel Appeals is with the Labor Department. He said they would follow up on the Merit System Council and replace it. The administrative processes only would be an independent board.

Rep. Addy asked Robert R. Jensen, Administrator, Personnel Appeals Board, if the board could handle the grievance function plus personnel appeals. Mr. Jensen said they get the appeals from the Highway and the Fish, Wildlife and Parks now and he felt they could absorb most of the work.

Chairman Williams closed the hearing on this bill and opened the hearing on House Bill 330.

#### HOUSE BILL 330

REPRESENTATIVE FRANCIS BARDANOUE, District 6, chief sponsor, said the bill requires the Labor Department to defer to the Board of Personnel Appeals or the National Labor Relations Board for a determination of whether the employer or an applicant for unemployment benefits committed an unfair labor practice resulting in a labor dispute work stoppage and the applicant's unemployment for purposes of deciding whether the applicant is entitled to benefits.

LEROY SCHRAMM, chief council, Montana University System, spoke in support of the bill. He said the bill says the Board of Personnel Appeals will rule on unfair labor practices in bargaining and not the Board of Labor Appeals. He said the ruling of Judge Bennett that because of the way the statute is written you are entitled to benefits regardless of what the Board of Personnel Appeals has said, is what prompted the bill.

JIM MURRY, Montana State AFL-CIO, spoke in opposition and a copy of his testimony is Exhibit 3 of the minutes.

JOE ROSSMAN, Teamsters Union, Butte, spoke in opposition.

R. NADIEAN JENSEN, AFSCME, spoke in opposition. She said because of a mixup of the two boards there were 1000 people who suffered needlessly for three years for something that could have been decided early on. She asked the committee not to support the bill.

REPRESENTATIVE BARDANOUVE closed. He said there were not too many opponents to this bill on the commission. Most were in favor of it.

Questions were asked by the committee.

Rep. Addy asked how this bill would adversely affect the system. Mr. Murry said it would take away from the Board of Labor Appeals the unfair labor appeal.

Chairman Williams closed the hearing on this bill and opened the hearing on HB 300.

#### HOUSE BILL 300

REPRESENTATIVE CAROL FARRIS, District 41, chief sponsor, said this bill has to do with Montana's minimum wage. She said the first minimum wage law passed in 1938 and it had been talked about a long time before that. She said the present minimum wage of \$2.75 needs to be raised. She said it is documented that of those earning this wage, 60 percent are women. She had a suggested amendment and a copy is Exhibit 4 of the minutes. She said this is for a step increase to give everybody a chance to adjust.

CELINDA C. LAKE, Women's Lobbyist Fund, spoke next in support and a copy of her testimony is Exhibit 5 and a copy of a fact sheet prepared by the Women's Lobbyist Fund is Exhibit 6 of the minutes.

KATHY A. VAN HOOK, Helena, spoke in support and a copy of her testimony is Exhibit 7.

KELLEY HALVORSON, representing self, spoke next in support and a copy of her testimony is Exhibit 8 of the minutes.

JIM MURRY, Montana State AFL-CIO, spoke in support and a copy of his testimony is Exhibit 9 of the minutes.

JIM MAYES, Operating Engingeers Local 400, spoke in support and a copy of his testimony is Exhibit 10 of the minutes.

REPRESENTATIVE BOB REAM, District 93, spoke in support and said he was a co-sponsor of the bill. He said he was also speaking for Virginia Jellision of L.I.G.H.T. in Missoula who wished to go on record as favoring the bill.

JOE LAMSON, Montana Democratic Party, spoke in support of the bill.

REPRESENTATIVE BOB DOZIER, District 61, spoke in support. He said he was also a co-sponsor. He said he was surprised the Chamber of Commerce isn't present as people who make minimum wages spend all their money in the local community. He said employees should be paid what they need to live.

JULIE FASBENDER, Missoula, ASUM, spoke in support of the bill.

REPRESENTATIVE ROBERT BACHINI, District 7, spoke in support of the bill.

REPRESENTATIVE CLYDE SMITH, District 18, said he would like to go on record as supporting this bill.

ROGER ANDERSON, Robbie's Restaurant, Great Falls, said he would like to be listed as a co-ponent. He said under a collective bargaining agreement the wage agreed at is \$3.02 and he is wondering what they would do under this bill. He said at \$3.02 they pay health and welfare benefits and provide free meals. He wondered if they would continue this or pay the \$3.35 and ignore the benefits.

REPRESENTATIVE FARRIS closed.

Questions were asked by the committee.

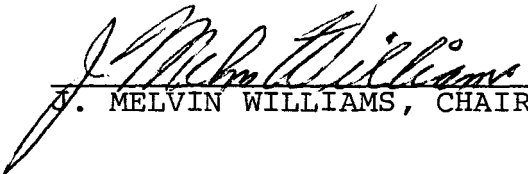
Rep. Ellerd asked about the amendments and Rep. Farris said they didn't read just as she would like them to and would discuss them with the staff attorney.

House Labor and Employment Relations Committee  
March 26, 1983  
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Chairman Williams closed the hearing on this bill.

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

  
J. MELVIN WILLIAMS, CHAIRMAN

Emelia A. Satre, Sec.

VISITORS' REGISTER  
LABOR AND

BILL HB 309

Date 1/26 at 7 p.m.

SPONSOR BARDANOUE

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.





SUGGESTED AMENDMENT TO HB309 PROPOSED BY MORRIS L. BRUSETT,  
DIRECTOR, DEPARTMENT OF ADMINISTRATION.

