

Hansen
Johnson
Dassinger
Suebeck
Merritt

House BILL NO. *656*
INTRODUCED BY *Johnson, Heater, Skysaw, Kammis*
Palmes, Gwynn, Helmbrecht, Huemmel, Harding
A BILL FOR AN ACT ENTITLED: *AN ACT TO AMEND SECTIONS*
59-1602 AND 59-1605, R.C.M. 1947, BY ALLOWING STUDENT *Cradley*
REPRESENTATIVES TO PARTICIPATE IN NEGOTIATIONS INVOLVING THE *State's*
BOARD OF REGENTS AND PUBLIC EMPLOYEES IN CERTAIN CASES."
Propile, Skelden, Fredrickson, Brand, Magone, Jundt, Kieren
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

"59-1602. Definitions. When used in this act: (1) "public employer" means the state of Montana or any political subdivision thereof, including but not limited to, any town, city, county, district, school board, board of regents, public and quasi-public corporation, housing authority or other authority established by law, and any representative or agent designated by the public employer to act in its interest in dealing with public employees, when the board of regents is the public employer defined in this section, the student government at an institution of higher education may designate an agent or representative to negotiate on behalf of the public employer together with the board of regents;

(2) "public employee" means a person employed by a

1 public employer in any capacity, except elected officials,
2 persons directly appointed by the governor, supervisory
3 employees and management officials (as defined in subsection
4 (3) and (4) below) or members or any state board or
5 commission who serve the state intermittently, professional
6 instructors, teachers, school district clerks and school
7 administrators, and paraprofessional instructors employed by
8 school boards and districts of this state, registered
9 professional nurses performing service for health care
10 facilities, professional engineers and engineers in
11 training, and includes any individual whose work has ceased
12 as a consequence of, or in connection with, any unfair labor
13 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;

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

1 (5) "labor organization" means any organization or
2 association of any kind in which employees participate and
3 which exists for the primary purpose of dealing with
4 employers concerning grievances, labor disputes, wages,
5 rates of pay, hours of employment, fringe benefits, or other
6 conditions of employment;

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

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

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

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

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

1 (11) "appropriate unit" means a group of public
2 employees banded together for collective bargaining purposes
3 as designated by the board."

4 Section 2. Section 59-1605, R.C.M. 1947, is amended to
5 read as follows:

6 "59-1605. Unfair labor practices of employer or labor
7 organization. (1) It is an unfair labor practice for a
8 public employer to:

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

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

18 (c) discriminate in regard to hire or tenure of
19 employment or any term or condition of employment to
20 encourage or discourage membership in any labor
21 organization; however, nothing in this act or in any other
22 statute of this state precludes a public employer from
23 making an agreement with an exclusive representative to
24 require that an employee who is not or does not become a
25 union member shall be required as a condition of employment

1 to have an amount equal to the union initiation fee and
2 monthly dues deducted from his wages in the same manner as
3 checkoff of union dues;

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

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

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

12 (a) restrain or coerce employees in the exercise of the
13 right guaranteed in subsection (1) of section 3 [59-1603] of
14 this act. or a public employer in the selection of his
15 representative for the purpose of collective bargaining or
16 the adjustment of grievances;

17 (b) refuse to bargain collectively in good faith with a
18 public employer, if it has been designated as the exclusive
19 representative of employees;

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

22 (3) For the purpose of this act, to bargain
23 collectively is the performance of the mutual obligation of
24 the public employer, or his designated representatives, and
25 the representatives of the exclusive representative to meet

1 at reasonable times and negotiate in good faith with respect
2 to wages, hours, fringe benefits, and other conditions of
3 employment, or the negotiation of an agreement, or any
4 question arising thereunder, and the execution of a written
5 contract incorporating any agreement reached. Such
6 obligation does not compel either party to agree to a
7 proposal or require the making of a concession. In
8 negotiations between the board of regents and the
9 representative of the exclusive agent, the student
10 government may designate a representative or agent to
11 negotiate in its interest as a public employer in respect to
12 the matters provided in this act except in negotiations
13 concerning merit increases, television and radio tape
14 residuals, evening and extension assignments, sabbatical
15 leave, leaves of absence, maternity and sick leave, tenure,
16 and intercollege agreements.

