

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE MINUTES  
April 18, 1983

The House Labor and Employment Relations Committee convened at 12:30 p.m., on April 18, 1983, in Room 224K of the State Capitol, with Chairman Williams presiding and all members present except Reps. Dozier, Driscoll, Ellerd, Hannah, Pavlovich, Seifert and Thoft. Chairman Williams opened the meeting to a hearing on HJR 46.

HOUSE JOINT RESOLUTION 46

REPRESENTATIVE HAL HARPER, District 30, chief sponsor, said the only reason the resolution is before the committee is because HB 309 died in the Senate. He said HB 309 was the bill that attempted to establish a uniform grievance process for state employees. He said it is an important issue as there is no uniform process for employees to grieve. Rep. Harper said those employees that belong to a union have a grievance procedure but about half of the employees are not members of a union. Rep. Harper suggested that this study if passed could be combined with HJR 41, the bill asking for a study on veterans' preference.

JOYCE BROWN, Personnel and Labor Relations Study Commission, but speaking for herself on this bill, said she had put in a lot of hours on this issue. She said she supported a further study because the current situation is unworkable and there is a lot of inequity. She said the current system has duplication and unnecessary expense. Another reason she supports the resolution is that it is a very complex area. A third reason she said is because of the large number of issues involved. A few of them she listed were: What is a fair, equitable process which is in the best interests of managers and employees? Should there be a right of appeal beyond the department director? Should there be an employee process for all employees or should some negotiate the process? What grievance should be appealable? Should they be limited? What employees should have this right? University system? Should some be excluded and what members? Should an organized system use the process?

Ms. Brown said the agencies claim they do not have enough flexibility now to get rid of an unacceptable employee and what will they do if there is an appeal process; and the employees say they have no real protection from unfair managerial decisions.

Ms. Brown said they will offer to the interim committee all the materials they have collected plus the drafts of legislation that the committee never saw.

MARK CRESS, Department of Administration, said they support the resolution. He said he thought it would be well worth the time

to study this issue and find out if there is a way to have a more efficient way of resolving complaints.

BOB JENSEN, Board of Personnel Appeals, said they support the interim study. He said inequities do exist under the present procedures.

DENNIS TAYLOR, Personnel Division, Department of Administration, said they support the study. He said he felt it and HJR 41 could be studied together - good if you could get two studies for the price of one.

There were no opponents.

REPRESENTATIVE HARPER closed. He said one of the comments mentioned when the bill was heard was where are the state employees that it affects. He said state employees are on skaky ground when they come here - there is a relationship that exists and they are told they are not to be present unless requested. Rep. Harper said the strongest group opposing the bill was the unions. They seemed to feel that having a uniform grievance procedure would be taking away an incentive to join a union. Rep. Harper said he feels unions have more to offer than that. He said this study resolution seems to be the only way to proceed now.

Questions were asked by the committee.

Rep. Miller asked why HB 309 was shot down. Mr. Taylor said he was surprised that it didn't survive third reading in the Senate. LeRoy Schramm, Montana University System, said they had testified for the bill in the House but when it turned into binding arbitration they opposed the bill in the Senate. He said it shouldn't be a real surprise because the votes were close in the House, also. Mr. Schramm said another reason they opposed the bill in the Senate was that it shifted from an independent advisory board to the Board of Personnel Appeals.

Chairman Williams said Ms. Brodsky was going to check and see if the two resolutions could be handled as one study. He said the two could work together nicely and both are badly needed.

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

#### EXECUTIVE SESSION

HOUSE JOINT RESOLUTION 46 Rep. Addy moved DO PASS and the motion carried unanimously with all present. Absent were Reps. Dozier, Driscoll, Ellerd, Hannah, Pavlovich, Seifert and Thoft.

Meeting adjourned at 1 p.m.

Respectfully submitted,

*Melvin Williams*  
MELVIN WILLIAMS

# VISITOR'S REGISTER

HOUSE LABOR AND EMP. REL.

COMMITTEE

BILL HJR 46

DATE 4/18/83

SPONSOR HARPER

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# WITNESS STATEMENT

Name Lester F. Brown Committee On Labor  
 Address Mitchell Building Date 4-18-83  
 Representing HJR 46 / Self as staff / to the Personnel Support ✓  
but Labor Rep. Study Comm.  
 Bill No. 5 Oppose \_\_\_\_\_  
 Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

- Comments:
1. The current situation is unworkable, as Some employees have a  
 statutory right of appeal beyond the Dept. Director others do not.  
 the current situation is characterized by duplication and expense
  2. Almost everyone on the P+LRSC agreed that a uniform process  
was needed but could not agree on what process  
the issues are complex
  3. They were staked more than any other by the P+LRSC  
but without a consensus - see resolution for issues.  
Employer right is a charged area of law
  - 4.

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

# STANDING COMMITTEE REPORT

April 18, 19 83

MR. **SPEAKER:**

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

having had under consideration **HOUSE JOINT RESOLUTION** Bill No. **46**

**first** reading copy ( **white** )  
color

**A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF STATE  
EMPLOYEE GRIEVANCE STATUTES AND PROCEDURES; AND REQUIRING A REPORT  
OF THE FINDINGS AND RECOMMENDATIONS OF THE STUDY TO THE LEGISLATURE.**

Respectfully report as follows: That **HOUSE JOINT RESOLUTION** Bill No. **46**

**DO PASS**