1. Title, line 7.

Following: "EMPLOYEES"

Insert: "BY CREATING A GRIEVANCE APPEAL BOARD TO HEAR EMPLOYEE  
GRIEVANCE APPEALS" ✓

2. Title, line 11.

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS 2-18-101, 2-18-1011 AND"

3. Title, line 12.

Following: "2-18-1003"

Insert: "2-18-1012,"

4. Page 1, line 19.

Following: "through"

Strike: "6"

Insert: "8"

5. Page 1.

Following: line 19

Insert: "NEW SECTION. Section 2. Grievance appeal board --  
allocation -- composition -- qualifications -- quasi-judicial.

(1) There is a grievance appeals board.

(2) The board is allocated to the department of  
administration for administrative purposes only as provided in  
2-15-121.

(3) The board consists of three members.

(4) Members of the board shall be citizens of the state  
with expertise in the field of administrative law, personnel  
administration, or employee relations; no more than two members  
may belong to the same political party; no member may hold a  
position in a political party or be a candidate for an elected  
public office; and no member of the board may be a state  
employee.

(5) The board is designated a quasi-judicial board for  
purposes of 2-15-124."

Renumber: all subsequent sections

6. Page 1, line 21.

Following: "through"

Strike: "6"

Insert: "8"

7. Page 1.

Following: line 21

Insert: "(1) 'Board' means the grievance appeal board provided  
for in [section 2]."

(2) "Department" means the department of administration created in 2-15-1011."

Renumber: subsequent subsections

8. Page 3, line 3.

Following: "location,"

Insert: "allocation or reallocation of the employee's position to a class,"

9. Page 3.

Following: line 7

Insert: "(1) "Hearings officer" means an attorney at law or other individual trained in administrative procedure, with no personal interest in the grievance filed or other business of the grievant or operations of the agency, who is appointed by the board chairman to hear a grievance appeal filed pursuant to [sections 2 through 8].

10. Page 3.

Following: line 7

Strike: Section 3 in its entirety

11. Page 4.

Following: line 12

Strike: Section 4 in its entirety

12. Page 4.

Following: line 21

Strike: Section 5 in its entirety

Insert: "NEW SECTION. Section 4. Employee grievance appeal right. (1) Except as provided in subsection (2), an employee who has exhausted the agency grievance process or the classification review process before the agency is entitled to a hearing de novo on an appealable grievance before the board if the appeal is filed in accordance with the grievance appeal procedures specified in [sections 2 through 7].

(2) If a grievance for which an appeal may be taken under [sections 2 through 8] is covered by a collective bargaining agreement, the grievance must be resolved exclusively under the provisions of the collective bargaining agreement.

NEW SECTION. Section 5. Rulemaking authority. (1) The board may adopt procedural rules necessary to carry out the purposes of [sections 2 through 8].

NEW SECTION. Section 6. Filing a grievance. (1) A grievance appeal must be filed with the board within 10 working days of service of the department's decision on an appealable grievance involving allocation or reallocation of a position to a class and within 10 days of service of the final agency decision on any other appealable grievance.

(2) In the absence of an applicable agency grievance process, a grievance appeal, involving any appealable grievance except allocation or reallocation of a position to a class, must be filed with the board within 10 days of the date on

which the aggrieved act occurred or was made known to the grievant, whichever is later.

NEW SECTION. Section 7. Hearings procedure. (1) Upon receipt of an appeal, or in case of dispute regarding appealability, upon ruling that a grievance is appealable, the board chairman shall appoint a hearings officer to conduct an evidentiary hearing.

(2) An evidentiary hearing must be held within 8 calendar weeks of the date of appeal or date of decision regarding appealability if applicable and proposed findings of fact, conclusions of law, and a recommended order must be issued within 2 weeks of the hearing or submission of briefs, if any, whichever is later.

(3) The hearings officer shall uphold the department's decision on grievances involving allocation or reallocation of a position to a class, unless upon clear and convincing evidence, he is of the opinion the employee is aggrieved. Whenever different conclusions may fairly be reached from the facts, the hearings officer will defer to the expertise of the department.

(4) The hearings officer shall uphold the agency action on all other grievances, unless upon clear and convincing evidence, he is of the opinion that the agency acted without just cause, in violation of law, in retaliation for participation in or filing of a grievance or grievance appeal, or in violation of state or agency rules or written policies, which action resulted in substantial prejudice to the rights of the employee.

(5) The proposed decision is final and binding unless either party files written exceptions within 10 days after service.

NEW SECTION. Section 8. Review by full board -- remedy. (1) If either party files timely written exceptions, the board shall review the proposed findings of fact, conclusions of law, and recommended order as provided in 2-4-621 and issue a final decision within 8 weeks of receipt of the exceptions. The decision is final and binding subject to judicial review of contested cases as provided by Title 2, chapter 4, part 7.

(2) Whenever possible, the specific remedy should be left to the discretion of the department in the case of grievances involving allocation or reallocation of a position to a class or to the discretion of the agency in the case of all other grievances to insure compliance with the department's or agency's methods and procedures, and in this case an employee may file a motion for review of the remedy.

(3) Proceedings under [sections 6 and 7] may be discontinued at any time before a final decision by mutual consent of the parties.

(4) All proceedings under [sections 2 through 8] must be open to the public unless the presiding officer closes the meeting pursuant to 2-3-203.

(5) The board is not bound by common law and statutory rules of evidence.

Section 9. Section 2-18-101, MCA, is amended to read:

"2-18-101. Definitions. As used in parts 1 through 3 and ~~part-10~~ [sections 2 through 8] of this chapter, the following definitions apply:

(1) "Agency" means a department, board, commission, office, bureau, institution, or unit of state government recognized in the state budget.

(2) "Board" means the grievance appeal board of personnel appeals established in ~~2-15-1705~~ [section 2].

(3) "Class" means one or more positions substantially similar with respect to the kind or nature of duties performed, responsibility assumed, and level of difficulty so that the same descriptive title may be used to designate each position allocated to the class, similar qualifications may be required of persons appointed to the positions in the class, and the same pay rate or pay grade may be applied with equity.

