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Hayes BILL NO. 232

INTRODUCED BY

Johnson

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 59-1614, R.C.M. 1947, BY REDUCING THE FACT FINDER LIST FROM SEVEN PERSONS TO FIVE PERSONS, AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 59-1614, R.C.M. 1947, is amended to read as follows:

"59-1614. Mediation of disputes--fact-finding proceeding--arbitration. (1) If after a reasonable period of negotiation over the terms of an agreement, or upon expiration of an existing collective bargaining agreement, a dispute concerning the collective bargaining agreement exists between the public employer and a labor organization, the parties shall request mediation.

(2) If upon expiration of an existing collective bargaining agreement, or thirty (30) days following certification or recognition of an exclusive representative, a dispute concerning the collective bargaining agreement exists between the employer and the exclusive representative, either party may petition the board to initiate fact-finding.

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(3) Within three (3) days of receipt of such petition the board shall submit to the parties a list of ~~seven--(7)~~ five (5) qualified, disinterested persons from which list the parties shall alternate in striking ~~three--(3)~~ two (2) names, and the remaining person shall be designated fact finder. This process shall be completed within five (5) days of receipt of the list. The parties shall notify the board of the designated fact finder.

(4) If no request for fact-finding is made by either party before the expiration of the agreement, or thirty (30) days following certification or recognition of an exclusive representative, the board may initiate fact-finding as provided for in (3) above.

(5) The fact finder shall immediately establish dates and place of hearings. Upon request of either party of the fact finder, the board shall issue subpoenas for hearings conducted by the fact finder. The fact finder may administer oaths. Upon completion of the hearings, but no later than twenty (20) days from the day of appointment, the fact finder shall make written findings of facts and recommendations for resolution of the dispute and shall serve such findings on the public employer and the exclusive representative. The fact finder may make this report public five (5) days after it is submitted to the parties. If the dispute is not resolved fifteen (15) days after the report

INTRODUCED BILL

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1 is submitted to the parties, the report shall be made  
2 public.

3 (6) The public employer and the exclusive  
4 representative shall be the only proper parties to  
5 fact-finding proceedings.

6 (7) The cost of fact-finding proceedings shall be  
7 equally borne by the board and the parties concerned.

8 (8) Nothing in this section prohibits the fact finder  
9 from endeavoring to mediate the dispute in which he has been  
10 selected or appointed as fact finder.

11 (9) Nothing in this section prohibits the parties from  
12 voluntarily agreeing to submit any or all of the issues to  
13 final and binding arbitration, and if such agreement is  
14 reached the arbitration shall supersede the fact-finding  
15 procedures set forth in this section. An agreement to  
16 arbitrate, and the award issued in accordance with such  
17 agreement shall be enforceable in the same manner as is  
18 provided in this act for enforcement of collective  
19 bargaining agreements."

20 Section 2. This act is effective on passage and  
21 approval.

-End-

Approved by Committee  
on Labor & Employment  
Relations

1 House BILL NO. 232  
2 INTRODUCED BY Johnson

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
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16 dispute concerning the collective bargaining agreement  
17 exists between the public employer and a labor organization,  
18 the parties shall request mediation.

19 (2) If upon expiration of an existing collective  
20 bargaining agreement, or thirty (30) days following  
21 certification or recognition of an exclusive representative,  
22 a dispute concerning the collective bargaining agreement  
23 exists between the employer and the exclusive  
24 representative, either party may petition the board to  
25 initiate fact-finding.

1 (3) Within three (3) days of receipt of such petition  
2 the board shall submit to the parties a list of ~~seven--(7)~~  
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6 (7) The cost of fact-finding proceedings shall be  
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8 (8) Nothing in this section prohibits the fact finder  
9 from endeavoring to mediate the dispute in which he has been  
10 selected or appointed as fact finder.

11 (9) Nothing in this section prohibits the parties from  
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16 arbitrate, and the award issued in accordance with such  
17 agreement shall be enforceable in the same manner as is  
18 provided in this act for enforcement of collective  
19 bargaining agreements."

20 Section 2. This act is effective on passage and  
21 approval.

-End-

1 Hayes BILL NO. 232  
 2 INTRODUCED BY Johnson  
 3  
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-End-

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 20   bargaining agreement, or thirty (30) days following  
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