SENATE BILL NO. 154

Introduced: 01/14/83

Referred to Committee on Labor & Employment Relations: 01/14/83

Hearing: 1/25/83

Report: 02/07/83, Do Pass, AS Amended

2nd Reading: 02/09/83 3rd Reading: 02/11/83

Transmitted to House: 2/11/83

Referred to Committee on Labor & Employment Relations: 02/12/83

Hearing: 3/3/83

Report: 03/07/83, Be Not Concurred In

Killed in Committee: 03/08/83

INTRODUCED BY Stating - 1855

BY REQUEST OF THE

PERSONNEL AND LABOR RELATIONS STUDY COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE GRANDFATHER CLAUSE CONTAINED IN TITLE 39, CHAPTER 31, MCA, COLLECTIVE BARGAINING FOR PUBLIC EMPLOYEES, BY PROVIDING THAT GOLLECTIVE BARGAINING UNITS RECOGNIZED BY THE GRANDFATHER CLAUSE MAY CONTAIN SUPERVISORY EMPLOYEES, MANAGEMENT OFFICIALS, OR OTHER EMPLOYEES EXCLUDED FROM TITLE 39, CHAPTER 31, MCA, ONLY AS LONG AS THOSE EMPLOYEES CONTINUE TO OCCUPY THE POSITIONS THEY OCCUPIED ON JULY 1, 1973; AUTHORIZING THE BOARD OF PERSONNEL APPEALS TO MAKE UNIT CLARIFICATIONS OF BARGAINING UNITS RECOGNIZED BY THE GRANDFATHER CLAUSE; AMENDING SECTION 39-31-109, MCA."

Section 1. Section 39-31-109, MCA, is amended to read:

"39-31-109. Existing collective bargaining agreements
not affected. Nothing (1) Except as provided in subsection

(3). nothing in this chapter shall be construed to remove recognition of established collective bargaining agreements already recognized or in existence prior to the-effective date-of-this-set July 1, 1973.

4	121 Except as provided to subsection (3): collective
2	bargaining units recognized or in existence prior to July 1.
3	1973. may contain only public employees.
4	13) If on July 1, 1973, a collective bargaining unit
5	contained a position occupied by an employee who was not a
6	public employees as defined by 39-31-103, the employee who
7	occupies that position on October 1. 1983. may if he
8	desires, remain in the bargaining unit as long as he
9	continues to occupy the same position or another position
10	that was contained in the unit on July 1. 1973. unless the
11	board determines through the unit clarification "procedure
12	that the employee should be excluded from the unit. If that
13	employee leaves a position of the bargaining unit that was
14	occupied by an employee who was not a public employee on
15	July 1. 1973, his replacement may no longer be included in
16	the bargaining unit unless the replacement has since
17	October 1. 1983, continuously occupied one or more
18	positions: all of which were contained in the unit on July
19	1. 1973.
20	(4) The board may grant a petition from a public
21	employer or a bargaining representative for a clarification
22	of a bargaining unit recognized or in existence prior to
23	July 1. 1973. The petition and the unit clarification by the
24	board are subject to procedures established by the board."

INTERDUCED DIE

-End-

Approved by Committee on Labor & Employment Relations

1	SENATE BILL NO. 154
5	INTRODUCED BY KEATING. FAGG
3	BY REQUEST OF THE
4	PERSONNEL AND LABOR RELATIONS STUDY COMMISSION
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE
7	GRANDFATHER CLAUSE CONTAINED IN TITLE 39, CHAPTER 31, MCA,
8	COLLECTIVE BARGAINING FOR PUBLIC EMPLOYEES, BY PROVIDING
9	THAT COLLECTIVE BARGAINING UNITS RECOGNIZED BY THE
o	GRANDFATHER CLAUSE MAY CONTAIN SUPERVISORY EMPLOYEES
1	POSITIONS. MANAGEMENT BFFTGTALS POSITIONS. OR OTHER
2	EMPLOYEES POSITIONS EXCLUDED FROM TITLE 39, CHAPTER 31, MCA,
3	ONLY AS-ERNG-ASTHRSEEMPERVEESCONTINUETRREGUPYTHE
4	PRSTTTBNSTHEY-RECUPTED IE THE POSTITIONS EXISTED ON JULY 1.
5	1913. AND THE EMPLOYEES OCCUPYING THOSE POSITIONS ON OCTOBER
6	1. 1983. CONTINUE TO OCCUPY THOSE POSTITIONS OR OCCUPY OTHER
7	POSITIONS CONTAINED IN THE UNIT ON JULY 1. 1973; AUTHORIZING
8	THE BOARD OF PERSONNEL APPEALS TO MAKE UNIT CLARIFICATIONS
9	OF BARGAINING UNITS RECOGNIZED BY THE GRANDFATHER CLAUSE:
0	AMENDING SECTION 39-31-109. MCA."
1	
2	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
3	Section 1. Section 39-31-109. MCA, is amended to read:
4	#39-31-109. Existing collective bargaining agreements
5	not affected. Nothing (1) Except as provided in subsection

