HOUSE BILL NO. 281

INTRODUCED BY DOXIER

IN THE HOUSE

IN THE	HOUSE
January 17, 1983	Introduced and referred to Committee on Labor and Employment Relations.
February 18, 1983	Committee recommend bill do pass as amended. Report adopted.
February 19, 1983	Bill printed and placed on members' desks.
Pebruary 21, 1983	Second reading, do pass as amended.
Pebruary 23, 1983	Correctly engrossed.
	Third reading, passed. Transmitted to Senate.
IN THE	SENATE
March 1, 1983	Introduced and referred to Committee on Labor and Employment Relations.
March 24, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 25, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 41; Noss, 6.

IN THE HOUSE

March 28, 1983	Returned to House with amendments.
April 1, 1983	Second reading, amendments not

April 1, 1983	On motion, Conference Committee requested and appointed.
April 16, 1983	Conference Committee reported.
April 18, 1983	Second reading, report adopted.
	Third reading, report adopted.
April 19, 1983	Conference Committee report adopted by Senate.
April 20, 1983	Sent to enrolling.
	Reported correctly enrolled.

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INTRODUCED BY

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROMOTE THE GENERAL WELFARE IN IMPLEMENTATION OF ARTICLE XII. SECTION 2. OF THE MONTANA CONSTITUTION BY ALLOWING EMPLOYEES OF MUNICIPAL AND COUNTY GOVERNMENTS TO AGREE TO WORK NORE THAN 8 HOURS A DAY AND TO AGREE TO A 14-DAY, 80-HOUR WORK PERIOD AND BY ALLOWING FIRE DEPARTMENT EMPLOYEES TO WORK A MUTUALLY AGREEABLE WORKDAY OR SHIFT AND WORK PERIOD: AMENDING SECTIONS 7-33-4126, 39-3-406, AND 39-4-107, NCA.

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

Section 1. Section 7-33-4126, MCA, is amended to read:

*7-33-4126. Hours of work of members of paid fire departments in cities of first or second class. (1) The city council, city commission, or other governing body in cities of the first or second class shall divide all members of the paid fire department into platoons of three shifts. The members of each shift shall not be required to work or be on duty more than 8 hours of each consecutive 24 hours except in the event of a conflagration or other similar emergency when any of such members may be required to serve so long as the necessity therefor exists.

(2) Each member shall be entitled to at least 1 day

1	off duty out of each 8-day period of service without loss σ
2	compensation.

3 13) This section does not apply to the extent that one or more of its provisions relates to a matter that is the 5 subject of a mutual agreement made under 39-4-107(4)."

6 Section 2. Section 39-3-406, MCA, is amended to read: 7 *39-3-406. Exclusions. (1) The provisions of 39-3-404 and 39-3-405 shall not apoly with respect to:

- (a) students participating in a distributive education program established under the auspices of an accredited educational agency:
- 12 (b) persons employed in private homes whose duties 13 consist of menial chores such as babysitting, mowing lawns, 14 cleaning sidewalks;
 - (c) persons employed directly by the head of a household to care for children dependent upon the head of the household:
 - (d) immediate members of the family of an employer or persons dependent upon an employer for half or more of their support in the customary sense of being a dependent;
- 21 (e) any persons not regular employees thereof who 22 voluntarily offer their services to a nemprofit organization 23 on a fully or partially reimbursed basis;
- 24 (f) handicapped workers engaged in work which is 25 incidental to training or evaluation programs or whose

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earning capacity is so severely impaired that they are unable to engage in competitive employment;

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- (g) apprentices or learners, who may be exempted by the commissioner for a period not to exceed 30 days of their employment;
 - (h) learners under the age of 18 who are employed as farm workers, provided that such exclusion shall not exceed a period of 180 days from their initial date of employment and further provided that during this exclusion period wages paid such learners may not be less than 50% of the minimum wage rate established in this part:
- or semiretired persons performing 12 (i) retired 13 part-time incidental work as a condition of their residence on a farm or ranch; 14
 - (i) any individual employed in a bona fide executive, administrative, or professional capacity as these terms are defined and delimited by regulations of the commissioner;
 - (k) any individual employed by the United States of America.
 - (2) The provisions of 39-3-405 do not apply to:
 - (a) an employee with respect to whom the United States Secretary of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U-S-C. 304;
- (b) an employee of an employer subject to the 25

provisions of part I of the Interstate Commerce Act;

- (c) an individual employed as an outside buyer of 2 poultry, eggs, cream, or milk, in their raw or natural 3 state; 4
- (d) a salesman, partsman, or mechanic paid on a commission or contract basis and primarily engaged in selling or servicing automobiles, trucks, mobile homes, 7 recreational vehicles, or farm implements if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate 10 11 purchasers;
 - (e) a salesman primarily engaged in selling trailers. boats, or aircraft if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;
- (f) an employee employed as a driver or driver's 16 helper making local deliveries who is compensated for such 17 employment on the basis of trip rates, or other delivery 18 payment plan, if the commissioner finds that such plan has 19 the general purpose and effect of reducing hours worked by 20 such employees to or below the maximum workweek applicable 21 to them under 39-3-405; 22
 - (q) an employee employed in agriculture or in connection with the operation or maintenance of ditches. canals, reservoirs, or waterways not owned or operated for

profit and not operated on a sharecrop basis and which are used exclusively for supply and storing of water for agricultural purposes;

- (h) an employee with respect to his employment in agriculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in conjunction with other farmers, if such employee is:
- 10 (i) primarily employed during his workweek in
 11 agriculture by such farmer; and
 - (ii) paid for his employment in connection with such livestock auction operations at a wage rate not less than that prescribed by 39-3-404;
 - (i) an employee of an establishment commonly recognized as a country elevator, including an establishment which sells products and services used in the operation of a farm, if no more than five employees are employed by the establishment;
 - (j) a driver employed by an employer engaged in the business of operating taxicabs;
 - (k) an employee who is employed with his spouse by a nonprofit educational institution to serve as the parents of children who are orphans or one of whose natural parents is deceased or who are enrolled in such institution and reside

- in residential facilities of the institution so long as the children are in residence at the institution and so long as such employee and his spouse reside in such facilities and receive, without cost, board and lodging from the institution and are together compensated, on a cash basis, at an annual rate of not less than \$10,000;
- (1) an employee employed in planting or tending trees; cruising, surveying, or felling timber; or transporting logs or other forestry products to a mill, processing plant, railroad, or other transportation terminal if the number of employees employed by his employer in such forestry or lumbering operations does not exceed eight; or
- (m) an employee of a sheriff's department who is working under an established work period in lieu of a workweek pursuant to 7-4-2509(1)*i_or
- (n) an employee of a municipal or county government if, prior to the performance of the work, the employer and employee agree to a 14-day, 80-hour work period or, in the case of a fire department employee, to any other mutually agreeable work period, including what is known as the Kelly shift. Employment in excess of 80 hours in a 14-day, 80-hour work period or in excess of an amount of time mutually agreed to when fire department employees agree to any other work period must be compensated at a rate of not less than

1 1/2 times the hourly wage rate for the employee."

