

HOUSE BILL NO. 749

INTRODUCED BY HEMSTAD, BENGTON, FARRIS, CONNELLY, MCBRIDE,
CURTISS, O'CONNELL, HOLLIDAY, HANSON, HANSEN, BERGENE,
J. BROWN, HOWE, DARKO, KEENAN, HART

IN THE HOUSE

February 12, 1983	Introduced and referred to Committee on Labor and Employment Relations.
February 19, 1983	Committee recommend bill do pass as amended. Report adopted.
February 22, 1983	Bill printed and placed on members' desks. Second reading, do pass as amended.
February 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 concurrent in as amended. Report adopted.
March 26, 1983	Second reading, concurred in.

March 28, 1983

Third reading, concurred in.
Ayes, 47; Noes, 0.

IN THE HOUSE

March 28, 1983

Returned to House with
amendments.

April 4, 1983

Second reading, amendments
concurred in.

April 5, 1983

On motion Senate amendments
taken from third reading and
referred to second reading
this day.

Second reading, amendments
not concurred in.

On motion Conference
Committee requested and
appointed.

April 11, 1983

Conference Committee
dissolved.

On motion Free Conference
Committee requested and
appointed.

April 20, 1983

Free Conference Committee
reported.

Second reading, Free
Conference Committee
report adopted.

Third reading, Free
Conference Committee report
adopted.

April 21, 1983

Free Conference Committee
report adopted by Senate.

Sent to enrolling.

Reported correctly enrolled.

House BILL NO. *749*

INTRODUCED BY *Senator, Benjamin Harris Connolly*

Erntiss, Hagman, M. Hanson, Berghme, J. Brown, Harko

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR JOB

SHARING IN STATE PERSONNEL POSITIONS; DEFINING "JOB

SHARING"; ENCOURAGING THE USE OF JOB SHARING TO INCREASE

PRODUCTIVITY AND EMPLOYMENT OPPORTUNITIES; AND REQUIRING A

REPORT ON IMPLEMENTATION OF JOB SHARING TO THE 49TH

LEGISLATURE; AMENDING SECTIONS 2-18-101 AND 2-18-102, MCA."

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

Section 1. Section 2-18-101, MCA, is amended to read:

"2-18-101. Definitions. As used in parts 1 through 3

and part 10 of this chapter, the following definitions

apply:

(1) "Agency" means a department, board, commission,

office, bureau, institution, or unit of state government

recognized in the state budget.

(2) "Board" means the board of personnel appeals

established in 2-15-1705.

(3) "Class" means one or more positions substantially

similar with respect to the kind or nature of duties

performed, responsibility assumed, and level of difficulty

so that the same descriptive title may be used to designate

each position allocated to the class, similar qualifications

may be required of persons appointed to the positions in the class, and the same pay rate or pay grade may be applied with equity.

(4) "Class specification" means a written descriptive statement of the duties and responsibilities characteristic of a class of positions and includes the education, experience, knowledge, skills, abilities, and qualifications necessary to perform the work of the class.

(5) "Compensation" means the annual or hourly wage or salary and includes the state contribution to group benefits under provisions of 2-18-703.

(6) "Department" means the department of administration created in 2-15-1001.

(7) Except in 2-18-306, "employee" means any state employee other than an employee excepted under 2-18-103 or 2-18-104 from the statewide classification system.

(8) "Grade" means the number assigned to a pay range within a pay schedule in part 3 of this chapter.

(9) "Job sharing" means the sharing by two or more persons of a position that is considered an aggregate or permanent position.

(10) "Permanent position" means a position so designated on the appropriate agency list of authorized positions referenced in 2-18-206 and approved as such in the biennium budget.

1 (10)(11) "Permanent status" means the state an employee
2 attains after satisfactorily completing an appropriate
3 probationary period in a permanent position.

4 (11)(12) "Personal staff" means those positions
5 occupied by employees appointed by the elected officials
6 enumerated in Article VI, section 1, of the Montana
7 constitution or by the public service commission as a whole.

8 (12)(13) "Position" means a collection of duties and
9 responsibilities currently assigned or delegated by
10 competent authority, requiring the full-time, part-time, or
11 intermittent employment of one person.

12 (13)(14) "Program" means a combination of planned
13 efforts to provide a service.

14 (14)(15) "Seasonal position" means a position so
15 designated on the appropriate agency list of authorized
16 positions referenced in 2-18-206 and which is a permanent
17 position but which is interrupted by the seasonal nature of
18 the position.

19 (15)(16) "Temporary position" means a position so
20 designated on the appropriate agency list of authorized
21 positions referenced in 2-18-206, created for a definite
22 period of time not to exceed 9 months."

