

1 *Senate* BILL NO. *347*
 2 INTRODUCED BY *Daniel Hallock* *Nealy Lee*
 3 *Watt McCallum*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE ARBITRATION
 5 BETWEEN A PUBLIC EMPLOYER AND A FIREFIGHTERS' ORGANIZATION
 6 OR ITS EXCLUSIVE REPRESENTATIVE."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. There is a new R.C.M. section numbered
 10 59-1614.1 that reads as follows:

11 59-1614.1. Arbitration between firefighters and public
 12 employers. (1) This section applies only to firefighters and
 13 their public employers.

14 (2) If an impasse is reached in the course of
 15 collective bargaining between a public employer and a
 16 firefighters' organization or its exclusive representative
 17 and if the procedures for mediation and fact-finding in
 18 59-1614 have been exhausted, either party or both jointly
 19 may petition the board for final and binding arbitration.

20 (3) Within 3 days of the receipt of a petition for
 21 final and binding arbitration, the board shall submit to the
 22 parties a list of five qualified and disinterested
 23 arbitrators. From the list submitted by the board, the
 24 parties shall alternately strike two names. The remaining
 25 person shall be designated as the arbitrator. The parties

1 shall notify the board of the designated arbitrator within 5
 2 days of the receipt of the list.

3 (4) The arbitrator shall establish dates and a place
 4 for hearings and may subpoena witnesses and require the
 5 submission of evidence necessary to resolve the impasse.

6 (5) Prior to making a determination on any issue
 7 relating to the impasse, the arbitrator may refer the issues
 8 back to the parties for further negotiation.

9 (6) The arbitrator shall make a just and reasonable
 10 determination of the matters in dispute within 30 days of
 11 the commencement of the arbitration proceedings. The
 12 arbitrator shall notify the board and the parties, in
 13 writing, of his determination.

14 (7) In arriving at a determination, the arbitrator may
 15 adopt any recommendations made by the fact finder and the
 16 arbitrator shall consider any relevant circumstances
 17 including:

18 (a) comparison of hours, wages, and conditions of
 19 employment of the employees involved with employees
 20 performing similar services and with other services
 21 generally;

22 (b) the interests and welfare of the public and the
 23 financial ability of the public employer to pay;

24 (c) appropriate cost-of-living indices;

25 (d) any other factors traditionally considered in the

1 determination of hours, wages, and conditions of employment.

2 (8) The determination of the arbitrator is final and
3 binding and is not subject to the approval of any governing
4 body.

5 (9) Nothing prohibits the parties to the impasse from
6 reaching an agreement prior to the rendering of a
7 determination by the arbitrator.

8 (10) The cost of arbitration shall be shared equally by
9 the public employer and the firefighters' organization or
10 its exclusive representative.

-End-

STATE OF MONTANA

REQUEST NO. 529-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 1977, there is hereby submitted a Fiscal Note for Senate Bill 347 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:

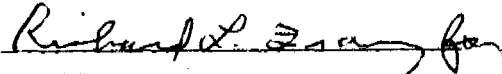
Provides arbitration between a public employer and firefighters.

ASSUMPTION:

Proposed legislation requires only that the Board of Personnel Appeals supply a list of five (5) persons, one (1) of whom will be selected as arbitrator by the involved parties.

FISCAL IMPACT:

The Board of Personnel Appeals has been requested to provide only two (2) lists of arbitrators for contract negotiations; therefore, it is assumed that the cost of the proposed legislation would be minimal.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-77

Approved by Comm.
on Local Government

1
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Watt McBallin

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21 generally;

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23 financial ability of the public employer to pay;

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10 its exclusive representative.

-End-

1 SENATE BILL NO. 347

2 INTRODUCED BY DUNKLE, HAZELBAKER,

3 HEALY, LEE, WATT, MCCALLUM

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE ARBITRATION
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15 (7) In arriving at a determination, the arbitrator may
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17 ~~arbitrator~~ SHALL CONSIDER THE MOST REASONABLE OF THE FINAL
18 TOTAL PACKAGE LAST OFFERS OF SETTLEMENT MADE BY THE
19 PARTICIPATING PARTIES AS HIS DECISION. IN DETERMINING WHICH
20 OF THE LAST OFFERS OF SETTLEMENT IS THE MOST REASONABLE, THE
21 ARBITRATOR shall consider any relevant circumstances
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