1	Section 3. Section 39-4-107, MCA, is amended to read:
2	#39-4-107. State and municipal governments: school
3	districts, mines, mills, and smelters. (1) A period of 8
4	hours constitutes a day's work in all works and undertakings
5	carried on or aided by any municipal or county government.
6	the state government, or a first-class school district, and
7	on all contracts let by them, and for all jamitors (except
8	in courthouses of sixth— and seventh-class counties);
9	engineers, firefighters, caretakers, custodians, and
10	laborers employed in or about any buildings, works, or
11	grounds used or occupied for any purpose by such municipal,
12	county, or state government or first-class school district.
13	A period of 6 hours constitutes a day's work in mills and
14	smelters for the treatment of ores, in underground mines,
15	and in the washing, reducing, and treatment of coal. In
16	cosesofemergencywhenlifeor-property-is-in-imminent
17	danger this Inis subsection does not apply in the event of
18	an emergency when life or property is in imminent danger or
19	to the situations specified in subsections (2) through (4)-

- (2) For firefighters in cities of the first and second class, a workweek consists of a maximum of 40 hours during a 5-day week unless a different work period is agreed to under subsection (4).
- 24 (3) In counties where regular road and bridge 25 departments are maintained, the county commissioners may,

with the approval of the employees or their duly constituted representative, establish a 40-hour workweek consisting of 4 consecutive 10-hour days. No employee may be required to work in excess of 8 hours in any one workday if he prefers not to.

(4)—Every—persony—corporationy—stock—componyy—or association—of—persons—who—violates—any—of—the—provisions—of this—section—is—quilty—of—a-misdemeanor—and—upon—conviction thereof—shall—be—punished—by—a-fine—of—not—less—than—\$100—or more—than—\$600—or—by—imprisonment—in—the—county—jail—for—not less—than—30—days—or—more—than—7—months—or—by—both—such—fine and—imprisonments

(4) In municipal and county governments, the employer and employee may agree, prior to the performance of the work, to a workday of more than 8 hours and to a 14-day, 80-hour work period or, in the case of fire department employees, to any other mutually agreeable workday or shift and work period, including what is known as the Kelly shift."

-End-

48th Legislature

HB 0281/02

Approved by Committee on Labor & Employment Relations

2	INTRODUCED BY DOZIER
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROMOTE THE GENERAL
5	WELFARE IN IMPLEMENTATION OF ARTICLE XII, SECTION 2, OF THE
<i>£</i> ,	MONTANA CONSTITUTION BY ALLOWING EMPLOYEES OF MUNICIPAL AND
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8	AND TO AGREE TO A 14-DAY, 80-HOUR WORK PERIOD ANDBY
9	ALLOWINGFIREGEPARTMENTEMPLOYEESTOWORKAMUTWALLY
10	AGREEABLEWORKBAYORSHIFTANDWORKPERIOD; AMENDING
11	SECTIONS 7-33-4126+ 39-3-406+ AND 39-4-107+ MCA+**
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13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section-twSection-7-33-4126y-MGAy-is-amended-to-rend+
15	#7-33-4126Hours-of-workofmembersofpaidfire
16	departmentsincitiesoffirst-or-second-elass*fij-The
17	city-councily-city-commissiony-or-othergoverningbodyin
18	eities-of-the-first-or-second-class-shall-divide-oll-members
19	ofthepaid-fire-department-into-platoons-of-three-shifts:
20	The-members-of-mach-shift-shall-not-be-required-toworkor
21	peondutymore-thon-8-hours-of-each-consecutive-24-hours
22	except-in-the-event-ofaconflagrationorothersimilar
23	emergencywhen-any-of-such-members-may-be-required-to-serve
24	so-long-as-the-necessity-therefor-exists:
25 .	f2+Each-member-shall-be-entitled-to-atleastlday

HOUSE BILL NO. 281

HB 0281/02

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2	compensations
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8	and 39-3-405 shall not apply with respect to:
9	(a) students participating in a distributive education
10	program established under the auspices of an accredited
11	educational agency;
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13	consist of menial chores such as babysitting, mowing lawns,
14	cleaning sidewalks;
15	(c) persons employed directly by the head of a

support in the customary sense of being a dependent; (a) any persons not regular employees thereof who voluntarily offer their services to a nonprofit organization

household to care for children dependent upon the head of

(i) immediate members of the family of an employer or persons dependent upon an employer for half or more of their

23 on a fully or partially reimbursed basis;

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the household;

24 (f) handicapped workers engaged in work which is 25 incidental to training or evaluation programs or whose

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HB 281

1 earning capacity is so severely impaired that they are z unable to engage in competitive employment;

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- (q) apprentices or learners, who may be exempted by the commissioner for a period not to exceed 30 days of their 5 employment;
 - (h) learners under the age of 18 who are employed as farm *orkers, provided that such exclusion shall not exceed a period of 180 days from their initial date of employment and further provided that during this exclusion period wages paid such learners may not be less than 50% of the minimum wage rate established in this part;
- 12 (i) retired or semiretired persons performing part-time incidental work as a condition of their residence 13 on a farm or ranch; 14
 - (i) any individual employed in a bona fide executive. administrative, or professional capacity as these terms are defined and delimited by regulations of the commissioner;
- 18 (k) any individual employed by the United States of 10 America.
- 20 (2) The provisions of 39-3-405 do not apply to:
- 21 (a) an employee with respect to whom the United States 22 Secretary of Transportation has power to establish 23 qualifications and maximum hours of service pursuant to the 24 provisions of 49 U.S.C. 304;
- 25 (b) an employee of an employer subject to

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1 provisions of part I of the Interstate Commerce