23 Section 2. Section 2-18-102, MCA, is amended to read:

24 "2-18-102. Personnel administration -- general policy
25 setting. (1) Except as otherwise provided by law or

1 collective bargaining agreement, the department shall:

2 (a) encourage and exercise leadership in the
3 development of effective personnel administration within the
4 several agencies in the state and make available the
5 facilities of the department to this end;

6 (b) foster and develop programs for recruitment and
7 selection of capable persons for permanent, seasonal,
8 temporary, and other types of positions and for the
9 improvement of employee effectiveness, including training,
10 safety, health, counseling, welfare, discipline, grievances,
11 and evaluation for productivity and retention in permanent
12 status;

13 (c) ~~foster, develop, and promote job sharing in~~
14 ~~agencies as a means to increase job and employment~~
15 ~~opportunities;~~

16 (d) Investigate from time to time the operation and
17 effect of parts 1 and 2 of this chapter and the policies
18 made thereunder and report the findings and recommendations
19 to the governor;

20 (e) (a) establish policies, procedures, and forms for
21 the maintenance of records of all employees in the state
22 service;

23 (f) (f) apply and carry out parts 1 and 2 and the
24 policies thereunder and perform any other lawful acts which
25 may be necessary or desirable to carry out the purposes and

provisions of parts 1 and 2.

(2) The department may delegate authority granted to it under parts 1 and 2 to agencies in the state service that effectively demonstrate the ability to carry out the provisions of parts 1 and 2, provided that such agencies remain in compliance with policies, procedures, time tables, and standards established by the department.

(3) The department shall develop and issue personnel policies for the state. Adequate public notice shall be given to all interested parties of proposed changes or additions to the personnel policies before the date they are to take effect. If requested by any of the affected parties, the department shall schedule a public hearing on proposed changes or additions to the personnel policies before the date they are to take effect."

NEW_SECTION. Section 3. Job sharing positions -- benefits. (1) Job sharing must be used, to the extent practicable, by each agency as a means of promoting increased productivity and employment opportunities. However, job sharing must be actively pursued to fill vacated or new positions and may not be actively pursued to replace current full-time employees. A position may be filled by more than one incumbent currently in a full-time position.

(2) Employee benefits for a full-time equivalent

position filled by job sharing must be divided on a pro rata basis between the persons filling such position.

NEW_SECTION. Section 4. Legislative Intent -- report. The legislature intends that the state actively promote the hiring of new employees or the filling of vacant positions by using job sharing. The legislature does not intend that the state actively promote replacement of current full-time employees with job sharing employees. The legislative fiscal analyst shall report to the 49th legislature on the success of agencies in implementing this intent.

NEW_SECTION. Section 5. Codification instruction. Section 3 is intended to be codified as an integral part of Title 2, chapter 18, part 1, and the provisions of Title 2, chapter 18, part 1, apply to section 3.

-End-

Approved by Committee
on Labor & Employment
Relations

HOUSE BILL NO. 749

INTRODUCED BY HEMSTAD, BENGTSON, FARRIS, CONNELLY,
MCBRIDE, CURTISS, O'CONNELL, HOLLIDAY, HANSON, HANSEN,
BERGENE, J. BROWN, HOWE, DARKO, KEENAN, HART

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR JOB
SHARING IN STATE PERSONNEL POSITIONS; DEFINING "JOB
SHARING"; ENCOURAGING THE USE OF JOB SHARING TO INCREASE
PRODUCTIVITY AND EMPLOYMENT OPPORTUNITIES; AND REQUIRING A
REPORT ON IMPLEMENTATION OF JOB SHARING TO THE 49TH
LEGISLATURE; AMENDING SECTIONS 2-18-101 AND 2-18-102, MCA."

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

Section 1. Section 2-18-101, MCA, is amended to read:
"2-18-101. Definitions. As used in parts 1 through 3
and part 10 of this chapter, the following definitions
apply:

(1) "Agency" means a department, board, commission,
office, bureau, institution, or unit of state government
recognized in the state budget.

(2) "Board" means the board of personnel appeals
established in 2-15-1705.

(3) "Class" means one or more positions substantially
similar with respect to the kind or nature of duties
performed, responsibility assumed, and level of difficulty

so that the same descriptive title may be used to designate
each position allocated to the class, similar qualifications
may be required of persons appointed to the positions in the
class, and the same pay rate or pay grade may be applied
with equity.

(4) "Class specification" means a written descriptive
statement of the duties and responsibilities characteristic
of a class of positions and includes the education,
experience, knowledge, skills, abilities, and qualifications
necessary to perform the work of the class.

(5) "Compensation" means the annual or hourly wage or
salary and includes the state contribution to group benefits
under provisions of 2-18-703.

(6) "Department" means the department of
administration created in 2-15-1001.

