

MINUTES OF THE MEETING  
LABOR & EMPLOYMENT RELATIONS COMMITTEE  
MONTANA STATE SENATE

February 17, 1983

The meeting of the Labor Committee was called to order by Chairman Gary C. Aklestad on February 17, 1983, at 1:00 p.m. in Room 404, State Capitol.

ROLL CALL: All members of the Committee were present.

CONSIDERATION OF SENATE BILL NO. 377:

Chairman Aklestad introduced Senator Eck, sponsor of Senate Bill 377, to the Committee, and Senator Eck presented the bill to the Committee.

Senate Bill No. 377 is an act revising the veterans and disabled persons preference law to change the nature of the preference and the procedures for applying it.

Senator Eck stated that Senate Bill 377 is a compromise bill. She further stated that the key words are, "substantially equally qualified".

Charles VanHook, representing himself, stated that he supports Senate Bill 377. Mr. VanHook's printed testimony is attached. (Exhibit No. 1)

Jan Gilman, representing ICCW, stated that they are in support of Senate Bill 377. J. Gilman's printed testimony is attached. (Exhibit No. 2)

Celinda Lake, representing Women's Lobbyist Fund, stated they support Senate Bill 377. C. Lake's printed testimony is attached. (Exhibit No. 3)

Mary Lisa Pryne, representing herself, spoke in support of Senate Bill 377. Her testimony is attached. (Exhibit No. 4)

Keith Phelps, representing himself, stated that he supports Senate Bill 377.

Dennis Taylor, representing the State Personnel Division, stated that they support Senate Bill 377. Mr. Taylor's printed testimony is attached along with a Comparison of Preference Bills. (Exhibit No. 5)

Dave Wilcox, representing the city of Missoula, stated that they support Senate Bill 377. He told the Committee that

they need guidance in administering programs related to this bill.

Gerry Lane, representing the League of Women Voters, stated they support Senate Bill 377.

LeRoy Schramm, representing the University System, stated they are between the proponents and opponents, and he presented some amendments to the Committee. These amendments are attached. (Exhibit No. 6)

Senator Joe Mazurek stated that he would like to see Sections 1, 2, and 3 left in the bill, but that at the very least the Committee should deal with the administration of the preference.

OPPONENTS TO SENATE BILL NO. 377:

Walter Marshall, representing V.F.W., presented a statement from John W. Mahan, Past National Commander, Veterans of Foreign Wars of the United States in opposition to Senate Bill No. 377. This statement is attached. (Exhibit No. 7)

Robert J. Russ of East Helena, Montana, submitted a statement supporting the prepared statement of Mr. Mohan. Mr. Russ's statement is attached. (Exhibit No. 8)

Frederick J. MacKintosh, representing DAV Department of Montana Adjutant, stated that they are opposed to Senate Bill 377. Mr. Frederick's printed testimony is attached. (Exhibit No. 9)

A petition signed by hospitalized veteran patients at Fort Harrison, Montana, was submitted to the Committee in opposition to Senate Bill 377 and Senate Bill 197. This petition is attached. (Exhibit No. 10)

Others who spoke briefly in opposition to Senate Bill No. 377 are:

Frank Lewis, representing Disabled Veterans from Missoula, Montana  
Dan Atonetti, representing U.S. Department of Labor Veterans  
Tony Cumming, representing the American Legion of Montana  
Bill Wilson, representing the Veterans of Foreign Wars  
George Calvert, representing DAV Chapter 6, Butte, Montana

Senator Pat Goodover, representing District No. 22, Great Falls, Montana went on record in opposition to Senate Bill No. 377.

James Shannon, representing DAV, stated that he believes the veterans' preference should be left as it is.

QUESTIONS FROM THE COMMITTEE ON SENATE BILL NO. 377:

Senator Keating asked Walter Marshall: If a disabled veteran and another person were equally qualified, the veteran would have the edge for the job--if the veteran and another non-veteran made application for the same job and the veteran was not as well qualified as the non-veteran, do you think the veteran should get the job?

Walter Marshall: Yes sir, I do.

Senator Keating: Mr. Taylor, you are addressing the tie-breaker concept in dealing with classes. If this bill were to be modified and the affected classes were not here would that alleviate your problem in hiring people in a tie-breaker situation?

Dennis Taylor: It would help in clarification. It would help as to how the preference is to be applied.

Mr. Taylor also stated that he thinks certain statements should be defined and rule making should exist.

Senator Lynch: I am a strong believer in veterans' preference. Is there a vehicle whereby we could leave veterans' preference alone and have another section for other people?

Dennis Taylor: I believe this proposal by Senator Mazurek will help veterans and help employers to make a choice. I think it hurts veterans as it is now. They want clarification for the employer so they know what the policy is and how to apply it.

Senator Eck made closing remarks in support of the Senate Bill No. 377. Senator Eck stated that basically the question is what are we going to say to public employers or are they going to be required to hire the veteran when the veteran is minimally qualified and someone else is better qualified.

Senator Eck submitted a proposed amendment to Senate Bill 377. The proposed amendment is attached along with a Statement of Intent. These are attached. (Exhibit No. 11)

Chairman Aklestad called the hearing closed on Senate Bill No. 377.

CONSIDERATION OF SENATE BILL NO. 425:

Chairman Aklestad introduced Senator Regan, sponsor of Senate Bill No. 425, to the Committee, and Senator Regan presented the bill to the Committee.

Senate Bill No. 425 is an act to direct the Department of Administration to work toward the goal of establishing a

standard of equal pay for comparable work and to require the Department to report to the legislature the status of the standard under the state classification plan and pay schedules.

PROPOSERS OF SENATE BILL NO. 425:

Stacy Flaherty, representing Women's Lobbyist Fund, stated they support Senate Bill 425. S. Flaherty's printed testimony and a fact sheet are attached. (Exhibit No. 12)

R. Nadiean Jensen, representing the American Federation of state, county, and municipal employees, and the AFL-CIO, stated they are in support of Senate Bill 425. Her printed testimony is attached. (Exhibit No. 13)

Eileen Robbins, representing the Montana Nurses' Association, stated they support Senate Bill 425. E. Robbins' printed testimony is attached. (Exhibit No. 14)

Candace Crosby, representing Missoula Women's Lobbyist Fund, stated they support Senate Bill 425.

Jan Gilman, representing ICCW, stated that they are in support of Senate Bill No. 425. Her printed testimony is attached. (Exhibit No. 15)

Rose Leavitt, representing the Montana Federation of Business and Professional Women, stated they support Senate Bill 425.

Tom Schneider, representing Montana Public Employees Association, stated they support Senate Bill 425.

Dennis Taylor, representing the State Personnel Division, stated they support Senate Bill 425. Mr. Taylor presented an amendment. This amendment is attached. (Exhibit No. 16)

Harriet Meloy, representing American Association of University Women, stated they support Senate Bill 425. Her printed testimony is attached. (Exhibit No. 17)

QUESTIONS FROM THE COMMITTEE ON SENATE BILL NO. 425:

Senator Blaylock stated that he thinks comparable worth is being addressed in Montana.

Senator Regan presented an amendment to Senate Bill No. 425. This amendment is attached. (Exhibit No. 18)

Chairman Aklestad called the hearing closed on Senate Bill No. 425.

CONSIDERATION OF SENATE BILL NO. 449:

Chairman Aklestad introduced Senator Richard Manning, sponsor

of Senate Bill 449, and Senator Manning presented the bill to the Committee.

Senate Bill No. 449 is an act providing for the licensing of persons who use explosives in the demolition or construction of buildings or for other purposes; prohibiting such use of explosives unless under the supervision of a licensee; providing for licensing requirements and examinations; providing for licensure by reciprocity; providing for regulation of the use of explosives; granting rulemaking power to the workers' compensation division; providing for discipline of licensees; providing for civil and criminal penalties; and specifying the application of the act to current practices.

PROPOSERS OF SENATE BILL NO. 449:

Curt Wilson, representing himself, stated that he supports Senate Bill No. 449. His printed testimony is attached. (Exhibit No. 19)

Ken Nerpel, representing himself, stated that he supports Senate Bill No. 449. His printed testimony is attached. (Exhibit No. 20)

Curt Wilson submitted a letter to the Committee from Norm Grey, Fire Chief of Helena Fire Department, in support of Senate Bill 449. This letter is attached. (Exhibit No. 21)

QUESTIONS FROM THE COMMITTEE ON SENATE BILL NO. 449:

Senator Gage: Is this bill patterned after a law somewhere?

Curt Wilson: It is patterned after Washington state codes.

Senator Galt: Who wanted this bill?

Senator Manning: Curt Wilson came to me about it.

Curt Wilson told the Committee about some instances of extensive damage to buildings in Helena through the improper use of explosives.

There was discussion among the Committee regarding language in the bill.

Senator Keating: Would this bill cause an additional amount of work for the workmen's compensation division of the Department of Labor and will the license fees cover the division's administration of the program? I feel we should have a fiscal note with the bill.

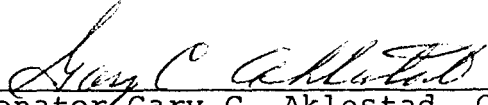
Senator Manning stated that he would see that the bill would have a fiscal note attached.

Chairman Aklestad called the hearing closed on Senate Bill No. 449.

ACTION ON SENATE BILL NO. 333:

Senator Goodover moved that Senate Bill No. 333 Do Pass. On a Roll Call Vote, the Committee voted 5-3 that SENATE BILL NO. 333 DO PASS. The Roll Call Vote is attached.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:30 p.m.

  
\_\_\_\_\_  
Senator Gary C. Aklestad, Chairman

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# STANDING COMMITTEE REPORT

February 17,

1983

MR. **PRESIDENT:**

## LABOR & EMPLOYMENT RELATIONS

We, your committee on

**SENATE**

Bill No. **333**

having had under consideration

**SENATE**

**333**

Respectfully report as follows: That

Bill No.

DO PASS

*4.0*

SENATE COMMITTEE LABOR

Date 2/17/83 Senate Bill No. 333 Time 2:25

NAME	YES	NO
TOM KEATING, VICE-CHAIRMAN	✓	
JACK GALT	✓	
PAT GOODOVER	✓	
DELWYN GAGE	✓	
CHET BLAYLOCK		✓
JOHN LYNCH		✓
DICK MANNING		✓
GARY AKLESTAD, CHAIRMAN	✓	

Marjorie Nichols  
Secretary

Gary C. Aklestad  
Chairman

Motion: Senator Goodover moved that Senate Bill No. 333  
Do Pass.

Motion carried 5-3

(include enough information on motion--put with yellow copy of committee report.)



