

1 House BILL NO. 481
2 INTRODUCED BY Johnson Sullivan
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
5 59-1602, R.C.M. 1947, TO INCLUDE PROFESSIONAL INSTRUCTORS,
6 TEACHERS, AND PARAPROFESSIONAL INSTRUCTORS EMPLOYED BY
7 SCHOOL BOARDS AND DISTRICTS AS PUBLIC EMPLOYEES UNDER THE
8 PUBLIC EMPLOYEES COLLECTIVE BARGAINING ACT; AND REPEALING
9 SECTIONS 59-1608.1, 59-1608.2, AND 75-6115 THROUGH 75-6128,
10 R.C.M. 1947."
11

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

13 Section 1. Section 59-1602, R.C.M. 1947, is amended to
14 read as follows:

15 "59-1602. Definitions. When used in this act:

16 (1) "public employer" means the state of Montana or
17 any political subdivision thereof, including but not limited
18 to, any town, city, county, district, school board, board of
19 regents, public and quasi-public corporation, housing
20 authority or other authority established by law, and any
21 representative or agent designated by the public employer to
22 act in its interest in dealing with public employees;

23 (2) "public employee" means a person employed by a
24 public employer in any capacity, except elected officials,
25 persons directly appointed by the governor, supervisory

1 employees and management officials (as defined in subsection
2 (3) and (4) below) or members or any state board or
3 commission who serve the state intermittently, ~~professional~~
4 ~~instructors, teachers,~~ school district clerks and school
5 administrators, ~~and-paraprofessional-instructors-employed-by~~
6 ~~school--boards--and--districts--of--this--state,~~ registered
7 professional nurses performing service for health care
8 facilities, professional engineers and engineers in
9 training, and includes any individual whose work has ceased
10 as a consequence of, or in connection with, any unfair labor
11 practice or concerted employee action;

12 (3) "supervisory employee" means any individual having
13 authority, in the interest of the employer to hire,
14 transfer, suspend, lay off, recall, promote, discharge,
15 assign, reward, discipline other employees, having
16 responsibility to direct them, to adjust their grievances,
17 or effectively to recommend such action, if in connection
18 with the foregoing the exercise of such authority is not of
19 a merely routine or clerical nature, but requires the use of
20 independent judgment;

21 (4) "management officials" means representatives of
22 management having authority to act for the agency on any
23 matters relating to the implementation of agency policy;

24 (5) "labor organization" means any organization or
25 association of any kind in which employees participate and

1 which exists for the primary purpose of dealing with
 2 employers concerning grievances, labor disputes, wages,
 3 rates of pay, hours of employment, fringe benefits, or other
 4 conditions of employment;

5 (6) "exclusive representative" means the labor
 6 organization which has been designated by the board as the
 7 exclusive representative of employees in an appropriate unit
 8 or has been so recognized by the public employer;

9 (7) "board" means the board of personnel appeals
 10 provided for in section 82A-1014;

11 (8) "person" includes one or more individuals, labor
 12 organizations, public employees, associations, corporations,
 13 legal representatives, trustees, trustees in bankruptcy, or
 14 receivers;

15 (9) "unfair labor practice" means any unfair labor
 16 practice listed in section 5 [59-1605];

17 (10) "labor dispute" includes any controversy
 18 concerning terms, tenure or conditions of employment, or
 19 concerning the association or representation of persons in
 20 negotiating, fixing, maintaining, changing, or seeking to
 21 arrange terms or conditions of employment, regardless of
 22 whether the disputants stand the proximate relation of
 23 employer and employee;

24 (11) "appropriate unit" means a group of public
 25 employees banded together for collective bargaining purposes

1 as designated by the board."

2 Section 2. Sections 59-1608.1, 59-1608.2, and 75-6115
 3 through 75-6128, R.C.M. 1947, are repealed.

-End-

SECOND READING

MISSING

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 2 INTRODUCED BY Johnson Kelly
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23 (2) "public employee" means a person employed by a
 24 public employer in any capacity, except elected officials,
 25 persons directly appointed by the governor, supervisory

1 employees and management officials (as defined in subsection
 2 (3) and (4) below) or members or any state board or
 3 commission who serve the state intermittently, ~~professional~~
 4 ~~instructors, teachers,~~ school district clerks and school
 5 administrators, ~~and-paraprofessional-instructors-employed-by~~
 6 ~~school--boards--and--districts--of--this--state,~~ registered
 7 professional nurses performing service for health care
 8 facilities, professional engineers and engineers in
 9 training, and includes any individual whose work has ceased
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 10 provided for in section 82A-1014;

11 (8) "person" includes one or more individuals, labor
 12 organizations, public employees, associations, corporations,
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 22 whether the disputants stand the proximate relation of
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24 (11) "appropriate unit" means a group of public
 25 employees banded together for collective bargaining purposes

1 as designated by the board."

2 Section 2. Sections 59-1608.1, 59-1608.2, and 75-6115
 3 through 75-6128, R.C.M. 1947, are repealed.

-End-

March 15, 1975

SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

AMENDMENTS TO HOUSE BILL NO. 481

That House Bill No. 481, third reading, be amended as follows:

1. Amend page 4, section 1, line 1.

Following: line 1

Insert: "Section 2. There is a new R.C.M. section numbered 59-1617 that reads as follows:

59-1617. Nothing in this chapter shall require or allow boards of trustees of school districts to bargain collectively upon any matter other than matters specified in section 59-1605 (3)."

Renumber: Subsequent section

HOUSE BILL NO. 481

INTRODUCED BY JOHNSON, GILLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 59-1602, R.C.M. 1947, TO INCLUDE PROFESSIONAL INSTRUCTORS, TEACHERS, AND PARAPROFESSIONAL INSTRUCTORS EMPLOYED BY SCHOOL BOARDS AND DISTRICTS AS PUBLIC EMPLOYEES UNDER THE PUBLIC EMPLOYEES COLLECTIVE BARGAINING ACT; AND REPEALING SECTIONS 59-1608.1, 59-1608.2, AND 75-6115 THROUGH 75-6128, R.C.M. 1947."

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(2) "public employee" means a person employed by a public employer in any capacity, except elected officials, persons directly appointed by the governor, supervisory

employees and management officials (as defined in subsection (3) and (4) below) or members or any state board or commission who serve the state intermittently, ~~professional instructors, teachers,~~ school district clerks and school administrators, ~~and-paraprofessional-instructors-employed-by school-boards--and--districts--of--this--state,~~ registered professional nurses performing service for health care facilities, professional engineers and engineers in training, and includes any individual whose work has ceased as a consequence of, or in connection with, any unfair labor practice or concerted employee action;

(3) "supervisory employee" means any individual having authority, in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline other employees, having responsibility to direct them, to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment;

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11 (8) "person" includes one or more individuals, labor
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22 whether the disputants stand the proximate relation of
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24 (11) "appropriate unit" means a group of public
25 employees banded together for collective bargaining purposes

1 as designated by the board."

2 SECTION 2. THERE IS A NEW R.C.M. SECTION NUMBERED
3 59-1617 THAT READS AS FOLLOWS:

4 59-1617. Nothing in this chapter shall require or
5 allow boards of trustees of school districts to bargain
6 collectively upon any matter other than matters specified in
7 section 59-1605 (3).

8 Section 3. Sections 59-1608.1, 59-1608.2, and 75-6115
9 through 75-6128, R.C.M. 1947, are repealed.

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