(7) Except in 2-18-306, "employee" means any state
employee other than an employee excepted under 2-18-103 or
2-18-104 from the statewide classification system.

(8) "Grade" means the number assigned to a pay range
within a pay schedule in part 3 of this chapter.

~~(9) "Job sharing" means the sharing by two or more
persons of a position that is considered an aggregate or
permanent position.~~

~~(10) "Permanent position" means a position so
designated on the appropriate agency list of authorized~~

1 positions referenced in 2-18-206 and approved as such in the
2 biennium budget.

3 ~~(10)~~(11) "Permanent status" means the state an employee
4 attains after satisfactorily completing an appropriate
5 probationary period in a permanent position.

6 ~~(11)~~(12) "Personal staff" means those positions
7 occupied by employees appointed by the elected officials
8 enumerated in Article VI, section 1, of the Montana
9 constitution or by the public service commission as a whole.

10 ~~(12)~~(13) "Position" means a collection of duties and
11 responsibilities currently assigned or delegated by
12 competent authority, requiring the full-time, part-time, or
13 intermittent employment of one person.

14 ~~(13)~~(14) "Program" means a combination of planned
15 efforts to provide a service.

16 ~~(14)~~(15) "Seasonal position" means a position so
17 designated on the appropriate agency list of authorized
18 positions referenced in 2-18-206 and which is a permanent
19 position but which is interrupted by the seasonal nature of
20 the position.

21 ~~(15)~~(16) "Temporary position" means a position so
22 designated on the appropriate agency list of authorized
23 positions referenced in 2-18-206, created for a definite
24 period of time not to exceed 9 months."

25 Section 2. Section 2-18-102, MCA, is amended to read:

1 "2-18-102. Personnel administration -- general policy
2 setting. (1) Except as otherwise provided by law or
3 collective bargaining agreement, the department shall:

4 (a) encourage and exercise leadership in the
5 development of effective personnel administration within the
6 several agencies in the state and make available the
7 facilities of the department to this end;

8 (b) foster and develop programs for recruitment and
9 selection of capable persons for permanent, seasonal,
10 temporary, and other types of positions and for the
11 improvement of employee effectiveness, including training,
12 safety, health, counseling, welfare, discipline, grievances,
13 and evaluation for productivity and retention in permanent
14 status;

15 ~~(c) foster, develop, and promote job sharing in~~
16 ~~agencies as a means to increase job and employment~~
17 ~~opportunities;~~

18 ~~(d)~~(d) investigate from time to time the operation and
19 effect of parts 1 and 2 of this chapter and the policies
20 made thereunder and report the findings and recommendations
21 to the governor;

22 ~~(e)~~(e) establish policies, procedures, and forms for
23 the maintenance of records of all employees in the state
24 service;

25 ~~(f)~~(f) apply and carry out parts 1 and 2 and the

1 policies thereunder and perform any other lawful acts which
2 may be necessary or desirable to carry out the purposes and
3 provisions of parts 1 and 2.

4 (2) The department may delegate authority granted to
5 it under parts 1 and 2 to agencies in the state service that
6 effectively demonstrate the ability to carry out the
7 provisions of parts 1 and 2, provided that such agencies
8 remain in compliance with policies, procedures, time tables,
9 and standards established by the department.

10 (3) The department shall develop and issue personnel
11 policies for the state. Adequate public notice shall be
12 given to all interested parties of proposed changes or
13 additions to the personnel policies before the date they are
14 to take effect. If requested by any of the affected parties,
15 the department shall schedule a public hearing on proposed
16 changes or additions to the personnel policies before the
17 date they are to take effect."

18 NEW SECTION. Section 3. Job sharing positions --
19 benefits. ~~{1}~~ Job sharing ~~must~~ MAY be used, to the extent
20 practicable, by each agency as a means of promoting
21 increased productivity and employment opportunities.
22 However, job sharing ~~must~~ MAY be actively pursued to fill
23 vacated or new positions and may not be actively pursued to
24 replace current full-time employees. HOWEVER, ON REQUEST OF
25 A CURRENT EMPLOYEE HIS POSITION MAY BE CONSIDERED FOR JOB

1 SHARING. A position may be filled by more than one incumbent
2 currently in a full-time position.

3 ~~{2}--Employee---benefits--for--a--full--time--equivalent~~
4 ~~position-filled-by-job-sharing-must-be-divided-on-a-pro-rata~~
5 ~~basis-between-the-persons-filling-such-position.~~

6 NEW SECTION. Section 4. Legislative intent -- report.
7 The legislature intends that the state actively promote the
8 hiring of new employees or the filling of vacant positions
9 by using job sharing. The legislature does not intend that
10 the state actively promote replacement of current full-time
11 employees with job sharing employees. The legislative
12 fiscal analyst shall report to the 49th legislature on the
13 success of agencies in implementing this intent.

