

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE MINUTES
February 17, 1983

The House Labor and Employment Relations Committee convened at 12 p.m. on February 17, 1983, in Room 224K of the State Capitol with Chairman Williams presiding and all members present except Rep. Seifert, who was excused. Chairman Williams opened the meeting to an executive session on the following bills:

EXECUTIVE SESSION

HOUSE BILLS 281 and 603 Rep. Dozier, chairman of the sub-committee that worked on these bills, said their original intent was to put one bill into the other and eliminate one. But, he said, the firefighters bill, 603, is a much cleaner bill and they felt it should stand on its own. He said the local government wanted its own bill and with the amendments to be suggested it would also be cleaned up and ready to go. He said HB 281 will allow public employers to negotiate with their employees to work something other than five 8-hour shifts. He said if they belong to a collective bargaining unit they will deal with it through that.

Rep. Dozier went through the bill showing what needed to be amended to remove firefighters from the bill. Rep. Harper moved to strike all references to firefighters from HB 281. This motion carried unanimously with those present, absent was Rep. Seifert.

Rep. Dozier passed copies of two sets of amendments to the members, Exhibit 1 and Exhibit 2 of the minutes.

Chairman Williams left to attend a Senate hearing and Vice-Chairman Dozier assumed the chair.

Rep. Miller moved the two sets of amendments with the researcher, Woody Wright, instructed to clean them up. This motion carried unanimously with those present.

Rep. Harper moved AND AS AMENDED DO PASS. This motion carried with Rep. Driscoll voting no and absent is Rep. Seifert. A yes vote was left by Chairman Williams.

Copies of the amendments for HB 603 were passed to the members, Exhibit 3. Rep. Miller moved the amendments be adopted and this motion carried unanimously with those present (Rep. Seifert, absent). Chairman Williams had left a yes vote.

Rep. Smith moved HB 603 AS AMENDED DO PASS. This motion carried unanimously with all present (same absent). Chairman Williams had left a yes vote.

Vice-Chairman Dozier closed the executive session and opened the meeting to a hearing on HB 749.

HOUSE BILL 749

REPRESENTATIVE ANDREA HEMSTAD, District 40, said this was a bill providing for job sharing in state personnel positions. She said the purpose of the bill is to provide policy direction to the administration. She said this would mean having two or more persons covering one job that is considered a permanent position. She said job sharing is to be used to the extent practicable to encourage productivity. She said it is to be actively pursued but must not replace people who wish to remain full time employees. She said the legislative fiscal analyst is to report results to the legislature next session. She said the value of job sharing is two fold. The worker is able to concentrate their time and energy for a reduced period of time and there is a wider variety of people. She said a combination of these two will result in greater services for the state's dollar. She said where this has been promoted there has been better morale and less burnout. Rep. Hemstad passed to the members the testimony sheet from CELINDA C. LAKE, Women's Lobbyist Fund, a copy of which is Exhibit 4.

JEANNE F. COWLEY, ICCW, spoke in support and a copy of her testimony is Exhibit 5 of the minutes.

EILEEN ROBBINS, Montana Nurses Association, said they do share a concern voiced by the ICCW in that it should be at the option of the employee and not the employer to job share as many have to work a full week.

ROD SUNDSTED, Department of Administration, said they support job sharing. He said they do have a concern with the benefits part of the bill. This is on page 5, line 25. He questioned the pro rata basis. He said presently permanent part-time employees who work 20 or more hours receive full benefits and he felt this should be consistent for job-sharing employees. If they work less than 20 hours there are no benefits paid.

PAT MCKITTRICK, Teamsters, said they generally support the concept of this bill. He said it should be optional on the part of the employee. He said it should be considered in collective bargaining agreements.

There were no opponents.

REPRESENTATIVE HEMSTAD closed. She said she was in agreement with comments made and with suggested amendments.

Questions were asked by the committee.

Rep. Ellerd asked if this would be primarily used by women and what the increased cost would be. Rep. Hemstad said there is no fiscal note as there should be no additional cost.

Mr. Sundsted responded to a question that he felt the benefits should be consistent. He said as the bill is written they would have to treat part-time and job sharing separately.

Vice-Chairman Dozier closed the hearing on this bill and Chairman Williams having returned resumed the chair and opened the hearing on HB 756.

HOUSE BILL 756

REPRESENTATIVE STEVE WALDRON, District 97, chief sponsor, said this bill was described as a lawyers' bill. He said this provides for expanding the remedies available to a worker when they are injured while working for an uninsured employer. He said it also increases the liability of an employer to the uninsured fund. He said the fund is insolvent now. He went through the bill discussing the changes.

