

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE  
March 1, 1983

The House Labor and Employment Relations Committee convened at 12:30 p.m. on March 1, 1983, in Room 224A of the State Capitol with Chairman Williams presiding and all members present. Chairman Williams opened the meeting to a hearing on SB 143.

SENATE BILL 143

SENATOR J. DONALD OCHSNER, District 26, chief sponsor, said this bill would allow employees of hospitals and establishments caring for the sick, disabled, aged, or mentally ill or defective to agree to work more than 8 hours a day and to agree to a 14-day, 80-hour work period.

MILTON BENGE, Assistant Administrator, Custer County Rest Home, spoke in support and a copy of his testimony is Exhibit 1 of the minutes. Included in this exhibit is a letter from Patricia Neiffer, Director of Nursing, Custer County Nursing Home; a letter from Anita Guerechit, Dietetic Supervisor, Custer County Rest Home; and a list of 40 employees. These all state their support of the legislation.

BEANNIE LUND, Custer County Rest Home, spoke in support of the bill. She said she would like to express her opinion as a working mother. She said this arrangement of time would enable her to have three or four days off and she said this is important in maintaining family duties and to be able to get refreshed and ready to do your best on the job for the patients. She said now the only way to get three or four days off in a row is to take vacation or days off without pay. She felt this arrangement would be best for the patients and the employees.

CHAD SMITH, Montana Hospital Association, spoke in support. He said of Montana's sixty hospitals only twenty would be affected by this bill. The other forty are covered by the federal Fair Labor Standards Act and they already have what this bill would give the county homes. He said it is not a unilateral decision as it must be with the consent of both the employee and the employer. He said it could come about through collective bargaining or with the individual employee. He said hospitals need to have people on duty around the clock and this scheduling could help in the continuity of care. He said there is also a benefit to the employee as they have longer break periods to be home with their families.

ROSE SKOOG, Montana Health Care Association, said they support the bill mainly because it will give the county facilities the same ability of flexibility in scheduling that other similar facilities already have. She said the Miles City Nursing Home is a good example of the existing situation. There are two

nursing homes in Miles City, one with the flexibility of scheduling and the other not and yet they must draw their staff from the same pool of people. She said this piece of legislation was put together largely with the employees in mind. She said there is scheduling problems in terms of getting weekends off. She felt it would be a benefit to both the facility and the staff and it is voluntary so no one needs to be on it if they choose not to.

#### OPPONENTS

SHIRLEY THENNIS, Montana Nurses Association, read testimony prepared by Eileen Robbins, who was unable to be present. A copy of this is Exhibit 2 of the minutes.

JIM MAYES, Operating Engineers Local #400, spoke in opposition and a copy of his testimony is Exhibit 3 of the minutes.

JOE ROSSMAN, Teamster's Union, said they represent quite a few hospital workers which include a lot of elderly people. He said a ten hour working day would kill some of them. He said they had polled their people and not one percent favored the bill.

TERRY MINOW, Montana Federation of Teachers, spoke in opposition. She said this would erode the bargaining process and erode the eight hour work day. She said the potential employee could be put in a no-win situation - either work the more than 8 hour shift or not have the job.

JIM MURRY, Exec. Sec., AFL-CIO, said they support the testimony given by the union speakers.

SENATOR OCHSNER in closing passed out a suggested amendment which is Exhibit 4. He said despite some conflicting testimony there are 40 hospitals that have this flexibility of scheduling now under the federal law. He said the amendment does away with the wording "to agree to work more than 8 hours."

Questions were asked by the committee.

Ms. Skoog responded to a question that this statute deals with county and state employees. Senator Ochsner added that there are several county homes that are leased to private individuals and then they, too, fall under the federal law and can have flexibility of scheduling.

Chairman Williams left for another meeting and Vice-Chairman Dozier assumed the chair and closed the hearing on SB 143 and opened the hearing on SJR 6.

SENATE JOINT RESOLUTION 6

SENATOR JOSEPH MAZUREK, District 16, chief sponsor, said this proposed to name the new Division of Workers' Compensation Building the "Margaret 'Peg' Condon Building. Exhibit 4 contains a letter to Governor Schwinden asking that the building be named for Mrs. Condon from the Governor's Advisory Council on Workers' Compensation. Senator Mazurek said the governor didn't feel he had the power to issue an executive order on this but suggested a legislative resolution. The Senator said he had known Mrs. Condon all his life and so he was more than happy to sponsor this legislation. The letter response from Governor Schwinden is Exhibit 5 and a newspaper article from The Helena Independent Record is Exhibit 6. He said we tend to name buildings for political figures and he felt it very appropriate to name this building for someone who exemplifies what we would like to have in all our state employees. He felt it was an appropriate complement and good to be able to do it while she was still alive and still working.

SENATOR DAVE FULLER, District 15, spoke in support of the bill. He said Mrs. Condon had worked for him and was an inspiration.

GARY BLEWETT, Department of Labor, read a statement from the staff, Exhibit 7. He then made a personal statement. He said he had been in government administration for over 12 years and he said you are always looking for situations in which you can identify meritorious service. He said the mechanisms are few and far between and this seems to be a unique opportunity to identify an individual who has not only lasted long with government and performed well, but in fact has been an inspiration to people both in and out of government.

