

Senate Bill 234

In The Senate

January 22, 1981

Introduced and referred
to Committee on Finance
and Claims.

February 9, 1981

Committee recommend bill
do not pass.

1 *Senate* BILL NO. *234*
 2 INTRODUCED BY *Hoffman* ~~JEFF BROWN~~ *Stewart*
 3 *Blaylock* *Thombs* *Berg* ~~Yess~~ *Mazurk* *Jacobson*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE STATE
 5 GOVERNMENT TO ESTABLISH A 40-HOUR WORKWEEK CONSISTING OF 4
 6 CONSECUTIVE 10-HOUR DAYS IF THE AFFECTED EMPLOYEES OR THEIR
 7 DULY CONSTITUTED REPRESENTATIVE APPROVES SUCH SCHEDULE;
 8 ALLOWING THE METHODS OF ADMINISTERING SUCH A SCHEDULE TO BE
 9 A NEGOTIABLE ITEM IN A COLLECTIVE BARGAINING AGREEMENT;
 10 AMENDING SECTION 39-4-107, MCA."

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

12 Section 1. Section 39-4-107, MCA, is amended to read:
 13 "39-4-107. State and municipal governments, school
 14 districts, mines, mills, and smelters. (1) Except as
 15 provided in subsection (2), a * period of 8 hours
 16 constitutes a day's work in all works and undertakings
 17 carried on or aided by any municipal or county government,
 18 the state government, or a first-class school district, and
 19 on all contracts let by them, and for all janitors (except
 20 in courthouses of sixth- and seventh-class counties),
 21 engineers, firefighters, caretakers, custodians, and
 22 laborers employed in or about any buildings, works, or
 23 grounds used or occupied for any purpose by such municipal,
 24 county, or state government or first-class school district.

1 A period of 8 hours constitutes a day's work in mills and
 2 smelters for the treatment of ores, in underground mines,
 3 and in the washing, reducing, and treatment of coal. In
 4 cases of emergency when life or property is in imminent
 5 danger this subsection does not apply.

6 ~~(2) A state government agency as defined in 2-15-102~~
 7 ~~may provide to its employees the option of working a 40-hour~~
 8 ~~workweek consisting of 4 consecutive 10-hour days. Such a~~
 9 ~~schedule shall be implemented on an individual basis upon~~
 10 ~~the approval of the employee or, if the employee is a member~~
 11 ~~of a collective bargaining unit, the duly constituted~~
 12 ~~representative. The methods of administration of the~~
 13 ~~schedule may be provided for in a collective bargaining~~
 14 ~~agreement. No employee may be required to work in excess of~~
 15 ~~8 hours in any one workday if he prefers not to.~~

16 ~~(2)(3)~~ For firefighters in cities of the first and
 17 second class, a workweek consists of a maximum of 40 hours
 18 during a 5-day week.

19 ~~(3)(4)~~ In counties where regular road and bridge
 20 departments are maintained, the county commissioners may,
 21 with the approval of the employees or their duly constituted
 22 representative, establish a 40-hour workweek consisting of 4
 23 consecutive 10-hour days. No employee may be required to
 24 work in excess of 8 hours in any one workday if he prefers
 25 not to.

LC 2036/01

1 ~~(4)(5)~~ Every person, corporation, stock company, or
2 association of persons who violates any of the provisions of
3 this section is guilty of a misdemeanor and upon conviction
4 thereof shall be punished by a fine of not less than \$100 or
5 more than \$600 or by imprisonment in the county jail for not
6 less than 30 days or more than 7 months or by both such fine
7 and imprisonment."

-End-