WAYNE BOGGS, Attorney from Missoula, felt the bill was highly important. He said right now they have a situation where an employer is operating illegally by not carrying workman's compensation in any form. He said if the employee is killed, the widow will very likely get nothing and that is why the bill is necessary. He said under current law there are two remedies for the widow: 1) she can elect to claim on the uninsured fund, or 2) she can sue the uninsured employer in a standard negative action. He said the first remedy is no good because the fund has no money, and quite likely the second will be no more fruitful. He said the bill does two things. It allows an injured employee to primarily go against that employer and that is important. The employee should have a recovery and the person who prevented that is the one at fault and should be sued. He said the employer usually knows they are operating illegally as some find it too expensive and so simply don't carry it. If they don't carry it, an injured person might be left out in the cold. He said the uninsured fund, if it comes into some money, would be the place of last resort for the injured employee. He said the worker would come to it only if the employer is proved to have nothing. He said this bill places the responsibility directly where it should be placed - not on the state - not on the taxpayer - but on the group of individuals who are operating illegally and know it.

JAN VAN RIPER, Division of Workers' Compensation, said they support the bill because it clarifies existing remedies and adds new language against an uninsured employer. She said it does in fact correct an unfair situation where a claimant finds their employer is uninsured and have to elect within a one-year period to sue the fund or sue the employer. She said often times this puts them at a disadvantage as they have difficulty assessing how successful a suit will be against the uninsured employer. She said she would like to point out that this is not a solution to the funding of the uninsured fund now as most of the uninsured do not have assets. She said this would only remedy a situation where the employer did have some assets. She said there were some minor problems with the bill which she said she would bring up at a later date if the committee would so choose. She said one thing she would like to point out is on page 6, line 4, to insert "negligent" before "failure." She said this is to protect employers that are uninsured by an honest mistake.

KARLA GRAY, Montana Trial Lawyers Association, said they support the bill for the reasons given.

KEITH OLSON, Montana Logging Association, said when he read the bill he thought he understood it but listening to the attorney involvement he wasn't so sure. He said he had long suggested that uninsured employers should be executed as they create a hardship for all. He said they have an unfair competitive advantage when they figure a contract. He said the charge is \$19.55 for every \$100 of payroll in the logging industry. He said what is needed is a remedy that will do away with the need of an uninsured fund. He said the bill also clarifies the independent status which is important in terms of the uninsured fund. He said he still is somewhat confused. He said as he sees it the intent of the bill is to have the responsibility fall on the one who is at fault while taking care of the injured employee and not just their attorney fees.

PAT MCKITTRICK, Joint Council of Teamsters, said some relief is needed in this area. He said the Department of Labor should be sufficiently funded and staffed so they can go out and enforce this law prior to the time some worker is injured or killed. He said this would prevent a drain on the uninsured fund.

JOHN HOLLOW, Montana Homebuilders, said for reasons stated by Keith Olson they support the bill.

There were no opponents.

REPRESENTATIVE WALDRON closed. He said he agreed with the Division that this is not a remedy for the uninsured fund. He said we should fund that fund. He agreed with the amendment of including "negligent" on line 4, page 6.

Questions were asked by the committee.

Rep. Smith expressed a concern that they would be just taking on a bunch of attorney fees. Mr. Boggs said he understood the concern. He said the whole point of the bill is to protect the fund assuming it is to be funded. This is to encourage the injured man to go after the employer first.

Chairman Williams closed the hearing on this bill and opened the hearing on HB 777.

HOUSE BILL 777

REPRESENTATIVE STEVE WALDRON, District 97, chief sponsor, said this is an easy bill as all it requires is that the employer supply the employee with safety equipment and bear the cost of the safety equipment. He said some employers do this and some pay for part of it, and some sell the employees the equipment at wholesale prices, and some don't care and the employee must furnish his own. Rep. Waldron said if the safety equipment is required, the employer should pay for it.

DON JUDGE, Montana State AFL-CIO, spoke in support and a copy of his testimony is Exhibit 6.

LARRY PERSINGER, Laborer's Union #1334, spoke in support and a copy of his testimony is Exhibit 7.

JIM MAYES, Local 400, IUOE, said they would like to go on record as supporting the bill.

JOHN WHISTON, Missoula, Logging Wood Products 3038, spoke in support. He said some mills give you a hard hat. He said in the mill where he works they are required to wear double thickness leather gloves and they are required to purchase these gloves on their own. He said it costs them \$200-\$300 a year for gloves. He said because of this cost some do not use this kind and so get splinters driven into their hands. He said ear protection is needed and many mills do not provide ear plugs. He said this bill will take some money from the employer's pocket for the purchase of equipment but it will also save him workmen's comp in the long run. He felt this bill would make for a safer workplace for workers and also be more economical and efficient.

DAVID HUNTER, Commissioner, Department of Labor and Industry, spoke in support. He said where specific equipment is required the employer must furnish it. He felt it was a good law. He

said he was surprised at labor's testimony in terms of this reform. He said they testified on HB 309 that collective bargaining should not be interfered with and we are requiring by statute in this bill what they opposed in HB 309. He said both bills should pass.

