

1 HOUSE BILL NO. 451
 2 INTRODUCED BY JOHNSON, MCKITTRICK
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A GRIEVANCE
 5 PROCEDURE BEFORE THE BOARD OF PERSONNEL APPEALS FOR
 6 EMPLOYEES OF THE DEPARTMENT OF HIGHWAYS; AND REPEALING
 7 SECTION 32-2505, R.C.M. 1947."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. There is a new R.C.M. section numbered
 11 32-2505.1 that reads as follows:

12 32-2505.1. (1) An employee of the department of
 13 highways, aggrieved by a serious matter of his employment
 14 based upon work conditions, supervision, or the result of an
 15 administrative action, is entitled to a hearing before the
 16 board of personnel appeals, under the provisions of a
 17 grievance procedure to be prescribed by the board, for
 18 resolution of the grievance.

19 (2) Direct or indirect interference, restraint,
 20 coercion, or retaliation by an employee's supervisor or the
 21 department of highways against an aggrieved employee because
 22 the employee has filed or attempted to file a grievance with
 23 the board shall also be basis for a grievance and shall
 24 entitle the employee to a hearing before the board for
 25 resolution.

1 Section 2. There is a new R.C.M. section numbered
 2 32-2505.2 that reads as follows:

3 32-2505.2. If upon the preponderance of the evidence
 4 taken at the hearing the board is of the opinion that the
 5 employee is aggrieved, it may issue an order to the
 6 department of highways requiring such action of the
 7 department as will resolve the employee's grievance. In any
 8 hearing the board is not bound by statutory or common law
 9 rules of evidence.

10 Section 3. There is a new R.C.M. section numbered
 11 32-2505.3 that reads as follows:

12 32-2505.3. The board or the aggrieved employee may
 13 petition for the enforcement of the board's order and for
 14 appropriate temporary relief and shall file in the district
 15 court the record of the proceedings. Upon the filing of the
 16 petition, the district court shall have jurisdiction of the
 17 proceeding. Thereafter, the district court shall set the
 18 matter for hearing. After the hearing, the district court
 19 shall issue its order granting such temporary or permanent
 20 relief as it considers just and proper. No objection that
 21 has not been raised before the board shall be considered by
 22 the court unless the failure or neglect to raise the
 23 objection is excused because of extraordinary circumstances.
 24 The findings of the board with respect to questions of fact,
 25 if supported by substantial evidence on the record

1 considered as a whole, shall be conclusive.
2 Section 4. This act is effective upon passage and
3 approval.

-End-

SECOND READING

MISSING

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March 13, 1975

SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

AMENDMENTS TO HOUSE BILL NO. 451

That House Bill No. 451, third reading, be amended as follows:

1. Amend title, line 7.
Following: "1974"
Insert: "; and providing an effective date"

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(2) Direct or indirect interference, restraint, coercion, or retaliation by an employee's supervisor or the department of highways against an aggrieved employee because the employee has filed or attempted to file a grievance with the board shall also be basis for a grievance and shall entitle the employee to a hearing before the board for

resolution.

Section 2. There is a new R.C.M. section numbered 32-2505.2 that reads as follows:

32-2505.2. If upon the preponderance of the evidence taken at the hearing the board is of the opinion that the employee is aggrieved, it may issue an order to the department of highways requiring such action of the department as will resolve the employee's grievance. In any hearing the board is not bound by statutory or common law rules of evidence.

Section 3. There is a new R.C.M. section numbered 32-2505.3 that reads as follows:

32-2505.3. The board or the aggrieved employee may petition for the enforcement of the board's order and for appropriate temporary relief and shall file in the district court the record of the proceedings. Upon the filing of the petition, the district court shall have jurisdiction of the proceeding. Thereafter, the district court shall set the matter for hearing. After the hearing, the district court shall issue its order granting such temporary or permanent relief as it considers just and proper. No objection that has not been raised before the board shall be considered by the court unless the failure or neglect to raise the objection is excused because of extraordinary circumstances. The findings of the board with respect to questions of fact,

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