

**MINUTES**

**MONTANA SENATE  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON EDUCATION**

**Call to Order:** By Senator Blaylock, on February 5, 1993, at 1:04 p.m.

**ROLL CALL**

**Members Present:**

Sen. Chet Blaylock, Chair (D)  
Sen. Harry Fritz, Vice Chair (D)  
Sen. Bob Brown (R)  
Sen. John Hertel (R)  
Sen. Dennis Nathe (R)  
Sen. Spook Stang (D)  
Sen. Daryl Toews (R)  
Sen. Mignon Waterman (D)  
Sen. Bill Wilson (D)

**Members Excused:** Senator Yellowtail

**Members Absent:** None.

**Staff Present:** Eddy McClure, Legislative Council  
Sylvia Kinsey, Committee Secretary

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

**Committee Business Summary:**

Hearing: HB 43  
HB 194

Executive Action: HB 194

**HEARING ON HOUSE BILL 43**

**Opening Statement by Sponsor:**

Representative Scott McCulloch, House District 96, Billings explained his bill by saying two years ago the Legislature passed HB 105 that Rep. Linda Nelson carried. Previous to this time if an administrator was laid off due to financial reasons and went into a classroom as a teacher, they retained their administrators salary even though they were teaching students. At the present time the law says any increase that comes to the administrators, as a teacher, that is the increase they will receive. Two years ago we passed a bill that said any administrator that goes into a teaching position, now retains the teachers salary if they were

an administrator that was hired after October 1991 into the administrative position. A teacher could be teaching a class at a teacher's salary and across the hall an ex-administrator could be teaching the same class but with a much higher salary. He handed out information to the committee. (exhibit 1, 2 and 3 and 5)

**Proponents' Testimony:**

Representative Linda Nelson, House District 19, Medicine Lake, spoke in favor of the bill on the basis of fairness. School boards are accountable to the taxpayers, laws that require salary assurances are hard to justify and taxpayers resent paying \$17,000 more for an administrator to teach kids than the other teachers receive. She urged the committee to support this bill.

Cathy Carlson, Billings Educational Association, said the present law creates two classes of people. Two teachers do the same job and one of them is making \$10,000 or so more than the other. This defies the idea of equal pay for equal work.

Bill Scroni, 30 years of teaching, gave an example of the salary disparity. He said in the Billings West High School, if they hired a physics teacher at the beginning level and that teacher had a Masters degree and we hired an administrator with a Masters degree, starting level, and if that administrator were cut and put back in the classroom, the disparity in salary over ten years would be over \$200,000. He said the second thing he felt was really important was that we should put the emphasis back on the student since that is the common ground for all of us. He said the savings in the example he gave would provide one other teacher to the classroom, where it is needed. Administrators cannot have it both ways, we have had administrators in Billings retire from administration and the next day be hired back as contract management people to do quasi administrative work within our school district.

Jerry Ruckavino, Great Falls Education Association, parent and taxpayer said he believed Mr. McCullough had phrased the issue very correctly in saying it is an issue of fairness. He did not want his local school board faced with the choice of cutting two teachers or moving one administrator back into the teaching ranks.

Bruce Moerer, Montana School Boards Association said this was their bill last time and they support this bill now. He addressed the issue of seniority representation. It is true that not every district in the state grants seniority to it's teachers through collective bargaining agreement and those are things that should be negotiated locally. Tenured teachers do have some form of protection because they can bump non-tenured teachers in areas where they are endorsed. He believed the administrators would request an amendment to the bill that would allow the administrators to have seniority protection for years of service

as an administrator only in those instances where those districts already have seniority for their teachers. He said if that was the context of the amendment the MSBA would not object to it because it would not do any more than was done locally.

Garth Cox, teacher in the Polson School District said their school district does have a RIF (Reduction in Force) program. It is seniority based and they do have a choice in finding which teachers are going to be RIF'd. If we are going to have a cut in our foundation program become a reality, we are interested in the fact that we want fairness. Their base salary for a teacher is \$16,000 and the base salary for an administrator is \$45,000.

Dennis Carlson, Teacher, Hellgate Project Schools said they have a small school with 45 full time teachers, 4 full time administrators and one teacher that was an administrator, was moved back to the teaching rank and is paid an administrator's salary.

