

HOUSE BILL NO. 791

Introduced: 02/14/83

Referred to Committee on Education & Cultural Resources:  
02/14/83

Hearing: 2/18/83  
Died in Committee

1 *House* BILL NO. 791  
 2 INTRODUCED BY *Schroeder*  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A PAY  
 5 SCHEDULE FOR INSTITUTIONAL TEACHERS FOR FISCAL YEAR 1984;  
 6 PROVIDING FOR THE ADJUSTMENT OF THIS SCHEDULE FOR SUCCEEDING  
 7 FISCAL YEARS; PROHIBITING A PUBLIC EMPLOYER AND AN EXCLUSIVE  
 8 REPRESENTATIVE OF INSTITUTIONAL TEACHERS FROM BARGAINING  
 9 COLLECTIVELY WITH RESPECT TO WAGES; AMENDING SECTIONS  
 10 2-18-303, 2-18-305, AND 39-31-305, MCA; AND PROVIDING AN  
 11 EFFECTIVE DATE."  
 12  
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 14 NEW SECTION. Section 1. Pay schedules for  
 15 institutional teachers. (1) Teacher pay schedule for fiscal  
 16 year 1984 is as follows:  
 17                   Fiscal Year 1984  
 18                   Education  
 19       EXP     BA     BA+1     BA+2     BA+3     MA     MA+1  
 20       (Step)(Grade 1)(Grade 2)(Grade 3)(Grade 4)(Grade 5)(Grade 6)  
 21       0     12,881   13,343   13,792   13,832   14,638   14,965  
 22       1     13,383   13,881   14,357   14,421   15,266   15,619  
 23       2     13,855   14,415   14,924   15,009   15,889   16,294  
 24       3     14,386   14,960   15,503   15,609   16,525   16,958  
 25       4     14,871   15,487   16,065   16,202   17,142   17,612

1     EXP     BA     BA+1     BA+2     BA+3     MA     MA+1  
 2     (Step)(Grade 1)(Grade 2)(Grade 3)(Grade 4)(Grade 5)(Grade 6)  
 3     5     15,360   16,021   16,633   16,801   17,767   18,274  
 4     6     15,834   16,541   17,189   17,377   18,374   18,958  
 5     7     16,318   17,070   17,756   17,960   18,998   19,614  
 6     8     16,782   17,596   18,318   18,527   19,613   20,280  
 7     9     17,192   18,094   18,865   19,099   20,213   20,949  
 8     10    17,563   18,558   19,382   19,655   20,789   21,616  
 9           (2) For fiscal year 1985 and each fiscal year  
 10 thereafter, the wages provided in subsection (1) must be  
 11 increased by a percentage amount equal to the average  
 12 percentage increase in the base teacher salary for all  
 13 Montana public school districts for the previous year. The  
 14 percentage amount for fiscal year 1986 and for each  
 15 subsequent fiscal year must be added to all percentage  
 16 increases granted for the previous years. The average base  
 17 teacher salary must be determined by the superintendent of  
 18 public instruction and must be adjusted on July 1 of each  
 19 fiscal year.  
 20           (3) The dollar amounts in subsection (1) do not  
 21 include group benefits, which must be provided in addition  
 22 to wages, in amounts determined through collective  
 23 bargaining. However, in no case may the dollar amounts for  
 24 group benefits be less than the amounts provided in  
 25 2-18-703.

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

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

The pay schedules provided in [the adjusted schedules under] 2-18-311 and 2-18-312 shall be implemented as follows:

(a) The pay schedule provided in [the adjusted schedule under] 2-18-311 indicates the annual compensation for the fiscal year ending June 30, 1982, for each grade and step for positions classified under the provisions of part 2 of this chapter.

(b) The pay schedule provided in [the adjusted schedule under] 2-18-312 indicates the annual compensation for the fiscal year ending June 30, 1983, for each grade and step for positions classified under the provisions of part 2 of this chapter.

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

(d) (i) The compensation of each employee on the first day of the first pay period in fiscal year 1982 shall be that amount which corresponds to the grade and step occupied on the last day of the preceding fiscal year of 1981.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1983 shall be that

amount which corresponds to the grade and step occupied on the last day of the fiscal year 1982.

(iii) In compliance with rules adopted to implement this part, each employee is eligible on his anniversary date to advance one step in the pay matrix each fiscal year. However, if the employee's anniversary date falls between (inclusive) July 1 and the first day of the first pay period of fiscal year 1982 or 1983, as the case may be, he will advance one step on the first day of that pay period.

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

(3) The pay schedules provided in [the adjusted schedules under] 2-18-313, 2-18-314, or 2-18-315 shall be implemented as follows:

(a) (i) The pay ~~schedules~~ schedule and adjustment provided in ~~[the-adjusted-schedules-under]~~ 2-18-313 indicate the annual compensation for the contracted school term for teachers employed by institutions under the authority of the department of institutions for ~~fiscal years-1982-and-1983~~ year 1984 and each succeeding fiscal year.

(ii) The compensation of each teacher on the first day of the first pay period in July, ~~1981~~ 1983, shall be that amount which corresponds to his level of academic achievement and the next highest step from that occupied on June 30, ~~1981~~ 1983.

(iii) The compensation of each teacher on the first day of the first pay period in July, ~~1982~~ of each succeeding fiscal year shall be that amount which corresponds to his level of achievement and the next highest step from that occupied on June 30, ~~1982~~ of the same year.