(4) "Class specification" means a written descriptive statement of the duties and responsibilities characteristic of a class of positions and includes the education, experience, knowledge, skills, abilities, and qualifications necessary to perform the work of the class.

(5) "Compensation" means the annual or hourly wage or salary and includes the state contribution to group benefits under provision of 2-18-703.

(6) "Department" means the department of administration created in 2-15-1001.

(7) Except in 2-18-306, "employee" means any state employee other than an employee excepted under 2-18-103 or 2-18-104 from the statewide classification system.

(8) "Grade" means the number assigned to a pay range within a pay schedule in part 3 of this chapter.

(9) "Permanent position" means a position so designated on the appropriate agency list of authorized positions referenced in 2-18-206 and approved as such in the biennium budget.

(10) "Permanent status" means the state an employee attains after satisfactorily completing an appropriate probationary period in a permanent position.

(11) "Personal staff" means those positions occupied by employees appointed by the elected officials enumerated in Article VI, section 1, of the Montana constitution or by the public service commission as a whole.

(12) "Position" means a collection of duties and responsibilities currently assigned or delegated by competent authority, requiring the full-time, part-time, or intermittent employment of one person.

(13) "Program" means a combination of planned efforts to provide a service.

(14) "Seasonal position" means a position so designated on the appropriate agency list of authorized positions referenced in 2-18-206 and which is a permanent position but which is interrupted by the seasonal nature of the position.

(15) "Temporary position" means a position so designated on the appropriate agency list of authorized positions referenced in 2-18-206, created for a definite period of time not to exceed 9 months."

Section 10. Section 2-18-1011, MCA, is amended to read:

"2-18-1011. Classification or compensation grievance retaliation ~~---hearing on complaint---~~~~(1)---An employee or his representative affected by the operation of parts 1 through 3 of this chapter is entitled to file a complaint with the board of personnel appeals provided for in 2-15-1705 and to be heard under the provisions of a grievance procedure to be prescribed by the board.~~

~~(2)~~ (1) Direct or indirect interference, restraint, coercion, or retaliation by an employee's supervisor or the agency for which the employee works or by any other agency of state government against an employee because the employee has filed or attempted to file a complaint with the board shall also be basis for a complaint and shall entitle the employee to file a complaint with the board and to be heard under the provisions of the grievance procedure prescribed by the board.

~~(3)~~ (2) An action attempting to revise the class specifications of or series of class specifications involving an employee exercising a classification appeal right conferred by ~~2-18-1011 through 2-18-1013~~ in a way which would adversely affect the employee prior to final resolution or entry of a final order with respect thereto is presumed to be an interference, restraint, coercion, or retaliation prohibited by subsection (2) of this section unless such review was commenced or scheduled prior to filing of the appeal and was not prompted by the grievance appealed from. The presumption is rebuttable."

Renumber: subsequent sections

13. Page 5.

Following: line 4

Strike: Section 6 in its entirety

Renumber: subsequent sections

14. Page 6, line 11.

Following: "2-18-1003"

Insert: "2-18-1012,"

15. Page 6, line 16.

Following: "through"

Strike: "6"

Insert: "8"

- END -

WITNESS STATEMENT

NAME Linda Rickman BILL No. 309  
ADDRESS Helena DATE 1-26-83  
WHOM DO YOU REPRESENT Merit System Council  
SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_ AMEND ✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I have submitted a letter to  
the Committee on behalf of  
the Merit System Council,  
Norman Grosfield, Chairman.

Exhibit 2

UTICK, GROSFIELD & UDA

ATTORNEYS AT LAW  
Post Office Box 512  
Helena, Montana 59624-0512

ANDREW J. UTICK, P.S.C.  
NORMAN H. GROSFIELD, P.S.C.  
JOAN A. UDA

January 24, 1983

314 North Main Street  
Telephone (406) 443-7250

The Honorable Mel Williams, Chairman  
Labor and Employment Relations Committee  
Capitol Building  
Helena, Montana 59620

Re: House Bill No. 309

Dear Chairman Williams:

As chairman of the State Merit System Council, I am contacting you concerning House Bill No. 309. It is my understanding that the intent of H.B. 309 is to establish a uniform grievance procedure for state employees. In accomplishing its goal, the bill would, among other things, abolish the Merit System Council.

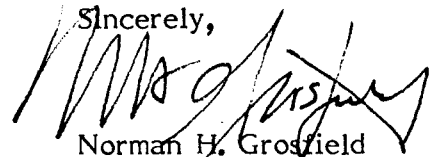
In June of 1982, the Merit System Council went on record as supporting a uniform grievance structure, and did not necessarily object to the abolishment of the statutorily created Merit System Council.

However, the Council, then and now, believes that State employees should have an independent board as the final administrative appeal for grievances. Thus, the Council urges that the current bill be amended to include a final administrative appeal to an independent board, made up of nongovernment employed individuals, so that State employees may have an independent review of a grievance. The Council believes this will provide an adequate remedy for employees who cannot resolve disputes through the internal individual department grievance procedure, and will avoid needless litigation in the courts, which litigation would certainly be more expensive for both the State and the grieved employee.

We urge the Committee's consideration of amending the current bill, by providing for a multi-member citizen board with the function of having the final administrative determination concerning employee grievances.

We appreciate the Committee's consideration of our thoughts on this matter.

Sincerely,



Norman H. Grosfield  
Attorney at Law

NHG/cak

pc: Karen Booker (Merit System Council Member)  
Lee Conwell (Merit System Council Member)  
✓ Linda Rickman  
Dennis Taylor

## WITNESS STATEMENT

NAME

*Tom Schneider*

BILL No.