Julie Hasler, Helena Education Association, teacher, said we have all heard our Governor charge us with trying to cut administrative costs in the state and it is hard to do when we have to send an administrator back to teach at their former salary.

Don Long, Great Falls High School Teacher, said he supported House Bill 43 for the same reasons as those who have spoken.

Betty Thompson, President, Kalispell Education Association and a teacher of 20 years said she concurred in the reasons given in support of this bill.

Valerie Sampson said she was also a teacher in Kalispell and also supported this bill for the reasons given.

Eric Feaver, MEA, said the MEA supports this bill and did support House Bill 105 in the last session. They believe this bill finally does the job. He pointed out that maintaining an administrators salary when returned to a teachers position is not a birth right. Prior to a court case a decade ago, this did not happen, now with financial sources what they are in the state, he believed this should go back to an issue of fairness.

#### Opponents' Testimony:

Loren Frazier, School Administrators of Montana (SAM), said one of the reasons he had to be an opponent was because this was a compromise that was previously given. He believed any teacher who was sitting in the room would not like to negotiate for any less than they had before and that is basically the principle the principals are being put in. He referred to the issue of salary disparity, and pointed out there are \$18,000 teachers and \$30,000 teachers that is twice the amount, who teach the same subject and the same grade level. He said he had two amendments which had

been given to the staff member. His proposed amendment is attached. (exhibit 4)

Darrell Rud, Principal, Rimrock Elementary in Billings, and represents nearly 300 elementary and middle school principals said educational research points out the importance of the principal in effective schools said when good principals work colaboratively with good teachers, good staff, good kids and good communities, quality education continues.

Cindy Holtz, Elementary Principal, Billings, said the proponents of the bill would have you believe they are only interested in fairness and equity and she would take exception to that statement. She had seen many of the senior members of their teaching staff, during contract negotiation time, say that they would rather have a raise and watch their lesser paid colleagues get the axe than to take a pay freeze and have those people stay on board. She felt this bill had become what some call a sport in our state and that is "administrator bashing" and felt that was unfair.

Jess Long, taxpayer and citizen of Helena spoke in opposition to HB 43 saying fairness is a primary issue and if anybody thought by going back to a classroom situation in a school that doesn't allow for that person to be on a seniority list is fair, he could not understand their thinking. If you are really concerned about the salary disparity, you should go after the MEA and their collective bargaining process in which they allow an \$18,000 teacher versus a \$36,000 teacher and in a RIF situation dismissing the \$36,000 teacher in order to accommodate more faculty increase.

**Informational Testimony:**

None.

**Questions From Committee Members and Responses:**

Senator Hertel asked Representative McCulloch about line 5 in the title of the bill where it says a "tenured school administrator". He asked if there was such a thing as a "tenured" school administrator and Representative McCulloch said he believed there is, they fall under the same tenure statutes as a teacher.

Senator Hertel said he did not realize that administrators could be tenured. He was told principals could be, superintendents could not.

Senator Hertel asked if it is absolute law that principals can not take the reduction in pay if they so desire. If their position were RIF'd and a teacher's position was open, he asked if they could receive a teacher's salary or would they absolutely have to be paid their previous salary as a principal. Representative McCulloch said they would have to receive the

administrators salary, and it was in HB 105 which we did two years ago. If they were hired after October 1991, then they could take the lesser salary, if before October 1991 they would have to take the higher salary.

Senator Hertel asked if in this bill, where that clause is being taken off, if it would have any bearing on that decision and Representative McCulloch said his bill said any administrator who went back to the classroom would receive teacher's salary.

Senator Brown said they had a principal who had obtained seniority and the school board decided to remove him but since he had seniority, they made him a biology teacher, which he had been prior to being a principal. This was a relatively small school district and about ten years ago but he was earning about \$32,000 a year as a biology teacher, twice as much as any of the rest of the teachers. He was depressed over what had happened, did not work very hard and was a mediocre teacher and other teachers as well as the Board thought it unfair. He could also sympathize with the principals being caught in this "no-man's land", and while the Superintendent works for the Board, the teachers have their own organization, so when the principals come in and ask who bargains for them, he could relate to their problem. He asked for a comment on the statement Mr. Frazier made for the late effective date on this bill to at least give the districts and the bargaining units an opportunity to see if they want to put these people on the seniority list. Representative McCulloch said there are a lot of advantages, one is a higher increase in salary, a different job position, and different responsibilities. The draw backs are that if a RIF comes, in certain situations, that would happen. In speaking to the effective date and his fear of putting it off for a few years--we have had proposals by our Governor, Senator Towe's bill, Representative Wanzenried's bill, etc. If you put it off for a year and the crisis happens, then it will not do what he thought was fair.