- (c) an individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state:
 - (d) a salesman, partsman, or mechanic paid on a commission or contract basis and primarily engaged in selling or servicing automobiles, trucks, mobile homes, recreational vehicles, or farm implements if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers:
 - (e) a salesman primarily engaged in selling trailers, boats, or aircraft if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;
- (f) an employee employed as a driver or driver's helper making local deliveries who is compensated for such employment on the basis of trip rates, or other delivery payment plan, if the commissioner finds that such plan has the general purpose and effect of reducing hours worked by such employees to or below the maximum workweek applicable to them under 39-3-405;
- (g) an employee employed in agriculture or in 23 connection with the operation or maintenance of ditches, 24 canals, reservoirs, or waterways not owned or operated for 25

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profit and not operated on a sharecrop basis and which are used exclusively for supply and storing of water for agricultural purposes;

- (h) an employee with respect to his employment in addiculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in conjunction with other farmers, if such employee is:
- 10 (i) primarily employed during his workweek in
 11 agriculture by such farmer; and
 - (ii) paid for his employment in connection with such livestock auction operations at a wage rate not less than that prescribed by 39-3-404;
 - (i) an employee of an establishment commonly recognized as a country elevator, including an establishment which sells products and services used in the operation of a farm, if no more than five employees are employed by the establishment:
 - (j) a driver employed by an employer engaged in the business of operating taxicabs;
 - (k) an employee who is employed with his spouse by a nonprofit educational institution to serve as the parents of children who are orphans or one of whose natural parents is deceased or who are enrolled in such institution and reside

in residential facilities of the institution so long as the children are in residence at the institution and so long as such employee and his spouse reside in such facilities and receive, without cost, board and lodging from the institution and are together compensated, on a cash basis, at an annual rate of not less than £10,000;

- (1) an employee employed in planting or tending trees; cruising, surveying, or felling timber; or transporting logs or other forestry products to a mill, processing plant, railroad, or other transportation terminal if the number of employees employed by his employer in such forestry or lumbering operations does not exceed eight; or
- (m) an employee of a sheriff's department who is working under an established work period in lieu of a workweek pursuant to 7-4-2509(1) *** ΩC
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L	(N) AN EMPLOYEE OF A MUNICIPAL OR COUNTY GOVERNMENT
2	WHO IS WORKING UNDER A WORK PERIOD NOT EXCEEDING 40 HOURS IN
3	A 7-DAY PERIOD ESTABLISHED THROUGH:

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111 A COLLECTIVE BARGAINING AGREEMENT WHEN A COLLECTIVE BARGAINING UNIL REPRESENTS THE EMPLOYEE: OR

LIII BY MUTUAL AGREEMENT OF THE EMPLOYER AND EMPLOYEE HUERE NO BARGAINING UNIT IS RECOGNIZED. EMPLOYMENT IN EXCESS DE 40 HOURS IN A 7-DAY. 40-HOUR HORK PERIOD MUST BE COMPENSATED_AI_A_BATE_OF_NOI_LESS_THAN_1_1/2_TIMES_THE HOURLY WAGE RATE FOR THE EMPLOYEE."

Section 2. Section 39-4-107, MCA, is amended to read: *39-4-107. State and municipal governments, school districts, mines, mills, and smelters. (1) A period of 8 hours constitutes a day's work in all works and undertakings carried on or aided by any municipal or county government, the state government, or a first-class school district, and on all contracts let by them, and for all lanktors (except in courthouses of sixth- and seventh-class countles), engineers, firefighters, caretakers, custodians, laborers employed in or about any buildings, works, or grounds used or occupied for any purpose by such municipal, county, or state government or first-class school district. A period of 8 hours constitutes a day's work in mills and smalters for the treatment of ores, in underground mines,

and in the washing, reducing, and treatment of coal. in

cases-of-emergency-when-lifeorpropertyisinimminent
dangerthis Ihis subsection does not apply in the event of
an emergency when life or property is in imminent danger or
to_the_situations_specified_in_subsections f21-through (3)
AND 191.

- (2) For firefighters in cities of the first and second class, a workweek consists of a maximum of 40 hours during a 5-day week unlessmandifferentmuckmostiodmismogratedmismoder ·fet-Doi:122cdue
- and bridge (3) In counties where regular road departments are maintained, the county commissioners may, with the approval of the employees or their duly constituted representative, establish a 40-hour workweek consisting of 4 consecutive 10-hour days. No employee may be required to work in excess of 8 hours in any one workday if he prefers not to.
- (4)--Every--persony--eorporations--stock--companys---or association-of-persons-wno-violates-any-of-the-provisions-of this--section-is-quilty-of-s-misdemanor-and-upon-canviction theresf-shall-be-ounished-by-a-fine-of-not-less-than-\$188-of more-than-\$600-or-by-imprisonment-in-the-county-jail-for-not less-than-38-days-or-more-than-7-months-or-by-both-such-fine ard-imprisonments
- (4) In municipal and county governments, the employer and a molovee may agreex - prior - to the performance of the

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HB 0281/02

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	4	and::work:period::including-what:ia-known-as-the-Kelly-shift
	5	IO_A_WORKDAY_QE_MORE_IHAN_8_HOURS_AND_IO_AI=DAY: _4Q=HOUR
	6	MORK-LEKIOD:
	7	(1)THROUGHACOLLECTIVE_BARGAINING_AGREEMENT_WHEN_A
	8	COLLECTIVE BARGAINING UNII PRESENTS THE EMPLOYEE 1 OR
	9	(II)_BY_IHEMUTUAL_AGREEMENI_OETHEEMPLOYER_AND
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-End-

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compensations

1	HOUSE BILL NO. 281
2	INTRODUCED BY DOZIER
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5	WELFARE IN IMPLEMENTATION OF ARTICLE XII. SECTION 2, OF THE
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11	SECTIONS 7-33-4126+ 39-3-406+ AND 39-4-107+ MCA.*
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13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section-lu-Section-7-33-4226y-MCAy-is-amanded-to-reads
15	#7-33-4226wHours-of-workofmembersofpoidfire
16	departmentsincitiesoffirst-or-second-classsfij-The
17	eity-councily-city-commissiony-or-othergoverningbodyin
18	cities-of-the-first-or-second-class-shall-divide-ell-members
19	ofthepaid-fire-department-into-platoons-of-three-shifts:
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4	de-more-cof-ita-provisions estates to-a matter-that is the
-5	aubicct-of-o-mutual-ogracument-mode-upder-39-1-187(4)."
6	Section 1. Section 39-3-406, MCA, is amended to read:
7	*39-3-406. Exclusions. (1) The provisions of 39-3-404
8	and 39-3-405 shall not apply with respect to:
9	(a) students participating in a distributive education
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11	educational agency;
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13	consist of menial chores such as babysitting, mowing lawns,
14	cleaning sidewalks;
15	(c) persons employed directly by the head of a
16	household to care for children dependent upon the head of
17	the household;
18	(d) immediate members of the family of an employer or
19	persons dependent upon an employer for half or more of their
20	support in the customary sense of being a dependent;
21	(e) any persons not regular employees thereof who
22	voluntarily offer their services to a nonprofit organization
23	on a fully or partially reimbursed basis;

off-duty-out-of-each-6-day-period-of-service-without-loss-of

(f) handicapped workers engaged in work which is incidental to training or evaluation programs or whose earning capacity is so severely impaired that they are unable to engage in competitive employment;