REPRESENTATIVE JERRY DRISCOLL, District 69, spoke in favor of the bill.

JAN VAN RIPER, Workmens' Compensation Division, spoke in support.

JAMES HILL, Missoula, Inland Empire D.C., said he represents three loggers in the Missoula area. He said the companies believe in safety equipment but feel the workers should provide their own. He said they feel if the equipment is required the employer should provide it.

KEITH OLSON, Montana Logging Association, said they do believe in safety and have a safety officer to work with their members. He said the logging working environment is very much dispersed and scattered throughout a stand of timber. He said if an employee gets mad he won't look up his employer to return the furnished safety equipment. He said there are certain logistics with the bill.

REPRESENTATIVE CLYDE SMITH, District 18, said he agreed with the previous speaker. He said the logging business is different than most.

JOHN HOLLOW, Montana Homebuilders, said they are indirectly affected by the bill. He said they back up the costs of what it costs to bring the logs out of the woods. He said he had a background in this as the navy supplied equipment that was attractive and the equipment had a way of walking off the job. He said there needs to be some provision that would encourage the care and return of the equipment - maybe a bond of some sort that would be returned when the equipment was.

BILL CUTTING, Thompson Falls, said this is covered by the present safety code. He said this bill would take away the worker's right to use the kind of safety equipment he wants. He said not all want to wear the same make of shoes.

REPRESENTATIVE WALDRON closed.

Questions were asked by the committee.

Rep. Jones asked Rep. Driscoll if this couldn't be done through collective bargaining.

A telegram opposing this bill from GEORGE WOOD, Exec. Sec., Montana Self Insurers Assn., is Exhibit 8.

Chairman Williams closed the hearing on this bill and opened the hearing on HB 754.

HOUSE BILL 754

REPRESENTATIVE KATHLEEN MCBRIDE, District 85, said this bill is a family bill as it prohibits denial of reasonable parenting leave for the father or mother of a newborn or newly adopted child. She said under current law a woman having a baby cannot be denied time off. She said why can't fathers have time off to help with the child or at least to be around the child. This bill recognizes parenting. The bill negotiates a period of time, usually two weeks, for this. She said as times are changing so are the attitudes about parenting and families. She said fathers are becoming more directly involved with the parenting process and this bill would allow through negotiation for the father to take that time. She said it also recognizes the need of this for adopted children.

CELINDA LAKE, Women's Lobbyist Fund, spoke in support and a copy of her testimony is Exhibit 9.

JEANNE COWLEY, ICCW, spoke in support and a copy of her testimony is Exhibit 10.

NANCY WALTER, MEA, spoke in support of the bill. She said increasingly teachers have began to experience the adoption of children. Time is required to accommodate all the needs related to adoption. She said an incident occurred this past spring in Missoula and eventually came to be a bargaining issue. She said it was satisfactorily resolved. Because of this settlement she wished to add an amendment to the bill. This is to add at the end of the present language "At the option of the employee, accumulated sick leave may be used under these provisions."

RUSTY HARPER, representing self, spoke in support and a copy of his testimony is Exhibit 11.

DON JUDGE, representing self, said he favored the bill but would like a minor amendment.

FRANK CROWLEY, Helena, representing self, spoke in support of adoptive parents. He said he agrees with the testimony given by Mr. Harper. He said it is common practice not to call with the good news until everything is all set. He said they got a call at one and told to be there at two-thirty. He said as a result adoptive parents have more need for a leave as they usually need to travel to another city as the child is usually not placed in the same town. He said two weeks is reasonable.

JUDY OLSON, Montana Nurses Association, said she supports the comments made and amendments offered.

ROD SUNDSTED, Dept. of Administration, said he was neither a proponent or an opponent. He felt there should be some clarification. He asked if it was a sick leave, vacation leave or a leave without pay, or what?

KATHLEEN MCBRIDE closed. She said she had no problems with clarifying the language. She said it is to be negotiated between the employer and employee. It could be any of the ways mentioned by Mr. Sundsted. She said adoptive parents should communicate with their employers that they are awaiting the good news and will need time off when they hear. She said they don't want to create an abusive situation that will leave the employer in the lurch. She left copies of a newspaper report on adoption, a copy of which is Exhibit 12 of the minutes.

Questions were asked by the committee.

Rep. Addy asked if we were making two weeks the maximum as well as the minimum. Rep. McCormick questioned also how one could put in a reasonable time period without stating what the time period was. He said he didn't like it to be so wide open.

Rep. McBride responded to a question that this was to provide some flexibility to more recognize the needs of the family.

Chairman Williams closed the hearing on this bill and reopened the meeting to an executive session.

EXECUTIVE SESSION

HOUSE BILL 569 Rep. Brown moved DO PASS. Chairman Williams asked Woody Wright, the researcher, for a report. Mr. Wright said he had been requested to work with Mark Cress to close the gap. He said they had been unable to close that gap based on the last two weeks for analysis of sick leave. He said in the end Mr. Cress felt the estimation given to Rep. Brown is as good as his estimation. He said the fiscal note might be high as the figures are a best guess.