NORMAN GROSFIELD said Mr. Zanto, his predecessor in the Division, had asked him to indicate his support. Also Robert Swanberg, Chairman of the Industrial Accident Board from July, 1956 to December, 1969, had asked him to submit a letter stating his support (Exhibit 8). He said he strongly urged the committee to concur with the bill.

TOM SCHNEIDER, MPEA, said anytime an employee can spend 50 years on a job and not have to become governor or department head to have something like this done, he'd be for.

JIM MURRY, Montana AFL-CIO, said they support the resolution. He said he was a member of the Governor's Advisory Council and had signed the letter which is Exhibit 4 of the minutes. He said he has worked with Peg on that council and even before that. He said she is a very dedicated public servant and

a close personal friend. He asked the committee to give the resolution a do pass.

PAT MCKITTRICK, Teamsters, urged the committee's support for the bill. He said she is a tremendous worker and deserves this tribute.

Senator Mazurek closed.

During questions Rep. Brown asked why the whole name. Senator Mazurek wasn't sure. He felt it was probably appropriate not to use the nickname "Peg" although, he said, that's what we call her.

Senator Mazurek said Rep. Harper would carry this on the floor if the committee concurred in it.

Vice-Chairman Dozier closed the hearing on this bill and Chairman Williams having returned opened the hearing on Senate Bill 69.

#### SENATE BILL 69

SENATOR DAVID FULLER, District 15, chief sponsor, said since this is a bill requested by the Department of Labor and Industry, he would defer to Harold Kansier and let him explain the bill.

HAROLD KANSIER, Department of Labor, said this bill would increase the penalty and interest for late payments of unemployment contributions and provides a penalty for failure to file a report or return. This bill would increase the penalty after 20 days to \$15 or 15% and assess an additional \$25 when necessary for the agency to issue a subpoena. This increases the interest from 1 to 1 1/2% a month.

DON JUDGE, Montana AFL-CIO, spoke in support and a copy of his testimony is Exhibit 9.

DAVE GOSS, Billings Chamber of Commerce, said they support the bill. He said the vast majority of employers are paying on time. Those who don't cause a strain on the fund and that can affect those that pay on time.

SENATOR FULLER closed.

Questions were asked by the committee.

Rep. Hannah questioned the wording on page 1, lines 24 and 25. He asked it it wouldn't be better to say prorated on a daily basis rather than the specific amount. He also asked what it will cost the department to go to court. Senator Fuller replied that there was no way of predicting the cost but this

would be an additional incentive to comply with the law.

Mr. Kansier said the \$25 is added on. The \$15, 15% penalty would apply and then add on the \$25. The Division did propose the 25% as it does cost to subpoena. He said they frequently send a second reminder to the employer and then we issue a subpoena on the individual to appear in court.

Chairman Williams closed the hearing on this bill and opened the hearing on SB 88.

SENATE BILL 88

SENATOR DAVID FULLER, District 15, chief sponsor, said he would again defer to Harold Kansier to explain the bill.

HAROLD KANSIER, Department of Labor, said this gives the Department discretion on whether to initiate a civil suit to collect unemployment insurance contributions. He said the way the law reads now they must take court action and this bill changes that to "may."

DON JUDGE, Montana AFL-CIO, spoke in support and handed a fact sheet to the committee members (Exhibit 10).

SENATOR FULLER closed.

As there were no questions from the committee, Chairman Williams closed the hearing on this bill and opened the meeting to an executive session.

EXECUTIVE SESSION

SENATE BILL 88 Rep. Addy moved BE CONCURRED IN. This motion carried unanimously with those present. Rep. Harper was absent.

SENATE BILL 69 Rep. Driscoll moved to amend on page 2, lines 1 and 2, by reinserting the stricken language. He said as it reads the person who willfully doesn't pay is only going to be paying \$25 a day.

Rep. Hannah said the fines are usually more laid out not to exceed. Twenty-five percent of the contribution could vary tremendously. He said he didn't disagree with what Rep. Driscoll was saying, but he felt the fine should be more nailed down - have it up to \$25 or up to \$500 rather than having it a percent.

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Page 6

Rep. Addy said he agreed with Rep. Driscoll's amendment. He asked how much money this would involve--if it were 25%. It was mentioned that a refinery in Billings pays \$170,000 a year in unemployment compensation and this would be fairly sizeable. Rep. Addy reminded them this was on the amount due and not on the total amount. Rep. Addy said he would like to add "whichever is greater" to Rep. Driscoll's amendment.

Chairman Williams asked Mr. Goss what he thought of the amendments. Mr. Goss said if a company is having an internal problem, he has the ability under the bill to work it out with the department.

Rep. Ellerd reminded the committee that the amendments were making this mandatory.

The question was called and the motion to amend with both the above amendments carried with Reps. Ellerd, Thoft, Seifert, Smith, Jones and Hannah voting no. Rep. Harper was absent.

Rep. Driscoll then moved the bill AS AMENDED BE CONCURRED IN.

Rep. Ellerd said he felt the bill was destroyed by the amendment. Rep. Dozier said this is not a business investment but a penalty for a crime and it should be difficult.

Rep. Hannah moved to amend on page 1, line 25, by striking "assessed at the rate of .05% a day" and insert "prorated on a daily basis."

This amendment carried with Reps. Farris, McCormick, Harper and Driscoll voting no.