Senator Hertel asked Mr. Frazier the same question concerning the salary reduction for a principal if they so agreed. Mr. Frazier said there have been several cases in the state where the principal has been returned to the classroom at a teacher's salary and it was agreeable to that person. It has happened in Class C schools and happened in a AA school but had to be an agreement with the principal that he would take a reduction. In the case the proponents are talking about, that principal fought the reduction, and by law was entitled to it, but there have been a lot of agreements where the principal has gone back to a teaching position for less money.

Chair Blaylock asked Representative McCulloch if he had time to analyze the proposed amendment and was told no, it was just given to him today. Chair Blaylock read "when a tenured teacher, serving in an administrative position is assigned to a teaching position with a district, the district shall recognize the teacher's time of service in the administrative position for

purposes of teacher seniority in any applicable board policy or collective bargaining agreement in the district". Rep. McCulloch said he assumed that would only apply to those districts that had a seniority position for RIF policy for teachers. He asked Ms. McClure if that was correct and she said that was what she believed it was saying--if you had a board policy, if you had a collective bargaining agreement,

Chair Blaylock said we talked a lot about fairness in this hearing, and it seemed if a tenure teacher is moved up to an administrative position and serves there for five years or so, then is RIF'd and sent back to the teaching position, it would be fair to say they will get credit on the "ladder" for those years as an administrator, and would be paid whatever their rate increase would amount to. Representative McCulloch said this fairness he does not have a problem, but if we take this a step further, but if we have 272 districts that have no seniority for their teachers, do we include those also. He said he would not be opposed to an amendment if he had time to look at it and discuss it with this committee before any action is taken. Loren Frazier had approached him with an amendment yesterday and Rep. McCulloch told him he would check into it. At that time it did not seem to be within the scope of the bill and had not seen the amendment before today.

**Closing by Sponsor:**

Representative McCulloch said Mr. Frazier had said a principal could agree to taking a lower salary as a teacher, but if they decided to renege on that they could, by statute, even though they have made that agreement, they are still covered and can renege on the agreement. He pointed out there have been people who have been administrators that have gone back into the classroom that this does not affect because the statute does not cover them. Those people are not affected by the statutes. The salary disparity is because they have been there and they will have a higher salary than a teacher who has been there one year. Mr. Frazier had estimated that between 60% and 80% do not allow seniority in their contracts and it is a fact that 72% of the districts do not allow seniority for teachers. He said this bill deals with a RIF situation and there will not be districts that hire more administrators when they are in a RIF situation. He said it was not his intention to "bash" administrators, he is only looking at what is fair and equitable. He said he would have to disagree with the principal who spoke since he believed the teachers are the leaders. His last disagreement was where they talked about contract negotiations in Billings and took a salary increase and laid off teachers as a result of it. He said that was far from the truth since he had negotiated the last six contracts in Billings. When they laid off 104 teachers, there was no salary increase and in the last two years they sat down with the school board members and come out with a WIN-WIN proposal and they have never taken a salary increase while they laid off teachers. At the present time they have a letter of agreement that will go into effect the next couple of weeks that

says if this Legislative body reduces the foundation program, that we open up our contract negotiations and we don't lay off teachers. He urged the committee to look favorably at this bill because he believed it added fairness as well as accountability to the taxpayers of Montana.

**HEARING ON HOUSE BILL 194**

**Opening Statement by Sponsor:**

Representative Carley Tuss, House District 35, Black Eagle, said this bill was introduced at the request of the OPI and would make permanent and clarify the language of the bill and would remove the sunset provision. It also allows safety education for elementary and middle school children relative to pedestrian, passenger and bicycle safety.