Rep. Addy moved an amendment on page 3, line 10, after "leave" to say "1/2 of any leave shall be remitted to the state". He said the reason for the amendment is that he would like to see the bill pass.

Rep. Dozier said he would like to amend the amendment to make it 1/4 to 1/3.

Rep. Harper said it sounds like we are short of information in the committee. He requested that the bill be left at 100% and be amended as it goes through the process.

Rep. McCormick expressed a feeling that most workers would use up their sick leave rather than just take 1/4 of it.

Rep. Driscoll said the fiscal note is crazy.

Rep. Dozier said the amendment would kill the effect of the program. He said he would not donate any of his sick leave if he knew the state would take 1/2 of it.

Rep. Addy said if the bill leaves the committee he would put the amendment in on the floor. He said it is the only way the bill has a chance. Rep. Harper asked if he would wait with the amendment until it was ascertained what the appropriate ratio would be.

Rep. Addy said he would like to amend his amendment to 1/3 and 2/3. The question was called and a roll call vote taken and it failed with 11 voting no, 5 yes (Addy, Ellerd, Hannah, Smith, Thoft) and 1 absent (Seifert).

Rep. Miller said he felt the state would make money by having this bill go through.

The question was called on Rep. Brown's motion of DO PASS, and this motion carried with Reps. Thoft and Ellerd voting no and absent was Rep. Seifert.

HOUSE BILL 309 Rep. Hannah moved to reconsider this bill. A roll call vote was taken and the motion carried with 12 voting yes and 5 no (Dozier, Bachini, Driscoll, Pavlovich and McCormick). Rep. Seifert had left a vote on this bill favoring it.

Rep. Addy moved AS AMENDED DO PASS (the amendments were already on it). Rep. Hannah seconded the motion. A roll call vote was taken and carried with 11 voting yes and 6 no (Dozier, Bachini, Brown, Driscoll, McCormick and Pavlovich).

HOUSE BILL 749 Rep. Harper moved to amend on page 5, line 17 by striking "must" and inserting "may" and the same on line 20; and line 22, following the period, insert "However, on request of a current employee

House Labor and Employment Relations Committee Minutes
February 17, 1983
Page 10

his position may be considered for job sharing" and delete subsection (2) on page 5. He said the intent of the last amendment was to require them to divide it pro rata and this way the benefits are shared as well as the job.

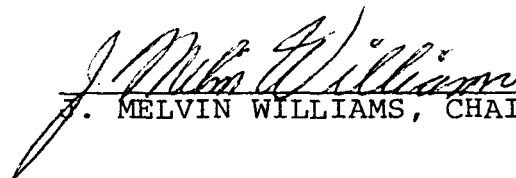
Rod Sundsted was asked to comment. He said you could strike it but he felt it would be better to solve the problem under the current system.

Rep. Harper withdrew his motion.

Action was withheld on this bill until the next meeting due to lack of time.

The meeting adjourned at 2:50 p.m.

Respectfully submitted,


J. MELVIN WILLIAMS, CHAIRMAN

Emelia A. Satre, Sec.

Second Set of Amendments to House Bill No. 281

- (1) p. 6, line 16
following "(n)"
strike: "if, prior to the performance of the work, the
employer and employee agree to a 14-day, 80 hour
work period"
insert: "who is working under a work period not exceeding
40 hours in a 7-day period established through
a collective bargaining agreement, if a collective
bargaining unit represents the employee or by
the mutual agreement of the employer and employee
where no bargaining unit is recognized,"
- (2) p. 8, line 14
following "may agree"
strike: " , prior to the performance of the work, to a
workday of more than 8 hours and to a 14-day,
80 hour work period"
insert: "through a collective bargaining agreement if a
collective bargaining unit represents the
employee or by the mutual agreement of the
employer and employee where no bargaining unit
is recognized, to a workday of more than 8 hours
and to a 7-day, 40 hour work period"

1st set

Suggested Amendments to House Bill 281

- (1) p. 6, line 18
following "to a"
strike: "14-day, 80"
insert: "7-day, 40"
- (2) p. 6, line 21
following: "in excess of"
strike: "30 hours in a 14 day, 80-hour"
insert: "40 hours in a 7 day, 40-hour"
- (3) p. 8, line 15
following: "and to a"
strike: "14-day, 80 hour"
insert: "7-day, 40 hour"

SUGGESTED AMENDMENTS TO HB 603

Page 5, Line 21

following: "a firefighter"

Strike: "if such provisions are in conflict with"

Insert: "who is working under a work period established in"

Page 6, Line 20

Following: "firefighters"

Strike: "if the provisions conflict with a provision"

Insert: "who are working a work period established in"

VISITOR'S REGISTER
LABOR AND

DATE 2/17

[illegible]

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



Exhibit 4

Dear Mr. Chairman, -

Because of other obligations we were unable to send a spokesperson to the hearing in support of HB 749 which would promote job sharing in state personnel positions. This is an important enough bill, however, that we did want to send a brief statement to you and the other committee members.

