

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Senator Richard Manning, on January 22, 1991,
at 1:00 p.m.

ROLL CALL

Members Present:

Richard Manning, Chairman (D)
Thomas Towe, Vice Chairman (D)
Gary Aklestad (R)
Chet Blaylock (D)
Gerry Devlin (R)
Thomas Keating (R)
J.D. Lynch (D)
Bob Pipinich (D)

Members Excused: Dennis Nathe (R), temporarily.

Staff Present: Tom Gomez (Legislative Council).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: Chairman Manning reminded those
testifying to sign the attendance sheet in order for their
testimony to be included.

HEARING ON HOUSE BILL 18

Presentation and Opening Statement by Sponsor:

Representative Jerry Driscoll, House District 92 in Billings presented House Bill 18 to the Committee. He told the Committee that House Bill 18 would amend plumbing license for journeyman plumbers. It would change the existing required four years' experience to five years. Verification could be by time or payroll records.

Proponents' Testimony:

John Forkan, President of the Montana State Association of Plumbers and Pipefitters spoke in support of House Bill 18. Mr. Forkan told the Committee the purpose of the bill was to coincide the years of qualification for a journeyman with apprenticeship standards from the Apprenticeship Bureau.

Gene Fenderson of the Montana Building and Construction

Trades Council spoke in support of House Bill 18.

Don Judge, Executive Secretary of the Montana State AFL-CIO spoke in support of House Bill 18. Mr. Judge presented prepared testimony. (Exhibit #1)

Opponents' Testimony:

NONE.

Questions From Committee Members:

Senator Blaylock asked Representative Driscoll why the requirement was moved the five years. Representative Driscoll explained there is more to learn as an apprentice.

Senator Blaylock asked if this Bill would help those who had Master Plumbers refuse to sign-off for them. Representative Driscoll said it would.

Senator Devlin asked what the neighboring states' requirements are. Representative Driscoll referred the question to John Forkan. Mr. Forkan explained that most are at five years.

Closing by Sponsor:

Representative Driscoll asked the Committee to vote in favor of House Bill 18 and asked that Senator Lynch carry the Bill.

HEARING ON SENATE BILL 73

Presentation and Opening Statement by Sponsor:

Senator Towe explained that Senate Bill 73 is intended to address a problem generally addressed in a collective bargaining agreement. But in some cases is not. He told the Committee that individuals should be entitled to a lunch break and a rest break, that such breaks would increase the production levels, and reduce safety problems. Senator Towe proposed an amendment to Senate Bill 73, and presented copies to the Committee.

Proponents' Testimony:

Darrell Holzer, President of the Greater Yellowstone Central Labor Council spoke in favor of Senate Bill 73. Mr. Holzer spoke from prepared testimony. (Exhibit #2)

Curt Brennan, Montana District Council of Laborers, Local 98 spoke in favor of Senate Bill 73 from prepared testimony. (Exhibit #3)

Bob Papin of Local 30 of the Plumbers and Pipefitters spoke in favor of Senate Bill 73. Mr. Papin told the Committee that working over long periods of time causes fatigue, and fatigue causes accidents and non-productive mistakes. (Exhibit #4)

David Massey, United Association Plumber and Pipefitter Local 30 spoke in support of Senate Bill 73. (Exhibit #5)

Larry J. Hanchett of Local 30 of the Plumbers and Pipefitters spoke in support of Senate Bill 73. (Exhibit #6)

Don Judge, Executive Secretary of the Montana State AFL-CIO read from prepared testimony in support of Senate Bill 73 as amended by the sponsor. (Exhibit #7)

Gene Fenderson of Montana Building and Construction Trades Unions told the Committee that many contractors across the state give lunch and coffee breaks, but there are some contractors that exploit the work forces.

Dan Edwards, International Representative for the Oil, Chemical and Atomic Workers International Union, representing workers in oil refineries in Montana spoke in favor of Senate Bill 73. Mr. Edwards explained that OCAW members are entitled to breaks through their collective bargaining agreement, but that Conoco does not grant breaks to the construction and contract workers.

