HB612

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1	Huse BILL NO. 6/2
2	INTRODUCED BY Johnson Kemmis
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4	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
5	59-1605, R.C.M. 1947, TO ALLOW UNION SHOP AGREEMENTS BETWEEN
6	PUBLIC EMPLOYERS AND EMPLOYEES.*
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:
.1	*59-1605. Unfair labor practices of employer or labor
L <b>2</b>	organization. (1) It is an unfair labor practice for a
13	public employer to:
L <b>4</b>	(a) interfere with, restrain, or coerce employees in
L5	the exercise of the rights guaranteed in section 3-{59-1603}
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), 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

discourage

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 each employee in the appropriate unit shall, as a condition of continued employment, on or after 9 10 the thirtieth (30th) day following the beginning of employment or on the effective date of such agreement, 11 12 whichever is later, become and remain a member of a 13 recognized labor organization; 14 (d) discharge or otherwise discriminate against an 15 employee because he has signed or filed an affidavit, petition, or complaint or given any information or testimony 16 17 under this act: 18 (e) refuse to bargain collectively in good faith with 19 an exclusive representative. 20 (2) It is an unfair labor practice for a labor 21 organization or its agents to: 22 (a) restrain or coerce employees in the exercise of the 23 right guaranteed in subsection (1) of section 3+59-1603+ of 24 this act, or a public employer in the selection of his 25 representative for the purpose of collective bargaining or

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membership in any

the adjustment of grievances;

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- 2 (b) refuse to bargain collectively in good faith with a 3 public employer, if it has been designated as the exclusive 4 representative of employees;
- (c) use agency shop fees for contributions to political
   candidates or parties at state or local levels.
- 7 (3) For the purpose of this act, to bargain collectively is the performance of the mutual obligation of 8 9 the public employer, or his designated representatives, and 10 the representatives of the exclusive representative to meet 11 at reasonable times and negotiate in good faith with respect 12 to wages, hours, fringe benefits, and other conditions of 13 employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written 14 contract incorporating any agreement reached. Such 15 16 obligation does not compel either party to agree to a proposal or require the making of a concession. 17
  - (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."

-End-

HB 0612/02 44th Legislature

Approved by Committee on Labor & Employment Relations

1	HOUSE BILL NO. 612
2	INTRODUCED BY JOHNSON, KENMIS
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
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.6	of this act;
.7	(b) dominate, interfere, or assist in the formation of
. ő	administration of any labor organization; however, subjec-
.9	to rules adopted by the board under section 12 (3), as
20	employer is not prohibited from permitting employees to
21	confer with him during working hours without loss of time of
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

1	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-employeewho-is-not-or-does-not-become-a
5	union-member-shall-be-required-as-a-condition-ofemployment
6	tohaveanamountequalto-the-union-initiation-fee-and
7	monthly-dues-deducted-from-his-wages-in-the-samemanneras
8	checkoff-of-union-dues each employee in the appropriate unit
9	shall, as a condition of continued employment, on or after
LO	the thirtieth (30th) day following the beginning of
1	employment or on the effective date of such agreement,
.2	whichever is later, become and remain a member of a
.3	recognized labor organization, EXCEPT AS PROVIDED IN SECTION
4	59-1603(5);
.5	(d) discharge or otherwise discriminate against ar
.6	employee because he has signed or filed an affidavit,
.7	petition, or complaint or given any information or testimony
L <b>8</b>	under this act;
.9	(e) refuse to bargain collectively in good faith with
20	an exclusive representative.

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

right guaranteed in subsection (1) of section 3+59-1603} of

this act, or a public employer in the selection of his -2-

organization or its agents to:

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HB 612

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the adjustment of grievances;

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- (b) refuse to bargain collectively in good faith with a public employer, if it has been designated as the exclusive representative of employees;
- (c) use agency shop fees for contributions to political candidates or parties at state or local levels.
- (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.
- (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, nours, fringe penefits, and other conditions of employment."

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16	employee because he has signed or filed an affidavit,
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21	(2) It is an unfair labor practice for a labor
22	organization or its agents to:
23	(a) restrain or coerce employees in the exercise of the
24	right guaranteed in subsection (1) of section 3-59-1603 of
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organization; however, nothing in this act or in any other

statute of this state precludes a public employer from

1 representative for the purpose of collective bargaining or
2 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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   7 candidates or parties at state or local levels.
  - (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.
  - (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."

-End-

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