(b) (i) The pay schedules provided in [the adjusted schedules under] 2-18-314 indicate the maximum hourly compensation for fiscal years ending June 30, 1982, and June 30, 1983, for those employees in liquor store occupations who have collectively bargained separate classification and pay plans.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1982 or 1983, as the case may be, shall be that amount which corresponds to that grade occupied on the last day of the preceding fiscal year.

(c) (i) The pay schedules provided in [the adjusted schedules under] 2-18-315 indicate the maximum hourly compensation for fiscal years ending June 30, 1982, and June 30, 1983, for employees in apprentice trades and crafts and other blue-collar occupations recognized in the state

blue-collar classification plan who are members of units that have collectively bargained separate classification and pay plans.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1982 or 1983, as the case may be, shall be that amount which corresponds to that grade occupied on the last day of the preceding fiscal year.

(4) (a) (i) No member of a bargaining unit may receive the amounts indicated in the respective pay schedules provided in [the adjusted schedules under] 2-18-311 through 2-18-315 until the bargaining unit of which he is a member ratifies a completely integrated collective bargaining agreement covering the biennium ending June 30, 1983.

(ii) In the event that negotiation and ratification of a completely integrated collective bargaining agreement as required by subsection (4)(a)(i) of this section are not completed by July 1, 1981, retroactivity to that date may be negotiated.

(iii) In the event that negotiation and ratification of a completely integrated collective bargaining agreement as required by subsection (4)(a)(i) of this section are not completed by July 1, 1981, members of the bargaining unit involved will continue to receive the compensation they were receiving as of June 30, 1981.

(b) Methods of administration not inconsistent with

the purpose of this part and necessary to properly implement the pay schedules provided in [the adjusted schedules under] 2-18-313 through 2-18-315 may be provided for in collective bargaining agreements.

(5) The current wage or salary of an employee shall not be reduced by the implementation of the pay schedules provided for in [the adjusted schedules under] 2-18-311 through 2-18-315.

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

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

Section 3. Section 2-18-305, MCA, is amended to read:

"2-18-305. Allocation between wages and group benefits. (1) The dollar amounts shown in the respective pay schedules provided in [the adjusted schedules under] 2-18-311, 2-18-312, ~~2-18-313~~, 2-18-314, or 2-18-315, as the case may be, represent the maximum amount allocated by the

state for wages and group benefits, exclusive of longevity as defined in 2-18-304. Except as provided in subsection (2) of this section, that amount specifically allocated for group benefits shall be determined by 2-18-703. An employee who elects not to be covered by a state employee group benefit plan will receive as wages the amount shown in the appropriate pay schedule less the state contribution for group benefits as determined by 2-18-703.

(2) Employees may, through collective bargaining, determine the allocation of the amounts shown in the pay schedules provided in [the adjusted schedules under] 2-18-311, 2-18-312, ~~2-18-313~~, 2-18-314, or 2-18-315, as the case may be, between wages and group benefits, except that in no case may the group benefits allocation be less than the amounts provided in 2-18-703."

Section 4. Section 39-31-305, MCA, is amended to read:

"39-31-305. Duty to bargain collectively -- good faith. (1) The public employer and the exclusive representative, through appropriate officials or their representatives, shall have the authority and the duty to bargain collectively. This duty extends to the obligation to bargain collectively in good faith as set forth in subsection (2) of this section.

(2) For Except as provided in subsection (1), for the purpose of this chapter, to bargain collectively is the

1 performance of the mutual obligation of the public employer  
2 or his designated representatives and the representatives of  
3 the exclusive representative to meet at reasonable times and  
4 negotiate in good faith with respect to wages, hours, fringe  
5 benefits, and other conditions of employment or the  
6 negotiation of an agreement or any question arising  
7 thereunder and the execution of a written contract  
8 incorporating any agreement reached. Such obligation does  
9 not compel either party to agree to a proposal or require  
10 the making of a concession.

11 ~~(1) A public employer and an exclusive representative~~  
12 ~~of teachers employed by institutions may not bargain~~  
13 ~~collectively with respect to wages, which are provided for~~  
14 ~~in [section 1].~~

15 ~~(3)(4)~~ For purposes of state government only, the  
16 requirement of negotiating in good faith may be met by the  
17 submission of a negotiated settlement to the legislature in  
18 the executive budget or by bill or joint resolution. The  
19 failure to reach a negotiated settlement for submission is  
20 not, by itself, prima facie evidence of a failure to  
21 negotiate in good faith."

22 ~~NEW SECTION.~~ Section 5. Codification instruction.  
23 Section 1 shall be codified as 2-18-313.

24 ~~NEW SECTION.~~ Section 6. Effective date. This act is  
25 effective July 1, 1983.

-End-

## STATE OF MONTANA

REQUEST NO. 418-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 15, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 791 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 791 provides a pay schedule for institutional teachers for fiscal 1984; and provides for the adjustment of this schedule for succeeding fiscal years.

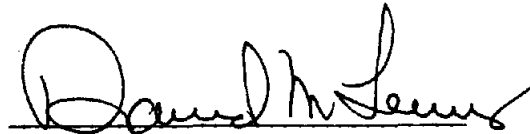
ASSUMPTIONS:

- 1) Use teacher positions and salaries from Executive Budget form R-56 for FY 84 and FY 85.
- 2) Comparison of Grade 1 and Grade 3 Matricies between FY 83 and FY 84 shows a composite 8.6% increase.
- 3) Apply this same increase to FY 85.
- 4) Use estimated 22% benefit rate.

FISCAL IMPACT:

	<u>FY84</u>	<u>FY85</u>
General Fund Expenditures Increase	<u>\$129,828</u>	<u>\$146,387</u>

FISCAL NOTE 13:DD/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-17-83