Bob Heiser of the United Food and Commercial Workers told the Committee that there are people in different industries that are not afforded the opportunity to have breaks such as his members have. He explained that they (UFCW) have conducted studies in the packing house industry which has proven that giving an employee an half-hour break after four hours in the packing house industry, the number of injuries are cut down. Mr. Heiser urged passage of Senate Bill 73.

Opponents' Testimony:

Forrest H. Boles, President of the Montana Chamber of Commerce spoke in opposition to Senate Bill 73. Mr. Boles explained that the majority of employers across Montana provide for breaks, and the suggestion that there are a vast number of employees not provided this opportunity is not true. Mr. Boles expressed the concern for the potential of increasing costs for employers because of potential intrusion either by lawsuits or fines. He explained to the Committee that this Bill would put in Montana statute conditions, restriction, and requirements that are ordinarily obtained through collective bargaining processes. He told the Committee this would cause the employers to function as unionized employers when they are not unionized.

Fred Panion with the Montana Talc Company in Three Forks, Montana spoke in opposition to Senate Bill 73. (Exhibit #8)

Ray Tilman, Vice President of Montana Resources in Butte spoke in opposition of Senate Bill 73. He explained that people in his operation gage when they should take their own break. He told the Committee that he did not feel the state of Montana should pass a Bill for all employers because there is a particular problem in the Billings area. He felt that most employers already allow for breaks. He also pointed out the number of accidents that occur in the agricultural business which this Bill would exempt.

John Fitzpatrick, Director of Community and Governmental Affairs for Pegasus Gold Corporation told the Committee his employees already have rest and lunch breaks. Mr. Fitzpatrick questioned the cost of this Bill to the employer in terms of idle time and lost productivity. He presented calculations using Montana Department of Labor and Industry statistics that show a twenty minute coffee break a day for 240 days a year would cost approximately \$800 per employee. By multiplying that by 290,000 workers in Montana there is a potential productivity cost of \$230.4 million per year. If 20% of the workers were affected by this bill it would be \$4600. He explained that schools may have problems operationally, by shortening the amount of time for education or by lengthening the work day to accommodate the breaks.

Ward Shanahan attorney for the Stillwater Mining Company told the Committee their company presently provides lunch and work breaks similar to those in Senate Bill 73. Mr. Shanahan told the Committee that they are opposed due to the criminal penalty provided for in the Bill. He pointed to several incidents within the mining industry that require areas to be restored. He told the Committee that there is nothing in the Bill allowing individuals to modify their work schedules. He also pointed out that if this Bill were to be a safety measure he questioned why the agriculture industry.

Bruce Moerer of the Montana School Boards Association spoke in opposition to Senate Bill 73. He told the Committee that schools have professional employees that cannot be members of the collective bargaining agreement. He explained this Bill could be disruptive to the school day. He stated that excluding individuals covered by a collective bargaining agreement would solve some of the problem. He proposed another exclusion for the professionals not included in the collective agreement. He expressed a concern with the criminal penalty. An example he cited was a teacher who chooses to work with a student through their break period. He questioned whether or not the trustees were in violation in this instance.

Questions From Committee Members:

Senator Keating asked Darrell Holzer if Conoco had contractors working for them. Mr. Holzer answered that there are local building trades and construction trades that work for a

union contractor. Mr. Keating asked if that contractor is union and if rest and lunch periods are part of that collective bargaining agreement. Mr. Holzer said he is union but does not have breaks in their agreement.

Senator Keating asked if someone representing Conoco was present. There was not.

EXECUTIVE ACTION ON SENATE BILL 30

Motion:

Senator Towe moved adoption of amendments.

Discussion:

NONE.

Amendments, Discussion, and Votes:

Voice vote was seven, YEA; one, NO.

Recommendation and Vote:

Motion CARRIED.

Motion:

Senator Towe moved DO PASS as amended.

Discussion:

NONE.

Amendments, Discussion, and Votes:

Roll Call Vote was five, YEA; four, NO.
(Senator Nathe cast vote after adjournment.)

Recommendation and Vote:

DO PASS as amended.

EXECUTIVE ACTION ON HOUSE BILL 18

Motion:

Senator Towe moved BE CONCURRED.

Discussion:

SENATE LABOR & EMPLOYMENT RELATIONS COMMITTEE

January 22, 1991

Page 6 of 6

NONE.

