

Senate Bill 371

In The Senate

February 5, 1981	Introduced and referred to Committee on State Administration.
February 9, 1981	Rereferred to Select Committee on State Pay Plan.
March 16, 1981	Fiscal note requested.
March 19, 1981	Fiscal note returned.
April 23, 1981	Died in Committee.

1 *Senate* BILL NO. *371*
 2 INTRODUCED BY *Hoffey, Mansbach, Berg, Steve Baron*
 3 *Maguire*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW REASONABLE
 5 CLASSIFICATION SPECIFICATIONS FOR STATE EMPLOYEES TO BE
 6 ESTABLISHED BY COLLECTIVE BARGAINING; REMOVING THE
 7 RESTRICTIONS THAT PROHIBIT ANY INCREASE OF PAY LEVELS OR
 8 TOTAL FUNDS THROUGH COLLECTIVE BARGAINING; REMOVING THE
 9 REQUIREMENT THAT MEMBERS OF A COLLECTIVE BARGAINING UNIT NOT
 10 BE COMPENSATED ACCORDING TO THE NEW PAY SCHEDULES
 11 ESTABLISHED BY THE LEGISLATURE UNTIL THE BARGAINING UNIT HAS
 12 RATIFIED AN AGREEMENT; AMENDING SECTIONS 2-18-203, 2-18-301,
 13 AND 2-18-303, MCA."

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

16 Section 1. Section 2-18-203, MCA, is amended to read:
 17 "2-18-203. Review of positions -- change in
 18 classification. (1) The department shall continuously review
 19 all positions on a regular basis and adjust classifications
 20 to reflect significant changes in duties and
 21 responsibilities. ~~in the event adjustments are to be made to~~
 22 ~~the classification specifications or criteria utilized for~~
 23 ~~allocating positions in the classification specifications~~
 24 ~~affecting employees within a bargaining unit, the department~~
 25 ~~shall consult with the representative of the bargaining unit~~

1 ~~prior to implementation of the adjustments, except for blue~~
 2 ~~collary, teachers, and liquor store clerks classification~~
 3 ~~plans, which shall remain mandatory negotiable items under~~
 4 ~~the Collective Bargaining Act.~~

5 (2) Employees and employee organizations will be given
 6 the opportunity to appeal any changes in classifications or
 7 positions.

8 (3) The period of time for which retroactive pay for a
 9 classification or position appeal may be awarded under parts
 10 1 through 3 of this chapter or under 2-18-1011 through
 11 2-18-1013 may not extend beyond 30 days prior to the date
 12 the appeal was filed. This provision shall not affect a
 13 classification or position appeal already in process on
 14 April 26, 1977.

15 ~~(4) Notwithstanding any other provisions of this~~
 16 ~~chapter, anything relevant to the determination of~~
 17 ~~reasonable classification specifications for state employees~~
 18 ~~is a negotiable item appropriate for the consideration of a~~
 19 ~~public employer and an exclusive representative under the~~
 20 ~~provisions of Title 39, chapter 31."~~

21 Section 2. Section 2-18-301, MCA, is amended to read:
 22 "2-18-301. Purpose and intent of part -- rules. (1)
 23 The purpose of this part is to provide the compensation
 24 necessary to attract and retain competent and qualified
 25 employees in order to perform the services the state is

1 required to provide to its citizens.

2 ~~(2) -- It is the intent of the legislature that, for the~~
3 ~~biennium ending June 30, 1981, the~~

4 ~~(a) -- pay schedules provided for in 2-18-311 through~~
5 ~~2-18-315 supersede any other plan or systems established~~
6 ~~through collective bargaining after the adjournment of the~~
7 ~~46th legislature;~~

8 ~~(b) -- pay levels provided for in 2-18-311 through~~
9 ~~2-18-315 may not be increased through collective bargaining~~
10 ~~after adjournment of the 46th legislature; and~~