(3)nothing in this chapter shall be construed to remove
recognition of established collective bargaining agreements
already recognized or in existence prior to the-effective
date-of-this-act <u>duly_le_1973</u> .

(2) Except as proxided in subsection (3), collective bargaining units recognized or in existence prior to July 1, 1973, may contain only public employees.

(31_If_on_duly_1.1973.a_collective_bargaining_unit
contained_a_position occupied=by=en=employee=who=wma===not===
public=:employeex=:os=defined=by=39=31=103x=the=employee=who
oscusies:that_position::en::Betober::lx::1983x::mayx::if::he
desireax==remain==in==the==hargaining==unit==pa==leng==na=ha
continues_to_occupy_the_same_position=coc=anothet==position
that::was::contained:in-the:unit-on-duly:ix:1973x=unless-the
board:determines:through=the:_unit:=clorification:=procedure
tbat: the employee = aboutd-be reachuded = from = the = unit = If = that
employse=leaves=a=position=of=the=barsaining=unit==that==was
occupiedbyoneempleyeewbo.wos.corpublic.eempleyee.on
duly:ix:1973x:hia:replacement.may:no:langer:be::iocluded::io
thermborgaining=munit=muniesa=mthempesplocement=mbasx=maince
October::lx::1983x::continuouslx::occupied:::one:::ef:::more
positionsx==all==of=which=were=contained=in=the=unit=on=duly
##=#979# THAT_IS_CURRENTLY_OCCUPIED_BY_ANEMPLOYEE#HOIS
NOT_A_PUBLIC_EMPLOYEE_AS_DEFINED_IN_39-31-103. IHEN_THAT
EMPLOYEE MAY. AFTER OCTOBES 1. 1983. ELECT TO FITHER REMAIN

1	IN THE BARGAINING UNIT IN THAT SAME POSITION OR AN
z	EQUIYALENT_POSITION: OR TO BE EXCLUDED EROM THE BARGAINING
3	UNII. IN ALL CASES. EUTURE REPLACEMENTS MADE FOR SUCH
4	POSTITIONS_MUST_RE_IN_ACCORDANCE_WITHSUBSECTION121THIS
5	SUBSECTION_DOES_NOT_APPLY_TO_BARGAINING_UNITS_THAT_HAVE
6	PRIVATE_PENSION_PLANS.
7	(4) The board may grant a petition from a public
8	employar_or_a_bargaining_representative_for_a_clarification
9	of_a_bargaining_unit_recognized_or_in_existence_prior_to
10	July 1: 1973. The petition and the unit clarification by the
11	board_are_subject_to_procedures_established_by_the_board.**
	-End-