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

-End-

HB 656

-6-

Approved by Committee
on Education

HOUSE BILL NO. 656

INTRODUCED BY JOHNSON, LESTER, DUSSAULT, KEMMIS, PALMER,
GWYNN, HELMBRECHT, HUENNEKENS, FLEMING, BRADLEY, SOUTH,
MAGONE, TROPILA, SHELDEN, FISHBAUGH, BRAND, GUNDERSON,
KIMBLE, HARPER, HALVORSON, DASSINGER, LUEBECK, MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
59-1602 AND 59-1605, R.C.M. 1947, BY ALLOWING STUDENT
REPRESENTATIVES TO PARTICIPATE IN NEGOTIATIONS INVOLVING THE
BOARD OF REGENTS AND PUBLIC EMPLOYEES IN CERTAIN CASES; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"59-1602. Definitions. When used in this act: (1)
"public employer" means the state of Montana or any
political subdivision thereof, including but not limited to,
any town, city, county, district, school board, board of
regents, public and quasi-public corporation, housing
authority or other authority established by law, and any
representative or agent designated by the public employer to
act in its interest in dealing with public employees, when
the board of regents is the public employer defined in this
section, the student government at an institution of higher

education may designate an agent or representative to
negotiate WITH THE PROFESSIONAL EDUCATIONAL EMPLOYEES on
behalf of the public employer together with the board of
regents;

(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

1 a merely routine or clerical nature, but requires the use of
2 independent judgment;

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

6 (5) "labor organization" means any organization or
7 association of any kind in which employees participate and
8 which exists for the primary purpose of dealing with
9 employers concerning grievances, labor disputes, wages,
10 rates of pay, hours of employment, fringe benefits, or other
11 conditions of employment;

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

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

18 (8) "person" includes one or more individuals, labor
19 organizations, public employees, associations, corporations,
20 legal representatives, trustees, trustees in bankruptcy, or
21 receivers;

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

24 (10) "labor dispute" includes any controversy
25 concerning terms, tenure or conditions of employment, or

1 concerning the association or representation of persons in
2 negotiating, fixing, maintaining, changing, or seeking to
3 arrange terms or conditions of employment, regardless of
4 whether the disputants stand the proximate relation of
5 employer and employee;

6 (11) "appropriate unit" means a group of public
7 employees banded together for collective bargaining purposes
8 as designated by the board."

9 Section 2. Section 59-1605, R.C.M. 1947, is amended to
10 read as follows:

11 "59-1605. Unfair labor practices of employer or labor
12 organization. (1) It is an unfair labor practice for a
13 public employer to:

14 (a) interfere with, restrain, or coerce employees in
15 the exercise of the rights guaranteed in section 3 [59-1603]
16 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
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 employee who is not or does not become a
 5 union member shall be required as a condition of employment
 6 to have an amount equal to the union initiation fee and
 7 monthly dues deducted from his wages in the same manner as
 8 checkoff of union dues;

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

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

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

17 (a) restrain or coerce employees in the exercise of the
 18 right guaranteed in subsection (1) of section 3 [59-1603] of
 19 this act, or a public employer in the selection of his
 20 representative for the purpose of collective bargaining or
 21 the adjustment of grievances;

22 (b) refuse to bargain collectively in good faith with a
 23 public employer, if it has been designated as the exclusive
 24 representative of employees;

25 (c) use agency shop fees for contributions to political

1 candidates or parties at state or local levels.

2 (3) For the purpose of this act, to bargain
 3 collectively is the performance of the mutual obligation of
 4 the public employer, or his designated representatives, and
 5 the representatives of the exclusive representative to meet
 6 at reasonable times and negotiate in good faith with respect
 7 to wages, hours, fringe benefits, and other conditions of
 8 employment, or the negotiation of an agreement, or any
 9 question arising thereunder, and the execution of a written
 10 contract incorporating any agreement reached. Such
 11 obligation does not compel either party to agree to a
 12 proposal or require the making of a concession. In
 13 negotiations between the board of regents and the
 14 representative of the ~~exclusive~~---agent PROFESSIONAL
 15 EDUCATIONAL EMPLOYEES, the student government may designate
 16 a representative or agent to negotiate in its interest as a
 17 public employer in respect to the matters provided in this
 18 act except in negotiations concerning merit increases,
 19 television and radio tape residuals, evening and extension
 20 assignments, sabbatical leave, leaves of absence, maternity
 21 and sick leave, tenure, and intercollege agreements.