*309*

ADDRESS

*Box 716 Helena*

DATE

*1/26/83*

WHOM DO YOU REPRESENT

*MPHA*

SUPPORT

OPPOSE

*X*

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*MPHA would support HB 309 if a board is included to administer the grievance process. We would only support if the board was the present Board of Personnel appeals —*

*Board was established "as its name implies" to hear employees appeals. The current staff has 8 years of experience with classification issues.*

*Why a new board when we already have one?*



Highways & Ferries have them because  
they were part of the law under  
the Commission of both before  
re-organization —

VISITORS' REGISTER  
LABOR AND  
HOUSE EMPLOYMENT RELATIONS COMMITTEE

BILL HB 330

Date 1/26 at 7 p.m.

SPONSOR      BARDANOUE

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME LoRoy H. Schramm BILL No. 330  
ADDRESS 1000 9th Ave. DATE 1-26-83  
WHOM DO YOU REPRESENT Personnel + Labor Relation Study Comm  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARYZIP CODE 59624  
406/442-1708FACT SHEET ON JAMES W. MURRY'S TESTIMONY  
IN OPPOSITION TO HOUSE BILL 330  
JANUARY 26, 1983

## WHAT THE BILL DOES:

It requires the Department of Labor and Industry to defer to the Board of Personnel Appeals or the National Labor Relations Board for a determination of whether the employer of an applicant for unemployment benefits committed an unfair labor practice resulting in a labor dispute work stoppage. THE MONTANA STATE AFL-CIO OPPOSES THIS LEGISLATION BECAUSE IT REMOVES THE CURRENT RIGHT OF THE BOARD OF LABOR APPEALS TO MAKE AN UNFAIR LABOR PRACTICE DETERMINATION AS IT RELATES TO UNEMPLOYMENT COMPENSATION CASES.

## WHY THE BILL WAS REQUESTED BY THE PERSONNEL AND LABOR RELATIONS STUDY COMMISSION:

A situation over the last few years brought about a conflict between the Board of Personnel Appeals and the Board of Labor Appeals regarding jurisdiction over unfair labor practices. Here is what happened:

1. In February of 1979, state employees went out on strike at Boulder River School and Hospital, Galen State Hospital, the Montana State Prison, and the Registrar's Office of Motor Vehicles.
2. Just prior to the strike, AFSCME filed an unfair labor practice against the state.
3. Shortly after the strike began, the state brought in the National Guard who began working in these state institutions.
4. In February 1979, the strikers began applying for unemployment insurance compensation. Their unemployment benefits were denied by the claims division of the Employment Security Division of the Department of Labor and Industry, as it was held that there had been a "stoppage of work." AFSCME then appealed that decision.
5. Hearings Officer Robert Chilton held a hearing on the denial of UI benefits in May 1979. Chilton held off issuing a decision, apparently waiting for the Board of Personnel Appeals to rule on the unfair labor practice charge. Finally he ruled in September of 1981 that there had been a stoppage of work, and so the strikers were disqualified and again denied benefits.
6. Meanwhile, in July 1981, a hearings officer for the Board of Personnel Appeals, Pat Hooks, finally heard the unfair labor practice charges. He did not make a ruling until January 1982. At that time he held that the state was guilty of an unfair labor practice because they did not open pre-budgetary negotiations in a timely fashion. He ruled that the strike was for economic reasons and not due to the unfair labor practice.

7. Meanwhile, AFSCME had appealed the unemployment insurance decision to the Board of Labor Appeals in October 1981.

8. In February 1982, the Board of Labor Appeals ruled that there had been no stoppage of work at the institutions and further held that the board had the right to rule on unfair labor practices, only as they relate to unemployment insurance compensation. Montana law states that:

"39-51-2305. Disqualification when unemployment due to stoppage of work.

(1) Effective April 1, 1977, an individual shall be disqualified for benefits for any week with respect to which the Division finds that his total unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the Division that:

. . . . (3) If the Division, upon investigation, shall find that such labor dispute is caused by the failure or refusal of any employer to conform to the provisions of any law of the state wherein the labor dispute occurs or of the United States pertaining to collective bargaining, hours, wages, or other conditions of work, such labor dispute shall not render the workers ineligible for benefits."

9. The state did not agree that the Board of Labor Appeals has this right, and appealed the matter to state district court. Judge Gordon Bennett upheld the right of the Board of Labor Appeals to rule on unfair labor practices again as they relate to unemployment insurance. So, after three years, the workers finally received the unemployment insurance compensation which was rightfully due them.

#### WHY THE MONTANA STATE AFL-CIO OPPOSES HOUSE BILL 330:

We believe that the Board of Labor Appeals must continue to make judgements on unfair labor practices as they relate to unemployment insurance compensation. This provides a safeguard to unemployed Montana workers, who should be able to receive unemployment insurance benefits to which they are entitled as expeditiously as possible. This is in keeping with Section 303(a)(1) of the Social Security Act which requires a method of administration "reasonably calculated to insure full payment of unemployment compensation when due." This section was also cited in the Java decision of the U.S. Supreme Court made in April 1971.

It was totally unjust that these employees had to wait three years before receiving the unemployment insurance benefits which were due to them.

We also believe that the knowledge that the Board of Labor Appeals has the authority to make such decisions will serve as an incentive to the Board of Personnel Appeals and the Unemployment Insurance Division to hold hearings and to make decisions in a timely manner, instead of letting these appeals drag out for several years.

