

HOUSE BILL 336

IN THE HOUSE

January 23, 1979

Introduced and referred to  
Committee on Education and  
Cultural Resources.

February 12, 1979

Committee recommend bill,  
do not pass.

February 13, 1979

Report adopted.

HOUSE BILL NO. 336

INTRODUCED BY \_\_\_\_\_

Long

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE ENGINEERS EMPLOYED AS FACULTY MEMBERS IN THE MONTANA UNIVERSITY SYSTEM IN COLLECTIVE BARGAINING; AND AMENDING SECTION 39-31-103, MCA."

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

Section 1. Section 39-31-103, MCA, is amended to read:

"39-31-103. Definitions. When used in this chapter, the following definitions apply:

(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.

(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 subsections (3) and (4) below, or members or any state board or commission who serve the state intermittently, school

district clerks and school administrators, 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. The definition of public employee includes professional engineers employed as faculty members in the Montana university system.

(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.

(5) "Labor organization" means any organization or association of any kind in which employees participate and which exists for the primary purpose of dealing with employers concerning grievances, labor disputes, wages,

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1 rates of pay, hours of employment, fringe benefits, or other  
2 conditions of employment.

3 (6) "Exclusive representative" means the labor  
4 organization which has been designated by the board as the  
5 exclusive representative of employees in an appropriate unit  
6 or has been so recognized by the public employer.

7 (7) "Board" means the board of personnel appeals  
8 provided for in 2-15-1705.

9 (8) "Person" includes one or more individuals, labor  
10 organizations, public employees, associations, corporations,  
11 legal representatives, trustees, trustees in bankruptcy, or  
12 receivers.

13 (9) "Unfair labor practice" means any unfair labor  
14 practice listed in 39-31-401 or 39-31-402.

15 (10) "Labor dispute" includes any controversy  
16 concerning terms, tenure, or conditions of employment or  
17 concerning the association or representation of persons in  
18 negotiating, fixing, maintaining, changing, or seeking to  
19 arrange terms or conditions of employment, regardless of  
20 whether the disputants stand the proximate relation of  
21 employer and employee.

22 (11) "Appropriate unit" means a group of public  
23 employees banded together for collective bargaining purposes  
24 as designated by the board."

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