

1 *House* BILL NO. *573*
2 INTRODUCED BY *Marks Halvarson Jack Brown*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A CAREER
5 SERVICE SYSTEM FOR MONTANA STATE EMPLOYEES; INCREASE
6 MEMBERSHIP IN THE MERIT SYSTEM COUNCIL; AUTHORIZING THE
7 MERIT SYSTEM COUNCIL TO ADMINISTER THE ACT; AMENDING
8 SECTIONS 82A-206, 82A-1014 AND 59-903, R.C.M. 1947."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Short title. This act may be cited as "The
12 Montana Career Service Act".

13 Section 2. Purpose. The purpose of the act is to
14 establish a system of career service personnel management
15 for the executive branch of state government based on merit
16 principles and scientific methods governing appointment,
17 promotion, compensation, removal, and transfer of employees
18 and other matters related to personnel management.

19 Section 3. Definitions. As used in this act:

20 (1) "Appointing authority" means the authority to
21 appoint to positions in the classified service and is
22 reserved to elected officials and heads of departments and
23 agencies within state government.

24 (2) "Certify" means forwarding to a requesting agency
25 names of eligible applicants.

INTRODUCED BILL

1 (3) "Career service" means positions in the executive
2 branch of state government to which this act applies.

3 (4) "Employee" means any person working in the
4 executive branch of state government, paid by the state of
5 Montana, or remunerated by other funds raised, appropriated
6 or otherwise generated by the state.

7 (5) "Officer" means an employee of state government
8 who is appointed and serves at the pleasure of a public
9 official, board or commission.

10 (6) "Public official" means a member of state
11 government elected by popular vote.

12 (7) "Personnel administrator" means the administrator
13 appointed by and serving at the pleasure of the merit system
14 council to administer the career service.

15 (8) "Position" means a collection of duties and
16 responsibilities assigned by the appointing authority to one
17 individual.

18 (9) "Eligible applicant" means a position applicant
19 who meets the minimum qualification requirements for a
20 respective position.

21 Section 4. Section 82A-206, R.C.M. 1947, is amended to
22 read as follows:

23 "82A-206. Merit system council--allocated--composition.

24 (1) There is a merit system council.

25 (2) The council is allocated to the department

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1 department for administrative purposes only as prescribed in
2 section 82A-108. However, the council may hire its own
3 personnel, and section 82A-108 (2) (d) does not apply.

4 (3) The council is composed of ~~three-(3)~~ five (5)
5 members, appointed by the governor for six (6) year
6 overlapping terms. The governor shall appoint the members
7 upon the recommendation of the agencies which participate in
8 the joint merit system, and in accordance with federal
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12 (3) The board consists of five (5) members appointed
13 by the governor. Two (2) members shall represent
14 management, two (2) members shall represent employees or
15 employee organizations of the state, and one (1) member
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17 ~~(4) "Any employee or his representative affected by the~~
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19 ~~the board and to be heard, under the provisions of a~~
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21 ~~may instruct the department to take corrective action that~~
22 ~~may be necessary to resolve grievances that are found to be~~
23 ~~legitimate.~~

24 ~~(5) (a)~~ (4) The board is designated a quasi-judicial
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13 (3) Adopt procedural rules and hold hearings it finds
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15 powers imposed on or vested in it by law.

16 (4) Select and appoint under this act a qualified
17 personnel administrator and those employees, experts, and
18 special assistants necessary to carry out effectively the
19 provisions of this act.

20 (5) Establish and maintain a roster of all state
21 employees in which there shall be set forth, as to each
22 employee, the classification title of the position occupied,
23 the salary or pay, change in classification title, status,
24 and any other relevant personnel data that the council deems
25 necessary.

1 (6) Recruit employees for state service.

2 (7) Maintain a personnel classification plan and a pay
3 plan as required by Chapter 9, Title 59, R.C.M. 1947.