VISITOR'S REGISTER  
LABOR AND  
HOUSE EMPLOYMENT RELATIONS COMMITTEE

BILL HB 300

DATE 1/26

SPONSOR FARRIS

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Dick Kane	Helena	Labor Standards Div		
Joe Mayes	Helena	Local 400 TUCU	X	
John L. Schen	COT. FARRIS	ROBBIE'S REST		
Harry Flaherty	Helena	Women's Lobbyist	X	
Celester Lake	" "	" " Fund	X	
Cara Seiber	Helena	Self		
Shelton	Helena	Self		
Poland Pratt	Helena	MT Restaurant Assoc		
Kelly Swanson	Helena	Self	X	
Kathleen van der	Helena	Self	X	
Joe Ross	Butte	Teamsters	X	
R. J. Hollingsworth	Butte	Teamsters	X	
JOE LAMSON	HELENA	MT. DEMOCRATIC PARTY	X	
Joe O'Toole	MSIA	MSLB CHAMBER		
Bob Ream	HD 93 Missoula	L.I.G.H.T.	X	
R. Madigan	Helena	AFSCME	X	
Dave Brown	Butte	Reg. - Dist 83	X	
Thomas Novak	Helena	AFSCME	X	
Julie Forester	Missoula	ASUM	X	

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

SUGGESTED AMENDMENTS TO HB 300

1. Page 1, line 19.

Following: "~~thereafter~~"

Insert: "(a) at least \$3.05 an hour after June 30, 1983;  
(b) "

2. Page 1, line 19.

Strike: "July"

Insert: "January"

3. Page 1, line 20.

Strike: "1983"

Insert: "1984"

# WOMEN'S LOBBYIST FUND

Box 1099  
Helena, MT 59624  
449-7917



TESTIMONY BY CELINDA C. LAKE, WOMEN'S LOBBYIST FUND, HOUSE LABOR AND EMPLOYMENT COMMITTEE, JANUARY 26, 1982, IN SUPPORT OF HB 300

The women's lobbyist fund strongly urges your support of HB 300. Minimum wage is a women's issue and for most women working for minimum wage, it is an issue of real economic need for themselves and their children. Department of Labor figures show that 67% of the people making minimum wage are women -- many of whom are single parent heads of families. The fastest growing sector of working poor in this country are these families -- headed by women -- over 2/3 of which do not receive child support.

Minimum wage in Montana is currently \$2.75 per hour. At this rate, women who are trying to support their families in low paying, minimum wage jobs would only make \$5720 per year or \$2040 below the poverty level for a family of three.

The real situation that women face in Montana is that they can not live on current minimum wage and they can not feed their families on this wage. The issue of minimum wage for women and their families is one of keeping people out of poverty and off welfare. With 16% of families headed by women and 2/3 of working women doing so to provide basic necessities for themselves and their families, minimum wage levels are of critical economic importance to women. We can not ignore that women are segregated and concentrated in "women's jobs" which tend to be low-paying, non-unionized, minimum wage jobs.

While we have had increases in minimum wage in this state in past sessions, these increases have not kept up with inflation nor with increases in the average yearly wage. State minimum wage levels are important in this state because of the high proportion of Montana's labor force which works in businesses which are not covered by federal minimum wage -- 33% which is 11% above the national average.

Minimum wage then is a basic economic issue for women in Montana. The people who are making minimum wage are women many of whom are struggling to raise their families on the income they bring home from low-paying jobs. In this context we are asking for an increase which would only raise minimum wage to the federal level and which many businesses are paying now. We urge your support of HB 300.



# WOMEN'S LOBBYIST FUND

Box 1099  
Helena, MT 59624  
449-7917



Exhibit 6

## FACT SHEET FOR MINIMUM WAGE -- WOMEN'S LOBBYIST FUND

Minimum wage in Montana is currently \$2.75. We are proposing raising the state's minimum wage to \$3.35 per hour to coincide with the federal minimum wage.

### I. MINIMUM WAGE IS A WOMEN'S ISSUE

According to Department of Labor statistics, 67% of those making minimum wage are women -- many of whom are single parent heads of their families.

In addition 70% of low wage earners in general are family heads and 30% of low wage earners are families below the poverty level.

Minimum wage is a critical economic issue for women and their families because women are concentrated in low-paying, hourly jobs. 80% of the jobs women hold are primarily "women's jobs".

### II. MINIMUM WAGE IS AN ISSUE OF POVERTY

For women minimum wage is an issue of poverty. According to the National Advisory Council on Economic Opportunity's report, Critical Choices for the 1980's, "the feminization of poverty has become one of the most compelling facts of the decade...All other things being equal, if the proportion of the poor who are in female-headed households were to increase at the same rate as it did from 1967-77, they would comprise 100% of the poverty population by about the year 2000..."

The fastest growing sector of the working poor are women who are single parent heads of their families. According to a Department of Labor women's bureau study, women represent 63% of all persons below the poverty level who were 16 and over. Women are also heading an increasing number of families. In March, 1982, 16% of American families were headed by women with almost 2/3 receiving no child support.

The poverty level for a family of three is \$7760. Even with a minimum wage of \$2.75, a full time working mother can only bring home \$5720 -- \$2040 below the poverty level for her family. If this family spends one fourth of their income on food -- the level recommended by the Department of Health and Human Services -- that would amount to less than \$1 per day per family member.

Married women, also, are working at minimum wage because of the economic needs of their families. Two thirds (66%) of all women in the labor force in March, 1982, were single (25%), widowed (5%), divorced (11%), or separated (4%), or had husbands whose earnings in 1981 were less than \$15,000 (21%).

### III. INCREASING MINIMUM WAGE IS AN ISSUE OF KEEPING UP WITH INFLATION

Non-farm average yearly wage has increased since 1975 at one and one half the rate that minimum wage has increased in Montana. Even if Montana's minimum wage increases to \$3.35, it would not have kept up with the inflation rate. With

Ithy A. van Hook  
President

Sib Clack  
Vice President

Connie Flaherty-Erickson  
Treasurer

Celinda C. Lake  
Lobbyist

Stacy A. Flaherty  
Lobbyist

this increase, then the real purchasing power of families living on minimum wage will remain only what it was at the end of the 70's. Without this increase many families will face increasingly severe economic hardship.