11 ~~(c) -- total funds required to implement the pay~~
12 ~~schedules provided for in 2-18-311 through 2-18-315 for any~~
13 ~~employee group or bargaining unit may not be increased~~
14 ~~through collective bargaining over the amount appropriated~~
15 ~~by the 46th legislature.~~

16 ~~(3) -- The department shall administer the pay program~~
17 ~~established by the legislature on the basis of merit,~~
18 ~~internal equity, and competitiveness to external labor~~
19 ~~markets when fiscally able.~~

20 ~~(4)(2) The department may promulgate rules not~~
21 ~~inconsistent with the provisions of this part, collective~~
22 ~~bargaining statutes, or negotiated contracts to carry out~~
23 ~~the purposes of this part."~~

24 Section 3. Section 2-18-303, MCA, is amended to read:

25 "2-18-303. Procedures for utilizing pay schedules. (1)

1 The pay schedules provided in 2-18-311 and 2-18-312 shall be
2 implemented as follows:

3 (a) The pay schedule provided in 2-18-311 indicates
4 the annual compensation for the fiscal year ending June 30,
5 1980, for each grade and step for positions classified under
6 the provisions of part 2 of this chapter.

7 (b) The pay schedule provided in 2-18-312 indicates
8 the annual compensation for the fiscal year ending June 30,
9 1981, for each grade and step for positions classified under
10 the provisions of part 2 of this chapter.

11 (c) Each new employee shall advance from step 1 to
12 step 2 of a grade after successfully completing 6 months of
13 probationary service. The anniversary date of an employee
14 shall be established at the end of the probationary period
15 in accordance with rules promulgated by the department.

16 (d) (i) The compensation of each employee on the first
17 day of the first pay period in fiscal year 1980 shall be
18 that amount which corresponds to the grade and step occupied
19 on the last day of the preceding fiscal year of 1979.

20 (ii) The compensation of each employee on the first day
21 of the first pay period in fiscal year 1981 shall be that
22 amount which corresponds to the grade and step occupied on
23 the last day of the fiscal year 1980.

24 (iii) In compliance with rules adopted to implement
25 this part, each employee is eligible on his anniversary date

1 to advance one step in the pay matrix each fiscal year.
 2 However, if the employee's anniversary date falls between
 3 (inclusive) July 1 and the first day of the first pay period
 4 of fiscal year 1980 or 1981, as the case may be, he will
 5 advance one step on the first day of that pay period.

6 (2) The pay schedules provided in 2-18-311 and
 7 2-18-312 and the provisions of subsection (1) of this
 8 section do not apply to those institutional teachers, liquor
 9 store occupations, or blue-collar occupations compensated
 10 under the pay schedules provided in 2-18-313, 2-18-314, or
 11 2-18-315.

12 (3) The pay schedules provided in 2-18-313, 2-18-314,
 13 or 2-13-315 shall be implemented as follows:

14 (a) (i) The pay schedules provided in 2-18-313
 15 indicate the annual compensation for the contracted school
 16 term for teachers employed by institutions under the
 17 authority of the department of institutions for fiscal years
 18 1980 and 1981.

19 (ii) The compensation of each teacher on the first day
 20 of the first pay period in July, 1980, shall be that amount
 21 which corresponds to his level of academic achievement and
 22 the next highest grade from that occupied on June 30, 1979.

23 (iii) The compensation of each teacher on the first day
 24 of the first pay period in July, 1981, shall be that amount
 25 which corresponds to his level of achievement and the next

1 highest grade from that occupied on June 30, 1980.

2 (b) (i) The pay schedules provided in 2-18-314
 3 indicate the maximum hourly compensation for fiscal years
 4 ending June 30, 1980, and June 30, 1981, for those employees
 5 in liquor store occupations who have collectively bargained
 6 separate classification and pay plans.

7 (ii) The compensation of each employee on the first day
 8 of the first pay period in fiscal year 1980 or 1981, as the
 9 case may be, shall be that amount which corresponds to that
 10 grade occupied on the last day of the preceding fiscal year.