Rep. Ellerd moved that the bill BE NOT CONCURRED IN. Rep. Dozier moved a substitute motion of AS AMENDED BE CONCURRED IN. The motion carried with 10 voting yes and 7 voting no. Ellerd, Hannah, Jones, Miller, Pavlovich, Seifert, and Thoft voted no.

SENATE JOINT RESOLUTION 6      Rep. Driscoll moved BE CONCURRED IN.  
This motion passed unanimously.

The meeting adjourned at 1:45 p.m.

Respectfully submitted,

  
J. MELVIN WILLIAMS, CHAIRMAN

Emelia A. Satre, Sec.

## VISITOR'S REGISTER

LABOR AND

HOUSE EMPLOYMENT RELATIONS

COMMITTEE

BILL SENATE BILL 143DATE 3/1/83SPONSOR SENATOR OSCHNER

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Melody Braun	Helena	Mt Nurse Assoc		X
Jan Wags	Helena	local 400 IuOF		X
<del>Bob Brown</del>	<del>Butte</del>	<del>teachers</del>		X
Tom Schumler	Helena	MPEA		X
Chad Smith	Helena Box 604	Mt Hosp Care	X	
Dick Kane	Helena	Labor Standards Div		
Dore Skoog	Helena	Mt. Health Care Assn	X	
Jan Ann Paul	Miles City, Mt.	Custer Co. Rest Home	X	
Mlice Hegg	Miles City, Mt.	Custer Co. Rest Home	X	
Bernie Lund	Miles City, Mt.	Custer Co. Rest Home	X	
Milton E. Benge	Miles City, Mt.	Custer Co. Rest Home	X	
Thelma Benge	Miles City, Mt.	Custer Co. Rest Home	X	
Gerry Berlin	Terry Mt	Rep Dist #52	X	

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

HOUSE Labor & Industry COMMITTEE

BILL 143

Date 3 - 1 - 82

SPONSOR Senator Manuel A. Rocha

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



WITNESS STATEMENT

Name MILTON E. BENGE Committee On \_\_\_\_\_  
Address 511 S. COTTAGE Date 3-1-83  
Representing COSTER COUNTY REST HOME Support X  
Bill No. SB 143 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

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

Ex. 1

IN SUPPORT OF SENATE BILL 143

I am Milton Benge, Assistant Administrator at Custer County Rest Home. Custer County Rest Home is a 121 bed nursing home operated by Custer County. Federal regulations permit those health care facilities that are required to be staffed 24 hours per day 7 days per week to work 80 hours in 14 days before they have to pay what is commonly called over time pay. There is an intent behind these regulations that is beneficial to the employee, as well as the person in charge of preparing a schedule that is fair and just, so that all employees will be able to have a Saturday-Sunday week-end off. This permits a flexibility that permits a rotation in scheduling so that prime leisure time may be enjoyed by all employees.

We followed this procedure at our nursing home up until the time that we were audited by the Montana State Department of Labor and Industry. We found this to be a very workable procedure for scheduling and we also found out that we were wrong. In accordance to the auditor, who was very cordial, thorough and knowledgeable, Montana law states that all employees that are not classified as professional or administrative are entitled to over time pay if they work more than 40 hours per week. We were required to go back and find those employees who had more than 40 hours in a week and pick up their overtime hours even though they still did not have more than 80 hours in the 14 day period. We did not pay any penalty as there was no intent on our part then, or now, to not pay overtime when it is necessary.

All state and county health care facilities do have to comply with the 40 hour per week law as it pertains to all employees who are not either administrative or professional. This includes LPN's and all nursing aids, kitchen aids, housekeepers, laundry personnel, maintenance people etc. It is possible for other health care facilities owned

and operated by either the state or counties to not be aware of this and to be out of compliance if they have not been audited for this purpose. We have found that the only way that you can schedule full time employees on the 40 hour per week basis and still get Saturday and Sunday off together, and keep a rotations program so that all employees are treated equally, is to designate your work week in something other than the calendar week, such as beginning on Monday and ending on Sunday. This can be done this way but it is cumbersome to the bookkeeping department and also to those supervisors who are in charge of scheduling. Senate Bill 143 provides an exclusion to the law allowing an agreement to be made with the employees so that scheduling could be based on 80 hours in a 14 day period. There is one argument that this would allow the scheduling of employees to work more days in a row without some time off. This is not true as even as the law now stands, it is permissible to schedule an employee 10 days in a row without a break and not pay any overtime. After our audit, I discussed this matter with Senator Don Ochsner and he became aware that a problem existed for health care facilities owned and operated by either the state or the counties, and proceeded to correct this situation so that state and county facilities would have work laws that paralleled the federal regulations.

The bill in its' final form also trying to parallel the federal regulations has another part referring to an agreement between the employee and his or her supervisor to work more than an 8 hour day, however still staying in compliance with the total hours for the designated period. This portion of the bill is of no consequence to us in that I can't see any advantage in a work day of more than 8 hours in the nursing home field. I do not come out in opposition to this part as I know that

some hospitals are using it, and I assume it must be beneficial to both employees and management in some areas. It would not be beneficial to us so I neither oppose this portion of the bill nor do I support it.