14 NEW SECTION. Section 5. Codification instruction.
15 Section 3 is intended to be codified as an integral part of
16 Title 2, chapter 18, part 1, and the provisions of Title 2,
17 chapter 18, part 1, apply to section 3.

-End-

HOUSE BILL NO. 749

INTRODUCED BY HEMSTAD, BENGTSON, FARRIS, CONNELLY,
MORRIDE, CURTISS, O'CONNELL, HOLLIDAY, HANSON, HANSEN,
BERGENE, J. BROWN, HOWE, DARKO, KEENAN, HART

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR JOB
SHARING IN STATE PERSONNEL POSITIONS; DEFINING "JOB
SHARING"; ENCOURAGING THE USE OF JOB SHARING TO INCREASE
PRODUCTIVITY AND EMPLOYMENT OPPORTUNITIES; AND REQUIRING A
REPORT ON IMPLEMENTATION OF JOB SHARING TO THE 49TH
LEGISLATURE; AMENDING SECTIONS 2-18-101 AND 2-18-102, MCA."

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

Section 1. Section 2-18-101, MCA, is amended to read:
"2-18-101. Definitions. As used in parts 1 through 3
and part 10 of this chapter, the following definitions
apply:

(1) "Agency" means a department, board, commission,
office, bureau, institution, or unit of state government
recognized in the state budget.

(2) "Board" means the board of personnel appeals
established in 2-15-1705.

(3) "Class" means one or more positions substantially
similar with respect to the kind or nature of duties
performed, responsibility assumed, and level of difficulty

so that the same descriptive title may be used to designate
each position allocated to the class, similar qualifications
may be required of persons appointed to the positions in the
class, and the same pay rate or pay grade may be applied
with equity.

(4) "Class specification" means a written descriptive
statement of the duties and responsibilities characteristic
of a class of positions and includes the education,
experience, knowledge, skills, abilities, and qualifications
necessary to perform the work of the class.

(5) "Compensation" means the annual or hourly wage or
salary and includes the state contribution to group benefits
under provisions of 2-18-703.

(6) "Department" means the department of
administration created in 2-15-1001.

(7) Except in 2-18-306, "employee" means any state
employee other than an employee excepted under 2-18-103 or
2-18-104 from the statewide classification system.

(8) "Grade" means the number assigned to a pay range
within a pay schedule in part 3 of this chapter.

~~(9) "Job sharing" means the sharing by two or more
persons of a position that is considered an aggregate or
permanent position.~~

~~(9)(10)~~ "Permanent position" means a position so
designated on the appropriate agency list of authorized

positions referenced in 2-18-206 and approved as such in the biennium budget.

~~(10)~~(11) "Permanent status" means the state an employee attains after satisfactorily completing an appropriate probationary period in a permanent position.

~~(11)~~(12) "Personal staff" means those positions occupied by employees appointed by the elected officials enumerated in Article VI, section 1, of the Montana constitution or by the public service commission as a whole.

~~(12)~~(13) "Position" means a collection of duties and responsibilities currently assigned or delegated by competent authority, requiring the full-time, part-time, or intermittent employment of one person.

~~(13)~~(14) "Program" means a combination of planned efforts to provide a service.

~~(14)~~(15) "Seasonal position" means a position so designated on the appropriate agency list of authorized positions referenced in 2-18-206 and which is a permanent position but which is interrupted by the seasonal nature of the position.

~~(15)~~(16) "Temporary position" means a position so designated on the appropriate agency list of authorized positions referenced in 2-18-206, created for a definite period of time not to exceed 9 months."

Section 2. Section 2-18-102, MCA, is amended to read:

"2-18-102. Personnel administration -- general policy setting. (1) Except as otherwise provided by law or collective bargaining agreement, the department shall:

(a) encourage and exercise leadership in the development of effective personnel administration within the several agencies in the state and make available the facilities of the department to this end;

(b) foster and develop programs for recruitment and selection of capable persons for permanent, seasonal, temporary, and other types of positions and for the improvement of employee effectiveness, including training, safety, health, counseling, welfare, discipline, grievances, and evaluation for productivity and retention in permanent status;

~~(c) fosters, develops, and promote job sharing in agencies as a means to increase job and employment opportunities;~~

~~(d)~~ investigate from time to time the operation and effect of parts 1 and 2 of this chapter and the policies made thereunder and report the findings and recommendations to the governor;

~~(e)~~ establish policies, procedures, and forms for the maintenance of records of all employees in the state service;

~~(f)~~ apply and carry out parts 1 and 2 and the

1 policies thereunder and perform any other lawful acts which
2 may be necessary or desirable to carry out the purposes and
3 provisions of parts 1 and 2.