Furthermore the cost of living in Montana's cities is no lower than the national average according to a 1980 report issued by the American Chamber of Commerce.

#### IV MINIMUM WAGE IS NOT AN ISSUE OF EMPLOYMENT

The argument used against raising minimum wage is that it will lead to laying off workers. According to a series of studies, this is not the case. A typical finding, for example, from a study done by Al-Salam, Quester, and Welch reported that change in the minimum wage reduced employment in affected firms by less than 0.4% and had a positive effect on quit rates.

#### V MINIMUM WAGE IS IMPORTANT FOR MONTANA

The state minimum wage level is particularly important in Montana because 33% of our non-supervisory employees including sales personnel are not eligible for the federal minimum wage -- 11% more than the national average. This is the second highest proportion in the Rocky Mountain Region.

TESTIMONY BY KATHY A. VAN HOOK, HELENA BUSINESSWOMAN, ON JANUARY 26, 1983 BEFORE THE LABOR AND EMPLOYMENT RELATIONS COMMITTEE.

Mr. Chairman, I am testifying in favor of HB 300. I am testifying as a small businesswoman. I am part-owner and co-manager of a retail business in Helena that grosses less than \$362,500 per year. This means that we are not required to pay federal minimum wage. We do, however, start inexperienced employees at over the federal minimum wage. In these difficult economic times for small businesses I can directly relate to the need for keeping costs down, but I do not believe that over the long haul employers save money by paying employees \$2.75 an hour. The rate of pay a person receives is an indication to that person of their value to their employer. Equal only to an employer's working relationship with employees, pay is critical to employee morale, productivity, longevity, commitment and attitude. One of the reasons we have survived in a business barely over three years old is that we have low turnover, good morale, low absenteeism and people who have a commitment to working with us to making our business successful.

Even employees who earn federal minimum wage are over \$700 below poverty level but it is better than over \$2,000 a year below poverty level. \$1,300 can buy a lot of groceries.

It also appears unfair that two businesses, side by side, whose sales differ by \$500 per year can be subject to minimum wage that differs by \$.60 per hour.

## WITNESS STATEMENT

NAME Kelley Halvorson BILL No. HB 300  
 ADDRESS 218 Broadway DATE 1-26-83  
 WHOM DO YOU REPRESENT Self  
 SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## Comments:

As a young & relatively unskilled woman, most job opportunities fall in the "small business" category. These jobs are largely low wage, with the starting wage well under federal minimum wage. I have personally found that women predominate as employees in these business, doing sales, clerical, & secretarial work (and earning 59¢ for every dollar a man earns).

Case in point: My job at Capital Answering Service began in 1980, at which time the state minimum wage was \$2.35/hour, receiving a raise of 10¢ after 3 months. I stayed with this business for 2 years the last year of which I earned \$2.80 per hour, as supervisor.

My situation was no different from the 12 other women working there, also of relatively unskilled,

earning a few cents more or less than  
I. When we, as a group, complained  
about the chronically low wage, my  
employer claimed his small business  
could not afford raises, because of  
inflation, etc, all the while quietly  
in the process of purchasing computer  
equipment, costing over \$100,000 dollars.  
Yet he "couldn't afford" 25¢ raises  
across the board.

As you may guess, Capital Answering  
Service had extremely high employee  
turnover, few lasting over 6 months.  
My employer admittedly refused to hire  
men, largely, I believe, because men  
refuse to work for so little.

In 1980, while ~~with~~ netting  
less than \$450/month, I paid  
\$225/month for rent, \$50-\$125/month  
in utilities, yet my gross income  
was too much for state or federal  
assistance. So for food & clothing  
I had \$50-\$100 for little incidentals  
like food, clothing, and medical costs.  
Though working full-time I was  
literally in poverty. If I had made  
the federal minimum wage, though still  
under poverty level, my existence may  
have been a little easier.



Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARY

ZIP CODE 59624  
406/442-1708

TESTIMONY ON HOUSE BILL 300, HEARINGS OF THE HOUSE LABOR AND EMPLOYMENT RELATIONS  
COMMITTEE, JANUARY 26, 1983

-----

I am Jim Murry, representing the Montana State AFL-CIO in support of House Bill 300 which would raise Montana's minimum wage to the federal minimum wage level.

Union members are not affected by minimum wage laws directly, but we believe that all Montanans should be concerned about those who earn minimum wage; the working poor. Organized labor has traditionally supported good working conditions and wages for all workers, not just union members.

A blue ribbon commission established by the Congress in 1977 spent three years studying minimum wage issues. According to the Minimum Wage Study Commission, it is a popular misconception that most workers receiving minimum wage are teenagers. In 1980, 10.6 million workers held jobs at or below federal minimum wage and 69% of them were not teenagers. What was true then is very likely more so now, with the economy in dire straits and unemployment rates higher than ever. Laid off workers who have families to support are finding minimum wage jobs are the best available, if any jobs at all are available.

The \$3.35 minimum wage proposed by this bill will still only provide \$134 for a 40-hour week. That may mean \$6,968 for a year, before taxes, to support a family.

People who receive minimum wage have nothing left to put into savings. Their earnings directly pay for rent, food, clothing and other necessities, so what ever increase is made in the minimum wage will circulate almost immediately through the economy, stimulating other businesses while helping create more employment.

Very often, those who work for minimum wage are unaffiliated, low-paid workers with few skills, in dead end jobs and little or no chance for advancement. Again, with unemployment in Montana at 9.6%, with over 37,000 people out of work, few other jobs are available, so more and more family breadwinners are dependent on the incremental increases granted by the legislature as their only weapon against economic devastation.

