

SENATE BILL 239

IN THE SENATE

January 24, 1979

Introduced and referred to
Committee on Labor and
Employment Relations.

February 14, 1979

Committee recommend bill, do
not pass.

1 *Sen. S* BILL NO. *239*
2 INTRODUCED BY *Watt Kemmis*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE BINDING
5 ARBITRATION OF LABOR DISPUTES INVOLVING EMPLOYEES OF
6 NONPROFIT CORPORATIONS THAT ARE HEALTH CARE PROVIDERS
7 WHENEVER NEGOTIATIONS BREAK DOWN OR THERE IS AN IMMEDIATE
8 DANGER OF AN INTERRUPTION OF SERVICES OR SUCH AN
9 INTERRUPTION HAS OCCURRED AND TO PROVIDE A MEANS OF
10 ENFORCING THE ARBITRATION REQUIREMENT; PROVIDING AN
11 IMMEDIATE EFFECTIVE DATE."

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13 WHEREAS, the health of the public is of such great
14 importance that prolonged strife between management and
15 employees of health care facilities is intolerable.

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

18 Section 1. Health care provider defined. For the
19 purposes of [this act], "health care provider" means a
20 nonprofit corporation that operates a hospital, nursing
21 home, or other facility having as one of its principal
22 purposes the preservation of health or the care of sick or
23 infirm persons.

24 Section 2. When binding arbitration required. A health
25 care provider and a recognized employee organization that

1 represents persons employed in a facility described in
2 [section 1] shall submit all unresolved issues involving
3 wages, fringe benefits, working conditions, or any other
4 subject of collective bargaining to binding arbitration
5 whenever:

- 6 (1) there is a bargaining impasse and negotiations
7 break down;
- 8 (2) an interruption of services at the facility is
9 immediately threatened; or
- 10 (3) an interruption of services at the facility has
11 occurred.

12 Section 3. Appointment of arbitrators. (1) The health
13 care provider and the employee organization shall each
14 select one arbitrator. The two arbitrators selected shall
15 appoint three other arbitrators, acceptable to both parties,
16 to act as neutrals.

17 (2) If the appointment of the three neutrals is
18 delayed for more than 5 days after the selection of the
19 first two arbitrators because of a failure of the parties to
20 agree, either party or the arbitrator it selected or any
21 resident of the area served by the affected facility may
22 petition the district court to appoint three neutrals. The
23 court shall make the appointments as soon as possible.

24 (3) Once the appointments are made, the arbitrators
25 may proceed with arbitration and neither party may revoke

1 their authority.

2 Section 4. Procedure. The arbitration proceedings and
3 the procedure following the award shall be in accordance
4 with Title 27, chapter 5, as amended, except insofar as that
5 chapter is inconsistent with [this act].

6 Section 5. Award -- effect, duration. (1) The award is
7 binding upon both parties and may be appealed only as
8 provided in Title 27, chapter 5, as amended, or on the
9 grounds that arbitration was improperly ordered by the court
10 in a situation that was not within the scope of [section 2].

11 (2) The award may not be effective for a period
12 exceeding 2 years.

13 Section 6. Action to compel arbitration. (1) Whenever
14 arbitration is required under [section 2] and either or both
15 parties refuse to arbitrate or are unreasonably delaying the
16 appointment or selection of arbitrators, any party that is
17 not refusing to arbitrate or delaying the proceedings or any
18 resident of the area served by the affected facility may
19 petition the district court for an order to compel
20 arbitration.

21 (2) Notice of the petition shall be served personally
22 on each nonpetitioning party or its attorney. The notice
23 shall specify the time and place set for hearing. The
24 hearing shall be held not less than 2 days after service of
25 notice. Unless the press of court business makes it

1 impossible, the hearing shall be held not more than 10 days
2 after service of notice.

3 (3) The proceedings at the hearing shall be summary
4 and informal. If the court finds for the petitioner, it
5 shall order that the arbitration proceedings be commenced
6 immediately and such order is final with no right of appeal.
7 If the court denies the petition, the petitioner may apply
8 to the supreme court for a writ of supervisory control to
9 compel the district court to issue the order for
10 arbitration.

11 Section 7. Existing contracts not affected. Nothing in
12 this act may be construed as altering in any way the
13 provisions of any contract which was entered into prior to
14 the effective date of this act.

15 Section 8. Effective date. This act is effective on
16 passage and approval.

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