

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

March 29, 1986

The second meeting of the Labor and Employment Relations Committee was called to order at 10:20 am by Chairman J. D. Lynch in the State Capitol.

ROLL CALL: All members of the committee were present.

Chairman Lynch explained that there was a technical problem with the amendments made by the committee in its last session and that he had withheld the committee report to have that matter clarified. He said that additional amendments had been prepared for the committee.

MOTION: Senator Towe moved that the committee reconsider its action of yesterday in concurring in HB 12. Senators Blaylock, Manning, Towe and Lynch voted yes. Senators Aklestad, Keating and Thayer voted no. The motion carried.

MOTION: Senator Towe moved to amend HB 12 per Exhibit 1 and to attach a statement of legislative intent.

He explained that amendments were written to achieve consistency within the bill, to protect the present work force and to compensate persons participating at an appropriate prevailing wage. The relationship between this and minimum wage was discussed by the committee. Senator Towe also explained that the amendments would not allow the impairment of an existing collective bargaining agreement. Towe further explained that a time limit was put on participation in the program as a requirement for receiving general assistance benefits. Senator Towe said the amendments also made a mechanical clarification between "benefit" and "eligibility".

Senators Keating and Aklestad objected to several of these amendments.

Representative Winslow was asked to comment. He said the only one he disagreed with was the 3-month limit. He said that he would not object to a 6-month limit. He said this was not designed to be a job training, but rather a job seeking program. He said his intent was not to be punitive, but to be helpful.

The committee consensus seemed to be that 6-months was a more appropriate limit, although Senator Towe argued for 4 and Senator Keating for 12. The Chairman stated that without objection Exhibit 1 would reflect a 6-month limit and not a 3-month limit. No objection was heard.

MOTION: Senator Aklestad moved to amend the amendment 8 in sub paragraph 9 by striking "substantial number" and inserting "majority". With Senators Aklestad, Keating and Thayer voting yes; and Senators Blaylock, Haffey, Manning, Towe and Lynch voting no, the motion failed.

MOTION: Senator Keating moved to amend amendment 8 to HB 12 by adding a new subparagraph (11):

(11) A person may not while participating in the work program be covered by a collective bargaining agreement in force at the work place.

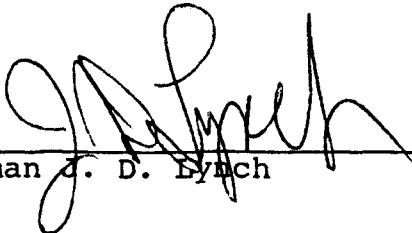
Senator Towe pointed out that would remove all the grievance and seniority rights of that person. He said that the brush of the amendment was over broad. Senator Keating countered that it was his intention to do that if the person was on general assistance.

Question was called. Senators Aklestad, Keating and Thayer voted yes; Senators Blaylock, Haffey, Manning, Towe and Lynch voted no. The motion failed.

Question was then called on the original motion of Senator Towe to amend HB 12 per exhibit one with the noted change. Senators Blaylock, Haffey, Manning, Towe and Lynch voted yes; Senators Aklestad, Keating and Thayer voted no. The motion carried.

MOTION: Senator Towe then moved that HB 12 be concurred in as amended. Senators Blaylock, Haffey, Manning, Towe and Lynch voted yes. Senators Aklestad, Keating and Thayer voted no. The motion carried.

Chairman Lynch adjourned the committee meeting at 11:00 am with no further business to come before the committee.


Chairman J. D. Lynch

ROLL CALL

LABOR AND ~~EMPLOYMENT RELATIONS~~ COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 3-29-86

SENATE
CLERK

#

NAME	PRESENT	ABSENT	EXCUSED
Lynch, J. D., Chairman	✓		
Manning, Dick, Vice-Chairman	✓		
Aklestad, Gary	✓		
Blaylock, Chet	✓		
Halley, Jack	✓		
Keating, Tom	✓		
Thayer, Gene	✓		
Towe, Tom	✓		

Each day attach to minutes.

PROPOSED AMENDMENTS TO HB 12

requested by Senator Towe

1. Title, line 5.

Following: "REQUIRING"

Insert: "ABLE-BODIED"

2. Page 2, line 7.

Following: "services,"

Strike: "a"

Insert: "an able-bodied"

3. Page 2, line 15.

Following: "plan"

Insert: ", must provide for immediate referral to an appropriate Job Training Partnership Act program"

4. Page 3, line 2.

Following: "agency or"

Strike: "other designated"

Insert: "a private nonprofit"

5. Page 3, line 10.

Following: "wages paid"

Strike: "by"

Insert: "in"

Following: "county"

Insert: "by that agency"

6. Page 3, line 13.

Following: line 12

Insert: "(5) No currently employed worker may be displaced by any recipient (including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits).

(6) No recipient may be employed when any other person is on layoff from the same or any substantially equivalent job, or when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a recipient whose wages are subsidized under this section."

Renumber: subsequent subsections

Senate Committee on Labor and Employment Relations

STATEMENT OF INTENT

RE: HB 12

The intention of House Bill 12 is to enable able-bodied recipients of general relief, in the counties with state-assumed welfare services, to obtain permanent employment at a livable wage with at least minimum health benefits.

STANDING COMMITTEE REPORT

March 29, 1986

MR. PRESIDENT

Labor and Employment Relations

We, your committee on

House Bill

No. 12

having had under consideration

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reading copy ()

color

(Senator Bengston)

JOB SEARCH AND TRAINING PROGRAMS FOR GENERAL RELIEF RECIPIENTS

House Bill

No. 12

Respectfully report as follows: That

be amended as follows:

1. Title, line 5.

Following: "REQUIRING"

Insert: "ABLE-BODIED"

2. Page 2, line 7.

Following: "services,"

Strike: "a"

Insert: "an able-bodied"

3. Page 2, line 15.

Following: "plan"

Insert: ", must provide for immediate referral to an appropriate Job Training Partnership Act program"

4. Page 3, line 2.

Following: "or"

Strike: "other designated"

Insert: "a private nonprofit"

5. Page 3, line 10.

Following: "wages paid"

Strike: "by"

Insert: "in"

Following: "county"

Insert: "by that agency"

XXXXXX

XXXXXXXXXX

continued

Chairman.

HB 12

6. Page 3, line 13.

Following: line 12.

Insert: "(5) No currently employed worker may be displaced by any recipient (including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits).

(6) No recipient may be employed when any other person is on layoff from the same or any substantially equivalent job, or when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a recipient whose wages are subsidized under this section."

Renumber: subsequent subsections

7. Page 4, line 13.

Following: "or"

Strike: "other designated"

Insert: "a private nonprofit"

8. Page 4, line 16.

Following: line 15

Insert: "(10) Nothing in this chapter requires a recipient to continue the activities required by subsection (9) for longer than 6 months.

(11) Where a labor organization represents a substantial number of employees who are engaged in similar work or training in the area where it is proposed to assign the recipient to work or training, an opportunity must be provided for that organization to submit comments ~~at~~ with respect to such proposal.

(12) No work program may impair existing contracts for services or collective bargaining agreements, and no work program that would be inconsistent with the terms of a collective bargaining agreement may be undertaken without the written concurrence of the labor organization and employer concerned."

9. Page 4, lines 22 and 23.

Following: "lose"

Strike: remainder of line 22 through line 23

Insert: "one-fourth of his next"

AS AMENDED, BE CONCURRED IN

STATEMENT OF INTENT ATTACHED

.....
Senator J. D. Lynch, Chairman