ROLL CALL

LABOR

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/17/83

[illegible]

DATE

2/17/83

COMMITTEE ON

Labor &amp; Employment Relations

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Harry Lape	League of Women Voters	377	X	
FREDERICK M. KINTOSH	DISABLED AMERICAN VETERANS <sup>DEPT. OF MONTANA</sup>	377		X
John Lee	Disabled Veterans	377		X
George T. Abbott	DAV Chapter 6 Butte	377		X
Walter H. Marshall	V.F.W.	377		X
Harold Burt	Self -	377		X
Robert Miller	Self	377		X
R. Maden Jensen	AFCME, AFL-CIO	425	X	
Jan Antoinetti	USDL-VES	377		X
Reinold M. Taylor	Personnel Div / DCA	425	X	
Celinda Lake	WLF	377	X	
Keith Phelps	self	377	X	
Debi Hentz	self	377	X	
Phil Salawicki	Self	377 <sup>425</sup>	X	
William V. Huber	VFW	377	X	
Mary Lisa Payne	self	377	X	
Synda Steele	self	377 <sup>425</sup>	X	
Horny Cunningham	American League of W.	377		X
Don R. Fin	Self - Leg Post #2	377		X
Curt Wilson	Self	449	X	
Mary Beth Linder	self	377	X	X John M.
Lynne Larson	self	377	X	X John M.
Leon R. Mural	self	449	X	
Hacy A. Flaherty	Women's Lobbyist Fund	245	X	
Raymond Callahan	Lewis & Clark #3 D.A.V	377		X
Leonard Barnes	LEWIS & CLARK D.A.V	377		X

(Please leave prepared statement with Secretary)

COMMITTEE ON

DATE

2/17/83

Labor &amp; Employment Relations

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Angela Brown	Personnel & Lab. Rel. Study Com.	377	<input checked="" type="checkbox"/>	
Bobbie Chalk	Adm. <sup>Handicapped Coordinators</sup> Personnel	377	<input checked="" type="checkbox"/>	
James Shannon	DAV	377		<input checked="" type="checkbox"/>
Paul Kain	DEP & Admen <sup>ICW</sup> Rep.	377	<input checked="" type="checkbox"/>	
Marvin Schult	DAV	377		<input checked="" type="checkbox"/>
Candace Crosby	Women's Employment Network	377	<input checked="" type="checkbox"/>	
James A. Hovey	L & G DAV	<del>377</del> 425	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
McC. Cunningham	L & C DAV	377		<input checked="" type="checkbox"/>
Jan Gelman	ICW	377	<input checked="" type="checkbox"/>	
David Wilcox	City of Missoula	377	<input checked="" type="checkbox"/>	
Nell Johnson	I.S.S.W. (Livestock)	377	<input checked="" type="checkbox"/>	
Alan H. Anderson	DAV	377		<input checked="" type="checkbox"/>
Sue Bartlett	Self	377	<input checked="" type="checkbox"/>	
Sue Bartlett	Self	425	<input checked="" type="checkbox"/>	
Linda Shaar	Self	377	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Betty R. Taylor	Self - DOH	377	<input checked="" type="checkbox"/>	
Janet M. Sullivan	Self	377	<input checked="" type="checkbox"/>	
Laurie Hanson	ICW	377	<input checked="" type="checkbox"/>	
Laurie Hanson	ICW	425	<input checked="" type="checkbox"/>	
Jan Gelman	ICW	425	<input checked="" type="checkbox"/>	
Bleddin Hest	Self	377		<input checked="" type="checkbox"/>
Don Wright	Self	377		<input checked="" type="checkbox"/>
Wayne Rich	Am. Legion Post 14	377		<input checked="" type="checkbox"/>
Jane Leavitt	MT Bus + Prof Women's	425	<input checked="" type="checkbox"/>	
Mark Schumacher	MT PETA	425	<input checked="" type="checkbox"/>	

(Please leave prepared statement with Secretary)

COMMITTEE ON

Labor &amp; Employment Relations

DATE

2/17/83

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Melody Braun	MT Nurses Assoc	425	X	
Eileen Robbins	Mont Nurses Assoc	425	X	
Deanna Bornhoft	Self	377	X	
Deanna Bornhoft	Self	425	X	
Christine Zuel	Self	377	X	
Elizabeth P. Dumas	Self - Vietnam	377		X
Carol Barber	ICCW	377	X	
		425		
Lynne Scott	WLF	377	X	
		425		
Donald M. Jackson	Self	377	X	
		425		
Barbara C. Delag	Amer. Assoc. Univ. Women	425	X	
Gerry Langer	LWV/MT	425	X	
Robin Butron	BPW	425	X	
Nancy Flaherty	Women's Lobbyist Fund	425	X	
Laura Nicholson	League of Women Voters	425	X	
Cherie McNett	Self	425	X	
		377		
Paul Dimech	Self	425	X	
		377		
Ann M. Taylor	Personnel Div / DDA	425	X	
Jeanne Sullivan	Self	425	X	

NAME: Charles van Hook DATE: Feb 17, 83

ADDRESS: 517 Waukesha Helena

PHONE: 443-6408 work 442-3199 Home

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: SB 377

DO YOU: SUPPORT? Yes AMEND?        OPPOSE?       

COMMENTS: Fair Competition for employment based  
on qualifications

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit 1

TESTIMONY SUBMITTED TO  
SENATE COMMITTEE ON LABOR AND INDUSTRY  
BY: Charles Van Hook, Helena, Montana  
February 17, 1983

I am here to ask this committee to pass S.B. 377.

My intention is not to contest the benefits due veterans. I am a veteran, and after serving 3 years in the U.S. Army Infantry, I have accepted and appreciated a number of very advantageous benefits. The federal government, through the Veteran's Administration has taken good care of me by providing support

1. Through the G.I. Bill while I attended college;
2. Through job preference for veterans while I worked at a summer job for the park service;
3. Through job preference again at the forest service in Missoula where I worked to pay for graduate education at the U of M;
4. And, I have received V.A. help in home financing through the purchase of a house at 8% interest.

These benefits have given me good advantages in education, employment and in financing. My health benefits are there awaiting the time when I'll need them.

I am here to offer my experience as a common example of a veteran 17 years out of the military. I do not ask the Montana Legislature for additional advantages and privileges. Veterans are so well cared for by the federal government that special offerings by the state are redundant.

If I see a woman with children, living alone, desperate for a job, I will feel no pride if you automatically put me in front of her in an employment line.

Veterans deserve good benefits and they have them. If our society chooses to extend its recognition of veterans' needs, I hope it will put more effort into the unique psychological needs of Vietnam vets.

The State of Montana need not eliminate fair competition for employment. Hire those most qualified for the work you want accomplished. And please don't establish policies that force women and minorities into the welfare system due to unfair competition.

(This sheet to be used by those testifying on a bill.)

EXHIBIT 2

NAME: Jan Gilman DATE: 2-17-83

ADDRESS: 36 S Davis, Helena

PHONE: 443-7861

REPRESENTING WHOM? ICCW

APPEARING ON WHICH PROPOSAL: SB 377

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

My name is Jan Gilman and I represent the Interdepartmental Coordinating Committee for Women (ICCW) a committee formed by the Governor to identify policies and procedures in state government which directly or indirectly result in discrimination against women. The ICCW has been closely following the issue of employment preference for veterans and handicapped individuals. We feel it is imperative to support a more equitable approach to employment preference than that which resulted from the decision in the case of Crabtree vs. The State of Montana. This decision requires the State of Montana to hire a preferred person as long as that person is minimally qualified for the position.

The ICCW strongly supports SB 377 which administers initial hiring preference through substantially equal qualifications as long as members of affected classes shown to be underutilized by the public hiring authority are given equal preference.

Prior to the decision in Crabtree vs. the Montana State Library, women were shown to suffer the greatest disadvantage among all employee groups in finding employment. This court decision increases the disadvantage by removing women and other non-preferred persons from consideration for jobs for which they are fully qualified.

Employment figures from the Department of Labor and Industry for 1980, 1981 and 1982 demonstrate the placement to referral rate for women is consistently lower than for veterans, while at the same time the average wage at placement also is lower for women than for veterans.



The State of Montana EEO/AA report for 1980 shows the average female earned only 69.4 cents for every dollar the average male employee earned. This difference is due, in part, to the fact that women fill a disproportionate number of lower paying jobs. According to the report "Significant progress has begun in improving the recruitment and selection practices of selected state agencies for hiring employees. Continued progress in hiring practices will lead to better utilization of women, minorities and handicapped, non-discriminatory selection, and a more qualified and productive workforce."

The decision in the case of Crabtree vs. the Montana State Library will reverse any progress made to date in the increased opportunity of women finding employment. SB 377 provides the most fair and equitable system of administering hiring preference, particularly because it includes affected class language. Without the affected class language, any gains women have made in the last few years will be eroded and women will be at an even greater disadvantage. Therefore, the ICCW urges a "do pass" recommendation for SB 377.

# WOMEN'S LOBBYIST FUND

Box 1099  
Helena, MT 59624  
449-7917



FACT SHEET SB 377 sponsored by Eck, Addy, Metcalf, Jensen, and Halligan

## VETERANS' PREFERENCE, HANDICAPPED PERSONS' PREFERENCE, AND EQUAL EMPLOYMENT OPPORTUNITY BACKGROUND:

The 1982 decision of Lewis and Clark County District Judge Bennett (*Crabtree v Montana State Library*) radically changed the interpretation of Montana's veterans' preference act from how it had been practiced and from what most other states and the federal government have. That Court decision ruled that preference should be given to veterans and handicapped persons who were minimally qualified for jobs and that the preference should be extended not only to public hiring in state government but to hiring in local government, public schools, and universities.

It has been widely agreed that this interpretation was a radical departure from what had been practiced and intended in the past and that it indicated the ambiguity of our existing statutes. It was also a decision which put public hiring authorities under conflicting mandates, since state government, local government, schools, and universities are under federal and state mandated equal employment opportunity plans, as well as veterans' preference. (There are grievance cases against some of Montana's university departments and all but one state government department have filed affirmative action plans in the last two years.)

Because women have been held to a fixed percentage in the military and because societal norms have generally not encouraged women to take up roles in the military -- it has been recognized that it would be impossible to implement both the current veterans' preference as interpreted by the courts and the current equal employment opportunity provisions of the Montana Constitution and the Title VII of the Civil Rights Act. Thus we face a difficult problem in our current legislative session.

## A CRITICAL CHOICE FOR MONTANA:

Montana is in a particularly difficult position vis a vis veterans' preference. According to the Veterans' Office at Fort Harrison, we have the third highest per capita rate of veteran status in the nation. Furthermore Montana's veteran's preference law also extends to all veterans who have honorably served 180 days -- not just to combat or combat era veterans.

Veterans' preference would extend to both male and female veterans, but women have been systematically limited in their military and combat service. Women have always been held to a fixed percentage participation in the armed forces. Even in World War II and up to 1971, less than 2% of the armed forces could be female. The Carter administration had set a goal of 250,000 female troops or 12% by 1985, but the Reagan administration has set new lower quotas. In the last two months recruitment of women in the armed forces has been frozen to 10% (the current level is 9.4%) and women have been limited to service in fewer branches of the armed forces than before. The reality is that most women have been and will be unable to acquire veterans' preference even if they so desired.

This systematic limitation coupled with the strong provisions in Montana's Constitution guaranteeing equality between the sexes in employment and other arenas, we believe, make some forms of veterans' preference unconstitutional in this state.

The decision we make on veterans' preference will be critical for the employment of women in Montana. According to state Department of Labor figures, 22% of Montana's non-agricultural work force is employed in the hiring authorities covered by the Bennett court decision, and an even higher percentage of women are employed there. The public sector has long been recognized as one of the sectors offering the greatest opportunity for advancement for women.