In this year's legislative agenda the Women's Lobbyist Fund has concentrated on issues of equity and economic opportunity for women. We are particularly concerned that Montana's state policies and state employment recognize the changing reality of women in the workforce. Job sharing is an important step in recognizing changing sex roles and family life styles. It gives women and men with young family responsibilities the opportunity to participate in the work force and still meet their family demands. That is an economic necessity for most families today and desirable for our society as a whole. This legislature will probably adopt a policy allowing four day school weeks. We need to adopt and encourage other policies to allow families the flexibility to work around such an arrangement for their children. Coupled with policies like parental leave, job sharing can increase the involvement of both parents with their children and reduce day care costs for families.

Job sharing is good for the employee and the employer. It allows employees even with heavy family responsibilities the time to acquire additional job training and job skills. This is particularly important for women who may have nontraditional career paths. Studies by a variety of institutions, including the National Council for Alternative Work Patterns in Washington, D.C. and the Institute for Work in America in New York, have shown that productivity and creativity rise and absenteeism falls under job sharing plans. There is also less disruption and cost if one worker has to suddenly leave because of illness or family emergency.

Job sharing makes it easier for workers who suffer from some medical condition to maintain their jobs without destroying their health. Without job sharing employees in all types of situations are forced into a false choice of working at tremendous personal cost to themselves and/or their families or leaving work. The result of this choice is undesirable for employers, employees, the families of employees, and society as a whole.

We would urge this committee to pass HB 749 which would direct state government to permit job sharing at the option of the employee. Thank you.

Sincerely,

Celinda C. Lake

Celinda C. Lake
Women's Lobbyist Fund

My name is Jeanne Cowley. I am testifying for the Interdepartmental Coordinating Committee for Women (ICCW) which was formed by the Governor. Our purpose is to monitor the development of policies that affect women state employees.

The purpose of my testimony today is to present our support for House Bill 749. It has been our experience that job sharing is a benefit both for employees and the agencies for which they work. Employees not able to work 40 hours a week due to health constraints, family responsibilities or other concerns often are able to work productively in a job sharing situation. State government must recognize the need for more flexibility in work situations. Job sharing allows a people to work while leaving time for other commitments, and allows handicapped or older workers, or those recovering from previous illnesses such as heart attacks, to remain productive employees while not overly taxing their health. At the same time, the state receives a full day's work from the position.

Job sharing will increase productivity and morale in state government. Absenteeism would be reduced as positions would be covered during vacations and illnesses. Job sharing will also provide greater continuity in employment when an individual resigns; transitions would be accomplished with less interruption to the work flow. It provides increased employment opportunities by offering jobs to those who might not otherwise be able to work full-time. Expertise from more than one individual is combined through job sharing.

Agencies should be encouraged to approve requests by employees to job share their current positions. We recommend a sentence be added in Section 3 that would allow an agency to approve a request made by any full-time employee who wishes to convert their position to job sharing.

However, while job sharing provides the best employment opportunity for some people, many desire to or must work a forty hour week. The ICCW does not want to see job sharing implemented where it will have an adverse impact on the employment or promotional opportunities of people who must work a forty hour week. The ICCW suggests, therefore, that the word "must" in section 3, line 17, be deleted, and the word "may" inserted.

The ICCW strongly supports HB 749 and urges a "do pass" recommendation that would include the clarifications we suggested.

LABOR AND

COMMITTEE

DATE 2/17

[illegible]

FORM CS-22

LABOR AND

EMPLOYMENT RELATIONS

DATE 2/17

WALDRON

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF DON JUDGE, ON HOUSE BILL 777, HEARINGS OF THE HOUSE LABOR AND
EMPLOYMENT RELATIONS COMMITTEE, FEBRUARY 17, 1983

I am Don Judge, representing the Montana State AFL-CIO. We support House Bill 777.

This bill is a very simple bill to require employers to supply employees with necessary personal safety equipment, at the employer's expense.

The bill basically clarifies what was the intent of the present law in Section 50-71-201.

Montana has one of the highest accident rates and one of the highest death rates in the nation, due to the large number of jobs in particularly dangerous industries, especially timber production. Nobody wants employees to be hurt on the job. But when the question is one of the cost of a piece of safety equipment versus a higher rate of profit, the safety equipment sometimes loses out.

State and federal governments have played an increasing role in requiring job safety in the last two decades. In the ten years between 1970, which marked the beginning of the national Occupational Safety and Health Act, and 1980, fatalities declined 10% and accidents resulting in serious injury declined 15%, despite an increase in the number of workers on the job.