4 (8) Prepare in accordance with the provisions of this
5 act and rules adopted thereunder, appropriate selection
6 procedures, rating of candidates for appointment, and
7 eligibility lists.

8 (9) Establish and maintain a descriptive listing of
9 all positions under this act.

10 (10) Certify persons as eligible for appointment
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12 of this act and rules adopted thereunder.

13 (11) Devise plans for and cooperate with persons with
14 appointing authority and other supervisors in the conduct of
15 employee training programs so that the quality of service
16 rendered by state employees may be continually improved.

17 (12) Investigate from time to time the operation and
18 effect of this act and the rules thereunder, and make
19 reports and recommendations to the governor and legislature
20 as requested or required by law.

21 (13) Assure that all lists and classifications are
22 cross-referenced and set up to promote a system of quick and
23 efficient information retrieval.

24 Section 10. Appeal of grievances -- Administrative
25 Procedure Act. If a grievance remains unresolved after

1 exhaustion of departmental grievance procedures an employee
2 may demand a hearing before the council as provided for
3 contested cases in the Montana Administrative Procedures Act
4 and proceedings shall be held as provided therein. Any
5 final action or decision of the council is subject to
6 further appeal under the Montana Administrative Procedures
7 Act.

8 Section 11. Agencies to furnish records. All
9 departments and agencies covered by the career service
10 personnel system shall furnish any related records or
11 information which the council requests for any purpose of
12 this act except records made confidential by statute or the
13 state constitution.

14 Section 12. Records open to public inspection. The
15 records of the council, except those records made
16 confidential by statute or the state constitution, are
17 public records and are open to public inspection, subject to
18 regulations as to the time and manner of inspection
19 prescribed by the council.

20 Section 13. Examiners. The council may select certain
21 state employees to act as examiners in the preparation and
22 rating of tests. A person with appointing authority shall
23 excuse an employee in his department or agency from his
24 regular duties for the time required for his work as an
25 examiner. Officers and employees are not entitled to extra

1 pay for their service as examiners, but are entitled to
2 their regular pay and reimbursement for necessary traveling
3 and other expenses as authorized by law.

4 Section 14. Departmental personnel officers. Each
5 department of state government shall designate a staff
6 employee to serve as personnel officer for that agency or
7 department to administer personnel responsibilities
8 specified in this act by the council.

9 Section 15. Non-discrimination. The council, the
10 personnel administrator and all employees shall comply with
11 the following rules:

12 (1) Discrimination on the basis of political
13 affiliation is prohibited.

14 (2) Discrimination on the basis of age between ages 18
15 and 65 or physical disability is prohibited except where
16 specific age or physical requirements constitute
17 demonstrated and bona fide occupational qualifications
18 necessary for effective work performance.

19 Section 16. Federal rule to prevail. Whenever the
20 provisions of any law, rule, order, or regulation of any
21 federal agency or authority providing or administering
22 federal funds for use in Montana, either directly, or
23 indirectly, or as a grant-in-aid, or to be matched, or
24 otherwise requiring federal standards or classification
25 other than that required by the provisions of these rules,

1 then the provisions of that law, rule, order, or regulation
2 shall prevail and shall govern the class of employment and
3 employees affected thereby.

4 Section 17. Criteria for personnel management actions.
5 All personnel management actions taken under the provisions
6 of this act shall be in compliance with sound personnel
7 principles as follows:

8 (1) Recruiting, selecting and advancing employees on
9 the basis of, including but not limited to, relative
10 ability, knowledge and skills and open consideration of
11 qualified applicants for initial appointments and
12 promotions;

13 (2) Providing equitable compensation;

14 (3) Training employees to assure high quality
15 performance;

16 (4) Retraining employees when necessary, correcting
17 inadequate performance and separating employees whose
18 performance cannot be improved;

19 (5) Assuring fair treatment without regard to age,
20 political affiliation, race, color, national origin, sex or
21 religious creed;

22 (6) Protecting employees against forced involvement in
23 partisan political activities.

