

HOUSE JOINT RESOLUTION NO. 46

Introduced: 04/16/83

Referred to Committee on Labor & Employment Relations:
04/16/83

Hearing: 4/18/83

Report: 4/18/83, Do Pass

2nd Reading: 04/18/83, Do Pass

3rd Reading: 04/18/83, Do Pass

Transmitted to Senate: 04/19/83

Referred to Committee on State Administration: 04/19/83

Hearing: 4/20/83

Report: 04/20/82, Be Concurred In

2nd Reading: 04/20/83, Be Concurred In

2nd Reading, 04/20/83, Be Indefinitely Postponed
Bill Killed

House JOINT RESOLUTION NO. 46INTRODUCED BY Harper HARRIS M. HARRIS

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF STATE EMPLOYEE GRIEVANCE STATUTES AND PROCEDURES; AND REQUIRING A REPORT OF THE FINDINGS AND RECOMMENDATIONS OF THE STUDY TO THE LEGISLATURE.

WHEREAS, there are currently three separate procedures for resolution of certain general employee grievances by executive branch employees:

(1) a statutory right of appeal to the Board of Personnel Appeals for employees of the Departments of Highways and Fish, Wildlife, and Parks;

(2) a right of appeal to the Merit System Council for employees of agencies receiving federal funds contingent upon compliance with federal merit system principles; and

(3) for all other executive branch employees without a negotiated procedure, an intra-agency process established by administrative rule that involves a hearing by a three-member panel, an advisory decision by the panel, and a final decision by the agency head; and

WHEREAS, there are additional separate grievance resolution procedures for state employees in the University

System and other branches of government; and

WHEREAS, there is an additional specialized procedure for the resolution of grievances involving the classification of an employee's position; and

WHEREAS, employees who belong to a collective bargaining unit have negotiated grievance resolution procedures generally ending in binding arbitration; and

WHEREAS, the number and variety of state employee grievance resolution procedures appear to be the result of separate historical developments rather than coordinated planning; and

WHEREAS, equitable and timely resolution of employee grievances benefits both the employee and the employer; and

WHEREAS, the 48th Legislature considered House Bill 309, a bill to establish a single procedure for resolving certain significant employee grievances, and was unable to reach a consensus regarding the policy questions of who should have final decisionmaking authority, what employees should be included, and what procedures constitute an appropriate balance between employee rights to fair and equitable treatment and management rights to sufficient authority to ensure that employees are held accountable for their job performance.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

1 OF REPRESENTATIVES OF THE STATE OF MONTANA:

2 That an appropriate interim committee be assigned to
3 study Montana's employee grievance statutes and procedures
4 and to address the following issues:

5 (1) the advantages and disadvantages of consolidating
6 the existing, nonnegotiated employee grievance procedures
7 into one procedure;

8 (2) the advantages and disadvantages of providing a
9 grievance resolution procedure for employees who have not
10 organized and collectively bargained a grievance procedure
11 and for employees who are not eligible to organize and
12 bargain collectively;

13 (3) whether, if a consolidated grievance procedure is
14 established, the Merit System Council should be abolished;

15 (4) whether grievances involving the position
16 classification of an employee should be included in a
17 consolidated procedure, if one is established;

18 (5) which employees and branches of government should
19 be included in a consolidated procedure, if one is
20 established;

21 (6) the relationship between a consolidated and
22 collectively bargained grievance procedure and the rights of
23 employees covered under the latter;

24 (7) how an appropriate balance might best be attained
25 under a grievance procedure between the rights of employees

1 to fair and equitable treatment and management rights to
2 sufficient authority to ensure that employees are held
3 accountable for job performance;

4 (8) in what ways grievances should be distinguished
5 with regard to their severity; and

6 (9) what individual or body would be most appropriate
7 to resolve grievances and what rights of appeal should be
8 available, if a consolidated procedure is established.

9 BE IT FURTHER RESOLVED, that in its study the committee
10 examine the grievance statutes and procedures of other
11 states and jurisdictions and seek input from state managers,
12 employee organizations, and employees at all levels in the
13 classification system.

14 BE IT FURTHER RESOLVED, that the committee report its
15 findings and recommendations for improving the existing
16 employee grievance laws to the 49th Legislature.

-End-

Approved by Committee
on Labor & Employment
Relations

1 ~~HOUSE~~ JOINT RESOLUTION NO. 46
2 INTRODUCED BY Stacy Hart, M. Hask
3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
6 INTERIM STUDY OF STATE EMPLOYEE GRIEVANCE STATUTES AND
7 PROCEDURES; AND REQUIRING A REPORT OF THE FINDINGS AND
8 RECOMMENDATIONS OF THE STUDY TO THE LEGISLATURE.
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10 WHEREAS, there are currently three separate procedures
11 for resolution of certain general employee grievances by
12 executive branch employees:

13 (1) a statutory right of appeal to the Board of
14 Personnel Appeals for employees of the Departments of
15 Highways and Fish, Wildlife, and Parks;

16 (2) a right of appeal to the Merit System Council for
17 employees of agencies receiving federal funds contingent
18 upon compliance with federal merit system principles; and

19 (3) for all other executive branch employees without a
20 negotiated procedure, an intra-agency process established by
21 administrative rule that involves a hearing by a
22 three-member panel, an advisory decision by the panel, and a
23 final decision by the agency head; and

24 WHEREAS, there are additional separate grievance
25 resolution procedures for state employees in the University

1 System and other branches of government; and

2 WHEREAS, there is an additional specialized procedure
3 for the resolution of grievances involving the
4 classification of an employee's position; and

5 WHEREAS, employees who belong to a collective
6 bargaining unit have negotiated grievance resolution
7 procedures generally ending in binding arbitration; and

8 WHEREAS, the number and variety of state employee
9 grievance resolution procedures appear to be the result of
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11 planning; and

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13 grievances benefits both the employee and the employer; and

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15 309, a bill to establish a single procedure for resolving
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17 reach a consensus regarding the policy questions of who
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25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

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(1) the advantages and disadvantages of consolidating the existing, nonnegotiated employee grievance procedures into one procedure;

(2) the advantages and disadvantages of providing a grievance resolution procedure for employees who have not organized and collectively bargained a grievance procedure and for employees who are not eligible to organize and bargain collectively;

(3) whether, if a consolidated grievance procedure is established, the Merit System Council should be abolished;

(4) whether grievances involving the position classification of an employee should be included in a consolidated procedure, if one is established;

(5) which employees and branches of government should be included in a consolidated procedure, if one is established;

(6) the relationship between a consolidated and collectively bargained grievance procedure and the rights of employees covered under the latter;

(7) how an appropriate balance might best be attained under a grievance procedure between the rights of employees

to fair and equitable treatment and management rights to sufficient authority to ensure that employees are held accountable for job performance;

(8) in what ways grievances should be distinguished with regard to their severity; and

(9) what individual or body would be most appropriate to resolve grievances and what rights of appeal should be available, if a consolidated procedure is established.

BE IT FURTHER RESOLVED, that in its study the committee examine the grievance statutes and procedures of other states and jurisdictions and seek input from state managers, employee organizations, and employees at all levels in the classification system.

BE IT FURTHER RESOLVED, that the committee report its findings and recommendations for improving the existing employee grievance laws to the 49th Legislature.

-End-

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INTRODUCED BY

Henry H. H. M. H. H.

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THIRD READING

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