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1	Flause BILL NO. 253
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2	INTRODUCED BY Common
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5	59-1605, R.C.M. 1947, BY CHANGING AN INACCURATE SECTION
6	REFERENCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 59-1605, R.C.M. 1947, is amended to
LO	read as follows:
l1	"59-1605. Unfair labor practices of employer or labor
12 .	organization. (1) It is an unfair labor practice for a
1.3	public employer to:
L 4	(a) interfere with, restrain, or coerce employees in
L5	the exercise of the rights guaranteed in section 3-{59-1603}
16	of this act;
17	(b) dominate, interfere, or assist in the formation or
18	administration of any labor organization; however, subject
19	to rules adopted by the board under section $\frac{12-(3)}{2}$ $\frac{13(4)}{2}$, an
20	employer is not prohibited from permitting employees to
21	confer with him during working hours without loss of time or
22	pay;
23	(c) discriminate in regard to hire or tenure of
24	employment or any term or condition of employment to
25	encourage or discourage membership in any labor

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statute of this state precludes a public employer from
making an agreement with an exclusive representative to
require that an employee who is not or does not become a
union member shall be required as a condition of employment
to have an amount equal to the union initiation fee and
monthly dues deducted from his wages in the same manner as
checkoff of union dues:
     (d) discharge or otherwise discriminate against an
employee because he has signed or filed an affidavit,
petition, or complaint or given any information or testimony
under this act;
     (e) refuse to bargain collectively in good faith with
an exclusive representative.
     (2) It is an unfair labor practice for a labor
organization or its agents to:
     (a) restrain or coerce employees in the exercise of
the right quaranteed in subsection (1) of section 3
₹59-1603}of this act, or a public employer in the selection
of his representative for the purpose of
bargaining or the adjustment of grievances;
     (b) refuse to bargain collectively in good faith with
a public employer, if it has been designated as the
exclusive representative of employees;
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shop fees for contributions to

organization; however, nothing in this act or in any other

l political candidates or parties at state or local levels.

- 2 (3) For the purpose of this act, to bargain 3 collectively is the performance of the mutual obligation of the public employer, or his designated representatives, and 5 the representatives of the exclusive representative to meet at reasonable times and negotiate in good faith with respect to wages, hours, fringe benefits, and other conditions of 7 employment, or the negotiation of an agreement, or any 8 question arising thereunder, and the execution of a written 9 contract incorporating any agreement reached. 10 Such obligation does not compel either party to agree to a 11 12 proposal or require the making of a concession.
 - (4) This act does not limit the authority of the legislature, any political subdivision or the governing body, relative to appropriations for salary and wages, hours, fringe benefits, and other conditions of employment."

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

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-End-

HB 0253/02 HB 0253/02 44th Legislature

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Approved by Committee on Labor & Employment Relations

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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5	59-1605, R.C.M. 1947, BY CHANGING AN INACCURATE SECTION
6	REFERENCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section I. Section 59-1605, R.C.M. 1947, is amended to
LO	read as follows:
il	"59-1605. Unfair labor practices of employer or labor
L2	organization. (1) It is an unfair labor practice for a
L3	public employer to:
14	(a) interfere with, restrain, or coerce employees in
L 5	the exercise of the rights guaranteed in section 3-459-1603}
L6	of this act;
17	(b) dominate, interfere, or assist in the formation or
18	administration of any labor organization; however, subject
19	to rules adopted by the board under section 12(3) 13(4)
20	59-1613(4), an employer is not prohibited from permitting
21	employees to confer with him during working hours without
22	loss of time or pay;
23	(c) discriminate in regard to hire or tenure of
24	employment or any term or condition of employment to
25	encourage or discourage membership in any labor

HOUSE BILL NO. 253

INTRODUCED BY JOHNSON

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- organization; however, nothing in this act or in any other statute of this state precludes a public employer from making an agreement with an exclusive representative to require that an employee who is not or does not become a union member shall be required as a condition of employment to have an amount equal to the union initiation fee and monthly dues deducted from his wages in the same manner as checkoff of union dues;
- (d) discharge or otherwise discriminate against an 9 employee because he has signed or filed an affidavit, 10 petition, or complaint or given any information or testimony 11 under this act; 12
- 13 (e) refuse to bargain collectively in good faith with 14 an exclusive representative.
- 15 (2) It is an unfair labor practice for a labor 16 organization or its agents to:
- (a) restrain or coerce employees in the exercise of 17 18 the right guaranteed in subsection (1) of section 3 19 459-1603 of this act, or a public employer in the selection 20 of his representative for the purpose of collective 21 bargaining or the adjustment of grievances;
- 22 (b) refuse to bargain collectively in good faith with 23 a public employer, if it has been designated as the exclusive representative of employees; 24
- 25 (c) use agency shop fees for contributions to

- 1 political candidates or parties at state or local levels.
- 2 (3) For the purpose of this act, to bargain 3 collectively is the performance of the mutual obligation of 4 the public employer, or his designated representatives, and 5 the representatives of the exclusive representative to meet 6 at reasonable times and negotiate in good faith with respect 7 to wages, hours, fringe benefits, and other conditions of 8 employment, or the nagotiation of an agreement, or any 9 question arising thereunder, and the execution of a written
- 13 (4) This act does not limit the authority of the 14 legislature, any political subdivision or the governing 15 body, relative to appropriations for salary and wages, 16 hours, fringe benefits, and other conditions of employment." 17 Section 2. This act is effective on passage and 18

contract incorporating any agreement reached.

proposal or require the making of a concession.

obligation does not compel either party to agree to a

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approval.

