

CHAPTER NO. 472

HOUSE BILL NO. 302

INTRODUCED BY QUILICI, MANNING, DUSSAULT, PAVLOVICH,
MENAHAN, NATHE, FEDA, HARRINGTON, DAILY

IN THE HOUSE

January 22, 1979	Introduced and referred to Committee on Labor and Employment relations.
February 7, 1979	Committee recommend bill do pass. Report adopted.
February 8, 1979	Printed and placed on members' desks.
February 9, 1979	Second reading, do pass as amended.
February 12, 1979	Correctly engrossed.
February 13, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 14, 1979	Introduced and referred to Committee on Labor and Employment Relations.
March 9, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in as amended.
March 16, 1979	On motion, Senate reconsider its action taken on third reading. Motion failed.

IN THE HOUSE

March 17, 1979	Returned from second house. Concurred in as amended.
March 19, 1979	On motion consideration passed for the day.
March 20, 1979	On motion consideration passed until the 71st Legislative Day.
March 28, 1979	Second reading, amendments adopted.
March 29, 1979	Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

1 *House* BILL NO. *302* *Parson*
 2 INTRODUCED BY *Laurie Manning*
 3 *Menahan* *NATHE* *Paula* *Sanchez* *Daily*
 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."

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

9 Section 1. Arbitration between firefighters and public
10 employers. (1) This section applies only to firefighters
11 and their public employers.

12 (2) If an impasse is reached in the course of
13 collective bargaining between a public employer and a
14 firefighters' organization or its exclusive representative
15 and if the procedures for mediation and factfinding in
16 sections 39-31-307 through 39-31-310 have been exhausted,
17 either party or both jointly may petition the board for
18 final and binding arbitration.

19 Section 2. Designation of arbitrator. Within 3 days of
20 the receipt of a petition for final and binding arbitration,
21 the board shall submit to the parties a list of five
22 qualified and disinterested arbitrators. From the list
23 submitted by the board, the parties shall alternately strike
24 two names. The remaining person shall be designated as the
25 arbitrator. The parties shall notify the board of the

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

3 Section 3. Powers and duties of arbitrator for
4 firefighters and public employers. (1) The arbitrator shall
5 establish dates and a place for hearings and may subpoena
6 witnesses and require the submission of evidence necessary
7 to resolve the impasse.

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

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

16 (4) In arriving at a determination, the arbitrator may
17 adopt any recommendations made by the factfinder and
18 arbitrator and shall consider any relevant circumstances
19 including:

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

24 (b) the interests and welfare of the public and the
25 financial ability of the public employer to pay;

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INTRODUCED BILL

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

2 (d) any other factors traditionally considered in the
3 determination of hours, wages, and conditions of employment.

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

7 Section 4. Collective bargaining permitted during
8 arbitration. Nothing prohibits the parties to the impasse
9 from reaching an agreement prior to the rendering of a
10 determination by the arbitrator.

11 Section 5. Cost of arbitration. The cost of
12 arbitration shall be shared equally by the public employer
13 and the firefighters' organization or its exclusive
14 representative.

-End-

Approved by Committee
on Labor & Employment
Relations

1 HOUSE BILL NO. 302 *Parsons*
 2 INTRODUCED BY *Timothy Manning*
 3 *Menahan* *NATHAN* *Paul* *Sanchez* *Daly*
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Section 3. Powers and duties of arbitrator for
firefighters and public employers. (1) The arbitrator shall
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to resolve the impasse.

(2) Prior to making a determination on any issue
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(3) The arbitrator shall make a just and reasonable
determination of the matters in dispute within 30 days of
the commencement of the arbitration proceedings. The
arbitrator shall notify the board and the parties, in
writing, of his determination.

(4) In arriving at a determination, the arbitrator may
adopt any recommendations made by the factfinder and
arbitrator and shall consider any relevant circumstances
including:

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

(b) the interests and welfare of the public and the

1 financial ability of the public employer to pay;

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

3 (d) any other factors traditionally considered in the

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

5 (5) The determination of the arbitrator is final and

6 binding and is not subject to the approval of any governing

7 body.

8 Section 4. Collective bargaining permitted during

9 arbitration. Nothing prohibits the parties to the impasse

10 from reaching an agreement prior to the rendering of a

11 determination by the arbitrator.

12 ~~SECTION 5. THERE IS A NEW MCA SECTION THAT READS:~~

13 Strikes limited. Strikes are prohibited during the term

14 of any contract and the negotiations or arbitration of that

15 contract.

16 Section 6. Cost of arbitration. The cost of

17 arbitration shall be shared equally by the public employer

18 and the firefighters' organization or its exclusive

19 representative.

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

~~(3) AT THE CONCLUSION OF THE HEARINGS, THE ARBITRATOR
SHALL REQUIRE THE PARTIES TO SUBMIT THEIR RESPECTIVE FINAL
POSITION ON MATTERS IN DISPUTE.~~

~~(4) The arbitrator shall make a just and reasonable
determination of the matters-in-dispute WHICH FINAL POSITION
ON MATTERS IN DISPUTE WILL BE ADOPTED within 30 days of the
commencement of the arbitration proceedings. The arbitrator
shall notify the board and the parties, in writing, of his
determination.~~

~~(5) In arriving at a determination, the arbitrator
may adopt any recommendations made by the factfinder and
arbitrator and shall consider any relevant circumstances
including:~~

(a) comparison of hours, wages, and conditions of

1 employment of the employees involved with employees
2 performing similar services and with other services
3 generally;

4 (b) the interests and welfare of the public and the
5 financial ability of the public employer to pay;

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

7 (d) any other factors traditionally considered in the
8 determination of hours, wages, and conditions of employment.

9 ~~(5)(6)~~ The determination of the arbitrator is final
10 and binding and is not subject to the approval of any
11 governing body.

12 Section 4. Collective bargaining permitted during
13 arbitration. Nothing prohibits the parties to the impasse
14 from reaching an agreement prior to the rendering of a
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-End-

March 9, 1979

SENATE STANDING COMMITTEE REPORT
(Labor & Employment Relations)

That House Bill No. 302 be amended as follows:

1. Page 2.

Following: line 11

Insert: "(3) At the conclusion of the hearings the arbitrator shall require the parties to submit their respective final position on matters in dispute."

Renumber: subsequent subsections

2. Page 2, line 13.

Following: "determination of"

Strike: "the matters in dispute"

Insert: "which final position on matters in dispute will be adopted"

3. Page 2, line 17 through line 19.

Following: "arbitrator"

Strike: the remainder of line 17 through "and" on line 19