House Bill 777 does not expand the role of any state or federal agency. It merely clarifies that it is the employer's responsibility to provide a safe working environment. It is a proper function of the government to make that requirement, so that someday the statement, "I'd give my right arm for a job" will never again be literally true.

We urge you to support House Bill 777.

WITNESS STATEMENT

Name Larry Persinger Committee On _____
Address 1800 Phillips Ave Date Feb 17, 1983
Representing Laborer's Union #1334 Support X
Bill No. 777 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

TESTIMONY OF LARRY PERSINGER
LABORERS LOCAL UNION # 1334
HOUSE BILL 777
HOUSE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS
FEBRUARY 17, 1983

I am Larry Persinger, representing Laborers Local 1334. Our union supports House Bill 777. As the title of the bill says, this bill would clarify the law to provide that employers must provide and pay for safety equipment for workers.

Safety provisions spelled out in the law are extremely important to workers, especially during times of economic recession. Some employers may be tempted to save a little money by not providing safety equipment or safe working conditions. And, with unemployment so high, some workers might be fearful of losing their jobs if they complain about the lack of safety equipment.

We also believe that employers will benefit from this bill.

If I go on a job site where the safety equipment or conditions are dangerous, I have the right to shut the job down until the employer takes care of the situation. That could mean a longer time to complete a project, and more expense for the employer. A small initial cost of providing adequate safety equipment will save the employer time and money in the long run.

Please vote for House Bill 777.

Thank you.

WITNESS STATEMENT

Name June Mays Committee On _____
Address 2737 Airport Rd Date 2/17
Representing LOCAL 400 IUOE Support X
Bill No. 777 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Exh. b. + 8

WU LEG HEL

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WU INFOMASTER 1-021364M047 02/16/83

ICS IPMTUN PTL

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TWX 9109632484 WU LEG HEL

4-0461 95047 02/16/83

ICS IRMNTZZ CSP

4065437195 TDMT MISSOULA MT 125 02-16 0550P EST

PMS REPRESENTATIVE MEL WILLIAMS RPT DLY MGM

CHAIRMAN OF THE HOUSE LABOR AND EMPLOYMENT COMMITTEE STATE CAPITOL
HELENA MT 59620

SCHEDULE CONFLICT PREVENTS ME FROM APPEARING AT YOUR COMMITTEE
HEARING I RESPECTFULLY REQUEST THAT YOU INFORM YOUR COMMITTEE THAT
THE MONTANA SELF INSURERS ASSOCIATION OPPOSES HOUSE BILL 777 THE
AMENDMENT IS UNCLEAR AS TO REQUIREMENTS OF THE EMPLOYER THE TERM
PERSONAL SAFETY EQUIPMENT HAS NO CLEAR MEANING IT COULD BE CONSIDERED
ANYTHING FROM USUAL WEARING APPAREL TO EXOTIC SPACESUITS STANDARDS
FOR REQUIREMENTS CANNOT BE PRACTICALLY SPELLED OUT IN A MEANINGFUL
MANNER AND YET THE EMPLOYER WOULD BE REQUIRED TO PAY THE ENTIRE
EXPENSE LITIGATION WOULD BE INEVITABLE THE SUBJECT OF PERSONAL SAFETY
EQUIPMENT DOES NOT BELONG IN STATUTE LAW BUT IS MORE PROPERLY A
SUBJECT FOR LABOR NEGOTIATIONS HOUSE BILL 777 IS UNNECESSARY AND I
RESPECTFULLY REQUEST THE COMMITTEE TO REPORT THE BILL DO NOT PASS

GEORGE WOOD EXECUTIVE SECRETARY MONTANA SELF INSURERS ASSN

PO BOX 2899

MISSOULA MT 59806

1751 EST

1804 EST

VISITOR'S REGISTER
LABOR AND
HOUSE EMPLOYMENT RELATIONS COMMITTEE

BILL HB 754

DATE 2/17

SPONSOR McBRIDE

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
James F. Conley	Helena	ICCW	X	
Pat & Rusty Harper	Helena	Self	X	
Ed Bales	Helena	MT Chamber		X
Frank Cronley	Helena	Self	✓	
Nancy Walter	Helena	MEAD	X	
Joe Roberts	Helena	MPEA	X	
Celinda Lake	Helena	Women's Lobbyist Fed	X	
Janice Hanson	Helena	ICCW	X	
Bob Surosted	HELENA	EMP. BEN. BUR	●	
Joanne Jackson	Helena	Self	X	
Jan Goldman	Helena	ICCW	X	
July Olson	Helena	MT Nurses' Assoc	X	

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



TESTIMONY OF CELINDA C. LAKE, THE WOMEN'S LOBBYIST FUND IN SUPPORT OF HB 754
FOR PARENTAL LEAVE ON FEBRUARY 17, 1983,

HB 754 would allow parental leave for fathers of newborn children and for mothers and fathers of newly adopted children. There is an increasing need in Montana for both types of leave. In 1982 there were 713 adoptions in Montana. At the same time in this state roughly 60% of mothers with children under 18 are in the work force. While more mothers do stay home with young infants, significant numbers of mothers and fathers with newborn infants are trying to combine active participation in careers outside the home and in family responsibilities. We are also seeing a change in sex roles where both mothers and fathers are taking equal and active roles in the raising of their children from the stage of early infancy. Parental leave allows families flexibility for such arrangements and also recognizes the changing reality in sex roles within the American family.