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- (g) apprentices or learners, who may be exempted by the commissioner for a period not to exceed 3D days of their employment;
- (h) learners under the age of 18 who are employed as farm workers, provided that such exclusion shall not exceed a period of 180 days from their initial date of employment and further provided that during this exclusion period wages paid such learners may not be less than 50% of the minimum wage rate established in this part;
- (i) retired or semiretired persons performing part-time incidental work as a condition of their residence on a farm or ranch;
- (j) any individual employed in a bona fide executive, administrative, or professional capacity as these terms are defined and delimited by regulations of the commissioner;
- (k) any individual employed by the United States of America.
 - (2) The provisions of 39-3-405 do not apply to:
- (a) an employee with respect to whom the United States Secretary of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U-S-C- 304;

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(b) an employee of an employer subject to the

1 provisions of part I of the Interstate Commerce Act;

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- 2 (c) an individual employed as an outside buyer of
 3 poultry, eggs, cream, or milk, in their raw or natural
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 - (d) a salesman, partsman, or mechanic paid on a commission or contract basis and primarily engaged in selling or servicing automobiles, trucks, mobile homes, recreational vehicles, or farm implements if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers;
 - boats, or aircraft if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers:
- 16 (f) an employee employed as a driver or driver's
 17 helper making local deliveries who is compensated for such
 18 employment on the basis of trip rates, or other delivery
 19 payment plan, if the commissioner finds that such plan has
 20 the general purpose and effect of reducing hours worked by
 21 such employees to or below the maximum workweek applicable
 22 to them under 39-3-405;
- 23 (g) an employee employed in agriculture or in 24 connection with the operation or maintenance of ditches, 25 canals, reservoirs, or waterways not owned or operated for

profit and not operated on a sharecrop basis and which are used axclusively for supply and storing of water for agricultural purposes:

- (h) an employee with respect to his employment in agriculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in conjunction with other farmers, if such employee is:
- (i) primarily employed during his workweek in agriculture by such farmer; and
- (ii) paid for his employment in connection with such livestock auction operations at a wage rate not less than that prescribed by 39-3-404;
- (i) an employee of an establishment commonly recognized as a country elevator, including an establishment which sells products and services used in the operation of a farm, if no more than five employees are employed by the establishment:
- (j) a driver employed by an employer engaged in the business of operating taxicabs;
- (k) an employee who is employed with his spouse by a nonprofit educational institution to serve as the parents of children who are orphans or one of whose natural parents is deceased or who are enrolled in such institution and reside

in residential facilities of the institution so long as the children are in residence at the institution and so long as such employee and his spouse reside in such facilities and receive, without cost, board and lodging from the institution and are together compensated, on a cash basis, at an annual rate of not less than \$10,000:

- (1) an employee employed in planting or tending trees; cruising, surveying, or felling timber; or transporting logs or other forestry products to a mill, processing plant, failroad, or other transportation terminal if the number of employees employed by his employer in such forestry or lumbering operations does not exceed eight; or
- (m) an employee of a sheriff's department who is working under an established work period in lieu of a workweek pursuant to 7-4-2509(1)*:_or

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THE THE PROPERTY OF A MUNICIPAL DR COUNTY COYERNMENT
HHO IS HORKING UNDER A WORK PERIOD NOT EXCEEDING 40 HOURS IN
A T-DAY PERIOD ESTABLISHED THROUGH:

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- (I) A COLLECTIVE BARGAINING AGREEMENT WHEN A COLLECTIVE BARGAINING UNIT REPRESENTS THE EMPLOYEE: OR
 - (III) BY HUTUAL AGREEMENT OF THE EMPLOYER AND EMPLOYEE WHERE MO BARGAINING UNIT IS RECOGNIZED, EMPLOYMENT IN EXCESS DE 50 HOURS IN A 7-DAY. 50-HOUR WORK PERIOD MUST BE COMPENSATED AT A RATE OF NOT LESS THAN 1 1/2 TIMES THE HOURLY WAGE RATE FOR THE EMPLOYEE.

Section 2. Section 39-4-107. MCA, is amended to read: *39~4~107. State and municipal governments, school districts, mines, mills, and smelters. (1) A period of 8 hours constitutes a day's work in all works and undertakings carried on or aided by any municipal or county government. the state government, or a first-class school district, and on all contracts let by them, and for all janitors (except in courthouses of sixth- and seventh-class counties), engineers, firefighters, caretakers, custodians, laborers employed in or about any buildings, works, or grounds used or occupied for any purpose by such municipal. county, or state government or first-class school idistrict. A period of 8 hours constitutes a day's work in mills and smelters for the treatment of ores. in underground mines. and in the washing, reducing, and treatment of coal. in

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- 1 eases-of-eaergency-when-life--or--property--is--in--imminent denger -this Ihis subsection does not apply is the event of 2 an emergency when life or property is in implent danger or 3 to the situations specified in subsections #21-through (3) AND 141-
 - (2) For firefighters in cities of the first and second class, a workweek consists of a maximum of 40 hours during a 5-day week naleasa-adifferent-work-period_is_darand-to_under subsection-141.
 - (3) In counties where regular road and bridge departments are maintained, the county commissioners may, with the approval of the employees or their duly constituted representative, establish a 40-hour workweek consisting of 4 consecutive 10-hour days. No employee may be required to work in excess of 8 hours in any one workday if he prefers not to.
 - {4}--Every--persony--corporationy--stock--companyy---cr essectation-of-persons-who-violates-eny-of-the-provisions-of this--section-is-quilty-of-a-misdemeanor-and-upon-conviction thereof-shall-be-punished-by-o-fine-of-not-less-than-1100-or sore-than-\$660-or-by-imprisonment-in-the-county-jail-for-not tess-then-30-days-or-more-then-7-months-or-by-both-sych-fine and Tabrisonments
 - [4] In municipal and county coverements, the employer and employee way agrees erior -- to-the performance of the

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1	works-to-a-workday-of-wore-then-0-boursand-dias-ai-day-
2	88-hour-work-period-presidenthei-coas-df-fire-deportabnt
3	employeesx-fo-moveother-mutually-agreeable-mackday-erabift
4,	andwork pariodiotluding_unotils_known_ag_fUnikally_sbift
5	IQ.A WORKDAY OF MORE THAN 8 HOURS AND TO A 7-DAY. 40-HOUR
6	MOSK_GERIOD:
7	111 THROUGH A COLLECTIVE BARGAINING AGREEMENT WHEN A
8	COLLECTIVE BARGAINING UNIT PRESENTS THE EMPLOYEE: OR
9	LILL BY THE MUTUAL AGREEMENT DE THE EMPLOYER AND
10	EMPLOYEE WHEN NO BARGAINING UNIT IS RÉCOGNIZED.