4 (2) The department may delegate authority granted to
5 it under parts 1 and 2 to agencies in the state service that
6 effectively demonstrate the ability to carry out the
7 provisions of parts 1 and 2, provided that such agencies
8 remain in compliance with policies, procedures, time tables,
9 and standards established by the department.

10 (3) The department shall develop and issue personnel
11 policies for the state. Adequate public notice shall be
12 given to all interested parties of proposed changes or
13 additions to the personnel policies before the date they are
14 to take effect. If requested by any of the affected parties,
15 the department shall schedule a public hearing on proposed
16 changes or additions to the personnel policies before the
17 date they are to take effect."

18 NEW SECTION. Section 3. Job sharing positions --
19 benefits. ~~§1111~~ Job sharing must MAY be used, to the extent
20 practicable, by each agency as a means of promoting
21 increased productivity and employment opportunities.
22 However, job sharing must MAY be actively pursued to fill
23 vacated or new positions and may not be actively pursued to
24 replace current full-time employees. HOWEVER, ON REQUEST OF
25 A CURRENT EMPLOYEE HIS POSITION MAY BE CONSIDERED FOR JOB

1 SHARING. A position may be filled by more than one incumbent
2 currently in a full-time position.

3 ~~(2)--Employee--benefits--for--a--full-time--equivalent~~
4 ~~position--filled--by--job--sharing--must--be--divided--on--a--pro-rata~~
5 ~~basis--between--the--persons--filling--such--position.~~

6 (2). EMPLOYEE BENEFITS FOR A FULL-TIME EQUIVALENT
7 POSITION FILLED BY JOB SHARING MUST BE DIVIDED ON A PRO-RATA
8 BASIS BETWEEN THE PERSONS FILLING SUCH POSITION.

9 NEW SECTION. Section 4. Legislative intent -- report.
10 The legislature intends that the state actively promote the
11 hiring of new employees or the filling of vacant positions
12 by using job sharing. The legislature does not intend that
13 the state actively promote replacement of current full-time
14 employees with job sharing employees. The legislative
15 fiscal analyst shall report to the 49th legislature on the
16 success of agencies in implementing this intent.

17 NEW SECTION. Section 5. Codification instruction.
18 Section 3 is intended to be codified as an integral part of
19 Title 2, chapter 18, part 1, and the provisions of Title 2,
20 chapter 18, part 1, apply to section 3.

-End-

March 24, 1983

SENATE STANDING COMMITTEE REPORT
(Labor & Employment Relations)

That House Bill No. 749 be amended as follows:

1. Page 4, lines 15 through 17.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

2. Page 6, line 10.

Following: "state"

Insert: "permit job sharing in certain positions when it is
considered to maintain or increase efficiency in such positions and"

HOUSE BILL NO. 749

INTRODUCED BY HEMSTAD, BENGTSON, FARRIS, CONNELLY,
MCBRIDE, CURTISS, O'CONNELL, HOLLIDAY, HANSON, HANSEN,
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and part 10 of this chapter, the following definitions
apply:

(1) "Agency" means a department, board, commission,
office, bureau, institution, or unit of state government
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(2) "Board" means the board of personnel appeals
established in 2-15-1705.

(3) "Class" means one or more positions substantially
similar with respect to the kind or nature of duties
performed, responsibility assumed, and level of difficulty

so that the same descriptive title may be used to designate
each position allocated to the class, similar qualifications
may be required of persons appointed to the positions in the
class, and the same pay rate or pay grade may be applied
with equity.

(4) "Class specification" means a written descriptive
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of a class of positions and includes the education,
experience, knowledge, skills, abilities, and qualifications
necessary to perform the work of the class.

(5) "Compensation" means the annual or hourly wage or
salary and includes the state contribution to group benefits
under provisions of 2-18-703.

(6) "Department" means the department of
administration created in 2-15-1001.

(7) Except in 2-18-306, "employee" means any state
employee other than an employee excepted under 2-18-103 or
2-18-104 from the statewide classification system.

(8) "Grade" means the number assigned to a pay range
within a pay schedule in part 3 of this chapter.

~~(9) "Job sharing" means the sharing by two or more
persons of a position that is considered an aggregate or
permanent position.~~

~~(9) "Permanent position" means a position so
designated on the appropriate agency list of authorized~~

1 positions referenced in 2-18-206 and approved as such in the
2 biennium budget.

3 ~~(18)~~(111) "Permanent status" means the state an employee
4 attains after satisfactorily completing an appropriate
5 probationary period in a permanent position.

6 ~~(11)~~(112) "Personal staff" means those positions
7 occupied by employees appointed by the elected officials
8 enumerated in Article VI, section 1, of the Montana
9 constitution or by the public service commission as a whole.