24 Section 18. Other council duties. The council shall
25 adopt rules in the areas of recruitment, selection,

1 procedure, promotion and other personnel procedures for all
2 state employees.

3 Section 19. Person shall be certified. No person
4 shall be appointed or promoted to a position in the career
5 service unless certified as eligible by the council.

6 Section 20. Final selection of eligible applicant for
7 a position. Persons with appointing authority have exclusive
8 authority to make the final selection of employees in their
9 respective departments, divisions, bureaus, or agencies from
10 lists of eligible applicants prepared by the council under
11 rules promulgated by the council.

12 Section 21. Character of entrance and promotion
13 procedures -- confidentiality. (1) Entrance and promotion
14 selection procedures shall be of a character to determine
15 the qualifications, fitness, and ability of the persons
16 determined best qualified to perform the duties of the
17 applicable position classification.

18 (2) Selection procedures may include the following
19 devices:

- 20 (a) work-sample and performance tests;
- 21 (b) practical written tests;
- 22 (c) individual and group oral examinations;
- 23 (d) ratings of training and experience;
- 24 (e) physical examinations; and
- 25 (f) background and reference inquiries.

1 (3) All written examinations, performance tests and
2 other selection procedures shall be held confidential unless
3 utilized or released through legal order. Once the
4 confidentiality of a selection device has been compromised,
5 that device shall be invalidated and a new device
6 constructed.

7 Section 22. Limitation on contents of application
8 form. No question in any form of application or in any
9 selection procedure shall be framed to elicit any
10 information concerning the political or religious opinions
11 or affiliations of any applicant, nor shall any inquiry be
12 made concerning those opinions or affiliations. No
13 discrimination shall be exercised, threatened, or promised
14 by any person in the employ of any agency in state
15 government or of the department against or in favor of any
16 applicant, eligible, or employee because of his age,
17 political affiliation, race, color, national origin, sex or
18 religious creed.

19 Section 23. Public notice of vacancies. The council
20 shall give public notice of all vacancies or expected
21 vacancies in the career service in the manner specified by
22 rules adopted by the council.

23 Section 24. Notice to applicant. The council shall
24 send to each person competing in any selection process
25 written notice of his final eligibility status or of his

1 failure to obtain eligibility, within thirty (30) calendar
2 days after the receipt of his application.

3 Section 25. Preferential treatment for veterans.
4 Preferential treatment for veterans and their spouses under
5 this personnel system shall be determined in accordance with
6 the provisions of applicable state law and regulations.

7 Section 26. Certification to requesting agency of
8 eligible persons. Upon written notice from a person with
9 appointing authority that a position in the career service
10 is to be filled, the council shall certify the names of a
11 limited number, not less than three (3), of the highest
12 qualified eligible applicants, who are willing to accept
13 appointment, from lists for the classification to which the
14 position is allocated or a comparable classification.

15 Section 27. Certification procedure. (1) The names
16 certified from promotional and open employment lists shall
17 consist of a limited number of the highest eligible
18 applicants.

19 (2) The detailed conditions and provisions for
20 certification and removal from eligibility shall be
21 prescribed by rules of the council.

22 (3) If the appropriate lists do not contain the names
23 of a sufficient number of eligible applicants willing to
24 accept appointment to make possible the certification
25 provided for in this section, the names of all eligible

1 persons on lists for comparable classifications, who are
2 willing to accept appointment, shall be certified.

3 Section 28. Appointment limitation. No person shall
4 be appointed to or employed in a position in the career
5 service under a classification title which has not been
6 approved by the council as appropriate to the duties to be
7 performed.

8 Section 29. Employee evaluation. In cooperation with
9 persons with appointing authority, the council shall
10 establish a system of employee performance evaluation for
11 employees in the career service. This evaluation shall take
12 place annually or more frequently if necessary.

