

1 HOUSE BILL NO. 457
 2 INTRODUCED BY GILLIGAN, JOHNSON, LYNCH
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT
 5 SUBMISSION OF A NEGOTIATED SETTLEMENT TO THE LEGISLATURE MAY
 6 MEET STATE GOVERNMENT'S REQUIREMENT OF NEGOTIATING IN GOOD
 7 FAITH; AMENDING SECTION 59-1605, R.C.M. 1947."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 59-1605, R.C.M. 1947, is amended to
 11 read as follows:
 12 "59-1605. Unfair labor practices of employer or labor
 13 organization. (1) It is an unfair labor practice for a
 14 public employer to:
 15 (a) interfere with, restrain, or coerce employees in
 16 the exercise of the rights guaranteed in section 3 [59-1603]
 17 of this act;
 18 (b) dominate, interfere, or assist in the formation or
 19 administration of any labor organization; however, subject
 20 to rules adopted by the board under section 12 (3), an
 21 employer is not prohibited from permitting employees to
 22 confer with him during working hours without loss of time or
 23 pay;
 24 (c) discriminate in regard to hire or tenure of
 25 employment or any term or condition of employment to

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

1 (c) use agency shop fees for contributions to
2 political candidates or parties at state or local levels.

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

14 (4) For purposes of state government only, the
15 requirement of negotiating in good faith may be met by the
16 submission of a negotiated settlement to the legislature in
17 the executive budget, or by bill or joint resolution. The
18 failure to reach a negotiated settlement for submission is
19 not, by itself, prima facie evidence of a failure to
20 negotiate in good faith.

21 ~~(4)~~ (5) This act does not limit the authority of the
22 legislature, any political subdivision or the governing
23 body, relative to appropriations for salary and wages,
24 hours, fringe benefits, and other conditions of employment."

-End-

SECOND READING

MISSING

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8 monthly dues deducted from his wages in the same manner as
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14 (4) For purposes of state government only, the
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