Amendments, Discussion, and Votes:

Voice vote was seven, YEA; one, NO.

Recommendation and Vote:

BE CONCURRED.

ADJOURNMENT

Adjournment At: 2:10 p.m.


RICHARD E. MANNING, Chairman

LINDA CASEY, Secretary

REM/11c

ROLL CALL

SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

DATE 1/22/91

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR AKLESTAD	P		
SENATOR BLAYLOCK	P		
SENATOR DEVLIN	P		
SENATOR KEATING	P		temporarily
SENATOR LYNCH	P		
SENATOR MANNING	P		
SENATOR NATHE	P 11c		temporarily
SENATOR PIPINICH	P		
SENATOR TOWE	P		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 22, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 18 (third reading copy - blue), respectfully report that House Bill No. 18 be concurred in.

Signed: _____
Richard E. Manning, Chairman

191-122-91
Amd. Coord.

SR 1/22/91
Sec. of Senate

14143180.851

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 22, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 30 (first reading copy white), respectfully report that Senate Bill No. 30 be amended and as so amended do pass:

1. Title, line 10.

Following: "39-33-201"

Insert: ", "

Strike: "AND"

Following: "39-33-202,"

Insert: "AND 39-33-205,"

2. Page 2, line 5.

Following: line 4

Insert: "(3) The term 'professional strikebreaker' does not include a person who has been continuously employed in Montana by the employer for at least 1 year prior to commencement of a strike. The person may not be considered a professional strikebreaker for purposes of subsection (2)(a) or (2)(b)."

3. Page 3.


Following: line 13

Insert: "Section 3. Section 39-33-205, MCA, is amended to read:

"39-33-205. Penalties. A Except as provided in 39-33-202(6), a person convicted of violating 39-33-201, 39-33-202, or 39-33-203 shall be punished by a fine of not less than \$1,000 or more than \$5,000 or by imprisonment for not less than 1 or more than 2 years. A person convicted of violating 39-33-204 shall be punished by a fine of not less than \$100 or more than \$500 or imprisonment for not more than 30 days."

Signed: _____

Richard E. Manning, Chairman

 1/24/91
Amd. Cobrd.

SR 1/2 2:25
Sec. of Senate



DONALD R. JUDGE
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

TESTIMONY OF DON JUDGE ON HOUSE BILL 18, SENATE LABOR COMMITTEE,
JANUARY 22, 1991

Mr. Chairman and members of the committee, I'm Don Judge of the Montana State AFL-CIO, and I'm here in support of House Bill 18.

Raising the experience requirements for a journeyman plumber by one year is a reflection of the increasing complexity of the job. As with many occupations, the work of a plumber has become more complex and more technical as construction techniques and equipment have been improved. Raising the experience requirement to five years will put state law in conformity with new national apprenticeship standards.

The bill's proposal to allow proof of experience through time or pay records is a good one. It protects employers, customers and fellow plumbers against false claims of experience by fly-by-night operators who are not really interested in a quality job.

This is a worker protection bill in the sense that it will guarantee equal standards for all who want a journeyman plumber's license. But it's also a consumer protection bill to guarantee that licensed journeyman plumbers have all the skill and experience needed to do the job right the first time, and to merit the respect and confidence of the consumers they serve.

We urge you to support House Bill 18. Thank you.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 1
DATE 1/22/91
BILL NO. HB 18

TESTIMONY OF DARRELL HOLZER BEFORE
THE SENATE LABOR COMMITTEE
SB 73
JANUARY 22, 1991

Mr. Chairman, members of the Committee.

My name is Darrell Holzer, President of the Greater Yellowstone Central Labor Council, here today representing the 22 affiliated local unions and 3,000 rank and file members in and around Billings, Montana.

First, let me express my appreciation to Senator Towe for bringing this important issue before the Montana Legislature. Senator Towe is and always has been a friend of Montana workers, and we deeply appreciate his compassion and his vision.