### THE BEST COMPROMISE: (See Chart 1)

We believe that SB 377 sponsored by Eck, Addy, Metcalf, Jensen, and Halligan is the best compromise among a series of seemingly conflicting demands -- i.e.

1. the need to administratively clarify and specify the current court decision,
2. the desire to award veterans the preference they have been promised and have earned in their service to this state and this country, and
3. the need to protect existing programs for equal employment opportunity.

Part of the compromise is that SB 377 deals only with initial hire. It allows tie-breaking preference for all veterans and handicapped persons. In so doing, SB 377 most closely approximates federal veterans' preference and what was practiced in this state before the district court decision. Federal preference is preference on initial hire, is essentially tie-breaking preference, and is coupled with equal employment opportunity affirmative action mandates enforced by the courts and the Department of Labor. In SB 377 the affected class language for initial hire protects affirmative action plans in hiring for those specific hiring units which have demonstrated past discrimination and which thus would be mandated to implement EEO plans by state and federal laws. SB 377 would de facto give absolute preference to handicapped persons and disabled veterans because of their being specifically referred to in the bill and because of their affected class status. SB 377 appropriately recognizes that handicapped persons are the most discriminated class in our society.

WHAT THE PROPOSED BILLS DO: CHART 1

	HB 378	SB 377	SB 197
tie-breaking preference		X	X
deals with initial hire		X	X
deals with hiring, transfer, and promotion	X		X
violates collective bargaining agreements	X		X
maintains affirmative action programs in initial hire		X	
deals with public hiring in state government, local govt., schools and university	X	X	X

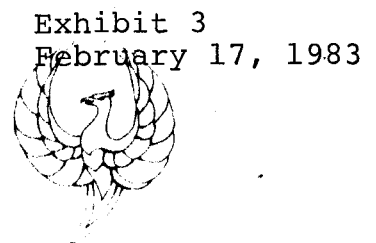
### IN SUMMARY:

In summary the Women's Lobbyist Fund supports veterans' preference. We recognize that veterans like ourselves have faced disadvantages in hiring. We as a society have also made a commitment to veterans who served us all in good faith. The Bennett court decision has put us all in a bad situation and made false adversaries of certain factions of different groups. The Court decision has made an issue of certain facets of both veterans' preference and affirmative action in hiring which were never debated before.

We believe that SB 377 is the best compromise legislation which grants veterans preference and protects equal employment opportunity programs. SB 377 also most closely approximates legislatively what we were doing in Montana before the court decision. Finally, SB 377 in defining veterans' preference violates the fewest other demands in hiring which emanate from collective bargaining agreements and state and federal EEO mandates. In that sense it seems the fairest and most workable bill.

# WOMEN'S LOBBYIST FUND

Box 1099  
Helena, MT 59624  
449-7917



COMPARABLE WORTH--SB 425

## WOMEN IN THE WORKFORCE

Today 52% of all women are working. They compose 43% of the total labor force. 74% of these women must work as 26% have never married, 19% are widowed, divorced or separated and 29% are married with husbands earning less than \$15,000 a year.

## THE WAGE GAP

While the number of women in the workforce has been increasing, evidence shows that their spending power has been stagnating. Since 1955, for all the full-time workers, every dollar men have earned women's earnings have declined such that today women make up to 69¢ for every dollar a man makes.

Even to the extent that women and men achieved equal educational status, the earning gap persists. Statistics show that despite qualifications:

- Fully employed female high school graduates earn, on the average, less than fully employed men who have not completed elementary school.
- Women with 1 to 3 years of college earn incomes that are, on the average, \$2000 less than men who have completed only the 8th grade.
- In 1985, a male truck driver with 9 years of education will earn \$16,000, while a female registered nurse with 14.2 years of education will earn \$11,970.

## WHAT CAUSES THE WAGE GAP?

The wage gap is caused by "job segregation" and discriminatory employment practices. 50% of all employed women can be found in 4 occupations: clerk, saleswoman, teacher and registered nurse. Recent statistics reveal that women and men are still concentrated in traditionally female and male occupations.

<u>Female-Dominated Occupations</u>		<u>Male Dominated Occupations</u>	
	% Women		% Men
Registered Nurse	96.5%	Engineer	96.0%
Clerk	80.1%	Computer Specialist	93.3%
Retail Sales	71.1%	Lawyer and Judge	87.2%
Teacher	70.8%	Physician	86.6%

Job segregation is the most serious cause of the earnings gap and is as prevalent today as it was 70 years ago. Wages for traditionally female occupations have been continually depressed. "Women's work," because of the stereotypes held about women in general, has consistently been undervalued as compared to the jobs traditionally held by men.

## ISSUE OF COMPARABLE WORTH

Comparable worth as an issue has arisen because of changing cultural values of the worth (appropriate compensation) of jobs.

Efforts to address the problem of wage discrimination have not increased women's salaries to equal men's. The Equal Pay Act of 1963, which mandates equal pay for equal work, applies to a relatively small percentage of women workers. Since most female workers are segregated into "women jobs", the rule of the "equal pay for equal work" is not applicable to them. Especially since "female jobs" have tended to be systematically undervalued compared to "male jobs."

THERE NEEDS TO BE A MORE REALISTIC METHOD OF EVALUATING JOBS TO DETERMINE THEIR WORTH. MANY JOBS, ALTHOUGH NOT IDENTICAL IN NATURE, HAVE COMPARABLE WORTH, AND ARE SIMILAR IN THE SKILLS, EFFORTS, RESPONSIBILITIES AND TRAINING REQUIRED. THE CONCEPT OF COMPARABLE WORTH SIGNIFIES THAT SUCH JOBS SHOULD BE PAID EQUALLY.

For example, many states have measured their classification system according to the following components: 1) knowledge and skills, which includes interpersonal communication skills; 2) mental demands--latitude for independent judgement and the extent of problem solving; 3) accountability--freedom to take action and 4) working conditions--physical effort, hazards and discomfort.

Implementing comparable worth would have positive effects. Closing the wage gap would:

- Reduce job segregation by attracting men into traditionally female occupations.
- Draw more people to areas of work where there are shortages of skilled employees, (i.e. nursing).
- Raise the social and economic status of women and their ability to support themselves.

#### ACHIEVING PAY EQUITY

In 1951, at the International Labor Organization Conference in Rome, 80 countries passed a resolution supporting comparable worth.

**Legislation:** At the state level in the United States, legislation has been introduced and passed in Minnesota, Washington, California, Idaho, Oregon, Connecticut, Michigan, as well as other states.

SB 245 is very similar to a Minnesota law which implemented a plan mandating the appropriate personnel agency to report to the legislature every two years on the status of comparable worth in their state classification system.

**Litigation:** In the case of Gunther V. the County of Washington, Oregon, the Supreme Court set a precedent by allowing Oregon jail matrons to argue a pay discrimination suit under Title VII of the Civil Rights Act. The women were paid 70% of what male guards received yet job evaluations showed they should have been paid 95% since nearly the same skill, effort and responsibility were required. This case will not necessarily open the way for broad challenges to pay structures but it may allow women to challenge pay practices even when their jobs are not identical to men's. It is also a signal to Congress that comprehensive legislation is needed to outlaw sex-bias in pay structures.

There is also legal pressure in Montana to examine and move toward comparable worth. A court case involving the comparable worth of nearly 200 eligibility technicians and interviewer I's is still pending in district court.

EQUAL PAY FOR EQUAL WORK MUST BE BROADENED TO INCLUDE EQUAL PAY FOR WORK OF EQUAL VALUE, OR COMPARABLE WORTH. WORKING WOMEN, WHOSE JOB CONTRIBUTIONS ARE EQUAL TO THOSE OF MEN, DESERVE EQUAL FINANCIAL REWARD.

**SOURCES:** Congressional Research Services, Library of Congress

National Commission on Working Women

Comparable Worth Project Newsletter

California Commission on the Status of Women

U.S. Labor Department

Annual Report to the Governor on the Montana EEO and Affirmative Action Program, '82

The Status of Women in Montana State Government, 1976

Women's Equity Action League

newspapers and magazines

REPRESENTING WHOM? Self

DO YOU: SUPPORT? ✓ AMEND?            OPPOSE?           

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TESTIMONY IN SUPPORT OF SENATE BILL 377

My name is Mary Lisa Pryne. I am a native of Montana, and a Vietnam - era veteran of the United States Navy. I am here today in support of Senate Bill 377.

The purpose of any preferential program of employment should be to assure that workers who have traditionally experienced discrimination are given a chance to enter the job market. Although it is true that some veterans do experience difficulty in making the transition from military to civilian life, the Federal government, through its Veteran's Administration, has already provided resources for the veteran, to upgrade his or her job skills through educational assistance.

I do not propose to abolish veteran's preference for employment. But, I feel that the present system of placing veterans in a preferred category above other minority workers is an arbitrary exercise in discrimination for many other classes of people.

I have experienced job discrimination first hand, not because I am a veteran, but because I am a woman. Senate Bill 377, if passed, will begin to rectify that discrimination in a positive and equitable manner.

I urge you to vote "do pass" on SB 377.

(This sheet to be used by those testifying on a bill.)

After EXHIBIT 4

NAME: KEITH PHELPS DATE: 2/17/83

ADDRESS: 519 S. 3RD ST W., MISSOULA, MT 59801

PHONE: 543-4721

REPRESENTING WHOM? MYSELF

APPEARING ON WHICH PROPOSAL: SB377

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENTS: THE INITIAL ACT ESTABLISHING VETERANS  
PREFERENCE ALSO ESTABLISHED A PRECEDENT TO ASSIST  
CLASSES OF CITIZEN ENCOUNTERING DIFFICULTY IN  
SECURING PUBLIC EMPLOYMENT. THE LEGISLATION  
WHICH EXTENDED PREFERENCE TO THE HANDICAPPED  
SUPPORTS THIS FUNDAMENTAL CONTENTION. EXTENSION  
OF PREFERENCE TO WOMEN IN INITIAL HIRING  
IS A FAIR AND PROPER APPLICATION OF THIS PRECEDENT.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



(This sheet to be used by those testifying on a bill.)

EXHIBIT 5

NAME: DENNIS L. TAYLOR DATE: 2-17-83

ADDRESS: HELENA

PHONE: 449-3871

REPRESENTING WHOM? STATE PERSONNEL DIVISION - DOTA

APPEARING ON WHICH PROPOSAL: SB 377

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

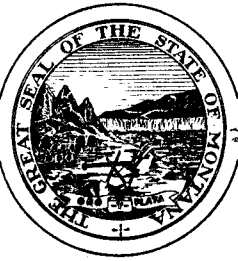
COMMENTS: \_\_\_\_\_

see attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DEPARTMENT OF ADMINISTRATION

PERSONNEL DIVISION



TED SCHWINDEN, GOVERNOR

ROOM 130, MITCHELL BUILDING

STATE OF MONTANA

(406) 449-3871

HELENA, MONTANA 59620

TESTIMONY OF DENNIS M. TAYLOR, ADMINISTRATOR, PERSONNEL  
DIVISION, DEPARTMENT OF ADMINISTRATION, CONCERNING  
SENATE BILL NO. 377 PRESENTED TO THE SENATE COMMITTEE  
ON LABOR AND EMPLOYMENT RELATIONS ON FEBRUARY 17, 1983

Mr. Chairman and Committee Members, my name is Dennis Taylor and I am the Administrator of the State Personnel Division in the Department of Administration. I appear before you today in support of SB377.