**Proponents' Testimony:**

Gayle Gray, Assistant Superintendent, OPI, said the purpose of this bill is to make permanent and to clarify the definition of traffic education. Traffic education is not just highschool drivers education, but is instruction that has it's foundation in the elementary and should be integrated in the K-12 curriculum and includes bicycle, pedestrian and school bus safety instruction. The bill eliminates the sunset provision that was put on two years ago and is primarily housekeeping.

Bruce Moerer, MSBA, said they support the bill.

Loren Frazier, SAM, said they support the bill.

**Opponents' Testimony:**

None.

**Informational Testimony:**

None.

**Questions From Committee Members and Responses:**

Senator Toews asked who pays for this education in the schools and Ms. Gray said the cost of this is primarily paid through the assessment of fines such as traffic fines, DUI fines, etc. It is not a general fund type of situation. She said the motorcycle endorsement is about \$2 apiece which goes into motorcycle safety. The fund is associated with vehicles, user fees and those that are convicted of abusing the safety laws.

Chair Blaylock said in teaching this, how many other things are we pulling down on that fund for and Ms. Gray said this fund is just limited to traffic education. It is just a broader definition of what traffic education is. She emphasized that not

all of this is taught during the school day, some is put into the physical education program and some of it is bicycle safety taught on Saturday and sponsored by various civic groups. Motorcycle safety is all taught on the weekends. It does not all occur on the school day.

Senator Nathe asked if this bill has anything to do with the training center for driving that is located in Lewistown and Ms. Gray said they have not used any of that money thus far. Generally the advanced drivers training center which is located in Lewistown is funded through some federal grants we have had and also the fees the participants pay in that training program. Conceivably they might be able to draw on that fund, but it has not been necessary.

Chair Blaylock asked if Ms. Gray had any idea of the cost for this program and she answered that the amount has varied from year to year, depending on the type of projects that are done. There is a certain amount of money that is established in the fund and OPI takes the money for various types of traffic education from that fund. The rest of the money is allocated to various districts for successful completion of drivers education. She said two years ago they committed to not reduce that amount which was \$140 at that time per student that successfully completes drivers education, and it still continues to be \$140.

**Closing by Sponsor:**

Representative Tuss said she would urge the committee to give a do pass recommendation to this legislation and allow the continuation of that integrated approach for safety for all the children in our schools.

**EXECUTIVE ACTION ON HOUSE BILL 194**

**Motion/Vote:** Senator Stang moved House Bill 194 BE CONCURRED IN. Motion CARRIED with Senator Toews voting no, Senators Yellowtail and Wilson absent.

Senator Stang was asked to carry the bill on the Senate floor.



**ADJOURNMENT**

**Adjournment:** 2:10 p.m.

  
\_\_\_\_\_  
CHET BLAYLOCK, Chair

  
\_\_\_\_\_  
SYLVIA KINSEY, Secretary

CB/skk:



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 5, 1993

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration House Bill No. 194 (first reading copy -- white), respectfully report that House Bill No. 194 be concurred in.

Signed: Chet Blaylock  
Senator Chet Blaylock, Chair

Billings Education Association Contract

ARTICLE XVIII  
REDUCTION IN STAFF

SENATE EDUCATION  
EXHIBIT NO. 25/193  
DATE 8/1/93  
SCHOOL NO. 43

Section 3. Seniority:

Subd. 1. Seniority shall mean the number of days of continuous service of the regular school year (excluding summer session and extended employment), commencing with the first day of actual service in the School District including authorized leave of absences allowed by the School District pursuant to this Agreement.

Subd. 2. Probationary teachers shall not acquire seniority until such teacher acquires tenure and upon acquisition of tenures, the seniority date shall relate back to a teacher's first day of continuous services. Continuous service shall include a teacher who is under contract for more than ninety (90) days in a single school year. Long term substitute service under contract, immediately prior to regular contract service, shall be counted toward a teacher's seniority.

Subd. 3. In determining the list of seniority, an employee whose employment has been legally terminated by resignation, or terminated but whose employment was subsequently reinstated without interruption, shall be deemed to be continuous service.

Subd. 4. Certified teachers employed by the School District in professional positions outside the teacher's unit, i.e., administrators, shall maintain seniority in the teacher's unit consistent with total administrative and teaching service in the School District, provided the administrative employee is qualified and certified as described herein.