13 Section 30. Prohibitions. (1) No person shall make
14 any false statement, certificate, mark, rating, or report
15 with regard to any test, certification, or appointment made
16 under this act, or in any manner commit or attempt to commit
17 any fraud preventing the impartial execution of this act and
18 the rules adopted hereunder.

19 (2) No person shall, directly or indirectly, give,
20 render, pay, offer, solicit, or accept any money, service,
21 or other valuable consideration for or on account of any
22 appointment, proposed appointment, promotion, or proposed
23 promotion to, or any advantage in, a position in the career
24 service.

25 (3) No employee of the council, or other person shall

1 defeat, deceive, or obstruct any person in this right to
 2 examination, eligibility, certification, or appointment
 3 under this act, or furnish any person any special or secret
 4 information for the purpose of affecting the rules or
 5 prospects of any person with respect to employment in the
 6 career service.

7 (4) Any person who knowingly and deliberately violates
 8 any provision of this act is ineligible for appointment to,
 9 or employment in, a position in the state career service for
 10 up to five years and if that person is an officer or
 11 employee of the state, he is guilty of misconduct in office
 12 and shall forfeit that office or position.

13 (5) The council has the responsibility of enforcing
 14 this section and is granted power and authority necessary to
 15 carry out this section.

16 Section 31. Current state employees not affected.
 17 Employees of the state, and the federally aided agencies
 18 served by the present merit system council, at the effective
 19 date of this act, do not lose any rights accrued at that
 20 time. Those employees who have gained permanent status are
 21 not subject to further examination except when they wish to
 22 qualify for promotion. Those employee's rights as permanent
 23 employees are continuous within the provisions of this act.

24 Section 32. Apportionment of costs. The council shall
 25 maintain accurate records identifying the cost of

1 administering the provisions of this act. At the close of
 2 each quarter year period it shall summarize the cost and
 3 shall bill each department, division, bureau, section, unit
 4 or agency, for a pro rata share of the administrative cost
 5 based on a quarterly average number of employees in the
 6 career service of all the departments, divisions, bureaus,
 7 sections, units or agencies for their appropriated calendar
 8 quarter.

9 All department, division, bureaus, sections, units and
 10 agencies which receive support from the federal government
 11 or non-general fund sources shall include in their budget
 12 sufficient amounts to meet their pro rata share of the cost
 13 of administering this act and shall remit those shares
 14 quarterly to the state treasury in the manner prescribed by
 15 the council.

16 The council is authorized and directed to accept on
 17 behalf of the state any grant or contribution, federal or
 18 otherwise, made to assist in meeting the cost of carrying
 19 out the purposes of this act.

20 Section 33. State agencies to assist. All state
 21 agencies shall adhere to and assist the council in
 22 administering the provisions of this act.

23 Section 34. Collective bargaining not affected.
 24 Nothing in this act shall be considered to restrict the
 25 career service employees' right to negotiate on questions of

1 wages, hours, fringe benefits, and other conditions of
2 employment as provided in Title 59, chapter 16, R.C.M. 1947.

3 Section 35. Penalty -- willful violation. Any person
4 who willfully violates any provision of this law, or the
5 policies of this act is guilty of a misdemeanor, and upon
6 conviction shall be punished by a fine not to exceed one
7 thousand five hundred dollars (\$1,500) or imprisonment in
8 the county jail not exceeding one (1) year or both.

9 Section 36. Severability. If a part of this act is
10 invalid, all valid parts that are severable from the invalid
11 part remain in effect. If a part of this act is invalid in
12 one or more of its applications, the part remains in effect
13 in all valid applications, that are severable from the
14 invalid applications.

-End-

HB 573

STATE OF MONTANA

REQUEST NO. 213-75

FISCAL NOTE

Form BD 15

In compliance with a written request received February 11, 19 75, there is hereby submitted a Fiscal Note for House Bill 573 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 573 would provide for a statewide career system for Montana state employees, expand the membership on the Merit System Council from 3 members to 5 members, and authorize the Merit System Council to administer the act.

