

HOUSE BILL NO. 163

Introduced: 01/11/83

Referred to Committee on Labor & Employment Relations: 01/11/83

Hearing: 1/18/83

Report: 01/20/83, Do Not Pass

Bill Killed: 01/21/83

1 House BILL NO. 163  
2 INTRODUCED BY Wendy Baranov  
3 BY REQUEST OF THE PERSONNEL AND LABOR RELATIONS  
4 STUDY COMMISSION  
5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PUBLIC  
7 EMPLOYER AND A LABOR ORGANIZATION TO UTILIZE MEDIATION  
8 BEFORE TAKING ANY CONCERTED ACTION; AND PROVIDING FOR  
9 INJUNCTIVE RELIEF; AMENDING SECTION 39-31-307, MCA."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 39-31-307, MCA, is amended to read:

13 "39-31-307. Mediation of disputes. (1) ~~If, after a~~  
14 ~~reasonable period of~~ during negotiation over the terms of an  
15 agreement or upon expiration of an existing collective  
16 bargaining agreement, a dispute concerning the collective  
17 bargaining agreement exists between the public employer and  
18 a labor organization, one of the parties shall request  
19 mediation appointment of a mediator and the parties shall  
20 use mediation as provided for under this chapter prior to  
21 taking any form of concerted action.

22 (2) For purposes of this section only, "concerted  
23 action" means a strike, lockout, concerted refusal to work,  
24 or picketing that results in a concerted refusal to work at  
25 any public place of employment.

1 (3) Prior to engaging in any concerted action, a party  
2 must give notice in writing to the other party and to the  
3 board of its intention to engage in such action. The notice  
4 must be given not less than 120 hours prior to such action  
5 and must state the time and date that the concerted action  
6 will commence. The notice may only be given following  
7 mediation, and once the notice is given, the time and date  
8 of commencement may be extended by written agreement of both  
9 parties.

10 (4) Upon application by a party to a labor dispute  
11 made to a district court in the county in which a labor  
12 dispute has occurred, alleging that the other party has  
13 engaged in any form of concerted action in violation of the  
14 provisions of this section, the district court shall enjoin  
15 such activity and order the parties to comply with the terms  
16 and provisions of this section. Upon compliance with this  
17 section, the injunction shall, upon the request of either  
18 party, be dissolved."

-End-

INTRODUCED BILL