Montana was the first state to recognize the need for maternity leave in the private and public sector. While maternity leave is treated as a disability, in fact we realize that maternity leave right after the baby is born is also often taken because of the demands of a newborn baby. Mothers of adopted newborn babies have the same demands and may also need leave time to get their child started. There has been a broad trend in the United States to share the parenting role from early infancy on. Parenting leaving for fathers would allow families to divide up child care responsibilities even in early infancy. Many studies have documented the importance of the father for childhood socialization even in the earliest days. Dual career families may find that it is most appropriate and feasible for the mother to take leave before the child is born and for the father to take leave after the child is born. We need to recognize these changing needs and reality in our public policy.

There has been movement for parenting leave already. Some unions, including some locals in Montana have negotiated parenting leave. In a national survey Catalyst, an employment think tank, found that 10% of US companies offer paternity leave. AT&T with half a million male employees, Proctor and Gamble, and the Ford Foundation are three major companies which have such plans. The Ford Foundation offers two months with full pay and eighteen additional weeks without pay as paternity leave.

Currently, in Montana there is a grievance case over adoptive parent leave. This bill would give legal grounds for parenting leave for fathers and adoptive parents. It would recognize changes within our society and we believe be good fair, and realistic for parents, employers, children, and Montana society as a whole.

My name is Jeanne Cowley. I am testifying on behalf of the Interdepartmental Coordinating Committee for Women (ICCW) which was formed by the Governor. Our purpose is to monitor the development of policies that affect women state employees.

The purpose of my testimony today is to convey ICCW's support of House Bill 754. We are supportive of a strong maternity leave law to protect the rights of women employees, however we are unable to overlook the needs of adoptive parents or the importance of a new father's role today.

Newborn babies generally require a great deal of nurturing care. Families are placed under stress and find they must cope with a variety of changes in family relationships. The new parents and baby must also form a close bond in order to ensure a healthy infancy for the child. A recent special film on PBS public television documented the relationship between physical health for family members (particularly the infant) and emotional stability brought about through a close bond between parents and a new child. This close relationship is central to a healthy, happy and harmonious family.

HB 754 enables both the mother and father of a newborn or newly adopted child to become an active participant in this new relationship. For these reasons, the ICCW strongly recommends a "do pass" recommendation on HB 754.

2/17/83

MEA Suggested Amendment to HB 754

(Add to end of present language)

At the option of the employee, accumulated sick leave may be used under these provisions.

WITNESS STATEMENT

Name Rusty Harper Committee On Labor
Address 301 S. Oakes Helena Date 2-17-83
Representing self Support HB 754
Bill No. HB 754 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

TESTIMONY OF RUSTY HARPER, 301 SOUTH OAKS, HELENA, MONTANA, 59601
HOUSE BILL 754
HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE
FEBRUARY 17, 1983

My name is Rusty Harper, and I am here representing myself.

There are a number of forces pulling the American family apart, including divorce, television and the formation of a second professional football league.

But there are also trends toward more family togetherness. One of those is the increasing tendency of men to be involved actively in raising children.

Child development experts are finding evidence that having more than one active parent is beneficial to a child's development. It also helps hold a family together.

There are some good reasons for allowing a father to have two weeks' leave when a new child enters the family. First, the period after birth is an important time for the child to begin learning who its parents are. That learning process is called "bonding", and it is far more important than most people had realized.

A second reason to pass this bill is that many couples are adopting children. Adoptive parents don't even have a doctor's guess as to when the child will arrive. When there is short notice, there is much to do. It takes more than buying a carload of diapers to get ready for a child.

A third reason is that jobs are so hard to come by during this recession. If jobs were plentiful, a parent could decide to quit work and then take another job somewhere else, if it were important to spend a couple of weeks with the new kid. But when there are no jobs available, that is not a live option.

This bill will not be the occasion of rampant absenteeism. If an employee asks for parent leave more than once every nine months, the employer will probably become suspicious.

I do not believe this bill will have much effect on employers. But it will be very important to families. I urge you to support House Bill 754.

Exhibit 134

Maternity leave asked in adoption

BELGRADE (AP) — When Maria and Graham Taylor found out they were going to be adoptive parents last Christmas, Mrs. Taylor asked for a maternity leave from the Belgrade High School.

First the principal and then the school board told her she could not take 20 of her 50 days of sick pay as "maternity leave" from her home economics teaching job.