Milton E. Bengé  
Milton E. Bengé  
Assistant Administration  
Custer County Rest Home

# CUSTER COUNTY REST HOME

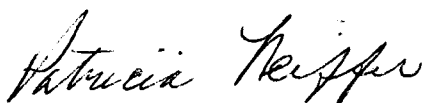
P.O. Box 130  
MILES CITY, MONTANA 59301  
Phone 232-1035

February 23, 1983

To: Senator Ochsner  
State Capital  
Helena, MT 59601

I am the Director of Nursing at Custer County Rest Home. Scheduling is an extremely difficult task when restricted to the 40 hours in a 7 day week. Many employees wish for a long weekend and this cannot be accomadated with the confines of 40 hours in the 7 day week. More flexibility of any 80 hours in a 2 week period would mainly benefit the employees but would also create an easier scheduling pattern. In talking to my Nursing Assistants and Licensed Practical Nurses they are in favor of this bill being passed. One other thing this would also allow employees to trade days off without putting the Nursing Home into an overtime situation.

Respectfully,



Patricia Neiffer  
Director of Nursing

# CUSTER COUNTY REST HOME

P.O. Box 130

MILES CITY, MONTANA 59301

Phone 232-1035

February 24, 1983

Senator Don Ochsner  
State Capital  
Helena, MT 59601

Dear Sir:

The only way in which I can give my morning crew an occasional weekend off is to have a rotating schedule of four days on, two days off. This is only a six day week and does not give my employee full time. The only other way to comply with this law and give my staff any weekends off, would be to fire two full time employees and have four part time employees to work only weekends. This is certainly not an appropriate answer.

My cooks work with set days off for each shift. They then work each shift for a month on a rotating basis. This allows no exchanging of days off so they can't trade a day off for any reason. This leaves very little room for changes on the morning crew either.

Senate Bill 143 would give more flexibility to my schedule and allows for easier exchange of days off among the employees.

Respectfully,

A handwritten signature in cursive script, appearing to read "Anita Guerechit".

Anita Guerechit  
Dietetic Supervisor

# CUSTER COUNTY REST HOME

P.O. Box 130  
MILES CITY, MONTANA 59301  
Phone 232-1035

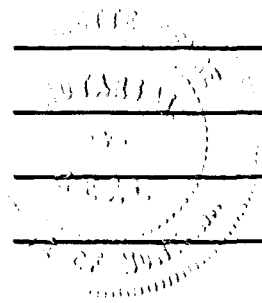
January 26, 1983

We, the employees of Custer County Rest Home, support any legal action which would allow all employees of establishments caring for the sick, disabled, aged, or mentally ill or defective the right to work 80 hours in a 14 day period without paying overtime wages. Staffing in this manner is an advantage, both to the employee and the employer in preference to 40 hours in a 7 day period.

Juanita M. Murray	Margaret Dyba
Diane Matzen	Margie Barnes
Esther Larnemann	Darla Petroff
Alice Hegg	April Moline
Marion L. Wright	Lucy Reiler
Larry Miller	Judy King
Jody Helm	Arilla Dueschit
Mary Jo Bonogofsky	Ruth Orr
Jeanette M. May	Chaunce Parker
Bobbie Barkis	
Sandra Legg	Molores H. Steiner
Bonnie Carey	Pam Fitzgerald
Vicki Carey	Tarrett Connors
Lynnie Wood	Donna Taylor
Karen K. Taylor	Linda Watters
Betty L. Wright	Deora Christensen
Patricia A. Tappin R.H.	Jean Ann Paul
Millie Ayers	Beannie Lund

Greg Schneider  
Kdm Libla  
Lori Loomis

Angelle Berge  
NOTARY PUBLIC, for the State of Montana  
Residing at Miles City, Montana  
My Commission Expires APRIL 1, 1983





WITNESS STATEMENT

Name Leanne Lund Committee On \_\_\_\_\_  
Address 1517 1/2 Pleasant Date 3-1-83  
Representing Custer County Red Home Support X  
Bill No. Senate Bill 143 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

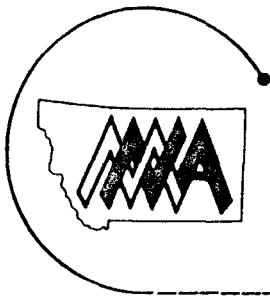
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Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



# Montana Nurses' Association

2001 ELEVENTH AVENUE

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

## TESTIMONY SB 143

The Montana Nurses' Association opposes SB 143, which would allow for the extension of the eight hour work day for employees of hospitals and establishments caring for the sick, disabled, aged, or mentally ill or defective.

Presently, employees and employers may mutually agree to a longer work day and the 80 hour work period through the collective bargaining process. A work day in excess of eight hours must not become a legislative directive, encouraging employers to require a longer workday as a condition of employment at the time of hire. If this legislation is passed, the hard fought for eight hour work day will certainly be eroded.

The eight hour work day is the solution to over-worked employees and excessive overtime. It is the incentive to provide more jobs to more people at no additional cost, in lieu of overtime. At a time when so many people are out of work, this legislation could in fact increase unemployment. If employees are required to work overtime, either overtime must be paid or additional employees hired to perform the work!

Older employees who may be physically unable to compete with a younger counterpart for a longer than eight hour workday could be adversely affected by this proposed legislation. Nurses and other health care workers are already under increased stress in the workplace; longer hours would only add to it at no advantage to the consumer or employee.