SB377 is yet another attempt to clarify the Veteran's and Handicapped Civilians Preference Act. Like SB197 introduced by Senator Joe Mazurek, SB377 spells out the nature of the preference and provides a clear, straight forward procedure for applying the preference. SB377 contains the major elements that are required by public employers in order to avoid litigation, and to determine and implement the public policy regarding preferences for veterans and disabled persons in public employment.

The four essential elements are:

1. The nature of the preference is clarified as a tie breaker (substantially equal) rather than as an absolute preference or entitlement.
2. The procedures for applying the preference are simple and understandable.
3. Rule making authority is provided to effectively administer the preference.
4. Terms used in the act are clearly defined.

Both SB377 and SB197 meet these tests. The difference between the two approaches turns on the issue of whether this preference was intended to extend beyond initial appointment and whether it is desirable to provide certain anti-discrimination protections. These issues are important policy decisions that this Legislature should address.

The public interest is not served by ignoring the problems with the Veterans and Handicapped Civilians Preference Act as it currently stands, and thereby forcing public employers to run a gauntlet of costly and contentious lawsuits in order to clarify the law. You have an opportunity to determine what this policy should be and to establish clear definitions and procedures so that public employers can implement

that policy. To ignore the problem or to leave the interpretation of this vague and confusing act to the courts is to abdicate your responsibilities as a policy setting body.

I urge you to take some positive action this session to resolve this complex problem.

Exhibit 5  
February 17, 1983

COMPARISON OF PREFERENCE BILLS

	<u>Present Law</u>	<u>SB 197</u>	<u>SB 377</u>	<u>HB 378</u>
Personnel Decisions Affected	Initial appt (possibly include promotion, Reappt & retention after RIF)	Initial appt; Reappt; Retention after RIF (Not promotion)	Initial appt (not promotion)	Initial appt; Reappt; Continued employment; Retention after RIF (possibly include promotion)
Persons Provided Preference	Vets; Vets' spouses; Other dependents of Vets; Disabled Civilians (No definitions)	Vets; Certain dependents of Vets; Disabled civilians (Definitions included)	Same as SB 197	Same as present law
Protection for EEO Gains	No protection for "affected class" individuals	"Affected Class" individuals protected for reappt and retention after RIF	"Affected class" individuals protected for initial appt	Same as present law
Veterans Covered	Wartime Vet, other than dishonorable discharge; After 1-31-55 non-wartime vet, honorable discharge; Retired military	Wartime Vet, honorable discharge; After 1-31-55 non-wartime vet, honorable discharge; Retired military	Same as SB 197	Same as present law
Procedures	Written exam; Disabled vets-10 pts; Vet-5 pts; Disabled Civilian-no pts	Scored procedures; (Disabled vet and disabled civilian-10% pts; Vets-5% pts); No scored proced.; (Preference over others of substantial equal qualif)	Same as SB 197	Same as present law
Nature of Preference	Absolute (entitlement)	Tie-breaker (pref over substantially equally qualif)	Same as SB 197	Same as present law
Terms Defined	Veteran; Surviving spouse; Percent	"Affected class"; Depend. of vets; (disabled vet's spouse, surviving spouse, and not remarried spouse); Department; Disability; Disabled person; Initial appt; Pub Hiring Auth; Re-employ pref; Veteran	Same as SB 197	Same as present law
Employers Required to Provide Pref	"All public works" (possibly include contractors)	City; County; Town; School Districts; State	Same as SB 197	Same as present law
Enforcement of Preference	No admin. review; Direct petition to Dist. Court for 2 years	Admin. review procedure; If review not satisfactory, direct petition to Dist. Court for 30 days	Same as SB 197	Same as present law
Rulemaking Authority	None	Dept. of Admin.	Dept. of Admin.	None

Submitted by Schramm

Exhibit 6

Feb. 17, 1983

## Recommended Veterans' Preference Bill

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE VETERANS AND DISABLED PERSONS EMPLOYMENT PREFERENCE LAW TO CLARIFY THE NATURE OF THE PREFERENCE AND THE PROCEDURES FOR APPLYING IT; AMENDING SECTIONS 10-2-201 THROUGH 10-2-206, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-2-201, MCA, is amended to read:

"10-2-201. Purpose. The purpose of 10-2-201 through 10-2-206 and [section 7] is to provide for preference of veterans, their certain dependents and unremarried surviving spouses of veterans, and certain disabled civilians in initial appointment and employment in every public department and upon all public works of the state of Montana and of in any county and city local government intity thereof."

Section 2. Section 10-2-202, MCA, is amended to read:

"10-2-202. Definitions. For purposes of 10-2-201 through 10-2-206 and [section 7], the following definitions apply:

(1) Certain dependents of a veteran means:

(a) the spouse of a disabled veteran unable to use his preference as a result of a service-connected disability; or

(b) the unremarried surviving spouse or other dependent of a veteran who died as a result of a service-connected disability or who died while on active duty.

(2) "Department" means the department of administration provided for in Title 2, chapter 15, part 10.

(3) "Disability" means a physical or mental condition which limits a major life activity such as walking, seeing, hearing, or speaking and which limits the person's ability to find and hold employment.

(4) "Disabled person" means:

(a) a veteran having a service-connected disability as determined by the veterans administration of the United States; or

(b) a civilian having a disability as determined by the department of social and rehabilitation services.

(5) "Initial appointment to employment" is the act of hiring a person not currently employed with that jurisdiction.

(6) "Public hiring authority" means:

(a) any department, office, board, bureau, commission, agency, or other instrumentality of the government of the state of Montana; or

(b) any county, city, town, school district, or other unit of local government or any instrumentality of local government.

(7) The term-"veterans" "Veterans" means persons:

(a) who served in the armed forces of the United States in time of war or declared national emergency and who have been separated from service upon under honorable conditions other-than-dishonorable; or

(b) who after January 31, 1955:

(i) served on active military duty for more than 180 days or were discharged or released because of a service-connected disability; and

(ii) were honorably discharged.

(8) The term-"war" "War or declared national emergency" includes:

~~(a)-The-Civil-War;~~

~~(b)-The-Spanish-American-War;~~

~~(c)-The-Philippine-insurrection;~~

~~(d) (a) World War I, between April 6, 1917, and November 11, 1918, both dates inclusive;~~

~~(e) (b) World War II, between September 16, 1940, and December 31, 1946, both dates inclusive;~~

~~(f) (c) The Korean conflict, military expedition, or police action, between June 26, 1950, and January 31, 1955, both dates inclusive; and~~

~~(g) (d) The Vietnam conflict between August 5, 1964, and May 7, 1975, both dates inclusive.~~

~~(3)-The-term-"surviving-spouse"-means-an-unremarried-surviving-spouse of-a-veteran-~~

~~(4)-The-word-"percent"-means-percent-of-the-total-aggregate-points of-the-examination-referred-to."~~

Section 3. Section 10-2-203, MCA, is amended to read:

"10-2-203. Preference in initial appointment and employment. ~~(1) In every public department and upon all public works of the state of Montana and of any county or city thereof, the following~~ Every public hiring authority shall be preferred for give preference as provided in 10-2-204 to veterans, disabled persons, or certain dependents of veterans in initial appointment and employment, veterans, their spouses and surviving spouses, and the other dependents of disabled veterans and disabled civilians recommended by the rehabilitative services division of the department of social and rehabilitation services.

~~{2}-Age,-loss-of-limb,-or-other-physical-impairment-which-does-not in-fact-incapacitate-does-not-disqualify-any-disabled-veteran-or-civilian provided-he-or-she-possesses-the-business-capacity,-competency,-and-education-to-discharge-the-duties-of-the-position-involved.~~

~~{3}-Those-of-the-above-described-veterans-who-have-disabilities-admitted-by-the-veterans-administration-of-the-United-States-to-have-been incurred-in-service-in-any-of-the-wars,-military-expeditions,-or-police actions-when-ever-such-disabilities-do-not-in-fact-incapacitate,-shall-be given-preference-in-employment-over-other-veterans."~~

Section 4. Section 10-2-204, MCA, is amended to read:

"10-2-204. Credit-for-examination Administration of preference.

~~{1}-When-written-or-oral-examinations-are-required-for-employment,-disabled veterans-and-their-spouses,-their-surviving-spouses,-and-other-dependents shall-have-added-to-their-examination-ratings-a-credit-of-10-points.--All other-veterans,-their-spouses,-surviving-spouses,-and-dependents-shall have-added-to-their-examination-ratings-a-credit-of-5-points.~~ If scored procedures are used to establish an employment list and a veteran, a disabled person, or certain dependents of veterans attain a passing score, 5 percentage points shall be added to his score, unless he is a disabled person, in which case 10 percentage points shall be added to his score.

(2) The fact that an applicant has claimed a veterans-credit preference may not be made known to the examiners until ratings of all applicants have been recorded, after which such credits shall be added to the examination rating and the records shall show the examination rating and the veteran's credit preference.

(3) The-benefits-of-this-section-are-in-addition-to-and-not-in derogation-of-the-preference-in-appointment-and-employment-or-both-given by-10-2-203. If scored procedures are not used, a veteran, a disabled person, or certain dependents of veterans shall be appointed to the position over others of substantially equal qualifications. Disabled persons shall be appointed to the position over veterans or certain dependents of veterans of substantially equal qualifications.

(4) A veteran, a disabled person, or certain dependents of veterans need not be appointed to a position over a person without a claim to preference who is entitled to appointment to the position under established policies of the public hiring authority, including a collective bargaining agreement unless the veteran, disabled person, or certain dependents of veterans are similarly entitled under the same policy or agreement."

Section 5. Section 10-2-205, MCA, is amended to read:

"10-2-205. Eligibility --duty of veterans, disabled persons, or certain dependents of veterans. (1) None of the benefits of 10-2-201 through 10-2-206 and [section 7] accrue to any person who refused to serve on active duty in the military service ~~to-which-attached-or-to-take-up-arms~~ in the defense of the United States.

~~{2}-No-person-who-has-not-been-a-resident-of-Montana-for-at-least-1 year-immediately-preceding-an-appointment-is-entitled-to-such-preference.~~

(3) (2) For city or county employment, no preference will be granted unless an applicant under 10-2-201 through 10-2-206 is also a resident of the city or town or county in which employment is sought. It is the duty of a veteran, a disabled person, or certain dependents of a veteran to establish his eligibility for preference and to make his preference known to the public hiring authority."