-3- SB 154

S8 0154/02

1	SENATE BILL NO. 154
2	INTRODUCED BY KEATING. FAGG
3	BY REQUEST OF THE
4	PERSONNEL AND LABOR RELATIONS STUDY COMMISSION
5	
6	A BILL FUR AN ACT ENTITLED: "AN ACT AMENDING THE
7	GRANDFATHER CLAUSE CONTAINED IN TITLE 39, CHAPTER 31, MCA.
8	COLLECTIVE BARGAINING FOR PUBLIC EMPLOYEES, BY PROVIDING
9	THAT COLLECTIVE BARGAINING UNITS RECOGNIZED BY THE
0	GRAND ATHER CLAUSE MAY CONTAIN SUPERVISORY EMPLOYEES
	DIA 10 ATTICK CERCE TIME
1	EDITIONS MANAGEMENT OF THE PROPERTY OF THE PRO
2	EMPLOYEES POSITIONS EXCLUDED FROM TITLE 39, CHAPTER 31, MCA,
3	DNLY AS-ERNG-ASTHOSEEMPLOYEESCONTINUETODECUPYTHE
4	POSITEONSTHEY-OCCUPTED IF THE POSITIONS EXISTED ON JULY 1:
5	1973. AND THE EMPLOYEES OCCUPYING THOSE POSITIONS ON OCTOBER
5	1. 1983. CONTINUE TO OCCUPY THOSE POSITIONS OR OCCUPY OTHER
7	POSITIONS CONTAINED IN THE UNIT ON JULY 1, 1973; AUTHORIZING
В	THE ROARD OF PERSONNEL APPEALS TO MAKE UNIT CLARIFICATIONS
9	OF BARGAINING UNITS RECOGNIZED BY THE GRANDFATHER CLAUSE;
0	AMENDING SECTION 39-31-109+ MCA+"
1	Authorities and an
	THE REMOVED IN
S	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MUNTANA:
3	Section 1. Section 39-31-109, MCA, is amended to read:
4	#39-31-109. Existing collective bargaining agreements
_	control of the control of the cube option

48th Legislature

	·
1	(3)2nothing in this chapter shall be construed to remove
2	recognition of established collective bargaining agreements
3	already recognized or in existence prior to the-effective
4	date-of-this-set <u>duly_l_1_1973</u> .
5	<pre>121_Except_as_provided_in_subsection(3).scollective</pre>
6	bargaining_units_recognized_or_in_existence_prior_to_July_l.
7	1973. may_contain_only_public_employees.
8	(3) If on July 1: 1973: a collective bargaining unit
9	contained_a_position occupied=by=an=employee=who:wea==not==2
10	public==employeex==sa=defined=by=39=31=103x=tbe=employee=wbo
11	accyzies:that-position==on==October==lx==1983x==mayx==if==he
12	desireax==remeio==io==tbe==barsaioios==woit==aa==tens==aa=ba
13	continues:to:occupy:the:same:oosition:cor::soother::position
14	that::waa::contained:in:the:unit:on:duly=1x:1973x:unless:the
15	beard-determines:through-theunitclarificationprocedure
16	that: the comployee cahould be excluded from the waits if that
17	employae=leoyea=a=poaition=of=the=bergainios=unit==that==waa
18	occupied::by::go::employee::do::maa:oot:s:cubic:employee:oo
19	duly_lx=1972x=hia=raplocement=may=no=longer=be==iosluded==io
20	therrbargainingrauoitrauntesauntherraplacementrabaxanzainse
21	@ctober==lx==1983x==continuouslx==ccupied===cne===ef===nore
22	positionsx==oft==of=which=wers=contained=in=the=woit=on=dulx
23	TETTE INALIS CURRENTLY DCCUPLED BY AN EMPLOYEE WHO IS
24	NOT A PUBLIC EMPLOYEE AS DESINED IN 39-31-103. THEN THAT
25	EMPLOYEE MAY AFTER OCTOBER 1: 1983 - ELECT TO FITHER KEMAIN

-2- SB 154

\$3 0154/02

1	IN THE BARGAINING UNIT IN THAT SAME POSITION OR A
2	EQUIVALENT_POSITION: OR TO BE EXCLUDED_EROM_THE_BARGAININ
3	UNII. IN ALL CASES. FUIURE REPLACEMENTS MADE EDR SUC
4	POSTITIONS_MUST_RE_IN_ACCORDANCE_WITHSUBSECTION(21IHI
5	YAR TAHT ZIINU QNINIAQBAB OL Y499A TON 2300 NOITOSZUUZ
6	PRIVATE_PENSION_PLANS.
7	(41 The board may grant a petition from a public
8	employar_or_a_bargaining_representative_for_a_clarification
9	of_a_bargaiding_unit_recognized_or_in_existence_orior_to
10	duly 1: 1973: The petition and the unit clarification by the
11	board_are_subject_to_procedures_established_by_the_board.
	-Fnd-

-3-