Senate bill 143 is an unnecessary piece of legislation. HB 281, introduced by Representative Dozier addresses the same issue. The bill includes employees of a municipal or county government which would embody employees of health care facilities of a municipal or county government. The amendments to HB 281, speak to our concerns: the collective bargaining agreement is respected; and overtime

is required for work performed in excess of 40 hours in a 7-day work period.

Senate bill 143, if passed, would be more restrictive than current federal law which provides for overtime after forty hours in a 7-day work period.

The Montana Nurses' Association urges you give this bill a DO NOT PASS recommendation.

Respectfully submitted,  
Eileen C. Robbins  
March 1, 1983

# International Union of Operating Engineers

LOCAL 400

Affiliated with AFL-CIO

Montana

JOHN SLATTERY  
President

D. E. "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: 406-442-9907

## TESTIMONY OF JIM MAYES ON SENATE BILL 143 BEFORE THE HOUSE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS, MARCH 1, 1983

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I am Jim Mayes, assistant business manager for Operating Engineers Local #400, AFL-CIO. I am here to speak in opposition to Senate Bill 143, which allows a 14 day, 80 hour work period for employees of hospitals and establishments caring for the sick, disabled, aged or mentally ill or defective.

This bill would have an adverse effect on our members who work in such establishments, as well as on other employees. Allowing a 14 day, 80 hour work period opens the door to potential employer abuse of employees. With unemployment at 10.4% in our state, many employees might feel forced to agree to this provision, just to get or keep a job. It is conceivable that these workers would be forced to work eight straight ten hour days. That would be detrimental to the worker, and could lead to real decline in the quality of service provided to patients.

It is possible currently for a collective bargaining unit to agree to longer hours per day, but only under a seven day, 40 hour work period. That allows sufficient flexibility for employers and employees without leading to abuse.

Organized labor has fought long and hard for the eight hour day. We are opposed to any legislation which will encourage a step backwards for workers.

Please vote against Senate Bill 143.

Thank you.

SPONSOR SENATOR MAZUREK

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

TED SCHWINDEN, GOVERNOR

## STATE OF MONTANA

HELENA, MONTANA 59604



Governor Ted Schwinden  
State Capitol Building  
Helena, Montana 59620

Dear Governor Schwinden:

It is with great pleasure that we, the members of the Governor's Advisory Council on Workers' Compensation, request that you issue an executive order naming the new Workers' Compensation Building for a person who has dedicated her entire 48 year public service career to helping injured workers.

Born Margaret Schneider on September 30, 1911 in Springfield, Minnesota, her family soon moved to Helena where she later attended St. Vincent's Academy from 1925-1929. Upon graduation she secured employment at the Old Power Townsend store where a career look promising until the fall of 1929. It was in April of 1930 that she changed jobs and went to work for the Montana Industrial Accident Board.

Peg, as her friends call her, married Harry Condon on February 22, 1936. Her first of eight bosses was J. Burke Clements who served as chairman from April 1927 until November 1948. Of the eleven people who have headed the Workers' Compensation system, Peg has worked for all but the first three.

Most of the people in the business recognize that she has taught the system to many including seven of her eight bosses.

During the period between April 1937 and April of 1940 she took some time to have a family. Son Jess was born in April of 1937 and Barbara was born in August of 1939. Mr. Clements asked Peg to return to the Board as he said he needed someone he could count on, a dependable person who knew the system. The man never lived long enough to realize the soundness of that decision.

From that day to this, she has become a cornerstone in the Montana Workers' Compensation system. Working with and advising administrators, councils, adjusters, and insurance companies, she has been extremely helpful to anyone who wanted to know a particular about workers' compensation.

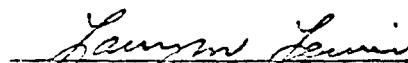
Because the system has changed over the years and because benefits are based on the law in effect at the time of an injury, a historical knowledge of the law is extremely helpful. Today as always, Peg can give you the background on a law change that may have taken place thirty years ago. It is not only her memory of the system, but her understanding and dedication to the people involved in it that makes her something special. From adjusters to attorneys, from agents to clients, she has dealt fairly with them all.

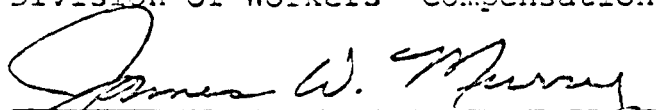
She still gives 100% of her job forty hours a week and often surprises some of the younger workers who try to keep her pace.


At a time in our society when the rights of women is a focal point of human progress, we look back upon her 43 years of service as a benchmark by which all public servants can be measured.

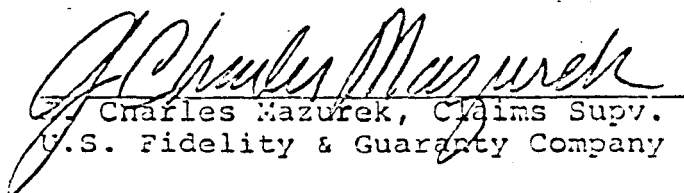
It is with considerable pride that we propose the new office building be named for a person whose name is synonymous with Workers' Compensation - MARGARET S. CONDON.