-End-

CONFERENCE COMMITTEE ON SENATE LABOR AND EMPLOYMENT COMMITTEE AMENDMENTS TO HOUSE BILL 281 (Report No. 1)

Mr. Speaker:

We, your Conference Committee on Senate amendments to House Bill 281, met and considered:

Senate Labor and Employment Relations Committee amendments of March 24, 1983.

We recommend as follows:

That the House accede to Senate amendments 1 through 6 and 8 through 10;

That the Senate recede from Senate amendments 7 and 11; and That this Conference Committee Report be adopted.

CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)

1) Page 7, line 9

Strike: "COLLECTIVE" and through "NEGOTIATED" on line 10

Insert: "bargaining unit is recognized"

2) Page 9, line 25

Strike: "COLLECTIVE" and through "NEGOTIATED"

Insert: "bargaining unit is recognized"

FOR THE HOUSE		FOR THE SENATE	
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DOZIER, CHAIR		AKLESTAD, CHAIR	
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SMITH		KEATING	



Chairman.

March 24, 1983

SENATE STANDING COMMITTEE REPORT (Labor & Employment Relations)

That House Bill No. 281 be amended as follows:

1. Title, line 9.
Following: line 8
Insert: "AND BY ALLOWING EMPLOYEES OF HOSPITALS AND SIMILAR ESTABLISHMENTS TO AGREE TO A 14-DAY, 80-HOUR WORK PERIOD"

2. Page 6, line 15. Following: ";"
Strike: "or"

3. Page 7, line 3. Following: "THROUGH"
Strike: ":"

4. Page 7, line 4. Following: line 3 Strike: "(I)" at the beginning of line 4

5. Page 7, line 5. Following: "EMPLOYEE" Strike: ":"

6. Page 7, line 6. Following: line 5
Strike: "(I)" at the beginning of line 6

7. Page 7, line 7.
Following: "NO"
Strike: "BARGAINING UNIT IS RECOGNIZED"
Insert: "COLLECTIVE BARGAINING AGREEMENT EXISTS OR IS IN THE PROCESS OF BEING NEGOTIATED"

8. Page 7, line 10. Following: "EMPLOYEE" Strike: "." Insert: "; or"

9. Page 7.
Following: line 10
Insert: "(O) AN EMPLOYEE OF A HOSPITAL OR OTHER ESTABLISHMENT
PRIMARILY ENGAGED IN THE CARE OF THE SICK, DISABLED, AGED, OR
MENTALLY ILL OR DEFECTIVE WHO IS WORKING UNDER A WORK PERIOD
NOT EXCEEDING 80 HOURS IN A 14-DAY PERIOD ESTABLISHED THROUGH
EITHER A COLLECTIVE BARGAINING AGREEMENT WHEN A COLLECTIVE
BARGAINING UNIT REPRESENTS THE EMPLOYEE OR BY MUTUAL AGREEMENT
OF THE EMPLOYER AND EMPLOYEE WHERE NO BARGAINING UNIT IS
RECOGNIZED. EMPLOYMENT IN EXCESS OF 8 HOURS PER DAY OR 80 HOURS
IN A 14-DAY PERIOD MUST BE COMPENSATED FOR AT A RATE OF NOT LESS
THAN 1 1/2 TIMES THE HOURLY WAGE RATE FOR THE EMPLOYEE"

SENATE STANDING COMMITTEE REPORT LABOR & EMPLOYMENT RELATIONS H.B. NO. 281 March 24, 1983 Page 2

10. Page 9, line 8.
Following: "UNIT"
Strike: "PRESENTS"
Insert: "REPRESENTS"

11. Page 9, line 10.
Following: "NO"
Strike: "BARGAINING UNIT IS RECOGNIZED"
Insert: "COLLECTIVE BARGAINING AGREEMENT EXISTS OR IS IN THE PROCESS OF BEING NEGOTIATED"

48th Legislature

HP 0281/04

HB 0281/04

1	HOUSE BILL NO. 281
2	INTRODUCED BY DOZIER
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROMOTE THE GENERAL
5	WELFARE IN IMPLEMENTATION OF ARTICLE XII, SECTION 2, OF THE
6	MONTANA CONSTITUTION BY ALLOHING EMPLOYEES OF MUNICIPAL AND
7	COUNTY GOVERNMENTS TO AGREE TO WORK MORE THAN 8 HOURS A DAY
8	AND TO AGREE TO A 14-DAY00-HOUR T-DAY- 40-HOUR WORK PERIOD
9	AND BY ALLOWING EMPLOYEES OF HOSPITALS AND SIMILAR
10	ESTABLISHMENTS TO AGREE TO A 14-DAY+ RO-HOMB WORK PERIOD AND
11	8YALLENIANGFIREBEPARTHENTEMPLOYEES-TO-MBRK-A-MUTUALLY
12	AGREEABLEWORKPAYBRSHIFTANDWORKPERIOD; AMENDING
13	SECTIONS 7-33-4126+ 39-3-406+ AND 39-4-107+ MCA+*
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section-luSection-7-33-4126v-MCAv-is-amended-to-reads
17	#7-33-4126vHours-of-workofmembersafpaidfire
18	departmentsincitiesoffirst-or-second-classv(1)-The
19	efty-councily-city-commission,-or-othergoverningbodyin
20	cities-of-the-first-or-second-class-shall-divide-all-members
21	ofthepaid-fire-department-into-platoons-of-three-shifts*
22	The-members-of-each-shift-shall-not-be-required-toworkor
23	beondutymore-than-8-hours-of-each-consecutive-24-hours
24	except-in-the-event-ofaconflagrationorothersimilar
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f2Each-member-shall-be-entitled-to-atleastida
off-duty-out-of-each-8-day-period-of-service-without-loss-o
compensation
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oficeno reconficultaco proximino accedentes atomorphism to the contract of the
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Section 1. Section 39-3-406, MCA, is amended to read
#39-3-406. Exclusions. (1) The provisions of 39-3-40
and 39-3-405 shall not apply with respect to:
(a) students participating in a distributive education
program established under the auspices of an accredite
educational agency;
(b) persons employed in private homes whose duties
consist of menial chores such as babysitting, mowing lawns
cleaning sidewalks;
(c) persons employed directly by the head of a
household to care for children dependent upon the head of
the household;
' (d) immediate members of the family of an employer or
persons dependent upon an employer for half or more of their
support in the customary sense of being a dependent;
(e) any persons not regular employees thereof who
voluntarily offer their services to a nonprofit organization

so-long-as-the-necessity-therefor-exists.