10 ~~(12)~~(113) "Position" means a collection of duties and
11 responsibilities currently assigned or delegated by
12 competent authority, requiring the full-time, part-time, or
13 intermittent employment of one person.

14 ~~(13)~~(114) "Program" means a combination of planned
15 efforts to provide a service.

16 ~~(14)~~(115) "Seasonal position" means a position so
17 designated on the appropriate agency list of authorized
18 positions referenced in 2-18-206 and which is a permanent
19 position but which is interrupted by the seasonal nature of
20 the position.

21 ~~(15)~~(116) "Temporary position" means a position so
22 designated on the appropriate agency list of authorized
23 positions referenced in 2-18-206, created for a definite
24 period of time not to exceed 9 months."

25 Section 2. Section 2-18-102, MCA, is amended to read:

1 "2-18-102. Personnel administration -- general policy
2 setting. (1) Except as otherwise provided by law or
3 collective bargaining agreement, the department shall:

4 (a) encourage and exercise leadership in the
5 development of effective personnel administration within the
6 several agencies in the state and make available the
7 facilities of the department to this end;

8 (b) foster and develop programs for recruitment and
9 selection of capable persons for permanent, seasonal,
10 temporary, and other types of positions and for the
11 improvement of employee effectiveness, including training,
12 safety, health, counseling, welfare, discipline, grievances,
13 and evaluation for productivity and retention in permanent
14 status;

15 ~~(c) foster, develop, and promote job sharing in~~
16 ~~agencies as a means to increase job and employment~~
17 ~~opportunities~~

18 ~~(d)~~(1) investigate from time to time the operation
19 and effect of parts 1 and 2 of this chapter and the policies
20 made thereunder and report the findings and recommendations
21 to the governor;

22 ~~(e)~~(1) establish policies, procedures, and forms
23 for the maintenance of records of all employees in the state
24 service;

25 ~~(f)~~(1) apply and carry out parts 1 and 2 and the

1 policies thereunder and perform any other lawful acts which
2 may be necessary or desirable to carry out the purposes and
3 provisions of parts 1 and 2.

4 (2) The department may delegate authority granted to
5 it under parts 1 and 2 to agencies in the state service that
6 effectively demonstrate the ability to carry out the
7 provisions of parts 1 and 2, provided that such agencies
8 remain in compliance with policies, procedures, time tables,
9 and standards established by the department.

10 (3) The department shall develop and issue personnel
11 policies for the state. Adequate public notice shall be
12 given to all interested parties of proposed changes or
13 additions to the personnel policies before the date they are
14 to take effect. If requested by any of the affected parties,
15 the department shall schedule a public hearing on proposed
16 changes or additions to the personnel policies before the
17 date they are to take effect."

18 NEW SECTION. Section 3. Job sharing positions --
19 benefits. ~~{1}{11}~~ Job sharing ~~must~~ MAY be used, to the extent
20 practicable, by each agency as a means of promoting
21 increased productivity and employment opportunities.
22 However, job sharing ~~must~~ MAY be actively pursued to fill
23 vacated or new positions and may not be actively pursued to
24 replace current full-time employees. ~~HOWEVER, ON REQUEST OF~~
25 ~~A CURRENT EMPLOYEE HIS POSITION MAY BE CONSIDERED FOR JOB~~

1 SHARING. A position may be filled by more than one incumbent
2 currently in a full-time position.

3 ~~{2}--Employee--benefits--for--a--full-time--equivalent~~
4 ~~position-filled-by-job-sharing-must-be-divided-on-a-pro-rata~~
5 ~~basis-between-the-persons-filling-such-position.~~

6 {21} EMPLOYEE BENEFITS FOR A FULL-TIME EQUIVALENT
7 POSITION FILLED BY JOB SHARING MUST BE DIVIDED ON A PRO RATA
8 BASIS BETWEEN THE PERSONS FILLING SUCH POSITION.

9 NEW SECTION. Section 4. Legislative intent -- report.
10 The legislature intends that the state PERMIT JOB SHARING IN
11 CERTAIN POSITIONS WHEN IT IS CONSIDERED TO MAINTAIN OR
12 INCREASE EFFICIENCY IN SUCH POSITIONS AND actively promote
13 the hiring of new employees or the filling of vacant
14 positions by using job sharing. The legislature does not
15 intend that the state actively promote replacement of
16 current full-time employees with job sharing employees. The
17 legislative fiscal analyst shall report to the 49th
18 legislature on the success of agencies in implementing this
19 intent.

20 NEW SECTION. Section 5. Codification instruction.
21 Section 3 is intended to be codified as an integral part of
22 Title 2, chapter 18, part 1, and the provisions of Title 2,
23 chapter 18, part 1, apply to section 3.