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

1 SECTION 3. THIS ACT IS EFFECTIVE ON ITS PASSAGE AND
2 APPROVAL.

-End-

HOUSE BILL NO. 656

INTRODUCED BY JOHNSON, LESTER, DUSSAULT, KEMMIS, PALMER,
 GWYNN, HELMBRECHT, HUENNEKENS, FLEMING, BRADLEY, SOUTH,
 MAGONE, TROPILA, SHELDEN, FISHBAUGH, BRAND, GUNDERSON,
 KIMBLE, HARPER, HALVORSON, DASSINGER, LUEBECK, MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 59-1602 AND 59-1605, R.C.M. 1947, BY ALLOWING STUDENT
 REPRESENTATIVES TO PARTICIPATE IN NEGOTIATIONS INVOLVING THE
 BOARD OF REGENTS AND PUBLIC EMPLOYEES IN CERTAIN CASES; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"59-1602. Definitions. When used in this act: (1)
 "public employer" means the state of Montana or any
 political subdivision thereof, including but not limited to,
 any town, city, county, district, school board, board of
 regents, public and quasi-public corporation, housing
 authority or other authority established by law, and any
 representative or agent designated by the public employer to
 act in its interest in dealing with public employees, when
the board of regents is the public employer defined in this
section, the student government at an institution of higher

education may designate an agent or representative to
~~negotiate with the professional educational employees on~~
~~behalf of the public employer together with the board of~~
regents; MEET AND CONFER WITH THE BOARD OF REGENTS PRIOR TO
NEGOTIATIONS WITH THE PROFESSIONAL EDUCATIONAL EMPLOYEES, TO
PARTICIPATE IN THOSE NEGOTIATIONS AS PART OF THE PUBLIC
EMPLOYER'S BARGAINING TEAM, AND TO MEET AND CONFER WITH THE
BOARD OF REGENTS PRIOR TO THE REACHING OF AN AGREEMENT
BETWEEN THE REGENTS AND THE PROFESSIONAL EDUCATIONAL
EMPLOYEES.

(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

1 authority, in the interest of the employer to hire,
 2 transfer, suspend, lay off, recall, promote, discharge,
 3 assign, reward, discipline other employees, having
 4 responsibility to direct them, to adjust their grievances,
 5 or effectively to recommend such action, if in connection
 6 with the foregoing the exercise of such authority is not of
 7 a merely routine or clerical nature, but requires the use of
 8 independent judgment;

9 (4) "management officials" means representatives of
 10 management having authority to act for the agency on any
 11 matters relating to the implementation of agency policy;

12 (5) "labor organization" means any organization or
 13 association of any kind in which employees participate and
 14 which exists for the primary purpose of dealing with
 15 employers concerning grievances, labor disputes, wages,
 16 rates of pay, hours of employment, fringe benefits, or other
 17 conditions of employment;

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

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

24 (8) "person" includes one or more individuals, labor
 25 organizations, public employees, associations, corporations,

1 legal representatives, trustees, trustees in bankruptcy, or
 2 receivers;

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

5 (10) "labor dispute" includes any controversy
 6 concerning terms, tenure or conditions of employment, or
 7 concerning the association or representation of persons in
 8 negotiating, fixing, maintaining, changing, or seeking to
 9 arrange terms or conditions of employment, regardless of
 10 whether the disputants stand the proximate relation of
 11 employer and employee;

12 (11) "appropriate unit" means a group of public
 13 employees banded together for collective bargaining purposes
 14 as designated by the board."

15 Section 2. Section 59-1605, R.C.M. 1947, is amended to
 16 read as follows:

17 "59-1605. Unfair labor practices of employer or labor
 18 organization. (1) It is an unfair labor practice for a
 19 public employer to:

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

23 (b) dominate, interfere, or assist in the formation or
 24 administration of any labor organization; however, subject
 25 to rules adopted by the board under section 12 (3), an

1 employer is not prohibited from permitting employees to
2 confer with him during working hours without loss of time or
3 pay;

4 (c) discriminate in regard to hire or tenure of
5 employment or any term or condition of employment to
6 encourage or discourage membership in any labor
7 organization; however, nothing in this act or in any other
8 statute of this state precludes a public employer from
9 making an agreement with an exclusive representative to
10 require that an employee who is not or does not become a
11 union member shall be required as a condition of employment
12 to have an amount equal to the union initiation fee and
13 monthly dues deducted from his wages in the same manner as
14 checkoff of union dues;

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

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

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
24 the right guaranteed in subsection (1) of section 3
25 [59-1603] of this act, or a public employer in the selection