Minimum wage workers bear a disproportionate share of the burden of hard economic times. Please vote to grant this critically necessary increase of the state minimum wage.

Thank you.

# International Union of Operating Engineers

LOCAL 400

Affiliated with AFL-CIO

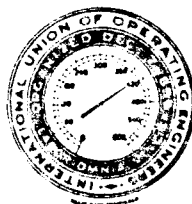
Montana

JOHN SLATTERY  
President

D. F. "DAVE" JOHNSTON  
Vice President

LOUIS LAYMAN  
Treasurer

RALPH REID  
Rec. Corres. Secretary



BILL BURLINGAME  
Business Manager &  
Financial Secretary

HEADQUARTERS  
2717 Airport Road  
Helena, Montana 59601  
Telephone: (406) 442-9597

## TESTIMONY ON HOUSE BILL 300, BEFORE THE HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE JANUARY 26, 1983

I am Jim Mayes of Operating Engineers Local 400, speaking in support of the increase in minimum wage that would be provided by House Bill 300.

As you know, the members of my union and other union members do not work for minimum wage, but that does not preclude our concern for those who do. All Montanans should be able to earn a decent living, and \$110 a week under the current minimum wage law can hardly provide an adequate standard of living, especially for workers who have families to support.

Raising the minimum wage will not only provide the most destitute workers with slightly higher earnings, but will also increase consumption and demand, which will result in a healthier economy.

Over 37,000 people are out of work in Montana, so many laid off workers who have families to support have no choice but to support those families with either unemployment benefits, minimum wage jobs, if those jobs are even available, or often times the minimum wage jobs of their spouses.

We ask your support of House Bill 300.



WITNESS STATEMENT

NAME Bob Ream BILL No. HB 300  
ADDRESS House District 93 DATE 1/26/83  
WHOM DO YOU REPRESENT Low Income Group For Humane Treatment - Missoula  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am testifying on behalf of  
Ms. Virginia Jellison of L.I.G.H.T, in  
Missoula. They would like to go  
on record strongly in favor  
of H. B. 300.

# STANDING COMMITTEE REPORT

February 3, 1983

## SPEAKER:

MR. ....

## LABOR AND EMPLOYMENT RELATIONS

We, your committee on .....

having had under consideration ..... HOUSE Bill No. 300

First white  
reading copy ( )

A BILL FOR AN ACT ENTITLED: <sup>color</sup> "AN ACT TO RAISE THE STATE MINIMUM WAGE TO  
THE FEDERAL MINIMUM WAGE LEVEL; AMENDING SECTION 39-3-404, MCA;  
AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That ..... HOUSE Bill No. 300  
be amended as follows:

1. Page 1, line 19.  
Following: "thereafter"  
Insert: "(a) at least \$3.05 an hour after June 30, 1983;  
(b)"

2. Page 1, line 19.  
Strike: "July"  
Insert: "January"

3. Page 1, line 20.  
Strike: "1983"  
Insert: "1984"

## AND AS AMENDED

DO-PASS-

# STANDING COMMITTEE REPORT

Page 1 of 4

FEBRUARY 17,

19 83

MR. **SPEAKER**

We, your committee on **LABOR AND EMPLOYMENT RELATIONS**

having had under consideration **HOUSE** Bill No. **309**

first reading copy (white)

**"AN ACT TO ESTABLISH A UNIFORM GRIEVANCE PROCESS FOR STATE EMPLOYEES; TO DISCONTINUE EMPLOYEE GRIEVANCE APPEAL FUNCTIONS OF THE BOARD OF PERSONNEL APPEALS FOR THE DEPARTMENTS OF HIGHWAYS AND FISH, WILDLIFE, AND PARKS; TO DISCONTINUE THE MERIT SYSTEM COUNCIL; AMENDING SECTION 87-1-403, MCA; REPEALING SECTIONS 2-15-1006, 2-18-105, 2-18-1001 THROUGH 2-18-1003, AND 87-1-205, MCA; AND PROVIDING AN EFFECTIVE DATE?"**

Respectfully report as follows: That **HOUSE** Bill No. **309**  
**be amended as follows:**

1. Title, line 7. through line 10.

Following: "FOR"

Insert: "CERTAIN"

Following: "EMPLOYEES;"

Strike: "TO DISCONTINUE" on line 7 through "PARKS;" On line 10.

2. Title, line 11.

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS 2-18-1001 THROUGH 2-18-1003, AND"

3. Title, line 12.

Following: "2-18-105,"

Strike: "2-18-1001 THROUGH 2-18-1003,"

**XXXXX**

**INTENT STATEMENT ATTACHED**

February 17,

19 83

4. Page 1, line 16.

Strike: all of the bill following the enacting clause

Insert: "Section 1. Section 2-18-1001 is amended to read:

"2-18-1001. Highway-department-personnel-grievances Grievance procedure - hearing - exclusions - rules. (1) Unless otherwise provide by law, An an employee of the department of highways aggrieved by a serious matter of his employment based upon work conditions, supervision, or the result of an administrative action and who has exhausted a state executive branch agency who has been employed by the state at least six calendar months and who has been terminated, demoted, suspended or laid off for more than 40 working hours, transferred to another geographical location involuntarily, or reprimanded in writing, after exhaustion of all other internal agency administrative remedies is entitled to a hearing on the matter before the board of personnel appeals, under the provisions of a grievance procedure to be prescribed by the board, for resolution of the grievance.

(2) Direct or indirect interference, restraint, coercion, or retaliation by an employee's supervisor or the department of highways employing agency against an aggrieved employee because the employee has filed or attempted to file a grievance with the board shall is also be basis for a grievance and shall entitles the employee to a hearing before the board for rasolution.