Section 6. Section 10-2-206, MCA, is amended to read:

"10-2-206. Enforcement of preference. (1) Any person entitled to preference in 10-2-201 through 10-2-206 and [section 7] who has applied for any appointment or employment upon public works of the state of Montana or any county and city thereof or in any public department of the state and who has been denied employment or appointment and feels that the spirit of 10-2-201 through 10-2-206 has been violated and that such person is in fact qualified physically and mentally and possesses business capacity, competency, and education to discharge the duties of the position applied for may petition by not been accorded his rights under 10-2-201 through 10-2-206 and [section 7] may within 15 days of receipt of notice of the adverse decision make a written request for appeal to the public hiring authority. The public hiring authority shall provide written explanation and shall deliver this explanation to the veterans, the disabled person, or certain dependents of a veteran within 30 days of the date of his request for appeal.

(2) Within 30 days after the delivery date of the written explanation the veteran, disabled person, or certain dependents of a veteran may file a verified petition with the district court of the state of Montana in the county in which the work is to be performed application if filed. The petition shall set forth the facts of the application, qualifications, competency, and such person's honorable discharge or other qualifications warranting the applicant to preference under 10-2-201 through 10-2-206 and [section 7].

(3) Upon filing of such petition, any judge in the court shall issue an order to show cause to the appointing public hiring authority directing the appointing public hiring authority to appear in the court at a specified time and place, not less than 5 10 or more than 10 20 days after the filing of the verified petition, to show cause, if any exists, why the veteran, the disabled person, or the dependent of a veteran person entitled to preference not be employed by the appointing public hiring authority. The petitioner shall retain the obligation to show that the cause proffered by the hiring authority is not a valid reason for refusing to hire the petitioner.

(4) The district court has jurisdiction upon the proper showings to issue its order directing and ordering the appointing public hiring authority to comply with this law in giving the preference provided for.

(5) The Montana Rules of Evidence and Rules of Civil Procedure apply to all court proceedings brought under this section."

NEW SECTION. Section 7. Rulemaking authority. The department shall adopt rules to implement this part.

NEW SECTION. Section 8. Effective date. This act is effective on passage and approval.



NEW SECTION. Section 9. Codification instruction. Section 7 is intended to be codified as an integral part of Title 10, chapter 2, part 2, and the provisions of section 7 apply to Title 10, chapter 2, part 2, and the provisions of Title 10, chapter 2, part 2, apply to section 7.

(This sheet to be used by those testifying on a bill.)

EXHIBIT 7

NAME: WALTER MARSHALL DATE: 2/17/83

ADDRESS: 931 KNIGHT, HELENA, MT

PHONE: 442-0148

REPRESENTING WHOM? V.F.W.

APPEARING ON WHICH PROPOSAL: S.B 377

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: SEE COMMENTS

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STATEMENT BY JOHN W. MAHAN, PAST NATIONAL COMMANDER, VETERANS OF  
FOREIGN WARS OF THE UNITED STATES, REGARDING VETERANS PREFERENCE  
SUBMITTED TO THE MONTANA LEGISLATURE:

I am sorry that I am unable to attend your hearing on  
Veterans Preference, due to a prior legal appointment.

The Veterans Preference Law of Montana was first enacted  
in Section 1, Chapter 211, Laws of 1921. The law was amended to  
include handicapped or disabled people in 1927. Though the  
present Montana Veterans Preference Law is not as strong or as  
strict as the Massachusetts Veterans Preference Law, the Massachu-  
setts Veterans Preference Law was held constitutional by the United  
States Supreme Court in the Finney case.

"In that case a woman was contesting the constitution-  
ality of the Massachusetts Veterans Preference Act  
because she claimed it discriminated against women.  
The court held, 'that the law did not discriminate  
against women for a woman if she desired, could be a  
veteran as well as a man', and upheld the Veterans  
Preference Law as constitutional and not discrimin-  
ating against women."

Montana had no difficulty in the enforcement of this act or  
its interpretation for many years. In 1960, Mr. Chadwick H. Smith,  
then Chairman of the Unemployment Compensation Commission, requested  
of the then Attorney General of the State of Montana, Forrest H.  
Anderson, what the preference right to appointment which was provided  
by said act, meant as regards retention of employment. His answer  
then to Mr. Smith,

"The object of the Veterans Preference Act is simple  
and self-evident. The Montana veteran of military  
service is to be preferred in appointment to state  
employment. That preference could be rendered a  
nullity if it did not continue beyond the appoint-  
ment. If it did not the veteran could be appointed  
then immediately released.

So, in view of this it seems evident that by stating  
that a veteran shall be preferred for 'appointment  
and employment' that the legislature intended the  
preference to apply to retention of employment."

Recently, due to the discharge of several veterans in the Department of Labor, this interpretation of the present statute is in dispute; therefore, the reason for this legislation. It was felt by the veterans organizations of Montana that the interpretation given to the Veterans Preference Statute by the Court as of today, is correct, and the Veterans Preference Statute does not need to be amended, unless a new interpretation of the law is later brought down by the Supreme Court. The State believes that the law should be amended to place disabled or handicapped people in the same position as disabled veterans. The D.A.V. strongly objects to this new interpretation. Though all veteran organizations believe that the provision for handicapped or disabled persons remain the same as it is today, since it has worked well since 1927.

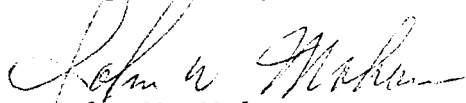
The State now wishes to include women and other minorities by adding the words "affected class", in the statute for veterans. It is our contention that women and other minorities are already included if they served in the Armed Forces during a war or recognized conflict. The purpose for preference is strictly what a person, man, woman, or minority did for his country in time of crisis . . . not the fact they are a woman or black, etc.. To change the purpose of this law that has been on the books since 1921 would be "ludicrous".

Several meetings with all the veterans organizations as well as officials of the State, took place regarding proposed bills on veterans preference. It was stated at the last meeting that if the words "affected class" were used, it would have to be shown discrimination at the present time. A copy of the proposed amendment to Veterans Preference Act was supposed to have been delivered to the veterans organizations prior to the introduction of any legislation, which to my knowledge never happened.

When the legislation was introduced, as far as I know, no organization had received an advance copy of the finalized bill. When they did read the bill as introduced, it appeared to have completely refuted what was agreed on between the parties prior to the introduction. The portion of the bill as to "affected class" placed past discriminations, as well as present, as one of the categories to allow a veteran not to receive preference over the "affected class". This I strongly oppose as I am sure every veteran in Montana will oppose. The only bill that I personally favor regarding veterans preference, if one is to pass, is that introduced by Representative Joe Brand of Deer Lodge. For it clarifies the law as the Attorney General in 1960 interpreted said law.

If the Veterans Preference Act is muddled up enough by amendments, it would mean a white man who was not old enough during any of our wars to serve his country would never be employed by our State. This result would be absurd.

Respectfully submitted,

  
John W. Mahan

Mr. Chairman:

I am opposed to this bill  
377 and am in agreement with  
John. W. Mahan prepared  
statement

Thanks You  
Robert J. Russ  
Box 397  
East Helena Mont  
59635

NAME: MAC KINTOSH, FREDERICK JOHN DATE: 3/17/83

ADDRESS: 6390 BIRDSEYE ROAD, HELENA, MONTANA 59601

PHONE: 443-5540

REPRESENTING WHOM? "DISABLED AMERICAN VETERANS" - DEPT. of MONTANA

APPEARING ON WHICH PROPOSAL: S.B.-377

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ☒

COMMENTS: NOTE ATTACHED STATEMENT.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# DISABLED AMERICAN VETERANS

## DEPARTMENT OF MONTANA



February 17, 1983

LYNN WALKER  
Department Commander  
Box #916  
Livingston, Montana 59047  
Phone: (406) 222-6843

JOHN E. SLOAN  
National & Department  
Service Officer  
VA Center  
Fort Harrison, MT 59636  
Phone 442-6410 Ext. 221

FREDERICK J. MacKINTOSH  
Dept. Adjutant-Treasurer  
6390 Birdseye Road  
Helena, Montana 59601  
(406) 443-5540

### TESTIMONY OF FREDERICK J. MAC KINTOSH, DISABLED AMERICAN VETERANS DEPARTMENT OF MONTANA ADJUTANT, CONCERNING SENATE BILL 377 PRESENTED TO THE SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

Mr. Chairman and Committee Members, my name is Frederick J. MacKintosh and I am the Department of Montana Adjutant for the Disabled American Veterans. I appear before you today in opposition to Senate Bill 377 as it currently reads.

The principle of Veterans' Preference was written into law over a century ago when, in 1865, Congress gave preference to veterans with service-incurred disabilities. Since then the national policy has been broadened and strengthened by law, executive order and regulation. In 1944, the various statutes, White House directives and Civil Service Commission regulations were unified into a single law, known as the Veterans' Preference Act, covering rights of veterans (including certain spouses, widows, widowers, and mothers of veterans).

The original laws relating to employment and preference in Montana date back to 1921, when the Montana Legislature created a Veterans' Preference for Public Employment, and there was a follow up in 1941 and 1944 with regard to re-employment of veterans and job retention rights over non-veterans written along the lines of the Federal Preference Act.

Veterans preference, of course, was originally instigated as a debt of gratitude to in some way help our honorably discharged veterans who gave up the best years of their lives for this Nation. We as veterans are unalterably opposed to any action to write into the present Veterans' Preference Act any non-veterans group, as this would weaken the present Veterans' Preference Act for obvious reasons, since the 105,000 veterans that reside in Montana include males and females and veterans of all races and colors, black, white, red, yellow and brown. We must not forget those who paid the price of peace for America! We cannot forget those with service-incurred disabilities who are still paying the price today!

The Disabled American Veterans is opposed to Senate Bill 377. We urge that you table same.



P E T I T I O N

WE THE UNDERSIGNED, HOSPITALIZED VETERAN PATIENTS AT FT. HARRISON, MONTANA, STAND FIRMLY COMMITTED TO THE PRINCIPLE OF VETERANS PREFERENCE IN PUBLIC EMPLOYMENT FOR THOSE WHO HAVE SERVED THEIR COUNTRY HONORABLY OR FOR THOSE WHO SUSTAINED SERVICE-CONNECTED DISABILITIES WHILE ON ACTIVE DUTY.

WE BELIEVE THE VETERAN IS VERY SPECIAL, AS IS HIS WIDOW, SPOUSE AND OTHER DEPENDENTS. THEY ANSWERED THIS COUNTRY'S CALL IN ITS TIME OF NEED. THEY WERE NOT DRAFT-DODGER'S OR DESERTER'S. SOME MADE THE SUPREME SACRIFICE WHILE OTHERS WERE MAIMED FOR LIFE. ALL MADE A VERY SPECIAL CONTRIBUTION IN THE DEFENSE OF OUR GREAT NATION. YES, THE VETERAN IS VERY SPECIAL!

THEREFORE, WE STRONGLY OPPOSE ANY ATTEMPT TO ADD CIVILIANS OR NON-VETERANS TO THE EXSISTING MONTANA STATE VETERANS PREFERENCE LAW. WE UNANIMOUSLY OPPOSE SB-179 AND SB-377 IN IT'S ENTIRETY.