ASSUMPTIONS:

1. Adding Merit System coverage for all State employees except those specifically exempted would create additional administrative costs to implement and maintain a career service.
2. The number of positions under the Merit System Bureau would be increased by 48 F.T.E.

FISCAL IMPACT:

	FY 76	FY 77
Proposed Law		
Personal Services	\$ 653,140	\$ 713,015
Operating Expenses	182,000	136,250
Capital Outlay	46,000	16,000
Total expenditures under proposed law	881,140	865,265
Expenditures under current law	156,893	179,261
Increased expenditures under proposed law	<u>\$ 724,247</u>	<u>\$ 686,004</u>

CONCLUSION:

Implementation of House Bill 573 would increase State General Fund expenditure by approximately \$1.4 million in the 1975-77 Biennium.

Michael B. Billings
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: February 14, 1975

Objection Raised to Adverse Committee Report

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22 cross-referenced and set up to promote a system of quick and
23 efficient information retrieval.
- 24 Section 10. Appeal of grievances -- Administrative
25 Procedure Act. If a grievance remains unresolved after

1 exhaustion of departmental grievance procedures an employee
2 may demand a hearing before the council as provided for
3 contested cases in the Montana Administrative Procedures Act
4 and proceedings shall be held as provided therein. Any
5 final action or decision of the council is subject to
6 further appeal under the Montana Administrative Procedures
7 Act.

8 Section 11. Agencies to furnish records. All
9 departments and agencies covered by the career service
10 personnel system shall furnish any related records or
11 information which the council requests for any purpose of
12 this act except records made confidential by statute or the
13 state constitution.

14 Section 12. Records open to public inspection. The
15 records of the council, except those records made
16 confidential by statute or the state constitution, are
17 public records and are open to public inspection, subject to
18 regulations as to the time and manner of inspection
19 prescribed by the council.

20 Section 13. Examiners. The council may select certain
21 state employees to act as examiners in the preparation and
22 rating of tests. A person with appointing authority shall
23 excuse an employee in his department or agency from his
24 regular duties for the time required for his work as an
25 examiner. Officers and employees are not entitled to extra

1 pay for their service as examiners, but are entitled to
2 their regular pay and reimbursement for necessary traveling
3 and other expenses as authorized by law.

4 Section 14. Departmental personnel officers. Each
5 department of state government shall designate a staff
6 employee to serve as personnel officer for that agency or
7 department to administer personnel responsibilities
8 specified in this act by the council.

9 Section 15. Non-discrimination. The council, the
10 personnel administrator and all employees shall comply with
11 the following rules:

12 (1) Discrimination on the basis of political
13 affiliation is prohibited.

14 (2) Discrimination on the basis of age between ages 18
15 and 65 or physical disability is prohibited except where
16 specific age or physical requirements constitute
17 demonstrated and bona fide occupational qualifications
18 necessary for effective work performance.

19 Section 16. Federal rule to prevail. Whenever the
20 provisions of any law, rule, order, or regulation of any
21 federal agency or authority providing or administering
22 federal funds for use in Montana, either directly, or
23 indirectly, or as a grant-in-aid, or to be matched, or
24 otherwise requiring federal standards or classification
25 other than that required by the provisions of these rules,

1 then the provisions of that law, rule, order, or regulation
2 shall prevail and shall govern the class of employment and
3 employees affected thereby.

4 Section 17. Criteria for personnel management actions.
5 All personnel management actions taken under the provisions
6 of this act shall be in compliance with sound personnel
7 principles as follows:

8 (1) Recruiting, selecting and advancing employees on
9 the basis of, including but not limited to, relative
10 ability, knowledge and skills and open consideration of
11 qualified applicants for initial appointments and
12 promotions;

13 (2) Providing equitable compensation;

14 (3) Training employees to assure high quality
15 performance;

16 (4) Retraining employees when necessary, correcting
17 inadequate performance and separating employees whose
18 performance cannot be improved;

19 (5) Assuring fair treatment without regard to age,
20 political affiliation, race, color, national origin, sex or
21 religious creed;

22 (6) Protecting employees against forced involvement in
23 partisan political activities.