Subd. 5. In the event that seniority is equal for purposes of layoff, order of seniority shall be determined by lot.

ARTICLE XIV: REDUCTION IN FORCE

SENATE EDUCATION

EXHIBIT NO. 2  
DATE 2/5  
BILL NO. 43

14.1 PROCEDURE

In the event the School District determines the provision of the Article shall apply.

14.2 DEFINITION

A. Teacher: The term teacher used herein shall refer only to tenured teachers, regularly employed at least half time by the School District.

B. Qualified: Qualified means a tenured teacher who is certified by the State Department of Public Instruction for a position established by the School District, and who has taught in such subject matter category for at least one semester within the last 5 years while a member of the Havre School District.

C. Subject Matter: Subject matter shall mean such categories as are determined by the State Department of Public Instruction for certification purposes.

D. Days: Means teacher duty days, unless otherwise stated.

14.3 SENIORITY

A. Seniority shall mean the number of days of continuous service of the regular school year (excluding summer session and extended employment), commencing with the first day of actual service with the School District including authorized leave of absences allowed by the School District pursuant to this Agreement.

B. Probationary teachers shall not acquire seniority until such teacher acquires tenure and upon acquisition of tenure, the seniority date shall relate back to his/her first day of continuous service. Long term substitute service under contract, immediately prior to regular contract service shall be counted toward a teacher's seniority.

C. In determining the list of seniority, an employee whose employment has been legally terminated by resignation, or terminated but whose employment was subsequently reinstated without interruption, shall be deemed to be continuous service.

D. Certified teachers employed by the School District in professional positions outside the teachers's unit, i.e.,

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administrators, shall maintain seniority in the teacher's unit consistent with total teaching service in the School District provided the administrative employee is qualified and certified as described herein.

Amend  
p. 2

E. In the event that seniority is equal for purposes of layoff, the second order will be determined by the educational placement on the salary schedule. The final order, if needed, shall be determined by lot.

#### 14.4 SENIORITY LIST

A. On or about December 1 of each school year, the School District shall cause a seniority list, (by name, date of employment, qualification, and certification), to be prepared from its records. It shall thereupon post such list in an official place in each school building.

B. Any person whose name appears on such list, and who may disagree with the findings of the School District, and the order of seniority on said list, shall have fourteen (14) days from the date of postings, to supply written documentation, proof and request for seniority change, to the School District's Superintendent's Office.

C. Within fourteen (14) days thereafter, the School District shall evaluate any and all such written communications regarding the order of seniority contained in said list, and make such changes as the School District deems warranted. The final seniority list shall thereupon be prepared by the School District, and shall be posted in each school building. Such list shall be binding on the District and all teachers shown thereon. Each year thereafter, the School District shall cause such seniority list to be updated. Such list shall govern the application of Reduction in Staff, Article XIV, until thereafter revised.

D. Any person disagreeing with the final seniority list prepared pursuant to subd. C. above may pursue the matter through the Grievance Procedure provided by Article XI.

#### 14.5 VOLUNTARY LAYOFF

Senior teachers may accept voluntary lay-off during a period when the School District is placing tenured teachers on layoff. Teachers accepting voluntary layoff will, as with all teachers on layoff, continue to accrue seniority. Voluntary layoff, shall be for a period of the succeeding school year unless altered by mutual agreement. Teachers wishing to be recalled from voluntary layoff for the next

SENATE EDUCATION  
EXHIBIT NO. 3  
DATE 2/5  
BILL NO. 43

HB 43

- 376 School Districts (Combined)
- 198 Have Collective Bargaining Contracts  
for Teachers
- 178 **DO NOT** Have Collective Bargaining Contracts  
for Teachers

- Of the 198 districts that have collective bargaining contracts,  
94 **DO NOT** have seniority based layoff provisions.