on a fully or partially reimbursed basis;

(f) handicapped workers engaged in work which is incidental to training or evaluation programs or whose earning capacity is so severely impaired that they are unable to engage in competitive employment;

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- (g) apprentices or learners, who may be exempted by the commissioner for a period not to exceed 30 days of their employment:
- (h) learners under the age of 18 who are employed as farm workers, provided that such exclusion shall not exceed a period of 180 days from their initial date of employment and further provided that during this exclusion period wages paid such learners may not be less than 50% of the minimum wage rate established in this part;
- (i) retired or semiretired persons performing part-time incidental work as a condition of their residence on a farm or ranch;
- (j) any individual employed in a bona fide executive, administrative, or professional capacity as these terms are defined and delimited by regulations of the commissioner;
- (k) any individual employed by the United States of
- (2) The provisions of 39-3-405 do not apply to:
- 23 (a) an employee with respect to whom the United States
 24 Secretary of Transportation has power to establish
 25 qualifications and maximum hours of service pursuant to the

1 provisions of 49 U.S.C. 304;

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- 2 (b) an employee of an employer subject to the3 provisions of part I of the Interstate Commerce Act;
- 4 (c) an individual employed as an outside buyer of 5 poultry, eggs, cream, or milk, in their raw or natural 6 state;
 - (d) a salesman, partsman, or mechanic paid on a commission or contract basis and primarily engaged in selling or servicing automobiles, trucks, mobile homes, recreational vehicles, or farm implements if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers;
 - (e) a salesman primarily engaged in selling trailers, boats, or aircraft if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;
- 18 (f) an employee employed as a driver or driver's
 19 helper making local deliveries who is compensated for such
 20 employment on the basis of trip rates, or other delivery
 21 payment plan, if the commissioner finds that such plan has
 22 the general purpose and effect of reducing hours worked by
 23 such employees to or below the maximum workweek applicable
 24 to them under 39-3-405;
- 25 (g) an employee employed in agriculture or in

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connection with the operation or maintenance of ditches, canals, reservoirs, or waterways not owned or operated for profit and not operated on a sharecrop basis and which are used exclusively for supply and storing of water for agricultural purposes;

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- (h) an employee with respect to his employment in agriculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in conjunction with other farmers, if such employee is:
- 12 (i) primarily employed during his workweek in 13 agriculture by such farmer; and
 - (ii) paid for his employment in connection with such livestock auction operations at a wage rate not less than that prescribed by 39-3-404;
 - (i) an employee of an establishment commonly recognized as a country elevator, including an establishment which sells products and services used in the operation of a farm, if no more than five employees are employed by the establishment:
- (j) a driver employed by an employer engaged in thebusiness of operating taxicabs;
- 24 (k) an employee who is employed with his spouse by a 25 nonprofit educational institution to serve as the parents of

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- children who are orphans or one of whose natural parents is
 deceased or who are enrolled in such institution and reside
 in residential facilities of the institution so long as the
 children are in residence at the institution and so long as
 such employee and his spouse reside in such facilities and
 receive, without cost, board and lodging from the
 institution and are together compensated, on a cash basis,
 at an annual rate of not less than \$10,000;
- 9 (1) an employee employed in planting or tending trees;
 10 cruising, surveying, or felling timber; or transporting logs
 11 or other forestry products to a mill, processing plant,
 12 railroad, or other transportation terminal if the number of
 13 employees employed by his employer in such forestry or
 14 lumbering operations does not exceed eight; or
 - (m) an employee of a sheriff's department who is working under an established work period in lieu of a workweek pursuant to 7-4-2509(1)*1 or

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3	INJAN_EMPLOYEE_ OF _A_MUNICIPAL_OR_COUNTY_GOYERNMENT
4	WHO IS WORKING UNDER A WORK PERIOD NOT EXCEEDING 40 HOURS IN
5	A_Z=QAY_PERIOD_ESIABLISHED_IHROUGH:
6	tit_a_collectiveBargainingagreementwhena
7	COLLECTIVE BARGAINING UNIT REPRESENTS THE EMPLOYEES OR
B	#### BY MUTUAL AGREEMENT OF THE EMPLOYER AND EMPLOYEE
9	WHERE NO BARGAINING : WHIT IS RECOGNIZED COLLECTIVE BARGAINING
10	AGREEMENT_EXISTS_DR_IS_IN_INE_PROCESS_OF_BEING_NEGOTIATED.
11	EMPLOYMENT_IN_EXCESS_OF_40_HOURS_IN_A_7-DAY40-HOUR_NORK
12	PERIOD MUST BE COMPENSATED AT A RATE OF NOT LESS THAN 1.1/2
13	IIHES_THE_HOURLY_WAGE_RATE_FOR_INE_EMPLOYEE.
14	(O) AN EMPLOYEE OF A HOSPITAL OR OTHER ESTABLISHMENT
15	PRIMARILY_ENGAGED_IN_THE_CARE_DE_THE_SICKDISABLEDAGED.
16	DR_MENTALLY_ILL_OR_DEFECTIVE_WHO_IS_MORKING_UNDER_A_HORK
17	PERIOD NOT EXCEEDING 80 HOURS IN A 14-DAY PERIOD ESTABLISHED
18	IHROUGH EITHER A COLLECTIVE BARGAINING AGREEMENT WHEN A
19	COLLECTIVE BARGAINING UNIT REPRESENTS THE EMPLOYEE OR BY
20	MUTUAL AGREEMENT OF THE EMPLOYER AND EMPLOYEE WHERE NO
21	BARGAINING UNII IS RECOGNIZED. EMPLOYMENT IN EXCESS OF 8
22	HOURS PER DAY OR 80 HOURS IN A 14-DAY PERIOD MUST BE
23	COMPENSATED FOR AT A RATE OF NOT LESS THAN 1 1/2 TIMES THE
24	HOURLY_WAGE_RATE_FOR_THE_EMPLOYEE.
25	Section 2. Section 39-4-107, MCA, is amended to read:

1	*39-4-107. State and municipal governments, school
2	districts, mines, mills, and smelters. (1) A period of 8
3	hours constitutes a day's work in all works and undertakings
4	carried on or aided by any municipal or county governments
5	the state government, or a first-class school district, and
6	on all contracts let by them, and for all janitors (except
7	in courthouses of sixth— and seventh-class counties):
8	engineers, firefighters, caretakers, custodians, and
9	laborers employed in or about any buildings, works, or
10	grounds used or occupied for any purpose by such municipal.
11	county, or state government or first-class school district.
12	A period of 8 hours constitutes a day's work in mills and
13	smelters for the treatment of ores, in underground mines,
14	and in the washing, reducing, and treatment of coal. He
15	easesofemergencywhenlifeor-property-is-in-imminent
16	danger-th+s Ibis subsection does not apply in the exent of
17	an emergency when life or property is in imminent danger or
18	to the situations specified in subsections t21-through (3)
19	AND 141-
20	(2) For firefighters in cities of the first and second
21	class, a workweek consists of a maximum of 40 hours during a

- class, a workweek consists of a maximum of 40 hours during a
 5-day week <u>unless=a-different-work-period-is-sereed-to-under</u>
 23 <u>subsection-fix</u>.
- 24 (3) In countles where regular road and bridge 25 departments are maintained, the county commissioners may,

2	representative, establish a 40-hour workweek consisting of 4
3	consecutive 10-hour days. No employee may be required to
4	work In excess of 8 hours in any one workday if he prefers
5	not to.
6	(4)Everypersonycorporationystockcompanyyor
7	association-of-persons-who-violates-any-af-the-provisions-of
8	throsection-is-guilty-of-a-misdemeanor-and-upon-conviction
9	thereof-shall-be-punished-by-a-fine-of-not-less-than-%198-or
10	more-then-\$600-or-by-imprisonment-in-the-county-jail-for-not
11	less-then-36-days-er-more-than-i-months-or-by-both-such-fine
12	and-imprisonments
13	(4)_In_municipal_and_coupty_governmentsthe_employer
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18	andwork-periodx-including-whot-is-known-as-the-Kelly-shift

TO A WORKDAY OF MORE THAN B HOURS AND TO A 7-DAY. 40-HOUR

(A) THROUGH A COLLECTIVE BARGAINING AGREEMENT WHEN A COLLECTIVE BARGAINING UNIT PRESENTS REPRESENTS THE EMPLOYEE:

(B) BY THE BUTUAL AGREEMENT OF THE EMPLOYER AND EMPLOYEE WHEN NO BARGAINING-UNIT-IS-REGRENIZED COLLECTIVE

with the approval of the employees or their duly constituted

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- BARGAINING AGREEMENT EXISTS OR IS IN THE PROCESS OF BEING
- NEGOTIATEO.

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1	HOUSE BILL NO+ 281
2	INTRODUCED BY DOZIER
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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROMOTE THE GENERAL WELFARE IN IMPLEMENTATION OF ARTICLE XII, SECTION 2, OF THE MONTANA CONSTITUTION BY ALLOWING EMPLOYEES OF MUNICIPAL AND COUNTY GOVERNMENTS TO AGREE TO MORK MORE THAN 8 HOURS A DAY AND TO AGREE TO A 14-BAY-80-HOUR I-DAY-40-HOUR WORK PERIOD AND BY ALLOWING EMPLOYEES OF HOSPITALS AND SIBILAR ESTABLISHMENTS TO AGREE TO A 14-DAY-80-HOUR WORK PERIOD AND BY-ALLOWING-FIRE-OFPARTMENT-EMPLOYEES-TO-WORK-A-MUTUALLY AGREEABLE-WORKDAY-GR-SHIFT-AND-WORK-PERIOD; AMENDING SECTIONS 7-33-4126+ 39-3-406+ AND 39-4-107+ MCA-"

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

Section-1w-Section-7-33-4126y-M6Ay-is-amended-to-reed:

#7-33-4126y-Hours-of-work-of-members-of--paid--fire

departments--in--cities--of--first-or-second-classy--(t)-The

city-councily-city-commissiony-or-other--governing--body--in

cities-of-the-first-or-second-class-shall-divide-all-members

of--the--paid-fire-department-into-plateons-of-three-shiftsy

The-members-of-each-shift-shall-not-be-required-to--work--or

be--on--duty--more-than-8-hours-of-each-consecutive-24-hours

except-in-the-event-of--a--conflagration--or--other--similor

emergency--when-any-of-such-members-may-be-required-to-serve

2	f2}Each-member-shaff-be-entitled-to-atfeastiday
3	off-duty-out-of-each-8-day-period-of-service-without-loss-of
4	compensation:
5	t21==fbis=section=does=not=apply=to=the=extent=that=one
6	orzamorezzofzzitazproxisionazrelotea <u>ztozozmotterzthotziazthe</u>
7	aubject-of-o-mutual-ogreement-made-under-39-4-107141==
8	Section 1. Section 39-3-406, MCA, is amended to read:
9	*39-3-406. Exclusions. (1) The provisions of 39-3-404
10	and 39-3-405 shall not apply with respect to:
11	(a) students participating in a distributive education
12	program established under the auspices of an accredited
13	educational agency;
14	(b) persons employed in private homes whose duties

so-long-as-the-necessity-therefor-exists.