\*\*\*\*\*

NAME	ADDRESS
<i>John O. Olson</i>	<i>223 30 Montana Helena</i>
<i>James F. Johnson</i>	<i>Fort Harrison, Fortuna</i>
<i>Priscilla Richardson</i>	<i>78 John St Mine, Helena, MT.</i>
<i>Maylan Sandt</i>	<i>105 LOMAX Helena, MT.</i>
<i>Leroy Lunde</i>	<i>Frontier Hotel</i>
<i>James W. Smith</i>	<i>Billie Bond apt PO Box</i>
<i>Steven M. Morris</i>	<i>P.O. Box 95 Clancy, Montana</i>
<i>Leslie Boone</i>	<i>8009 Grand Ave Great Falls, Mont</i>
<i>Carl E. Martin</i>	<i>404 North Wallace Bozeman Mont</i>
<i>James C. Anderson</i>	<i>209 E. 5th Anaconda Mt.</i>
<i>John H. Hinder</i>	<i>San Del - St. Helena mt</i>
<i>Kenneth Brackman</i>	<i>San-Del Livingston, Mt. 59047</i>
<i>Low Richardson</i>	<i>P.O. Box 429 Albion, Mont. 59820</i>
<i>Frank Trovost</i>	<i>5470 Lake Helena DR 59601</i>
<i>John L. Hines</i>	<i>P.O. Box 4112 Helena Mt. 59601</i>
<i>James Clark III</i>	<i>Box 1122 Thompson Falls, Mt. 59873</i>
<i>Bobbie Liscinski</i>	<i>838 Dr. Mercury Butte, Mt. 59701</i>

## NAME

## ADDRESS

Walter F. Mayer	White Sulph. Spg. M.T.
Russell G. Smith	Box 18 Grantsdale mt.
W. H. Smith	Box 280 Brunner Rd. Columbia Falls Me.
Clayton E. Smith	Box 262 JOLIET, MONT. 59041
D. L. Schroeder	615 1/4th AVE S W. Great Falls' mt
James C. Smith	Box 157 CASCADE MT. 59000
L. R. Baker	Box 902 Troy, Mont 59853
Cliff Rothf	Fort Harrison
William W. Smith	White Sulph. Spg. Box 341
Tom Sullivan	Dillon. Mont. 59725
John J. Hill	Dan Lodge mont 59722
George E. Smith	Kalispell MT.
George J. Week	Dillon Mont of. Mellen Hotel
Robert J. Bauman	Harlowton Mont.
Fred. Howell	Butte Mont. P.O. West Park - 118
Kaletha Anderson LPN	Box 254 Boulder, Montana
David W. Armstrong	Box 554 West of Dubstone Mont.
Thomas Fay	2118 Missoula Ave, Helena, Mont.
Stanley Fairbank	100 West Helena St. CLS
William V. Suter	915 First St. Harro, Mont.
Arthur Brown	Harlowton Mont.
William D. Baer	2992 Huron Rd Helena mt 59061
Estelle L. Main	4895 N. Montana Helena, mt 59601
Clifford C. Main	4895 N. Montana
Ken Main	1885 Stuyvesant Kalispell Mont.
Claudia Duncan	1408 Cooper St. Missoula, mt 59802
Roy Duncan	1408 Cooper St. Missoula mt

NAME

ADDRESS

NAME	ADDRESS
<del>Robert A. Grove</del>	<del>76 Harrison (VAMC)</del> (FT. HARRISON)
Donald R. Butler	1710 North Benton Helena Montana
Shayd Magnusson	2023 S WYO BUTTE MONT
Robert P Murray	316 1/2 Cent Av at 4 Great Falls Mt
Harold V Hain	566 Creston Rd - Kalispell
Lee W Cutting	Box 644 LIVINGSTON, MT.
Steven A. Rickels	712 Kenwood Butte MT 59701
John L. Leeburg	110 May W Kalispell 59901
Harry R. Rose	2017 @ Marcus Hamilton 59840
MOB LaPalme	803 No Black Dogman
Adam L. Dean	2119 Yale Butte
Norman H. Houghton	3108 So. Warming Butte
Robert A. Houghton	516 33 Avenue LE MT
W. C. Barrett	312 Clark. Helena
Roger Bonatto	3000 VICARO HELENA
Bill McClure	Box 417 ARLEE MONT
Dabby McClure	Box 417 Arlee mont
John Murphy	721 Cedar St Anaconda, MT.
Curtis Ransom	710 2nd Ave East APT 409 Kalispell MT 59901
Anthony Miller	312 OAK ST. ANACONDA-MONTANA
Robert Oliver	Rt. 1-Box 39 A EUREKA, MT.
Walter Kolchinsky	Box 963 Big Timber mont.
Jim Voss	2243 ST SE CUT BANK
D. L. O'Brien	John J. O'Brien, Jr. mont
Dorothy Madsen	Box 204, Harlowton, Mont 59036
Ernest Lewis	Box 140, Jaffee Co. MT.

NAME

ADDRESS

NAME	ADDRESS
Irene Kalachofsky	Big Timbers, MT. 59011
Ed T. Mayan	P.O. Box 4657 Miss. MT 59806
Chris Kendrick	900 Butte Ave.
Walter C. M. Lauffer	Samuel and Bank Mt.
Raymond R. Keiser	148 Ridgwood Dr. Kalispell, MT.
Robert Eider	2200 Howard Rd. Dillon MT. 59719
Richard Hill	1906 S 3rd W. Missoula, #69
J Sandoval	4 mile Butte Montana 59701
Lor L. Corto	200 N Rodney Helena MT. 59601
Ray L. Miller Sr	2320 N Birch Cr. Rd. Corvallis, MT. 59828
Roni Lundgren	614 W. Chinook Livingston MT
Edward Cundy	1125 Broadway Helena MT.
Joseph M. Wojcik	185 Raini Rd. Helena MT.
Larry Sawyer	1125 Broadway Helena MT.
Danell Knowles	1012 Cannon Helena MT.
Barbara Conchene	Arlee Mont Box 1912
John J. Luth	540 Edison Butte
Donald J. Diehl	Townsend Mont
Larry Vestling Jr	2015 Missoula Ave Helena
Venise Ware	Box 96 Deer Lodge, MT.
Dorothy M. Mephus	Box 236 Gallatin Gateway MT
Joe W. Alva	8119 W Alder. Missoula MT.
James H. Haudy	706 G. St. Missoula MT.
John H. W. Long	V.A. Corvallis - Ft. Harrison 59636
John J. Materie	Savoy Apt. #20 67 Falls. Mt.

NAME	ADDRESS
Leland J. Hayette	6003 one sa Great Falls
Eva P. Smith	Box 4216 - Helena, MT
Michael W Badley	Box 1577 Columbia Falls Mt.
Joseph Parry	1245 W. Bldg. M.S.I. MT.
Therese Jean Bern	4900 Echo Drive-Helena, MT.
Walter F. Parker	P.O. Box 787; BOZEMAN, MT 59715
Janet E. Parker	P.O. Box 787, Bozeman, MT 59715
Honora M. Baxter	P.O. Box 355 - Butte, MT. Nolet
Jerry Selma	221 HENLER CR. DR KALISPELL, MT. 59501
Brian O'Brien	P.O. Box 28, Lt. Halle, MT. 59403
Bob Carlson	1415 #2 Walnut Helena MT 59601
Cyril G. Gossage III	804 Phoenix Ave, Helena, MT, 59601
William Cary	1062 N. Ewing St. Helena mt 59601
Fritz E. Franklin	1805 Jos Lyn #163 Helena mt-59601
Michal D. White	1275 Rivini Rd. Helena MT-59601
Gary R Young	1440 Valley Speedway RD,
T. Max Maier	1520 NO. Benton ave. Helena
James D. Shannon	705 6th ave. Helena, MT.

STATEMENT OF INTENT  
Senate Bill No. 377 [LC 873]

It is the intent of the Legislature to assist those individuals who because of their disability or military service to this country or discrimination in employment of them on the basis of race, sex, or physical or mental handicap have been disadvantaged in obtaining (and retaining) employment. This bill gives the Department of Administration authority to adopt rules for the effective and equitable administration of this act. It is contemplated that rules should address the following:

1. procedures for consistent and affirmative implementation of the veterans, disabled civilians, and persons discriminated against preferences by public employers.

2. clarification of "substantially equal" as a tie-breaker in hiring (rehiring and retention) decisions.

3. standards and criteria to be applied by Department of Social and Rehabilitation Services in determining if specific conditions are disabilities under this act.

4. criteria for determining whether a person is a dependent of a veteran.

Proposed amendment to SB 377

EXHIBIT 11  
Feb. 17, 1983

p. 6 line 8

following "demonstrating"

delete - the rest of the sentences

add "that the percentage of women or  
minorities in a job is less than their  
percentage in the qualified workforce  
from which applications are drawn."

p. 6 line

following "demonstrating"

— same as above

Dorothy Cook

NAME: Dan Antonetti DATE: 2-17-83

ADDRESS: 5 Wood CT Melina, VT

PHONE: 443-2592

REPRESENTING WHOM? U.S. Dept. of Labor - Veterans Employment

APPEARING ON WHICH PROPOSAL: SB 377

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: Testified as Federal Employee -  
upon request of Senator J. D. Lynch

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Feb. 17, 1983

# WOMEN'S LOBBYIST FUND

RECEIVED  
LEGISLATIVE COUNCIL  
FEB 20 1983

TESTIMONY OF STACY A. FLAHERTY, WOMEN'S LOBBYIST FUND, BEFORE THE SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE CONCERNING SENATE BILL 245 ON FEBRUARY 17, 1983.

The work ethic is an essential part of the foundation underlying the American way of life. Basic to this ethic is the concept of a just reward for a job well done, which implies fairness on the part of the employers and opportunities for employees to get ahead. However, statistics and studies suggest that job fairness does not include all workers. Government and private sector figures document widespread job discrimination against women, resulting in unequal pay, or wage discrimination.

SB 245 seeks to address the issue of comparable worth in Montana state jobs. It directs the department of administration to work toward the goal of establishing a standard of equal pay for comparable worth. It also requires the department to report to the legislature about the status of comparable worth in the state classification system.

The Women's Lobbyist Fund's fact sheet addresses many of the questions concerned with the issue of comparable worth.

Laws providing equal pay for equal work have failed to bring an increase in the wages of the majority of working women. Equal pay for equal work must be broadened to include equal pay for the work of equal value, or comparable value. Working women, whose job contributions are equal to those of men, deserve to have equal financial reward.

Thank you for your consideration of Senate Bill 245; we urge a do pass.

# WOMEN'S LOBBYIST FUND

Box 1099  
Helena, MT 59624  
449-7917



EXHIBIT 12  
Feb. 17, 1983

## COMPARABLE WORTH--SB 425

### WOMEN IN THE WORKFORCE

Today 52% of all women are working. They compose 43% of the total labor force. 74% of these women must work as 26% have never married, 19% are widowed, divorced or separated and 29% are married with husbands earning less than \$15,000 a year.

### THE WAGE GAP

While the number of women in the workforce has been increasing, evidence shows that their spending power has been stagnating. Since 1955, for all the full-time workers, every dollar men have earned women's earnings have declined such that today women make up to 69¢ for every dollar a man makes.