\* \* \* \* \*

178 No collective bargaining contracts, no seniority  
for RIF

+  
94 Collective bargaining contracts, no seniority for  
RIF

272 Districts have **NO** seniority for RIF

72% Of the Districts have **NO** seniority for RIF

BIT NO. 4  
2/5  
NO. 43

Amendments to House Bill No. 43  
Third Reading Copy

Requested by Senator Nathe  
For the Senate Committee on Education and Cultural Resources

Prepared by Eddy McClure  
February 5, 1993

1. Title, line 7.

Following: ";"

Insert: "PROVIDING FOR SENIORITY RECOGNITION; AMENDING SECTION  
20-4-208, MCA;"

2. Title, lines 8 and 9.

Strike: "AN" on line 8

Strike: "IMMEDIATE" on line 9

Following: "EFFECTIVE"

Insert: "DATES"

3. Page 1, line 11.

Following: line 12

Insert: "Section 1. Section 20-4-208, MCA, is amended to read:

"20-4-208. **Transfer from administrative position.** (1) A tenure teacher serving in an administrative position may be assigned to a teaching position with a reduction in salary when the economic conditions of the district require a reduction of administrative staff. The salary for the new position must be the same as the salary that the teacher would have received if the teacher had been continuously employed in the new position rather than in the administrative position.

(2) When a tenure teacher serving in an administrative position is assigned to a teaching position with a district, the district shall recognize the tenure teacher's time of service in the administrative position for purposes of teacher seniority in any applicable board policy or collective bargaining agreement in the district.

~~(2)~~ (3) As used in this section, the term:

(a) "administrative position" means a position that the trustees of a district designate as administrative or supervisory in nature, not including the position of district superintendent; and

(b) "reduction of administrative staff" is limited to reductions necessary because of declining enrollment or financial exigency.

~~(3)~~ (4) When a tenure teacher serving in an administrative position is to be transferred under this section, the teacher must be notified prior to May 1 by certified letter or by personal notification for which a signed receipt must be obtained. The notification must include:

(a) a statement of the reason or reasons for the reduction of administrative staff; and

(b) a printed copy of this section for the teacher's information.



~~(4)~~ (5) A tenure teacher who receives notice under subsection ~~(3)~~(4) may request in writing, within 10 days of the notice, a hearing before the board of trustees. The board of trustees shall set the hearing not less than 10 days or more than 20 days from receipt of the request unless both parties agree to an extension. If a hearing is requested, the trustees shall:

(a) conduct the hearing to determine whether the reason or reasons for the transfer were in compliance with the provisions of subsection (1); and

(b) resolve at the end of the hearing to uphold the transfer or to reject the transfer and return the teacher to the administrative position.

~~(5)~~ (6) A tenure teacher may appeal a decision under this section to the county superintendent as provided in 20-3-210. The county superintendent shall conduct a hearing to determine whether the reason or reasons for the transfer were in compliance with the provisions of subsection (1).

~~(6)~~ (7) The teacher or the trustees may appeal the determination of the county superintendent to the superintendent of public instruction as provided in 20-3-107.

~~(7)~~ (8) A tenure teacher who is transferred to a teaching position under this section must be offered the next comparable administrative position for which he is endorsed that becomes available in the district."

{Internal References to 20-4-208:  
20-4-203}

Renumber: subsequent sections

4. Page 1, line 15.

Following: "Effective"

Strike: "date"

Insert: "dates"

Following: "."

Insert: "(1)"

Strike: "[This act] is"

Insert: "[Section 2 and this section] are"

5. Page 1, line 16.

Following: line 15

Insert: "(2) [Section 1] is effective July 1, 1994."

In the event the School District determines to reduce staff the provision of the Article shall apply.

14.2 DEFINITION

A. Teacher: The term teacher used herein shall refer only to tenured teachers, regularly employed at least half time by the School District.

B. Qualified: Qualified means a tenured teacher who is certified by the State Department of Public Instruction for a position established by the School District, and who has taught in such subject matter category for at least one semester within the last 5 years while a member of the Havre School District.

C. Subject Matter: Subject matter shall mean such categories as are determined by the State Department of Public Instruction for certification purposes.

D. Days: Means teacher duty days, unless otherwise stated.

14.3 SENIORITY

A. Seniority shall mean the number of days of continuous service of the regular school year (excluding summer session and extended employment), commencing with the first day of actual service with the School District including authorized leave of absences allowed by the School District pursuant to this Agreement.