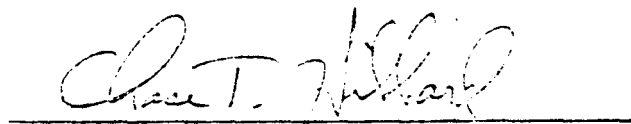
Sincerely,

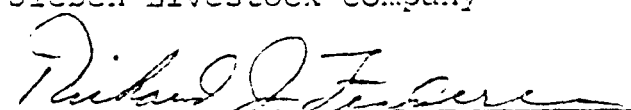
  
Larry M. Lewis, Administrator  
Division of Workers' Compensation


  
James Murry, Executive Secretary  
Montana State AFL-CIO

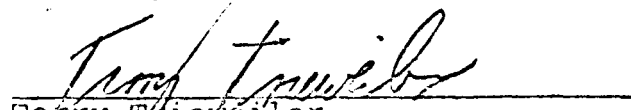
  
George Wood, Executive Secretary  
Montana Self-Insurers Association

  
Charles Mazurek, Claims Supv.  
U.S. Fidelity & Guaranty Company

  
Chase Hibbard  
Sieben Livestock Company

  
Richard J. Ferderer, Secy-Treas.  
Teamsters Union Local #45

  
Robert F. Swanberg  
Attorney at Law

  
Terry Tieweiller  
Attorney at Law

State of Montana  
Office of the Governor  
Helena, Montana 59620

Ex. 5

TED SCHWINDEN  
GOVERNOR

October 1, 1982

J. Charles Mazurek, Claims Supv.  
U.S. Fidelity and Guaranty Company  
1625 11th Avenue  
Helena, Montana 59601

Dear Mr. Mazurek:

Thank you for your recent letter. I think the dedication of the new Workers' Compensation Building to Margaret S. Condon would be a fitting tribute to Margaret's contribution to Montana's Workers' Compensation program. However, the Governor is not given the authority to make such dedications or to name public buildings.

I would suggest that you contact a legislator to sponsor a resolution dedicating the new Workers' Compensation Building to Margaret Condon. A resolution approved by the 1983 Legislature dedicating the building would be entirely appropriate and could be done on a timely basis so that the dedication could be made before the new building is occupied. I would do what I could to support such a resolution. Please let me know what my office can do to assist you.

Sincerely,



TED SCHWINDEN  
Governor



Continued from Page 1A

With 50 years of service in, Mrs. Condon said she hasn't decided when she might retire from her job as executive secretary.

She began as a clerk for what was then called the Industrial Accident Board in 1930. She took several years off during the early 1940s to have a family, although she worked part-time filling in for vacations, but was soon asked to come back.

She said she has "enjoyed every minute" of her 50 years in the division, but when reminded of the workers compensation scandals of the early 1970s she agreed that was a "very sad time." She said the scandal affected long-time employees the hardest, and today, with most of them gone, the division has put the controversy behind it.

Did Mrs. Condon ever aspire to be the administrator of the division herself? "I don't think I ever gave it a thought," she said. "I never even considered a thing like that."

She added, however, that back in the 1930s when she began her career a woman simply didn't think that way. Everyone knew there was no way a woman could head a department.

She said she probably would have had a different outlook if she were starting out today.

Be that as it may, passage of Mazurek's resolution would mean she'll be able to point with pride to an imposing structure called the "The Margaret 'Peg' Condon Building."

That's more than any of those nine directors Mrs. Condon worked for could do.

Single copy 25c

INDEPENDENT RECORD

FROM MONTANA'S CAPITAL

THURSDAY

January 6, 1983  
Helena, Montana  
Vol. 40 No. 46

Home delivered in Helena for 20¢ a day



Condon: 'dedicated public servant'

# Leaving her mark

## State may name building after 50-year employee

By BILL SKIDMORE  
IR Staff Writer

After 50 years of working for the state's Workers Compensation Division, executive assistant Margaret "Peg" Condon has left her mark on the place.

Soon she may leave her name on it, too. While construction continues on a \$4 million building that will house the division at the corner of Broadway and Last Chance Gulch, a joint resolution to name the structure after Mrs. Condon is winding its way through the Legislature.

Sen. Joe Mazurek, who introduced the measure, said the idea originally came from

the Workers Compensation Advisory Council in a letter to Gov. Ted Schwinden. He said he was happy to introduce the bill at the request of the governor's office.

"It's appropriate to name a building for someone who's worked in that field and dedicated her life to it," Mazurek told the senate state administration committee today during testimony on the resolution. "This may be a little unusual because she hasn't been the administrator... or a person of public affairs... but she has been the division, she's provided the continuity."

Others testifying in favor of the bill included Mrs. Condon's former bosses and her current boss, Gary Blewett. Blewett said

that in addition to recognizing Mrs. Condon's significant contribution to the Worker's Compensation Division, the building name would also serve to show state employees that "meritorious service" is recognized.

"She's someone who can represent for state employees what good service is," Blewett said.

Besides Mrs. Condon's bosses, including Sen. Dave Fuller, who presided over the division while he was Commissioner of Labor and Industry, supporters included Tom Schneider for the Montana Public Employees Association, on whose board Mrs. Condon at one time served.

"She has just been a dedicated public ser-

vant," Mazurek said. "She is admired and respected by everybody."

Mrs. Condon, who said she was surprised by the honor, didn't think her 50 years of work was any big deal. "I guess you just work hard and do the best you can," she said.