Even to the extent that women and men achieved equal educational status, the earning gap persists. Statistics show that despite qualifications:

- Fully employed female high school graduates earn, on the average, less than fully employed men who have not completed elementary school.
- Women with 1 to 3 years of college earn incomes that are, on the average, \$2000 less than men who have completed only the 8th grade.
- In 1985, a male truck driver with 9 years of education will earn \$16,000, while a female registered nurse with 14.2 years of education will earn \$11,970.

### WHAT CAUSES THE WAGE GAP?

The wage gap is caused by "job segregation" and discriminatory employment practices. 50% of all employed women can be found in 4 occupations: clerk, saleswoman, teacher and registered nurse. Recent statistics reveal that women and men are still concentrated in traditionally female and male occupations.

<u>Female-Dominated Occupations</u>		<u>Male Dominated Occupations</u>	
	% Women		% Men
Registered Nurse	96.5%	Engineer	96.0%
Clerk	80.1%	Computer Specialist	93.3%
Retail Sales	71.1%	Lawyer and Judge	87.2%
Teacher	70.8%	Physician	86.6%

Job segregation is the most serious cause of the earnings gap and is as prevalent today as it was 70 years ago. Wages for traditionally female occupations have been continually depressed. "Women's work," because of the stereotypes held about women in general, has consistently been undervalued as compared to the jobs traditionally held by men.

### ISSUE OF COMPARABLE WORTH

Comparable worth as an issue has arisen because of changing cultural values of the worth (appropriate compensation) of jobs.

Efforts to address the problem of wage discrimination have not increased women's salaries to equal men's. The Equal Pay Act of 1963, which mandates equal pay for equal work, applies to a relatively small percentage of women workers. Since most female workers are segregated into "women jobs", the rule of the "equal pay for equal work" is not applicable to them. Especially since "female jobs" have tended to be systematically undervalued compared to "male jobs."

THERE NEEDS TO BE A MORE REALISTIC METHOD OF EVALUATING JOBS TO DETERMINE THEIR WORTH. MANY JOBS, ALTHOUGH NOT IDENTICAL IN NATURE, HAVE COMPARABLE WORTH, AND ARE SIMILAR IN THE SKILLS, EFFORTS, RESPONSIBILITIES AND TRAINING REQUIRED. THE CONCEPT OF COMPARABLE WORTH SIGNIFIES THAT SUCH JOBS SHOULD BE PAID EQUALLY.

For example, many states have measured their classification system according to the following components: 1) knowledge and skills, which includes interpersonal communication skills; 2) mental demands--latitude for independent judgement and the extent of problem solving; 3) accountability--freedom to take action and 4) working conditions--physical effort, hazards and discomfort.

Implementing comparable worth would have positive effects. Closing the wage gap would:

- Reduce job segregation by attracting men into traditionally female occupations.
- Draw more people to areas of work where there are shortages of skilled employees, (i.e. nursing).
- Raise the social and economic status of women and their ability to support themselves.

#### ACHIEVING PAY EQUITY

In 1951, at the International Labor Organization Conference in Rome, 80 countries passed a resolution supporting comparable worth.

Legislation: At the state level in the United States, legislation has been introduced and passed in Minnesota, Washington, California, Idaho, Oregon, Connecticut, Michigan, as well as other states.

SB 245 is very similar to a Minnesota law which implemented a plan mandating the appropriate personnel agency to report to the legislature every two years on the status of comparable worth in their state classification system.

Litigation: In the case of Gunther V. the County of Washington, Oregon, the Supreme Court set a precedent by allowing Oregon jail matrons to argue a pay discrimination suit under Title VII of the Civil Rights Act. The women were paid 70% of what male guards received yet job evaluations showed they should have been paid 95% since nearly the same skill, effort and responsibility were required. This case will not necessarily open the way for broad challenges to pay structures but it may allow women to challenge pay practices even when their jobs are not identical to men's. It is also a signal to Congress that comprehensive legislation is needed to outlaw sex-bias in pay structures.

There is also legal pressure in Montana to examine and move toward comparable worth. A court case involving the comparable worth of nearly 200 eligibility technicians and interviewer I's is still pending in district court.

EQUAL PAY FOR EQUAL WORK MUST BE BROADENED TO INCLUDE EQUAL PAY FOR WORK OF EQUAL VALUE, OR COMPARABLE WORTH. WORKING WOMEN, WHOSE JOB CONTRIBUTIONS ARE EQUAL TO THOSE OF MEN, DESERVE EQUAL FINANCIAL REWARD.

SOURCES: Congressional Research Services, Library of Congress  
National Commission on Working Women  
Comparable Worth Project Newsletter  
California Commission on the Status of Women  
U.S. Labor Department  
Annau Report to the Governor on the Montana EEO and Affirmative Action Program, '82  
The Status of Women in Montana State Government, 1976  
Women's Equity Action League  
newspapers and magazines

(This sheet to be used by those testifying on a bill.)

EXHIBIT 13

NAME: Madigan Jensen DATE: 2-17-83

ADDRESS: Helena, MT

PHONE: 442-1192

REPRESENTING WHOM? AFSCME, AFL-CIO

APPEARING ON WHICH PROPOSAL: SB 425

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: Testimony submitted

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES  
Affiliated With A.F.L.-C.I.O.



Gerald W. McEntee  
International President

William E. Lucy  
International Secretary Treasurer

COUNCIL OFFICERS

John P. Walsh, President  
1215 West Gold  
Butte, MT 59701  
Phone: 792-4816

Anita Davis, Secretary  
1112 5th St  
Deer Lodge, MT 59722  
Phone: 846-3308

George E. McCammon, Treasurer  
Rte 1, Box 144  
Townsend, MT 59644  
Phone: 266-3592

February 17, 1983

TESTIMONY OF R. NADIEAN JENSEN ON SENATE BILL NO. 425  
SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

VICE-PRESIDENTS

William Anderson  
940 South Jordan  
Miles City, MT 59301  
Phone: 232-3304

James Cook  
817 3rd Avenue  
Havre, MT 59501  
Phone: 265-4489

William McMullin  
920 Anchor Street  
Billings, MT 59101  
Phone: 252-4093

Carolyn Squires  
111 S. 10th St. W.  
Missoula, MT 59801  
Phone: 846-3308

Joe Geraghty  
1550 Waterline Road  
Butte, MT 59701  
Phone: 494-4720

COUNCIL STAFF

Headquarters  
600 N. Cooke  
Helena, MT 59601  
Phone: 442-1192

R. Nadiean Jensen  
Executive Director

George F. Hagerman  
Field Representative

Sharon Donaldson  
Field Representative

Denette McLane  
Office Secretary

I am Nadiean Jensen, Executive Director of Montana Council No. 9, American Federation of State, County and Municipal Employees, and Vice President of the Montana State AFL-CIO, speaking in support of Senate Bill 425, which directs the State Department of Administration to work toward the goal of establishing a standard of equal pay for comparable worth.

Most of us are familiar with the concept of equal pay for equal work. The Federal Equal Pay Act and Affirmative Action programs were designed to assure that women are both paid equally for equal work and have equal access to all jobs. Nineteen years later, women nationally still only earn 59 cents for every dollar that men earn.

A 1982 Report by the National Research Council concluded that:

Pay differences persist when education, skill and experience are equal;

Past discriminatory pay practices have become part of the wage structure and have so far resisted attempts at correction;

Not only do women do different work than men, but also the work women do is paid less and the more an occupation is dominated by women, the less it pays.

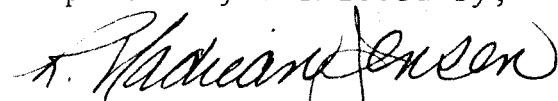
It is clear that equal pay programs only go so far in redressing economic grievances. Equal pay in a job that is held most often by women is not enough when one held most frequently by men pays more and requires no more training, responsibility or experience.

This bill is not just a matter of fairness it is a matter of prudence. In at least one instance, San Jose, California, a court ruled in favor of comparable worth. It makes sense for Montana to move toward an equitable system of pay on a gradual basis rather than have the courts make the decision in the future.

Nation-wide, AFSCME has been directly involved in the fight toward comparable worth. We believe that in making the effort to reach the goal of equal pay for equal work responsibility, the impact should be of a positive nature, not a negative one. The goal should not be to equalize pay of equal work responsibility by downgrading workers in higher grades, but to upgrade those workers who have comparable job responsibilities to the higher grades.

I urge the committee to give Senate Bill #425 a do pass.

Respectfully submitted by,



R. Nadiean Jensen, Executive Director  
Montana Council #9, AFSCME, AFL-CIO



# Montana Nurses' Association

2001 ELEVENTH AVENUE

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

## TESTIMONY SB 425

The Montana Nurses' Association supports SB 425. The registered nurse profession which is over 97% female, is the most outstanding example of the systematic discrimination against predominantly female occupations. The wage rates in jobs in which women and minorities have been historically segregated have been depressed principally because the low paying jobs are occupied by these groups. The fact that women and (racial) minorities have been economically exploited in an American society that has been traditionally dominated by white males is self-evident.

Comparable worth is not a replacement for equal pay for equal work or for programs of upward and lateral mobility; but it does address the needs of the majority of working women who are employed in occupations predominantly female. Allowing the strict interpretation placed upon the Equal Pay Act provisions only perpetuates discrimination of the large majority of women holding predominantly female and hence, low-paying jobs.

A major concern of working women over the years has been the gap between the earnings of men and women, especially its magnitude and persistence. According to the Bureau of Labor Statistics, women who worked at year-round, full-time positions earned only 59¢ for every dollar earned by men. What is so dismaying and distressing to working women is that the differential has not changed significantly in recent years.

Higher educational preparation does not appear to bring higher economic reward to women. In fact, in 1977 women with 4 years of college had lower incomes than men who had completed only the 8th grade.

It can rightfully be said that health work is women's work. Nursing, which functions at the core of all health care industry, has been traditionally a female occupation. Psychologists report that through the socialization process women as well as men tend to perceive work associated with women to be of less value than that done by men.

A 1975 report by the International Labor Conference states:

Almost everywhere there remains a clear division of labor by sex with jobs labeled as "men's work" and "women's work". While the line of demarcation may vary with the time and place, what is significant is the persistence of distinctions based upon sex discriminatory. It leads to recruitment based on sex rather than on capacity, and it perpetuates unproven beliefs about women's abilities and inabilities as workers. It creates a situation in which work traditionally done by men commands higher pay and prestige while that traditionally done by women is accorded lower pay and prestige and consistently undervalued. It has no inherent logic.

The earnings gap is too real to be ignored. There can be no economic equity for women without the principle of equal pay for work of comparable value.



The MNA, through collective bargaining, works for the principle of equal pay for comparable work; but often when nurses demand compensation that reflects their responsibilities, they are frequently reminded that nurses should seek their reward in heaven.

The Montana Nurses' Association would appreciate your support of SB 425.

Respectfully submitted,  
Eileen Robbins  
February 17, 1983

(This sheet to be used by those testifying on a bill.)