B. Probationary teachers shall not acquire seniority until such teacher acquires tenure and upon acquisition of tenure, the seniority date shall relate back to his/her first day of continuous service. Long term substitute service under contract, immediately prior to regular contract service shall be counted toward a teacher's seniority.

C. In determining the list of seniority, an employee whose employment has been legally terminated by resignation, or terminated but whose employment was subsequently reinstated without interruption, shall be deemed to be continuous service.

D. Certified teachers employed by the School District in professional positions outside the teachers's unit, i.e.,

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administrators, shall maintain seniority in the teacher's unit consistent with total teaching service in the School District provided the administrative employee is qualified and certified as described herein.

Amend  
p. 2

E. In the event that seniority is equal for purposes of layoff, the second order will be determined by the educational placement on the salary schedule. The final order, if needed, shall be determined by lot.

14.4 SENIORITY LIST

A. On or about December 1 of each school year, the School District shall cause a seniority list, (by name, date of employment, qualification, and certification), to be prepared from its records. It shall thereupon post such list in an official place in each school building.

B. Any person whose name appears on such list, and who may disagree with the findings of the School District, and the order of seniority on said list, shall have fourteen (14) days from the date of postings, to supply written documentation, proof and request for seniority change, to the School District's Superintendent's Office.

C. Within fourteen (14) days thereafter, the School District shall evaluate any and all such written communications regarding the order of seniority contained in said list, and make such changes as the School District deems warranted. The final seniority list shall thereupon be prepared by the School District, and shall be posted in each school building. Such list shall be binding on the District and all teachers shown thereon. Each year thereafter, the School District shall cause such seniority list to be updated. Such list shall govern the application of Reduction in Staff, Article XIV, until thereafter revised.

D. Any person disagreeing with the final seniority list prepared pursuant to subd. C. above may pursue the matter through the Grievance Procedure provided by Article XI.

14.5 VOLUNTARY LAYOFF

Senior teachers may accept voluntary lay-off during a period when the School District is placing tenured teachers on layoff. Teachers accepting voluntary layoff will, as with all teachers on layoff, continue to accrue seniority. Voluntary layoff, shall be for a period of the succeeding school year unless altered by mutual agreement. Teachers wishing to be recalled from voluntary layoff for the next

DATE 2/5/93

SENATE COMMITTEE ON Education

BILLS BEING HEARD TODAY: NB 43, NB 194

Name	Representing	Bill No.	Check One	
			Support	Oppose
<i>Kella Dandane</i>	MAEMSP	43	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Cindy Holtz</i>	MAEMSP	43	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Kathryn Lamborn</i>	Billings Ed. Assoc.	43	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Dennis Parkin</i>	Montana Ed Assoc.	43	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Paul Tomp</i>	O.P.O.	<sup>NB</sup> 149	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Nancy Robbins</i>	MEA		<input type="checkbox"/>	<input type="checkbox"/>
<i>Bruce W. Meyer</i>	SSBA	<sup>NB</sup> 43	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Bruce W. Meyer</i>	SSBA	<sup>SB</sup> 145	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Steve Henry</i>	BEA	HB 43	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Jerry Burkhardt</i>	GFEA	HB 43	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Keith W. Shiban</i>	BEA		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Loran Frazier</i>	S Am		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Julie Hasler</i>	HEA	HB 43	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Betty Thompson</i>	KEA	HB 43	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Val Samson</i>	ICEA	HB 43	<input type="checkbox"/>	<input type="checkbox"/>
<i>Kel Carey</i>			<input type="checkbox"/>	<input type="checkbox"/>
<i>Muz Jensen</i>			<input type="checkbox"/>	<input checked="" type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

*Doreen Kelly*  
Daniel Kelly

MAEMSP

HB 43

DATE 2/5/93

SENATE COMMITTEE ON \_\_\_\_\_

BILLS BEING HEARD TODAY: \_\_\_\_\_

Name	Representing	Bill No.	Check One	
			Support	Oppose
Don Lammey	AFEA/NEA	#43	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Nelson	HD 19	43	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Douth Cox	<del>HE 4</del> MEA/PEN	43	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hollie Olson	VEA/NEA	43	<input checked="" type="checkbox"/>	<input type="checkbox"/>
W. J. Sten	MEC	43	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jane Long	FE/E	43	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Loran Franz	SAM	194	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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