The Montana Rest Period bill, goes much farther in it's scope than just legislated lunch and ~~coffee~~^{REST} breaks for Montana workers. This bill could lower accident rates in occupations with an inordinate amount of mental as well as physical stress where a few minutes rest could make all the difference in the world, especially when you're working 200 feet above the ground and a momentary lapse could be fatal. This bill could contribute to a reduction in Worker's compensation claims where a few minutes to collect your thoughts might prevent accidents caused by thoughtless mistakes. This bill might be considered as not only being needed for worker safety protection, but for public safety protection as well.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 2

DATE 01/22/91

BILL NO. B 73

As President of the largest Labor Council in the state of Montana, I frequently get calls from unorganized workers asking me if there is anything I can do to help them. Some employers require their workers to work through their lunch hour while grabbing a bite to eat as best they can. Although I can sympathize with their obvious frustrations, currently there is little or nothing that can be done to curtail the mistreatment of these unorganized workers.

To further dramatize the real need for a rest period bill, imagine for a minute being required to wear an Israeli type gas mask, fresh air equipment for as long as 5 solid hours in temperatures ranging from 100+ degrees to 50 degrees below zero without a break. It's happening today in Montana at the Conoco refinery in Billings and I surely suspect elsewhere.

While many employers see the value in providing organized work breaks, some do not. While some employers believe that a break allows a much needed rest, and time to coordinate work activities, some do not. While some employers recognize that organized breaks actually improve productivity, some do not. This law is not needed for those employers who already provide breaks, but for those who cheat their employees and ultimately themselves out of constructive break time.

Consider for a minute that this bill will not work a hardship on anyone, and hopefully it will make a significant reduction in the accident and injury rate of Montana workers.



I am confident that you as a committee will collectively do
the right, and humane thing, and vote a do pass
recommendation.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 22 day of Jan, 1991.

Name: DARRELL HOLZER

Address: 24 So. 29th

Billings, MT. 59101

Telephone Number: 406-252-2271

Representing whom?

GREATER YELLOWSTONE VALLEY LABOR COUNCIL AFL-CIO

Appearing on which proposal?

SB 73 REST PERIOD BILL

Do you: Support? _____ Amend? _____ Oppose? _____

Comments:

[illegible]

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Mr. Chairman and members of the Committee:

I am Curt Brennan representing the Montana District Council of Laborers Local Union # 98. I am here in strong support of Senate Bill 73 regarding Meal and Rest Periods.

SB 73 would give the workers of Montana the right to take a break every 2½ hours for a period of 10 minutes and a lunch period 5 hours from the start of the shift. Also will submit a fine for those employers who fail, neglect or refuse to provide meal or rest periods.

SB 73 would give the workers of Montana the rest period they all deserve. It would be nice if workers could have 10 minutes every 2½ hours for a cup of coffee to break off winters chill or 10 minutes in the shade to cool down the overheated body. It would be nice if workers in Montana could have a law that would give the right to take a lunch period 5 hours after the start of the shift.

At one of the refineries in Billings, Montana, the Conoco Refinery, the Building Trades contractors aren't entitled to an organized break. Building Trades employees work in the same refinery as Conoco employees. They both do maintenance work. The Conoco maintenance people are entitled to rest periods. So when 10:00 and 2:30 rest periods come, Conoco employees go for rest periods and the Building Trades stay and work.

SB 73 would put a stop to the picking and choosing that Corporate and small businesses practice. They choose who takes a break and who doesn't take a break. Workers of Montana do not deserve this type of ~~dog and pony~~ show. Workers of Montana are proud and need SB 73 passed to stop practices like these from going on.

discriminatory practice

SB 73 will help workers get the consideration they deserve. We support SB 73 and we urge you to give it a do-pass recommendation

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 3
DATE 11/22/91
BILL NO. 5873

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 22 day of Jan, 1991.

Name: Bob Papin

Address: 2039 Ave B.

Billings, MT. 59102

Telephone Number: 252-9371

Representing whom?

Plumbers and Pipefitters Local #30

Appearing on which proposal?

SB 73

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

For A much safer and more production work
place for the working men and women in the
State of Montana, I support SB 73 and ask
that the Committee give SB 73 a "do pass"
Recommendation

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 4

DATE 1/22/91

SB 73

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 1 day of 22, 1991.