The Grahams have filed a grievance against the board, and Tuesday night, the board again denied the request.

School officials had approved a leave for Taylor to be with her infant for the first four weeks of January, but without pay.

Superintendent of Schools Harry Erickson said adoption isn't covered by the contract and that several attorneys have said no legal basis exists for granting maternity leave.

Mrs. Taylor will now take her request to a grievance committee of four teachers, two School Board members and two administrators.

"If it gets beyond that, it goes to court," said her husband. "On one hand it seems so petty. But on the other hand, we feel we are being discriminated against."

Mrs. Taylor said the teacher contract allows for sick pay or maternity leave for a "pregnancy or a related disability."

"Adoption is as related as you can get," she said.

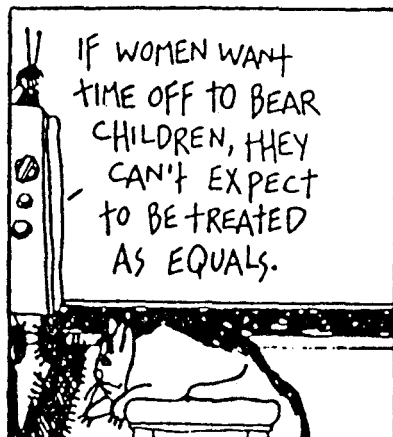
She said she needed time to form a bond with her new baby, Hillary Joy. And she said the need is even greater for adoptive parents because they have so little time to prepare for a baby.

The Taylors said they want to set a precedent for other adoptive parents that the principle of maternity leave should extend to mothers who have adopted children.

"Money isn't the issue at all," Taylor said. "We're just doing what we think is right. We wouldn't be fighting if we didn't."

CARTOON

BY NICOLE HOLLANDER



STANDING COMMITTEE REPORT

February 19,

19 83

SPEAKER:

MR.

LABOR AND EMPLOYMENT RELATIONS

We, your committee on

having had under consideration HOUSE Bill No. 749

First reading copy (white)
color

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR JOB SHARING IN STATE PERSONNEL POSITIONS; DEFINING "JOB SHARING"; ENCOURAGING THE USE OF JOB SHARING TO INCREASE PRODUCTIVITY AND EMPLOYMENT OPPORTUNITIES; AND REQUIRING A REPORT ON IMPLEMENTATION OF JOB SHARING TO THE 49TH LEGISLATURE; AMENDING SECTIONS 2-18-101 AND 2-18-102, MCA."

Respectfully report as follows: That HOUSE Bill No. 749
be amended as follows:

1. Page 5, line 17.

Strike: "must"
Insert: "may"

2. Page 5, line 20.

Strike: "must"
Insert: "may"

3. Page 5, line 22.

Following: "employees."

Insert: "However, on request of a current employee his position may be considered for job sharing."

4. Page 5, line 23 through line 2 on page 6.

Strike: subsection (2) in its entirety

Delete: preceding subsection number (1) on Page 5, line 17.

DO PASS
AND AS AMENDED
DO PASS

STANDING COMMITTEE REPORT

February 19, 1953

SPEAKER:

MR.

LABOR AND EMPLOYMENT RELATIONS

We, your committee on

HOUSE

Bill No. 754

having had under consideration

First reading copy (white)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT DENIAL OF REASONABLE PARENTING LEAVE FOR THE FATHER OR MOTHER OF A NEWBORN OR NEWLY ADOPTED CHILD; AMENDING SECTIONS 39-7-201 AND 39-7-203, MCA."

HOUSE

Bill No. 754

Respectfully report as follows: That.....
be amended as follows:

1. Page 2, line 9.
Following: "employee"
Insert: "who has given two weeks notice"

2. Page 2, line 14.
Following: "absence."
Insert: "At the option of the employee, accumulated sick leave may be used under this subsection."

AND AS AMENDED
DO PASS

~~XXXXXX~~
DO PASS

STANDING COMMITTEE REPORT

February 19, 19 83

MR. **SPEAKER:**

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

having had under consideration **HOUSE** Bill No. **777**

First reading copy (white)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT AN EMPLOYER
MUST PROVIDE PERSONAL SAFETY EQUIPMENT TO HIS EMPLOYEES AND THAT THE
EXPENSE OF ALL REQUIRED SAFETY MEASURES MUST BE BORNE BY THE EMPLOYER;
AMENDING SECTION 50-71-201, MCA."**

Respectfully report as follows: That **HOUSE** Bill No. **777**
be amended as follows:

1. Page 1, line 20.
Strike: "necessary"

2. Page 1, line 21.
Following: "equipment"

Insert: "necessary to satisfy federal or state safety standards
particular to that occupation"

3. Page 1, line 25.
Following: "(1)"

Insert: "and may make reasonable requirements for use and to prevent
loss or destruction of the equipment"

AND AS AMENDED
DO PASS

XXXXX
DO PASS