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

3 (b) refuse to bargain collectively in good faith with
4 a public employer, if it has been designated as the
5 exclusive representative of employees;

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

8 (3) For the purpose of this act, to bargain
9 collectively is the performance of the mutual obligation of
10 the public employer, or his designated representatives, and
11 the representatives of the exclusive representative to meet
12 at reasonable times and negotiate in good faith with respect
13 to wages, hours, fringe benefits, and other conditions of
14 employment, or the negotiation of an agreement, or any
15 question arising thereunder, and the execution of a written
16 contract incorporating any agreement reached. Such
17 obligation does not compel either party to agree to a
18 proposal or require the making of a concession. In
19 negotiations between the board of regents and the
20 representative of the ~~exclusive--agent~~ PROFESSIONAL
21 EDUCATIONAL EMPLOYEES, the student government ~~may--designate~~
22 AGENT OR REPRESENTATIVE OF THE STUDENT GOVERNMENT'S RIGHT TO
23 PARTICIPATE DOES NOT PERTAIN TO a representative or agent to
24 negotiate in its interest as a public employer in respect to
25 the matters provided in this act except in negotiations

1 concerning merit increases, television and radio tape
2 residuals, evening and extension assignments, sabbatical
3 leave, leaves of absence, maternity and sick leave, tenure,
4 and intercollege agreements.

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

9 SECTION 3. THIS ACT IS EFFECTIVE ON ITS PASSAGE AND
10 APPROVAL.

-End-

March 21, 1975

SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

AMENDMENTS TO HOUSE BILL NO. 656

That House Bill No. 656, third reading, be amended as follows:

1. Amend page 2, section 1, line 4.
Following: "REGENTS"
Insert: "and the faculty bargaining agent"
2. Amend page 2, section 1, line 6.
Strike: "PARTICIPATE IN THOSE NEGOTIATIONS"
Insert: "observe those negotiations and participate in caucuses"
3. Amend page 2, section 1, line 8.
Following: "REGENTS"
Strike: "PRIOR TO THE REACHING OF AN AGREEMENT"
Insert: "regarding the terms of agreement prior to the execution of a written contract"
4. Amend page 2, section 1, line 10.
Following: "EMPLOYEES."
Insert: "The student observer is obliged to maintain the confidentiality of these negotiations."
5. Amend page 6, section 2, lines 18 through line 4 on page 7.
Following: "concession."
Strike: page 6 lines 18 through line 4 on page 7

1 HOUSE BILL NO. 656

2 INTRODUCED BY JOHNSON, LESTER, DUSSAULT, KEMMIS, PALMER,
3 GWYNN, HELMBRECHT, HUENNEKENS, FLEMING, BRADLEY, SOUTH,
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6
7 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
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9 REPRESENTATIVES TO PARTICIPATE IN NEGOTIATIONS INVOLVING THE
10 BOARD OF REGENTS AND PUBLIC EMPLOYEES IN CERTAIN CASES; AND
11 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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18 political subdivision thereof, including but not limited to,
19 any town, city, county, district, school board, board of
20 regents, public and quasi-public corporation, housing
21 authority or other authority established by law, and any
22 representative or agent designated by the public employer to
23 act in its interest in dealing with public employees, when
24 the board of regents is the public employer defined in this
25 section, the student government at an institution of higher

1 education may designate an agent or representative to
2 negotiate-with-the--professional--educational--employees--on
3 behalf--of--the--public--employer-together-with-the-board-of
4 regents; MEET AND CONFER WITH THE BOARD OF REGENTS AND THE
5 FACULTY BARGAINING AGENT PRIOR TO NEGOTIATIONS WITH THE
6 PROFESSIONAL EDUCATIONAL EMPLOYEES, TO PARTICIPATE-IN--THOSE
7 NEGOTIATIONS OBSERVE THOSE NEGOTIATIONS AND PARTICIPATE IN
8 CAUCUSES AS PART OF THE PUBLIC EMPLOYER'S BARGAINING TEAM,
9 AND TO MEET AND CONFER WITH THE BOARD OF REGENTS PRIOR-TO
10 THE--REACHING--OF--AN--AGREEMENT REGARDING THE TERMS OF
11 AGREEMENT PRIOR TO THE EXECUTION OF A WRITTEN CONTRACT
12 BETWEEN THE REGENTS AND THE PROFESSIONAL EDUCATIONAL
13 EMPLOYEES. THE STUDENT OBSERVER IS OBLIGED TO MAINTAIN THE
14 CONFIDENTIALITY OF THESE NEGOTIATIONS.