(3) The procedure for handling grievances must be designed so that a final decision is made no later than 90 days following the filing of the grievance, except that this time may be extended by mutual agreement of the agency and the grievant.

(4) Employees holding the positions covered by sections 2-18-103 and 2-18-104 are excluded from the provisions of this section.

(5) The board of personnel appeals may adopt procedural rules for handling employee grievances."

Section 2. Section 2-18-1002 is amended to read:

"2-18-1002. Grievance-procedure---hearing Board of personnel appeals to hear grievances - evidence - order. (1) The board of personnel appeals provided for in 2-18-1703 shall hear grievances of personnel of the department of highways filed under 2-18-1001.

(2) If upon the preponderance of the evidence taken at the hearing the board is of the opinion that the employee is aggrieved, it may issue an order to the department of highways employing agency requiring such action of the department agency as will resolve the employee's grievance. Upon a showing by the affected agency that the board's order will unreasonably interfere with the agency's statutory responsibilities, the board shall reconsider its action.

(3) In any hearing the board is not bound by statutory or common-law rules of evidence."

February 17

19 83

Section 3. Section 2-18-1003 is amended to read:

"2-18-1003. Enforcement Judicial review of board order - petition in district court - costs and fees. (1) The board, the affected state agency, or the aggrieved employee may petition for the enforcement review of the board's order and for appropriate temporary relief and shall file in the district court the record of the proceedings. Upon the filing of the petition, the district court shall have jurisdiction of the proceeding. Thereafter, the district court shall set the matter for hearing. After the hearing, the district court shall issue its order granting such temporary or permanent relief as it considers just and proper. No objection that has not been raised before the board shall may be considered by the court unless the failure or neglect to raise the objection is excused because of extraordinary circumstances. The findings of the board with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(2) The court may grant costs and attorney's fees to the prevailing party.

NEW SECTION. Section 4. Grievance procedure and negotiated procedure mutually exclusive. Nothing in sections 2-18-1001 through 2-18-1003 limits the rights of exclusive representatives and employers under 39-31-310, except that no grievance may be pursued under section 2-18-1001 through 2-18-1003 and the procedures negotiated by an exclusive representative. The filing of a grievance under one procedure constitutes a waiver of the right to pursue the matter under the other procedure. However, after filing and upon mutual agreement of all parties, a grievance may be transferred from one process to the other.

Section 5. Section 87-1-403, MCA, is amended to read:

"87-1-403. Regulation of employees by director. (1) ~~The director may suspend without pay, reduce in rank, or remove any employee at any time for cause, providing that any person who has been continuously employed for 1 year or more immediately preceding any suspension or discharge may demand and receive a hearing before the department on the charges filed. The action of the department resulting from such a hearing constitutes final administrative action for purposes of filing a grievance with the board of personnel appeals as provided in 87-1-205.~~

(2) The director shall rate all employees on the basis of merit and efficiency in accordance with rules adopted by the department to secure a proper rating of each person employed. The salaries of employees shall be fixed by the department, and travel expenses as provided for in 2-18-501 through 2-18-503, as amended, shall be allowed employees while upon official business away from designated headquarters."

February 17, 1983

**NEW SECTION. Section 6. Repealer. Sections 2-15-1006, 2-18-103, and 87-1-203, MCA, are repealed.**

**NEW SECTION. Section 7. Codification instruction. Sections 1 through 6 are intended to be codified as a part of Title 2, chapter 18, part 10, and definitions of 2-18-101 apply to sections 1 through 4.**

**NEW SECTION. Section 8. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.**

**NEW SECTION. Section 9. Effective date. This act is effective on July 1, 1983."**

**AND AS AMENDED**  
**DO PASS**

**STATEMENT OF INTENT ATTACHED**

.....J. MELVIN WILLIAMSON.....  
Chairman.

MR. SPEAKER:

WE, YOUR COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS, HAVING UNDER CONSIDERATION HOUSE BILL 309, FIRST READING COPY (WHITE), ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT  
HOUSE BILL 309

It is the intent of the legislature that when the Board of Personnel Appeals adopts rules to implement HB 309, that it review the present rules for the Departments of Highways and Fish, Wildlife, and Parks and determine the extent to which those rules may be applicable to all state employees. It is further the intent of the legislature that the rules be adopted to provide timely and efficient proceedings while otherwise assuring that employees receive procedural due process and fairness throughout.

# STANDING COMMITTEE REPORT

January 31,

83

19.....

## **SPEAKER:**

MR. ....

## **LABOR AND EMPLOYMENT RELATIONS**

We, your committee on .....

having had under consideration ..... **HOUSE** Bill No. **330**

**First** reading copy ( **white** )  
color

**A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF  
LABOR AND INDUSTRY TO DEFER TO THE BOARD OF PERSONNEL APPEALS OR  
THE NATIONAL LABOR RELATIONS BOARD FOR A DETERMINATION OF WHETHER THE  
EMPLOYER OF AN APPLICANT FOR UNEMPLOYMENT BENEFITS COMMITTED AN  
UNFAIR LABOR PRACTICE RESULTING IN A LABOR DISPUTE WORK STOPPAGE  
AND THE APPLICANT'S UNEMPLOYMENT FOR PURPOSES OF DECIDING WHETHER  
THE APPLICANT IS ENTITLED TO BENEFITS; AMENDING SECTION 39-51-2305,  
MCA."**

Respectfully report as follows: That..... **HOUSE** Bill No. **330**

**DO NOT PASS**

**XXXXX**  
**DO PASS**

..... **MEL WILLIAMS** .....

Chairman.

STATE PUB. CO.  
Helena, Mont.

COMMITTEE SECRETARY