EXHIBIT 15

NAME: Jan Gilman DATE: 2-17-83

ADDRESS: 36 S. Davis Helena

PHONE: 443-7861

REPRESENTING WHOM? ICCW

APPEARING ON WHICH PROPOSAL: SB 425

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

My name is Jan Gilman and I represent the Interdepartmental Coordinating Committee for Women (ICCW) a committee formed by the Governor to identify policies and procedures in state government which directly or indirectly result in discrimination against women. The ICCW believes it is important to address the issue of equal pay for comparable worth and strongly supports SB 425.

In Montana, women earn 69.4¢ for every dollar a man makes. This differential results only in part from the denial of promotional opportunities for women.

Studies made of wages paid in many industries show that approximately one-half of the differential between earnings of women and men results from the denial of equal pay for work of comparable value. When women work in traditional "female" job classifications and perform tasks which require the same skill, effort and responsibility as "male" jobs, they are denied pay equal to their male counterparts.

The current job evaluation methods for classification of state jobs do not produce equity among jobs. The classification system, like all classification systems, works to the advantage of men by assigning greater weight and importance to components of predominantly "men's" jobs. Conversely, the system works to the disadvantage of women by assigning less weight and importance to components of predominantly "women's" jobs. The majority of female employees in state government are in clerical and paraprofessional jobs. Over 90% of all clerical workers in state government are women and these women are being paid less than men who are

performing different jobs which require no greater skill, effort or responsibility. Work of equal difficulty and responsibility must be recognized and rewarded appropriately in order to have an equitable system. Women work for the same reason men do: economic need.

Comparable worth has been successfully implemented in other state governments and in private industry. The State of Washington has a cost-effective classification system based on comparable worth.

The ICCW strongly recommends that any classification system modification be carefully examined to see that it works toward eradicating biases against the traditional "women's" jobs. We urge a do pass recommendation for SB 425.

## WITNESS STATEMENT

AFTER EXHIBIT 15

NAME Rose Leavitt BILL No. SB/25  
ADDRESS 318 Harrison Helena DATE 2/17  
WHOM DO YOU REPRESENT Montana Federation of Business & Prof. Women  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## Comments:

The Montana Federation of Business and Professional Women wish to go on record in support of SB 425.

In the February/March 1982 edition of the National Business Woman an article titled "Comparable Worth: A New Concept for Achieving Economic Equality" was published. This article states the position of the Federation and gives some valuable background information on the issue. We wish this information to be used as our testimony.

NAME: DENNIS M. TAYLOR DATE: 2-17-83ADDRESS: HELINAPHONE: 449-3871REPRESENTING WHOM? STATE PERSONNEL DIVISION - SFAAPPEARING ON WHICH PROPOSAL: SB 425DO YOU: SUPPORT? X AMEND? X OPPOSE? COMMENTS: 

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

2/17/83

AMENDMENTS TO SB425 (SENATOR REGAN)

1. Page 3, Line 8.

Following: "the"

Insert: "study of the"

Following: "standard"

Strike: "under"


Insert: "and the extent to which"

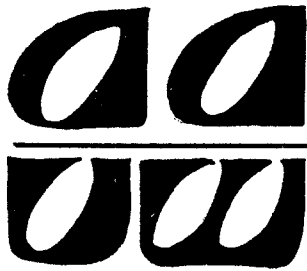
2. Page 3, line 9.

Following: "schedules"

Insert: "adhere to or fall short of the standard of equal pay for comparable worth. The department"

Section 2. Status report. The department of administration shall report to the legislature the status of the study of the comparable worth standard and the extent to which Montana's classification plan and pay schedules adhere to or fall short of the standard of equal pay for comparable worth. The department shall make recommendations to the legislature as to what impediments exist to meeting this standard. The department shall continue to make status reports until the standard is met.

 Section 2. Status report. The department of administration shall report to the legislature the status of the study of the comparable worth standard and the extent to which Montana's classification plan and pay schedules adhere to or fall short of this standard. The department shall make recommendations to the legislature as to what impediments exist to meeting this standard. The department shall continue to make status reports until the standard is met.



# *American Association of University Women*

February 17, 1983

*Helena Branch*

The purpose of the American Association of University Women is to improve education of women at all levels. Nationally, we provide 660 scholarships for women annually. Thus, AAUW is interested in securing opportunities for women in education, industry, government and the professions.

In Montana as in other states, AAUW encourages women to develop their skills to benefit the work force in Montana communities and the state.

We compete with men in the open market place for jobs, of course, but we believe all men and women need to be willing to address economic issues so that no discrimination exists concerning comparable salaries for comparable work at all levels of society. We must all--men and women alike--be willing to ensure equal opportunities for women-- equal pay for equal work done.

The principle of comparable worth will have an economic impact on our economy, but simple justice dictates that people be compensated on an equitable basis for comparable skills, training and responsibility.

We ask that you <sup>endorse</sup>~~support~~ Senate Bill 425.

Harriett Meloy, Legislative chair  
American Association of University Women, Helena Branch



Section 2. Status report. The department of Administration shall report to the legislature the status of the study of the comparable worth standard and the extent to which Montana's classification plan and pay schedules adhere to or fall short of the standard of equal pay for comparable worth. The department shall make recommendations to the legislature as to what impediments exist to meeting this standard. The department shall continue to make such reports until the standard is met.

(This sheet to be used by those testifying on a bill.)

EXHIBIT 19

NAME: Carl Wilson DATE: 2/17/83

ADDRESS: RR #5 Box 214 Washington Great Falls, Mont.

PHONE: 406 965-3032

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: SB 449 State Licensing of Blasters

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TESTIMONY OF CURT WILSON ON SENATE BILL 449 BEFORE THE SENATE COMMITTEE  
ON LABOR AND EMPLOYMENT RELATIONS, FEBRUARY 17, 1983

I am Curt Wilson, blasting instructor for the Laborers and Associated General Contractors Training Program. I support Senate Bill 449, which provides that users of explosives be licensed by the state. The bill excludes the mining industry and the private user. It addresses primarily users in the construction industry, especially in and around populated areas.

This bill is very important for workers' safety and for the protection of public life and property. I am currently the blasting instructor for the Laborers and Associated General Contractors Training Program. This program is jointly sponsored by labor and management, and participants do not need to be affiliated with any union. We have just completed a nine-week program and anticipate scheduling a longer and even more comprehensive program next fall. This kind of training is essential for the proper use of explosives.

Senate Bill 449 would require training, experience and the ability to pass a test administered by the Workers' Compensation Division of the Montana Department of Labor and Industry. This would ensure that users of explosives did not endanger themselves, other workers, or public life or property.

There would be no additional cost to the state, because the fee charged for the license would pay for the administrative costs. Current staff who already are on job sites for inspection purposes would be used for enforcement purposes.

The manufacturers of explosives recognize the necessity for blasting and explosives safety training. A booklet prepared by the DuPont Company, one of the nation's largest manufacturers of explosives, outlines a number of case histories where improper use has caused injury and property damage. This booklet is used in our training courses.

The Institute of Manufacturers of Explosives, composed of safety experts from different companies, has been instrumental in writing several federal laws dealing with explosives.

I would like to mention some recent incidents in Montana, where inadequate safety training caused problems. One was a foreman who did not take cover before blasting and was hit between the eyes with a rock. Fortunately, he was not killed, but was disabled for a long period of time, at a large cost to workers' compensation insurance. Another incident was blasting in the Kalispell area when the cloud cover was too low. That shot broke \$17,000 worth of glass. Improper blasting of a water line ditch in a residential area caused a two-foot boulder to go through the roof of a house and continue through two stories into the basement. It was just lucky that no one was home at the time.

In contrast, I recently blasted 1,000 yards of rock for the new Workers' Compensation Division building in downtown Helena. No one was hurt and there was no property damage of any kind.

Blasting accidents, injuries, deaths and property damage are preventable when users are properly trained. Please vote for Senate Bill 449.

Thank you.

(This sheet to be used by those testifying on a bill.)

EXHIBIT 20

NAME: Kim Nupel DATE: 2-17-83

ADDRESS: #1 1200 Henderson Helena

PHONE: 443 - 2377

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: S.B. 449

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENTS:       

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Mr. Chairman, members of the committee. My name is Ken Nerpel.

I come before this committee today in support of SB 449.

As a workman who occasionally uses and handles explosives, I believe we are in a time of transition. The old miners who mastered their skills by trial and error just are not around anymore. The many small and isolated mines that provided the opportunity for the explosives handlers to learn without endangering large groups of people don't exist anymore. Obviously, those that made a major error learned a lesson they would never repeat.

Accidents were isolated in the old days but in our times it is often necessary for explosives to be used in areas of high population and structural development, for example, the new Workers Compensation building on the downtown mall in Helena. The techniques that guarantee success are different on every job. The person in charge of the blast has a responsibility to the public and his fellow workmen for their safety. For these and many more reasons, I believe Montana needs reasonable regulation and licensing procedures.

Thank you.

STATEMENT OF INTENT  
Bill No. \_\_\_\_\_ [LC 631]

EXHIBIT 21  
Submitted by  
Curt Wilson  
Feb. 17, 1983

A statement of intent is required for this bill because it requires the adoption of rules by the Workers' Compensation Division of the Department of Labor and Industry.

The Legislature intends that the Division adopt only those rules required by section 10 of this bill.

The rules adopted by the Division to implement section 3 should require the submission of all training information on an affidavit on which the applicant must either list the name, place, and dates of attendance of a training school already approved by the Division and published in its list of approved schools, or the applicant must give sufficient information to allow the Division to judge the content and quality of the program.

Because of the highly destructive nature of the business regulated by this legislation, the Legislature intends that all persons, except those already holding a license and qualifying under the provisions of section 13, must always comply with section 2(2)(a) through (2)(d) of section 2 whether applying for an initial license by examination, reexamination under section 5(3) or licensure by reciprocity under section 6. Fees for reexamination within 2 years of the first examination are not intended to be established at the same level as fees for the initial examination or examinations given 2 years after the first examination because no training and experience information need be reviewed and verified.

In developing rules on the use of explosives under section 9, it is intended that the Division pay particular attention to the publication entitled "Suggested Code of Regulations", published by the Institute of Makers of Explosives (IME), in addition to any industry recommendations or publications by other states.

Rules adopted under section 10(5) are intended to be only such procedural rules as the Division needs to receive applications, act on variance requests, conduct revocation hearings, and so forth.

EXHIBIT 21  
Submitted by  
Curt Wilson  
Feb. 17, 1983

February 17, 1983

TO: Members of the Montana State Senate Labor and Employment  
Relations Committee

Several years ago while blasting for water and sewer, a contractor did a lot of damage to houses in a two-block area. In my opinion, this blasting was done by a non-experienced blaster. Rocks and debris were spread over a two-block area. This area was on the north side of Mount Helena. I feel that all people who use explosives should be licensed in order to have some control over blasting. As Fire Chief of the City of Helena, it is my responsibility to issue permits for any blasting in the City of Helena. In the past, all we have had to go on as far as explosives is our experience with the blaster or his word.

I would have been happy to testify in favor of this bill, but will be tied up at another meeting.

Sincerely yours,



Norm Gray, Fire Chief  
Helena Fire Department  
Helena, Montana

P.S. -- If you have any questions, feel free to call me at 442-9920, extension 470.