-End-

HB 0253/02 HB 0253/02

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1	HOUSE BILL NO. 253
2	INTRODUCED BY JOHNSON
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5	59-1605, R.C.M. 1947, BY CHANGING AN INACCURATE SECTION
6	REFERENCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 59-1605, R.C.M. 1947, is amended to
LO	read as follows:
11	"59-1605. Unfair labor practices of employer or labor
12	organization. (1) It is an unfair labor practice for a
L3	public employer to:
14	(a) interfere with, restrain, or coerce employees in
15	the exercise of the rights guaranteed in section $3-\{59-1603\}$
16	of this act;
17	(b) dominate, interfere, or assist in the formation or
18	administration of any labor organization; however, subject
19	to rules adopted by the board under section $12(3)$ $13(4)$
20	59-1613(4), an employer is not prohibited from permitting
21	employees to confer with him during working hours without
22	loss of time or pay;
23	(c) discriminate in regard to hire or tenure of
24	employment or any term or condition of employment to

44th Legislature

25

encourage

- 1 organization; however, nothing in this act or in any other statute of this state precludes a public employer from making an agreement with an exclusive representative to require that an employee who is not or does not become a union member shall be required as a condition of employment to have an amount equal to the union initiation fee and monthly dues deducted from his wages in the same manner as checkoff of union dues:
- 9 (d) discharge or otherwise discriminate against an 10 employee because he has signed or filed an affidavit, petition, or complaint or given any information or testimony 11 under this act: 12
- 13 (e) refuse to bargain collectively in good faith with 14 an exclusive representative.
- 15 (2) It is an unfair labor practice for a labor organization or its agents to: 16
- 17 (a) restrain or coerce employees in the exercise of the right quaranteed in subsection (1) of section 3 18 19 {59-1603}of this act, or a public employer in the selection 20 of his representative for the purpose of collective 21 bargaining or the adjustment of grievances;
- 22 (b) refuse to bargain collectively in good faith with a public employer, if it has been designated as the exclusive representative of employees;
- 25 (c) use agency shop fees for contributions to

discourage membership in any labor

- 1 political candidates or parties at state or local levels.
- 2 (3) For the purpose of this act, to bargain
- 3 collectively is the performance of the mutual obligation of
- 4 the public employer, or his designated representatives, and
- 5 the representatives of the exclusive representative to meet
- 6 at reasonable times and negotiate in good faith with respect
- 7 to wages, hours, fringe benefits, and other conditions of
- 8 employment, or the negotiation of an agreement, or any
- 9 question arising thereunder, and the execution of a written
- 19 contract incorporating any agreement reached. Suc
- 11 obligation does not compel either party to agree to a
- 12 proposal or require the making of a concession.
- 13 (4) This act does not limit the authority of the
- 14 legislature, any political subdivision or the governing
- 15 body, relative to appropriations for salary and wages,
- 16 hours, fringe benefits, and other conditions of employment."
- 17. Section 2. This act is effective on passage and
- 18 approval.

-End-

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HB 253

HB 0253/02

L		HOUSE BILL NO. 253	
2		INTRODUCED BY JOHNSON	
3			
4	A BILL FOR AN	ACT ENTITLED: "AN ACT	

5 59-1605, R.C.M. 1947, BY CHANGING AN INACCURATE SECTION

REFERENCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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44th Legislature

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

9 Section 1. Section 59-1605, R.C.M. 1947, is amended to 10 read as follows:

"59-1605. Unfair labor practices of employer or labor organization. (1) It is an unfair labor practice for a public employer to:

- (a) interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 3-{59-1603} of this act:
 - (b) dominate, interfere, or assist in the formation or administration of any labor organization; however, subject to rules adopted by the board under section \$\frac{12--(3)}{29-1613(4)}\$, an employer is not prohibited from permitting employees to confer with him during working nours without loss of time or pay;
- 23 (c) discriminate in regard to hire or tenure of 24 employment or any term or condition of employment to 25 encourage or discourage membership in any labor

l organization; however, nothing in this act or in any other

2 statute of this state precludes a public employer from

3 making an agreement with an exclusive representative to

4 require that an employee who is not or does not become a

5 union member shall be required as a condition of employment

6 to have an amount equal to the union initiation fee and

7 monthly dues deducted from his wages in the same manner as

8 checkoff of union dues;

9 (d) discharge or otherwise discriminate against an

10 employee because he has signed or filed an affidavit,

ll petition, or complaint or given any information or testimony

12 under this act;

13 (e) refuse to bargain collectively in good faith with

14 an exclusive representative.

15 (2) It is an unfair labor practice for a labor

16 organization or its agents to:

17 (a) restrain or coerce employees in the exercise of

18 the right quaranteed in subsection (1) of section 3

19 {59-1603} of this act, or a public employer in the selection

20 of his representative for the purpose of collective

21 bargaining or the adjustment of grievances;

(b) refuse to bargain collectively in good faith with

23 a public employer, if it has been designated as the

24 exclusive representative of employees;

25 (c) use agency shop fees for contributions to

TO AMEND SECTION

1 political candidates or parties at state or local levels.

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- (3) For the purpose of this act, to bargain collectively is the performance of the mutual obligation of the public employer, or his designated representatives, and the representatives of the exclusive representative to meet at reasonable times and negotiate in good faith with respect to wages, hours, fringe benefits, and other conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached. Such obligation does not compel either party to agree to a proposal or require the making of a concession.
- 13 (4) This act does not limit the authority of the
 14 legislature, any political subdivision or the governing
 15 body, relative to appropriations for salary and wages,
 16 hours, fringe benefits, and other conditions of employment.*
 17 Section 2. This act is effective on passage and
 18 approval.

-End-