17 (c) persons employed directly by the head of a 18 household to care for children dependent upon the head of 19 the household;

consist of menial chores such as babysitting, mowing lawns,

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cleaning sidewalks;

- 20 (d) immediate members of the family of an employer or 21 persons dependent upon an employer for half or more of their 22 support in the customary sense of being a dependent;
- 23 (e) any persons not regular employees thereof who 24 voluntarily offer their services to a nonprofit organization 25 on a fully or partially reimbursed basis;

(f) handicapped workers engaged in work which is incidental to training or evaluation programs or whose earning capacity is so severely impaired that they are unable to engage in competitive employment;

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- 5 (g) apprentices or learners, who may be exempted by 6 the commissioner for a period not to exceed 30 days of their 7 employment;
 - (h) learners under the age of 18 who are employed as farm workers, provided that such exclusion shall not exceed a period of 180 days from their initial date of employment and further provided that during this exclusion period wages paid such learners may not be less than 50% of the minimum wage rate established in this part;
 - (i) retired or semiretired persons performing part-time incidental work as a condition of their residence on a farm or ranch;
 - (j) any individual employed in a bona fide executive, administrative, or professional capacity as these terms are defined and deligited by regulations of the commissioner;
- 20 (k) any individual employed by the United States of 21 America.
 - (2) The provisions of 39-3-405 do not apply to:
- 23 (a) an employee with respect to whom the United States
 24 Secretary of Transportation has power to establish
 25 qualifications and maximum hours of service pursuant to the

provisions of 49 U.S.C. 304;

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- 2 (a) an employee of an employer subject to the provisions of part I of the Interstate Commerce Act;
- (c) an individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state:
 - (d) a salesman, partsman, or mechanic paid on a commission or contract basis and primarily engaged in selling or servicing automobiles, trucks, mobile homes, recreational vehicles, or farm implements if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers;
 - (e) a salesman primarily engaged in selling trailers, boats, or aircraft if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;
 - (f) an employee employed as a driver or driver's helper making local deliveries who is compensated for such employment on the basis of trip rates, or other delivery payment plan, if the commissioner finds that such plan has the general purpose and effect of reducing hours worked by such amployees to or below the maximum workweek applicable to them under 39-3-405;
- 25 (q) an employee employed in agriculture or in

connection with the operation or maintenance of ditches, canals, reservoirs, or waterways not owned or operated for profit and not operated on a sharecrop basis and which are used exclusively for supply and storing of water for agricultural purposes;

- (h) an employee with respect to his employment in agriculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in conjunction with other farmers, if such employee is:
- (i) primarily employed during his workweek in agriculture by such farmer; and
- (ii) paid for his employment in connection with such livestock auction operations at a wage rate not less than that prescribed by 39-3-404;
- (i) an employee of an establishment commonly recognized as a country elevator, including an establishment which sells products and services used in the operation of a farm, if no more than five employees are employed by the establishment;
- (j) a driver employed by an employer engaged in the business of operating taxicabs;
- (k) an employee who is employed with his spouse by a nonprofit educational institution to serve as the parents of

- children who are orphans or one of whose natural parents is deceased or who are enrolled in such institution and reside in residential facilities of the institution so long as the children are in residence at the institution and so long as such employee and his spouse reside in such facilities and receive, without cost, board and lodging from the institution and are together compensated, on a cash basis, at an annual rate of not less than \$10,000;
- (1) an employee employed in planting or tending trees; cruising, surveying, or felling timber; or transporting logs or other forestry products to a mill, processing plant, railroad, or other transportation terminal if the number of employees employed by his employer in such forestry or lumbering operations does not exceed eight; or
- (m) an employee of a sheriff's department who is working under an established work period in lieu of a workweek pursuant to 7-4-2509(1)*: or
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7	COLLECTIVE BARGAINING UNIT REPRESENTS THE EMPLOYEE+ OR
8	#### BY MUTUAL AGREEMENT OF THE EMPLOYER AND EMPLOYEE
9	WHERE NO BARGAINING WHIT IS RECOGNIZED COLLECTIVE PARSAINING
10	AGREEMENT-EXISTS-OR:IS-IN-IME-PROGESSDEBEINGWEGGIIATER
11	BARGAINING UNIT IS RECOGNIZED. EMPLOYMENT IN EXCESS DE 40
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20	COLLECTIVE BARGAINING UNIT REPRESENTS THE EMPLOYEE OR BY
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22	BARGALVING_UNII_IS_RECOGNIZED: EMPLOYMENT_IN_EXCESS_OF_6
23	HQURS_ PER_DAY_OR_BQ_HQURS_IN_A_14-DAY_PERIOD_MUSI_BE
24	COMPENSATED FOR AT A RATE OF NOT LESS THAN 1 1/2 TIMES THE
25	HOURLY WAGE RATE FOR THE EMPLOYEE."

1	Section 2. Section 39-4-107, MCA, is amended to read:
2	#39-4-107. State and municipal governments, school
3	districts, mines, mills, and smelters. (1) A period of
4	hours constitutes a day's work in all works and undertaking
5	carried on or aided by any municipal or county government
6	the state government, or a first-class school district, an
7	on all contracts let by them, and for all janitors (excep
8	in courthouses of sixth- and seventh-class counties)
9	engineers, firefighters, caretakers, custodians, an
10	laborars employed in or about any buildings, works, o
11	grounds used or occupied for any purpose by such municipal
12	county, or state government or first-class school district
13	A period of 8 hours constitutes a day's work in mills an
14	smelters for the treatment of ores, in underground mines
15	and in the washing, reducing, and treatment of coal. \pm
16	casesofomergencywhenlifeor-property-is-in-imminen
17	danger-threa Ihis subsection does not apply in the exent o
18	an _emergency when life or property is in imminent danger o
19	to the situations specified in subsections t2:=:through (3
20	4ND 147-
21	(2) For firefighters in cities of the first and secon
22	class, a workweek consists of a maximum of 40 hours during
23	5-day week <u>moless=o-different=work=period=is=agreed=to=mode</u>

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departments are maintained, the county commissioners may,
with the approval of the employees or their duly constituted
representative, establish a 40-hour workweek consisting of 4
consecutive 10-hour days. No employee may be required to
work in excess of B hours in any one workday if he prefers
not to.

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this-section-of-persony-corporationy-stock-companyy-or essectation-of-persons-who-violates-any-of-the-provisions-of this-section-is-guilty-of-a-misdementor-and-upon-conviction thereof-shall-be-punished-by-a-fine-of-not-less-than-si80-or more-than-si600-or-by-imprisonment-in-the-county-jail-for-not less-than-38-days-or-more-than-7-months-or-by-both-such-fine and-imprisonment+

(A)__IHROUGH_A_COLLECTIVE_BARGAINING_AGREEMENI__HHEN__A

COLLECTIVE_BARGAINING_UNIT PRESENTS REPRESENTS THE EMPLOYEE:

OR

25 (8) BY THE MUTUAL AGREEMENT OF THE EMPLOYER AND

- EMPLOYEE_WHEN_NO BARGAINING-UNIT--IS--REGOSNIZED COLLECTIVE
- 2 BARGAINING==AGREEMENT==EXIGTS==OR=IS=IN=IHE=PROCESS=OF=BEING
- 3 NEGOTIATED BARGAINING_UNIT_IS_RECOGNIZED."

-End-