-End-

April 19, 1983

Page 1 of 2

19

FREE CONFERENCE COMMITTEE
HOUSE BILL 749
(Report No. 1, 9:00 AM)

Mr. Speaker:

We, your Free Conference Committee on House Bill 749,
met and considered:

House Bill 749, third reading copy (Blue); and

Senate Labor and Employment Relations Committee Amend-
ments of March 24, 1983.

We respectfully recommend as follows:

That the Senate recede from Senate Labor and Employment
Relations Committee amendment number 1;

That the House accede to Senate Labor and Employment
Relations Committee amendment number 2;

That House Bill 749 be further amended as specified in
Clerical Instructions 1 through 4; and

That this Free Conference Committee report be adopted.

.....
CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)

1. Page 4, line 15

Following: line 14

Insert: "(c) foster, develop, and promote job sharing in agencies;"

Renumber: subsequent subsections

2. Page 6, line 6

Following: "EMPLOYEE"

Insert: "holiday pay, annual leave, sick leave, and health"

3. Page 6, line 9

Following: line 8

Insert: "(3) Employees classified in a part-time status may
not be reclassified to a job sharing status while
employed in the position classified as part-time."

CK

Keenan

Chairman

4. Page 6, line 11
Following: "IT IS"
Strike: "CONSIDERED"
Insert: "done"

FOR THE HOUSE

Keenan
KEENAN, CHAIR

Waldron
WALDRON

Hemstad
HEMSTAD

FOR THE SENATE

Arkstad
ARLESTAD, CHAIR

Galt
GALT

Lynch
LYNCH

HOUSE BILL NO. 749

INTRODUCED BY HEMSTAD, BENGTSON, FARRIS, CONNELLY,

MCKRIDE, CURTISS, O'CONNELL, HOLLIDAY, HANSON, HANSEN,

BERGENE, J. BROWN, HOWE, DARKO, KEENAN, HART

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR JOB SHARING IN STATE PERSONNEL POSITIONS; DEFINING "JOB SHARING"; ENCOURAGING THE USE OF JOB SHARING TO INCREASE PRODUCTIVITY AND EMPLOYMENT OPPORTUNITIES; AND REQUIRING A REPORT ON IMPLEMENTATION OF JOB SHARING TO THE 49TH LEGISLATURE; AMENDING SECTIONS 2-18-101 AND 2-18-102, MCA."

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

Section 1. Section 2-18-101, MCA, is amended to read:

"2-18-101. Definitions. As used in parts 1 through 3 and part 10 of this chapter, the following definitions apply:

(1) "Agency" means a department, board, commission, office, bureau, institution, or unit of state government recognized in the state budget.

(2) "Board" means the board of personnel appeals established in 2-15-1705.

(3) "Class" means one or more positions substantially similar with respect to the kind or nature of duties performed, responsibility assumed, and level of difficulty

so that the same descriptive title may be used to designate each position allocated to the class, similar qualifications may be required of persons appointed to the positions in the class, and the same pay rate or pay grade may be applied with equity.

(4) "Class specification" means a written descriptive statement of the duties and responsibilities characteristic of a class of positions and includes the education, experience, knowledge, skills, abilities, and qualifications necessary to perform the work of the class.

(5) "Compensation" means the annual or hourly wage or salary and includes the state contribution to group benefits under provisions of 2-18-703.

(6) "Department" means the department of administration created in 2-15-1001.

(7) Except in 2-18-306, "employee" means any state employee other than an employee excepted under 2-18-103 or 2-18-104 from the statewide classification system.

(8) "Grade" means the number assigned to a pay range within a pay schedule in part 3 of this chapter.

~~(9) "Job sharing" means the sharing by two or more persons of a position that is considered an aggregate or permanent position.~~

~~(10) "Permanent position" means a position so~~
designated on the appropriate agency list of authorized

1 positions referenced in 2-18-206 and approved as such in the
2 biennium budget.

3 ~~(11)~~(111) "Permanent status" means the state an employee
4 attains after satisfactorily completing an appropriate
5 probationary period in a permanent position.

6 ~~(12)~~(121) "Personal staff" means those positions
7 occupied by employees appointed by the elected officials
8 enumerated in Article VI, section 1, of the Montana
9 constitution or by the public service commission as a whole.

10 ~~(13)~~(131) "Position" means a collection of duties and
11 responsibilities currently assigned or delegated by
12 competent authority, requiring the full-time, part-time, or
13 intermittent employment of one person.

14 ~~(14)~~(141) "Program" means a combination of planned
15 efforts to provide a service.

16 ~~(15)~~(151) "Seasonal position" means a position so
17 designated on the appropriate agency list of authorized
18 positions referenced in 2-18-206 and which is a permanent
19 position but which is interrupted by the seasonal nature of
20 the position.