11 (c) (i) The pay schedules provided in 2-18-315
 12 indicate the maximum hourly compensation for fiscal years
 13 ending June 30, 1980, and June 30, 1981, for employees in
 14 apprentice trades and crafts and other blue-collar
 15 occupations recognized in the state blue-collar
 16 classification plan who are members of units that have
 17 collectively bargained separate classification and pay
 18 plans.

19 (ii) The compensation of each employee on the first day
 20 of the first pay period in fiscal year 1980 or 1981, as the
 21 case may be, shall be that amount which corresponds to that
 22 grade occupied on the last day of the preceding fiscal year.

23 (4) ~~(e)-(i)-No member of a bargaining unit may receive~~
 24 ~~the amounts indicated in the respective pay schedules~~
 25 ~~provided in 2-18-311, 2-18-312, or 2-18-313, 2-18-314, or~~

1 ~~2-18-315--until--the--bargaining--unit--of--which--he--is--a--member~~
 2 ~~ratifies--a--completely--integrated--collective--bargaining~~
 3 ~~agreement--covering--the--biennium--ending--June--30--1981.~~

4 ~~(ii)--in--the--event--that--negotiation--and--ratification--of~~
 5 ~~a--completely--integrated--collective--bargaining--agreement--as~~
 6 ~~required--by--subsection--(4)(a)(i)--of--this--section--are--not~~
 7 ~~completed--by--July--1--1979--retroactivity--to--that--date--may--be~~
 8 ~~negotiated.~~

9 ~~(iii)--in--the--event--that--negotiation--and--ratification--of~~
 10 ~~a--completely--integrated--collective--bargaining--agreement--as~~
 11 ~~required--by--subsection--(4)(a)(i)--of--this--section--are--not~~
 12 ~~completed--by--July--1--1979--members--of--the--bargaining--unit~~
 13 ~~involved--will--continue--to--receive--the--compensation--they--were~~
 14 ~~receiving--as--of--June--30--1979.~~

15 ~~(b) Methods of administration not inconsistent with~~
 16 ~~the purpose of this part and necessary to properly implement~~
 17 ~~the pay schedules provided in 2-18-313, 2-18-314, or~~
 18 ~~2-18-315 may be provided for in collective bargaining~~
 19 ~~agreements and are negotiable items appropriate for the~~
 20 ~~consideration of the public employer and the exclusive~~
 21 ~~representative under the provisions of Title 39, chapter 31.~~

22 (5) The current wage or salary of an employee shall
 23 not be reduced by the implementation of the pay schedules
 24 provided for in 2-18-311, 2-18-312, or 2-18-313, 2-18-314,
 25 or 2-18-315.

1 (6) The department may authorize a separate pay
 2 schedule for medical doctors if the rates provided in
 3 2-18-311 and 2-18-312 are not sufficient to attract and
 4 retain fully licensed and qualified physicians at the state
 5 institutions.

6 (7) The department may develop a program which will
 7 enable the department to mitigate problems associated with
 8 difficult recruitment, retention, transfer, or other
 9 exceptional circumstances. Insofar as the program may apply
 10 to employees within a collective bargaining unit, it shall
 11 be a negotiable subject under 39-31-305."

-End-

STATE OF MONTANA

REQUEST NO. 435-81

FISCAL NOTE

Form BD-15

In compliance with a written request received 3-17, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 371 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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:

A Bill for an Act Entitled: " An act to allow reasonable classification specifications for state employees to be established by collective bargaining; removing the restrictions that prohibit any increase of pay levels on total funds through collective bargaining; removing the requirement that members of a collective bargaining unit not be compensated according to the new pay schedules established by the Legislature until the bargaining unit has ratified an agreement; amending Sections 2-19-203, 2-18-301, and 2-18-303, MCA."

Assumptions:

Increases in pay levels through collective bargaining after the end of a legislative session may result in an increase in funds needed over and above the amount appropriated by the Legislature.

Fiscal Impact:

The impact is unknown and will depend on outcome of negotiations with individual bargaining units.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-20-81