At 71, Mrs. Condon, who lives with her husband Harry at 1430 E. Lyndale, currently is working for her ninth division administrator. The division has had only 12 administrators, and one of the resolution's supporters said Mrs. Condon has taught eight of them their job.

(More on CONDON, page 8A)

Ex. 1

SENATE JOINT RESOLUTION NO. 6

Introduced by Senator Mazurek

A JOINT RESOLUTION OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO NAME THE NEW DIVISION OF WORKERS' COMPENSATION BUILDING THE "MARGARET 'PEG' CONDON BUILDING".

The Department of Labor and Industry, Division of Workers' Compensation, wishes to testify in support of Senate Joint Resolution No. 6.

In April of 1930, Margaret Schneider was employed as a clerk for the Montana Industrial Accident Board. Peg, as her friends called her, married Harry Condon on February 22, 1936. Her first of nine bosses was J. Burke Clements, who served as chairman from April 1927 until November of 1948. Of the twelve people who have headed the workers' compensation system, Peg has worked for all but the first three. Most of the people in the business recognize that she has taught the system to many, including eight of her nine bosses. Between April 1937 and April 1940 she took some time to have a family. Administrator Clements asked Peg to return to the Board in 1940 as he needed someone he could count on, a dependable person who knew the system. The man never lived long enough to realize the soundness of that decision.

From that date to this, she has become a cornerstone in Montana's workers' compensation system. As the Division's executive secretary, working with and advising administrators, counsels, adjusters, and insurance companies, she has been extremely helpful to anyone who wanted to know a particular about workers' compensation. Because the system has changed over the years and because benefits are based on the law in effect at the time of an injury, historical knowledge of the law is extremely helpful.

Today, as always, Peg can give you the background on the law change that may have taken place 30 years ago. It is not only her memory of the system, but

her understanding and dedication to the people involved in it that makes her something special. From adjusters to attorneys, from agents to clients, she has dealt fairly with them all. Peg still gives 100% effort to her job 40 hours a week and often surprises some of the younger workers who try to keep her pace.

At a time in our society when the rights of women is a focal point of human progress, we look back upon her 50 years of service as a "bench mark" by which all public servants can be measured. Those of us who have worked with her admire her dedication, honesty, and integrity; and we are proud to support this Resolution naming a building for a person who is synonymous with workers' compensation in Montana, Margaret 'Peg' Condon.

Ex. 8

GALT AND SWANBERG  
ATTORNEYS AT LAW  
318 FULLER AVE  
HELENA, MONTANA 59601

LOUISE RANKIN GALT  
ROBERT F. SWANBERG

January 5, 1983

P. O. BOX 615  
PHONE  
406-442-8450

Mr. Norman Grosfield  
Attorney at Law  
314 N. Last Chance Gulch  
Helena, MT 59601

Dear Norman:

I am informed that a bill has been introduced which proposes to name the new Workers Compensation Building in honor of Margaret Condon, who has been associated with the agency for nearly 50 years. On the basis of personal knowledge of Mrs. Condon's contribution to Workers Compensation during her long career in this field, I wholly endorse this proposal.


This knowledge began in 1952, when I was appointed by Governor John Bonner to the position of Chairman of the Industrial Accident Board, the agency which preceeded the present Division of Workers Compensation. Sixteen years in this capacity, through the terms of Governors Aronson, Nutter and Babcock enables me to fairly state reasons why this honor should be bestowed on Mrs. Condon.

She began her career during the chairmanship of J. Burke Clements in the early thirties, when she was hired as a clerk. By the time I arrived on the scene in late 1952, she had acquired a considerable knowledge of the procedures of the claims department, which enabled her to render invaluable assistance to me and, no doubt, to my successors during our periods of learning the daily workings of the agency.

Mrs. Condon's remarkable memory, ability to master detail, and to stimulate the energies of subordinates required that she be given responsibilities commensurate with these capabilities. As claims supervisor and later as executive secretary to the board, she fully justified our confidence in her.

It is altogether fitting and proper that her long service to the State of Montana, and contribution to good government should be acknowledged by giving the new building her name.

Very truly yours,

  
Robert F. Swanberg

RFS/cvs

LABOR AND

COMMITTEE

DATE 3/1

[illegible]

FORM CS-33

6x.9



Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARY

ZIP CODE 59624  
406/442-1708

TESTIMONY OF DON JUDGE ON SENATE BILL 69, BEFORE THE HOUSE LABOR COMMITTEE  
MARCH 1, 1983

I am Don Judge, representing the Montana State AFL-CIO in support of Senate Bill 69.

This bill would raise the penalties on employers who are late in filing their unemployment insurance contributions. That lateness can lead to an unemployed worker meeting with frustrating delays in obtaining unemployment insurance benefits to which he or she is legally entitled.

The purpose of the bill is not to bring revenue into the trust fund, but to insure timely compliance with reporting requirements.

The present penalty is \$10 or 10% of the contribution due, whichever is greater. Under this bill, after 20 days the penalty would be increased to \$15 or 15% of the contribution. And if the Department of Labor and Industry has to apply for a subpoena to obtain wage information, or if the department has to estimate wages (called a jeopardy assessment), then the penalty would become \$25 or 25% of the contribution due. The bill would also increase the interest due on past contributions from 12% to 18%.