Name: David Massey

Address: 4415 King Ave East

Telephone Number: 406-252-3196

Representing whom?

Appearing on which proposal?

SB 73

Do you: Support? X Amend? _____ Oppose? _____

Comments:

I support SB 73 on the basis that a
person given allowed 10 min. each 2.5 hours
worked will be much more productive and
safe. An individual that has a demanding
job, either physical or mental, is much more
alert when able to rest for this short
period of time as specified in SB 73.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY
SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 5

DATE 1/22/91

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 22 day of JANUARY, 1991.

Name: LARRY J. HANCKE

Address: 2418 TERRY AVE
BILLINGS MT 59102

Telephone Number: 652-4561

Representing whom?

PLUMBERS & PIPEFITTERS LOCAL # 30

Appearing on which proposal?

SB 73

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

BECAUSE OF THE PHYSICAL NATURE OF
MY JOB AND THE HAZARDOUS CONDITIONS
UNDER WHICH I WORK A MANDATORY BREAK
IS FOR THE SAFETY OF ALL. FOR THAT
REASON I STRONGLY SUPPORT SB 73.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 6

DATE 1/22/91



DONALD R. JUDGE
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

TESTIMONY OF DON JUDGE ON SENATE BILL 73 BEFORE THE SENATE LABOR AND EMPLOY-
MENT RELATIONS COMMITTEE, JANUARY 22, 1991

Mr. Chairman, members of the committee, my name is Don Judge and I'm here today representing the Montana State AFL-CIO in support of Senate Bill 73.

This is a good bill that will accord Montana's working men and women with a guarantee of some basic workplace dignity. Simply stated, SB 73 would mandate employers to provide each employee a 30 minute lunch break within the first five hours of work, and a 10 minute rest break after each consecutive two and one-half hours of work.

Many people already believe that workers are entitled to rest periods and lunch breaks. We often get calls at our office from workers, union and non-union alike, asking us to cite the section of Montana law which grants them these rights. Unfortunately, we cannot do that, because there is no such law on our books.

Think about it. Doesn't it make sense for an employer to provide employees with these simple pauses during their long work day? Doesn't it make sense from a safety point of view to break the monotony that can cause complacency and accidents? Doesn't it make sense from a health point of view to allow people to take time to eat during this normal eight hour work day?

We think so, and we believe that you'll think so, too.

We do have one request of this committee, which we've discussed with the sponsor. We'd like to ask this committee to amend Senate Bill 73 to provide for an exception which may be provided under a collective bargaining agreement.

There are a number of labor organizations which already have provisions for meal and rest breaks in their contracts with their employers. Many of these fit the circumstances of the workplace, and we believe that such agreements, arrived at through meaningful collective bargaining, are an equally legitimate way to protect Montana's workers.

With this amendment, we urge your committee to give SB 73 a "do pass" recommendation. Thank you.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 7

DATE 1/22/91

BILL NO. SB73

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 22nd day of JANUARY, 1991.

Name: FRED PANION

Address: 426 N. WYOMING

BUTTE, MT 59701

Telephone Number: 782-7915

Representing whom?

MONTANA TALC COMPANY

Appearing on which proposal?

SB 73

Do you: Support? Amend? Oppose? X

Comments:

THIS BILL WOULD INCREASE OUR OPERATING COSTS
BECAUSE EQUIPMENT WOULD BE SHUT DOWN OR IDLE.
WE HAVE 12 EMPLOYEES WHO PERFORM LABOR-INTENSIVE
WORK, WE REQUIRE THESE INDIVIDUALS TO TAKE REST
PERIODS, THE REST OF OUR EMPLOYEES ~~TAK~~ HAVE
NUMEROUS "INFORMAL REST PERIODS," AS PRODUCTION ALLOWS.
EXAMPLES ARE TRUCK DRIVERS WAITING FOR THE SHOVEL TO
LOAD THEM AND SHOVEL OPERATORS WAITING FOR THE
TRUCKS TO STAGE,

AFTER EQUIPMENT IS SHUT-DOWN IT MUST BE RE-STARTED --
THAT IS WHEN MOST EQUIPMENT FAILURES OCCUR.