15 (2) "public employee" means a person employed by a
16 public employer in any capacity, except elected officials,
17 persons directly appointed by the governor, supervisory
18 employees and management officials (as defined in subsection
19 (3) and (4) below) or members or any state board or
20 commission who serve the state intermittently, professional
21 instructors, teachers, school district clerks and school
22 administrators, and paraprofessional instructors employed by
23 school boards and districts of this state, registered
24 professional nurses performing service for health care
25 facilities, professional engineers and engineers in

1 training, and includes any individual whose work has ceased
2 as a consequence of, or in connection with, any unfair labor
3 practice or concerted employee action;

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

13 (4) "management officials" means representatives of
14 management having authority to act for the agency on any
15 matters relating to the implementation of agency policy;

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17 association of any kind in which employees participate and
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19 employers concerning grievances, labor disputes, wages,
20 rates of pay, hours of employment, fringe benefits, or other
21 conditions of employment;

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

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

3 (8) "person" includes one or more individuals, labor
4 organizations, public employees, associations, corporations,
5 legal representatives, trustees, trustees in bankruptcy, or
6 receivers;

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

9 (10) "labor dispute" includes any controversy
10 concerning terms, tenure or conditions of employment, or
11 concerning the association or representation of persons in
12 negotiating, fixing, maintaining, changing, or seeking to
13 arrange terms or conditions of employment, regardless of
14 whether the disputants stand the proximate relation of
15 employer and employee;

16 (11) "appropriate unit" means a group of public
17 employees banded together for collective bargaining purposes
18 as designated by the board."

19 Section 2. Section 59-1605, R.C.M. 1947, is amended to
20 read as follows:

21 "59-1605. Unfair labor practices of employer or labor
22 organization. (1) It is an unfair labor practice for a
23 public employer to:

24 (a) interfere with, restrain, or coerce employees in
25 the exercise of the rights guaranteed in section 3 [59-1603]

1 of this act;

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

8 (c) discriminate in regard to hire or tenure of
9 employment or any term or condition of employment to
10 encourage or discourage membership in any labor
11 organization; however, nothing in this act or in any other
12 statute of this state precludes a public employer from
13 making an agreement with an exclusive representative to
14 require that an employee who is not or does not become a
15 union member shall be required as a condition of employment
16 to have an amount equal to the union initiation fee and
17 monthly dues deducted from his wages in the same manner as
18 checkoff of union dues;

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

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

25 (2) It is an unfair labor practice for a labor

1 organization or its agents to:

2 (a) restrain or coerce employees in the exercise of
3 the right guaranteed in subsection (1) of section 3
4 [59-1603] of this act, or a public employer in the selection
5 of his representative for the purpose of collective
6 bargaining or the adjustment of grievances;

7 (b) refuse to bargain collectively in good faith with
8 a public employer, if it has been designated as the
9 exclusive representative of employees;

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

12 (3) For the purpose of this act, to bargain
13 collectively is the performance of the mutual obligation of
14 the public employer, or his designated representatives, and
15 the representatives of the exclusive representative to meet
16 at reasonable times and negotiate in good faith with respect
17 to wages, hours, fringe benefits, and other conditions of
18 employment, or the negotiation of an agreement, or any
19 question arising thereunder, and the execution of a written
20 contract incorporating any agreement reached. Such
21 obligation does not compel either party to agree to a
22 proposal or require the making of a concession. in
23 negotiations---between---the---board---of---regents---and---the
24 representative---of---the---exclusive---agent PROFESSIONAL
25 EDUCATIONAL--EMPLOYEES; the student government may designate

1 ~~AGENT OR REPRESENTATIVE OF THE STUDENT GOVERNMENT'S RIGHT TO~~
2 ~~PARTICIPATE DOES NOT PERTAIN TO a representative or agent to~~
3 ~~negotiate in its interest as a public employer in respect to~~
4 ~~the matters provided in this act except in negotiations~~
5 ~~concerning merit increases, television and radio tape~~
6 ~~residuals, evening and extension assignments, sabbatical~~
7 ~~leave, leaves of absence, maternity and sick leave, tenure,~~
8 ~~and intercollege agreements.~~

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

13 SECTION 3. THIS ACT IS EFFECTIVE ON ITS PASSAGE AND
14 APPROVAL.

-End-