24 Section 18. Other council duties. The council shall
25 adopt rules in the areas of recruitment, selection,

1 procedure, promotion and other personnel procedures for all
2 state employees.

3 Section 19. Person shall be certified. No person
4 shall be appointed or promoted to a position in the career
5 service unless certified as eligible by the council.

6 Section 20. Final selection of eligible applicant for
7 a position. Persons with appointing authority have exclusive
8 authority to make the final selection of employees in their
9 respective departments, divisions, bureaus, or agencies from
10 lists of eligible applicants prepared by the council under
11 rules promulgated by the council.

12 Section 21. Character of entrance and promotion
13 procedures -- confidentiality. (1) Entrance and promotion
14 selection procedures shall be of a character to determine
15 the qualifications, fitness, and ability of the persons
16 determined best qualified to perform the duties of the
17 applicable position classification.

18 (2) Selection procedures may include the following
19 devices:

- 20 (a) work-sample and performance tests;
- 21 (b) practical written tests;
- 22 (c) individual and group oral examinations;
- 23 (d) ratings of training and experience;
- 24 (e) physical examinations; and
- 25 (f) background and reference inquiries.

1 (3) All written examinations, performance tests and
2 other selection procedures shall be held confidential unless
3 utilized or released through legal order. Once the
4 confidentiality of a selection device has been compromised,
5 that device shall be invalidated and a new device
6 constructed.

7 Section 22. Limitation on contents of application
8 form. No question in any form of application or in any
9 selection procedure shall be framed to elicit any
10 information concerning the political or religious opinions
11 or affiliations of any applicant, nor shall any inquiry be
12 made concerning those opinions or affiliations. No
13 discrimination shall be exercised, threatened, or promised
14 by any person in the employ of any agency in state
15 government or of the department against or in favor of any
16 applicant, eligible, or employee because of his age,
17 political affiliation, race, color, national origin, sex or
18 religious creed.

19 Section 23. Public notice of vacancies. The council
20 shall give public notice of all vacancies or expected
21 vacancies in the career service in the manner specified by
22 rules adopted by the council.

23 Section 24. Notice to applicant. The council shall
24 send to each person competing in any selection process
25 written notice of his final eligibility status or of his

1 failure to obtain eligibility, within thirty (30) calendar
2 days after the receipt of his application.

3 Section 25. Preferential treatment for veterans.
4 Preferential treatment for veterans and their spouses under
5 this personnel system shall be determined in accordance with
6 the provisions of applicable state law and regulations.

7 Section 26. Certification to requesting agency of
8 eligible persons. Upon written notice from a person with
9 appointing authority that a position in the career service
10 is to be filled, the council shall certify the names of a
11 limited number, not less than three (3), of the highest
12 qualified eligible applicants, who are willing to accept
13 appointment, from lists for the classification to which the
14 position is allocated or a comparable classification.

15 Section 27. Certification procedure. (1) The names
16 certified from promotional and open employment lists shall
17 consist of a limited number of the highest eligible
18 applicants.

19 (2) The detailed conditions and provisions for
20 certification and removal from eligibility shall be
21 prescribed by rules of the council.

22 (3) If the appropriate lists do not contain the names
23 of a sufficient number of eligible applicants willing to
24 accept appointment to make possible the certification
25 provided for in this section, the names of all eligible

1 persons on lists for comparable classifications, who are
2 willing to accept appointment, shall be certified.

3 Section 28. Appointment limitation. No person shall
4 be appointed to or employed in a position in the career
5 service under a classification title which has not been
6 approved by the council as appropriate to the duties to be
7 performed.