THIS BILL MAY BE GOOD FOR A FEW ISOLATED CASES --
IT CERTAINLY DOES NOT APPLY TO OURS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 8

DATE 1/22/91

BILL NO. SB 73

DATE

11/22/91

COMMITTEE ON

Senate Labor

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
FRED PANION	MONTANA TALE CO.	SB 73		✓
DARRELL HOLZER	AFL-CIO	SB 73	✓	
Bob Papin	Plumbers & Pipefitters #30	SB 73	✓	
LARRY HANCLIFF	Plumbers & Pipefitters #30	SB 73	✓	
David Massey	Plumbers & Pipefitters #30	SB 73	✓	
Curt Brennan	Montana ^{Laborers} District Council	SB 73	✓	
Bob Heiser	U. F. C. W.	SB 73	✓	
Paul Stanahan	STILLWATER MINING	SB 73		✓
AN Brock Beles	Montana Chamber of Commerce	SB 73		✓
Steve Johnson	State Labor Relations	SB 73		✓
Don Judge	MT STATE AFL-CIO	SB 73 HB 18	✓	
Bill Stouck	MT Food Dist Assn	SB 73		✓
John K. 11/22/91	Piedmont Gold Co.	SB 73		✓
JOHN FORKAN	PLUMBERS & PIPEFITTERS	HB #18	✓	
FENDERSON	ST BLY TRADES	HB 18	✓	
"	" " "	SB 73	✓	
Roy Wilman	Montana Resources	SB 73		✓
Don F. 11/22/91	OR BLY	SB 73	✓	
MARK LANGOORF	AFSCME	SB 73	✓	
Leon Stalup	Mont Restaurant Assoc	SB 73		✓
Charles Brooks	MT Rpt & L Assoc	SB 73		✓
Bruce W. Moerer	MT School Bds Assn	SB 73		✓

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 1/22/91 Senate Bill No. SB 30 Time 2:05pm

NAME	YES	NO
SENATOR AKLESTAD		X
SENATOR BLAYLOCK	X	
SENATOR DEVLIN		X
SENATOR KEATING		X
SENATOR LYNCH	X	
SENATOR MANNING	X	
SENATOR NATHE <i>OPEN 2:15pm vote</i>		X
SENATOR PIPINICH	X	
SENATOR TOWE	X	

Linda Casper
Secretary

Sen. Richard E. Manning
Chairman

Motion: SB 30 DO PASS AS AMENDED



J. W. Leigh
Manager
Billings Refinery
Refining, North America

Conoco Inc.
P.O. Box 2548
Billings, MT 59103-2548
(406) 255-2551

January 22, 1991

The Honorable Richard E. Manning
The Senate of Montana
Capitol Station
Helena, MT 59620

Dear Senator Manning:

I understand that testimony before your Committee has portrayed Conoco's Refinery in Billings as something of a "sweat-shop." I'd like to take this opportunity to set the record straight, if I may.

First, the employees in question are employed by independent contractors, and not by Conoco. They are employed under terms negotiated through collective bargaining with their employers, not Conoco. As I understand it, there is no provision for organized breaks in their respective contracts.

As a matter of fact, Conoco recognizes that some types of work which are physically demanding, or which must be performed in extremely hot or cold weather, require periodic breaks for rest or to warm up or cool down. We know these breaks are allowed as needed. Bathroom breaks are also permitted. Conoco permits a contractor's employees to consume snacks on the job site and provides excellent facilities for their lunch break.

We shouldn't confuse the lack of a contract provision for organized breaks with inhuman treatment. Breaks are allowed if the work requires it. There just is no provision in the contractor's labor agreement for organized, by-the-numbers breaks.

I think the legislation your Committee is considering is unnecessary where there is a collective bargaining agreement in place. Further, I reject the implication that Conoco does not provide a safe work place because we don't allow mass breaks. Our interest is in the safety of all of those who work on our site. In fact, our safety record is second to none in the industry - for our own employees and for the employees of the contractors we employ.

Thank you for your attention. I've included 15 extra copies for your use. If you would please distribute this letter to your Committee, I would appreciate it.

Sincerely,

A handwritten signature in dark ink, appearing to read "JW Leigh", written over a horizontal line.

J. W. (Jim) Leigh