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INTRODUCED BY House BILL NO. 612  
Johnson Kemmis

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 59-1605, R.C.M. 1947, TO ALLOW UNION SHOP AGREEMENTS BETWEEN PUBLIC EMPLOYERS AND EMPLOYEES."

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

Section 1. Section 59-1605, R.C.M. 1947, is amended to read as follows:

"59-1605. Unfair labor practices of employer or labor organization. (1) It is an unfair labor practice for a public employer to:

(a) interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 3-~~59-1603~~ of this act;

(b) dominate, interfere, or assist in the formation or administration of any labor organization; however, subject to rules adopted by the board under section 12 (3), an employer is not prohibited from permitting employees to confer with him during working hours without loss of time or pay;

(c) discriminate in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor

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 the thirtieth (30th) day following the beginning of employment or on the effective date of such agreement, whichever is later, become and remain a member of a recognized labor organization;

(d) discharge or otherwise discriminate against an employee because he has signed or filed an affidavit, petition, or complaint or given any information or testimony under this act;

(e) refuse to bargain collectively in good faith with an exclusive representative.

(2) It is an unfair labor practice for a labor organization or its agents to:

(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 representative for the purpose of collective bargaining or

HB 612

1 the adjustment of grievances;

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;

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

7 (3) For the purpose of this act, to bargain  
8 collectively is the performance of the mutual obligation of  
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  
14 question arising thereunder, and the execution of a written  
15 contract incorporating any agreement reached. Such  
16 obligation does not compel either party to agree to a  
17 proposal or require the making of a concession.

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

-End-

Approved by Committee  
on Labor & Employment  
Relations

HOUSE BILL NO. 612

INTRODUCED BY JOHNSON, KEMMIS

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"59-1605. Unfair labor practices of employer or labor organization. (1) It is an unfair labor practice for a public employer to:

(a) interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 3-459-1603 of this act;

(b) dominate, interfere, or assist in the formation or administration of any labor organization; however, subject to rules adopted by the board under section 12 (3), an employer is not prohibited from permitting employees to confer with him during working hours without loss of time or pay;

(c) discriminate in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor

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 the thirtieth (30th) day following the beginning of employment or on the effective date of such agreement, whichever is later, become and remain a member of a recognized labor organization, EXCEPT AS PROVIDED IN SECTION 59-1603(5);

(d) discharge or otherwise discriminate against an employee because he has signed or filed an affidavit, petition, or complaint or given any information or testimony under this act;

(e) refuse to bargain collectively in good faith with an exclusive representative.

(2) It is an unfair labor practice for a labor organization or its agents to:

(a) restrain or coerce employees in the exercise of the right guaranteed in subsection (1) of section 3-459-1603 of this act, or a public employer in the selection of his

1 representative for the purpose of collective bargaining or  
2 the adjustment of grievances;

3 (b) refuse to bargain collectively in good faith with a  
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6 (c) use agency shop fees for contributions to political  
7 candidates or parties at state or local levels.

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(d) discharge or otherwise discriminate against an employee because he has signed or filed an affidavit, petition, or complaint or given any information or testimony under this act;

(e) refuse to bargain collectively in good faith with an exclusive representative.

(2) It is an unfair labor practice for a labor organization or its agents to:

(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

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