21 ~~(16)~~(161) "Temporary position" means a position so
22 designated on the appropriate agency list of authorized
23 positions referenced in 2-18-206, created for a definite
24 period of time not to exceed 9 months."

25 Section 2. Section 2-18-102, MCA, is amended to read:

1 "2-18-102. Personnel administration -- general policy
2 setting. (1) Except as otherwise provided by law or
3 collective bargaining agreement, the department shall:

4 (a) encourage and exercise leadership in the
5 development of effective personnel administration within the
6 several agencies in the state and make available the
7 facilities of the department to this end;

8 (b) foster and develop programs for recruitment and
9 selection of capable persons for permanent, seasonal,
10 temporary, and other types of positions and for the
11 improvement of employee effectiveness, including training,
12 safety, health, counseling, welfare, discipline, grievances,
13 and evaluation for productivity and retention in permanent
14 status;

15 ~~(c) foster, develop, and promote job sharing in~~
16 ~~agencies as a means to increase job and employment~~
17 ~~opportunities;~~

18 ~~(c) FOSTER, DEVELOP, AND PROMOTE JOB SHARING IN~~
19 ~~AGENCIES;~~

20 ~~(d) investigate~~(10) investigate from time to time the
21 operation and effect of parts 1 and 2 of this chapter and
22 the policies made thereunder and report the findings and
23 recommendations to the governor;

24 ~~(e) establish~~(11) establish policies, procedures, and forms
25 for the maintenance of records of all employees in the state

1 service;

2 ~~that~~(E) apply and carry out parts 1 and 2 and the
3 policies thereunder and perform any other lawful acts which
4 may be necessary or desirable to carry out the purposes and
5 provisions of parts 1 and 2.

6 (2) The department may delegate authority granted to
7 it under parts 1 and 2 to agencies in the state service that
8 effectively demonstrate the ability to carry out the
9 provisions of parts 1 and 2, provided that such agencies
10 remain in compliance with policies, procedures, time tables,
11 and standards established by the department.

12 (3) The department shall develop and issue personnel
13 policies for the state. Adequate public notice shall be
14 given to all interested parties of proposed changes or
15 additions to the personnel policies before the date they are
16 to take effect. If requested by any of the affected parties,
17 the department shall schedule a public hearing on proposed
18 changes or additions to the personnel policies before the
19 date they are to take effect."

20 NEW SECTION. Section 3. Job sharing positions --
21 benefits. ~~that~~(1) Job sharing ~~must~~ MAY be used, to the extent
22 practicable, by each agency as a means of promoting
23 increased productivity and employment opportunities.
24 However, job sharing ~~must~~ MAY be actively pursued to fill
25 vacated or new positions and may not be actively pursued to

1 replace current full-time employees. HOWEVER, ON REQUEST OF
2 A CURRENT EMPLOYEE HIS POSITION MAY BE CONSIDERED FOR JOB
3 SHARING. A position may be filled by more than one incumbent
4 currently in a full-time position.

5 ~~that~~--Employee--benefits--for--a--full-time--equivalent
6 position--filled--by--job--sharing--must--be--divided--on--a--pro-rata
7 basis--between--the--persons--filling--such--positions

8 (2) EMPLOYEE HOLIDAY PAY, ANNUAL LEAVE, SICK LEAVE,
9 AND HEALTH BENEFITS FOR A FULL-TIME EQUIVALENT POSITION
10 FILLED BY JOB SHARING MUST BE DIVIDED ON A PRO RATA BASIS
11 BETWEEN THE PERSONS FILLING SUCH POSITION.

12 (3) EMPLOYEES CLASSIFIED IN A PART-TIME STATUS MAY NOT
13 BE RECLASSIFIED TO A JOB SHARING STATUS WHILE EMPLOYED IN
14 THE POSITION CLASSIFIED AS PART-TIME.

15 NEW SECTION. Section 4. Legislative intent -- report.
16 The legislature intends that the state PERMIT JOB SHARING IN
17 CERTAIN POSITIONS WHEN IT IS CONSIDERED DONE TO MAINTAIN OR
18 INCREASE EFFICIENCY IN SUCH POSITIONS AND actively promote
19 the hiring of new employees or the filling of vacant
20 positions by using job sharing. The legislature does not
21 intend that the state actively promote replacement of
22 current full-time employees with job sharing employees. The
23 legislative fiscal analyst shall report to the 49th
24 legislature on the success of agencies in implementing this
25 intent.

1 ~~NEW SECTION.~~ Section 5. Codification instruction.
2 Section 3 is intended to be codified as an integral part of
3 Title 2, chapter 18, part 1, and the provisions of title 2,
4 chapter 18, part 1, apply to section 3.

-End-