Only a few employers will be affected by this bill. Only 1,600 to 1,700 are late each quarter, out of over 23,000. Raising the penalties will make it more profitable for those employers to pay on time than to invest the money.

The number of late contributors drops to only 700 or 800, ten days after the due date. According to the Unemployment Insurance Bureau, these are usually the same people each quarter.

The overwhelming majority of employers pay their contributions on time. When they are late through no fault of their own, the department can do away

with the penalty and interest. But the few employers who take advantage of the system put themselves at a small but unfair competitive advantage over employers who obey the law.

It is also important to workers who lose their jobs that the reports be filed on time. When the wage reports are late, the claim can be unnecessarily delayed until the department can make some determination of what the wages were and therefore what benefits are due to the now unemployed worker.

The new penalties are not excessively large, given the still high rates of interest. But they will hopefully be large enough to bring into line most of the small number of chronic abusers of the system. That is only fair to the workers who may need to draw unemployment insurance benefits and to the employers who have been playing by the rules all along.







EX. 10

Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARY

ZIP CODE 59624  
406/442-1708

March 1983

## FACT SHEET ON SENATE BILL 88

### CURRENT PRACTICE

Two statutes presently in effect provide for collection by the Department of Labor and Industry of unpaid unemployment insurance contributions. The first (39-51-1303), which this bill would amend, says that, "the amount due must be collected by civil action . . ." The second (39-51-1304) provides that the department may file a lien on the personal property of the employer in default through the clerk of court. Because it would be much too expensive to file court actions in every case, current practice is to file a lien for payment.

### WHAT WOULD SENATE BILL 88 DO?

Senate Bill 88 corrects the conflict in present law; the "must" in 39-51-1303 is changed to "may", giving the department discretion on whether or not to file court action. Very simply, the bill changes the law to comply with the action most often taken at present. Because the second statute does provide for the filing of a lien, and that has been an effective and less expensive process, mandatory court action is unnecessary.

There are 3,000 employers involved, with accounts receivable of \$2.5 million, so court action in all cases would be much too expensive.

# STANDING COMMITTEE REPORT

March 1, 1933

MR. **SPEAKER:**

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

having had under consideration **SENATE** Bill No. **69**

**third reading copy (blue)**

**A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE PENALTY AND INTEREST FOR LATE PAYMENTS OF UNEMPLOYMENT CONTRIBUTIONS; AND TO PROVIDE A PENALTY FOR FAILURE TO FILE A REPORT OR RETURN; AMENDING SECTION 39-51-1301, MCA; AND PROVIDING AN EFFECTIVE DATE."**

Respectfully report as follows: That **SENATE** Bill No. **69**

**be amended in the third reading copy (blue) as follows:**

**1. Page 1, line 25.**

**Strike: "assessed at the rate of .05¢ a day"**

**Insert: "prorated on a daily basis"**

**2. Page 2, line 2.**

**Following: "greater"**

**Insert: "or up to 25% of the contributions due, whichever is greater,"**

**AND AS AMENDED**  
**BE CONCURRED IN**

**XXXX**  
**DO PASS**

**J. MELVIN WILLIAMS** Chairman.

# STANDING COMMITTEE REPORT

March 1,

1983

MR. SPEAKER:

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration SENATE Bill No. 38

third reading copy ( blue )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT GIVING THE DEPARTMENT OF LABOR AND INDUSTRY DISCRETION IN WHETHER TO INITIATE A CIVIL SUIT TO COLLECT UNEMPLOYMENT INSURANCE CONTRIBUTIONS; AMENDING SECTION 39-51-1303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That SENATE Bill No. 38

BE CONCURRED IN

~~DO PASS~~

# STANDING COMMITTEE REPORT

March 4, 1983

MR. **SPEAKER:**

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

having had under consideration **SENATE** Bill No. **143**

third reading copy ( blue )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROMOTE THE GENERAL WELFARE IN IMPLEMENTATION OF ARTICLE XII, SECTION 2, OF THE MONTANA CONSTITUTION BY ALLOWING EMPLOYEES OF HOSPITALS AND ESTABLISHMENTS CARING FOR THE SICK, DISABLED, AGED, OR MENTALLY ILL OR DEFECTIVE TO AGREE TO WORK MORE THAN 8 HOURS A DAY AND TO AGREE TO A 14-DAY, 80-HOUR WORK PERIOD; AMENDING SECTIONS 39-3-406 AND 39-4-107, MCA."

Respectfully report as follows: That **SENATE** Bill No. **143**

BE NOT CONCURRED IN

XXXXXX  
DO PASS

**J. MELVIN WILLIAMS** Chairman.

# STANDING COMMITTEE REPORT

March 1,

19 83

**SPEAKER:**

MR. ....

## LABOR AND EMPLOYMENT RELATIONS

We, your committee on .....

## SENATE JOINT RESOLUTION

xx 6

having had under consideration ..... Bill No. ....

Third reading copy ( blue )  
color

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF  
THE STATE OF MONTANA TO NAME THE NEW DIVISION OF WORKERS' COMPENSATION  
BUILDING THE "MARGARET "PEG" CONDON BUILDING".

## SENATE JOINT RESOLUTION

6

Respectfully report as follows: That..... Bill No. ....

BE CONCURRED IN

XXXXX  
DO PASS

J. MELVIN WILLIAMS

Chairman.