8 Section 29. Employee evaluation. In cooperation with
9 persons with appointing authority, the council shall
10 establish a system of employee performance evaluation for
11 employees in the career service. This evaluation shall take
12 place annually or more frequently if necessary.

13 Section 30. Prohibitions. (1) No person shall make
14 any false statement, certificate, mark, rating, or report
15 with regard to any test, certification, or appointment made
16 under this act, or in any manner commit or attempt to commit
17 any fraud preventing the impartial execution of this act and
18 the rules adopted hereunder.

19 (2) No person shall, directly or indirectly, give,
20 render, pay, offer, solicit, or accept any money, service,
21 or other valuable consideration for or on account of any
22 appointment, proposed appointment, promotion, or proposed
23 promotion to, or any advantage in, a position in the career
24 service.

25 (3) No employee of the council, or other person shall

1 defeat, deceive, or obstruct any person in this right to
 2 examination, eligibility, certification, or appointment
 3 under this act, or furnish any person any special or secret
 4 information for the purpose of affecting the rules or
 5 prospects of any person with respect to employment in the
 6 career service.

7 (4) Any person who knowingly and deliberately violates
 8 any provision of this act is ineligible for appointment to,
 9 or employment in, a position in the state career service for
 10 up to five years and if that person is an officer or
 11 employee of the state, he is guilty of misconduct in office
 12 and shall forfeit that office or position.

13 (5) The council has the responsibility of enforcing
 14 this section and is granted power and authority necessary to
 15 carry out this section.

16 Section 31. Current state employees not affected.
 17 Employees of the state, and the federally aided agencies
 18 served by the present merit system council, at the effective
 19 date of this act, do not lose any rights accrued at that
 20 time. Those employees who have gained permanent status are
 21 not subject to further examination except when they wish to
 22 qualify for promotion. Those employee's rights as permanent
 23 employees are continuous within the provisions of this act.

24 Section 32. Apportionment of costs. The council shall
 25 maintain accurate records identifying the cost of

1 administering the provisions of this act. At the close of
 2 each quarter year period it shall summarize the cost and
 3 shall bill each department, division, bureau, section, unit
 4 or agency, for a pro rata share of the administrative cost
 5 based on a quarterly average number of employees in the
 6 career service of all the departments, divisions, bureaus,
 7 sections, units or agencies for their appropriated calendar
 8 quarter.

9 All department, division, bureaus, sections, units and
 10 agencies which receive support from the federal government
 11 or non-general fund sources shall include in their budget
 12 sufficient amounts to meet their pro rata share of the cost
 13 of administering this act and shall remit those shares
 14 quarterly to the state treasury in the manner prescribed by
 15 the council.

16 The council is authorized and directed to accept on
 17 behalf of the state any grant or contribution, federal or
 18 otherwise, made to assist in meeting the cost of carrying
 19 out the purposes of this act.

20 Section 33. State agencies to assist. All state
 21 agencies shall adhere to and assist the council in
 22 administering the provisions of this act.

23 Section 34. Collective bargaining not affected.
 24 Nothing in this act shall be considered to restrict the
 25 career service employees' right to negotiate on questions of

1 wages, hours, fringe benefits, and other conditions of
2 employment as provided in Title 59, chapter 16, R.C.M. 1947.

3 Section 35. Penalty -- willful violation. Any person
4 who willfully violates any provision of this law, or the
5 policies of this act is guilty of a misdemeanor, and upon
6 conviction shall be punished by a fine not to exceed one
7 thousand five hundred dollars (\$1,500) or imprisonment in
8 the county jail not exceeding one (1) year or both.

9 Section 36. Severability. If a part of this act is
10 invalid, all valid parts that are severable from the invalid
11 part remain in effect. If a part of this act is invalid in
12 one or more of its applications, the part remains in effect
13 in all valid applications that are severable from the
14 invalid applications.

-End-

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