

SENATE BILL NO. 169

INTRODUCED BY VAN VALKENBURG

BY REQUEST OF THE PERSONNEL AND LABOR  
RELATIONS STUDY COMMISSION

IN THE SENATE

January 17, 1983	Introduced and referred to Committee on Labor and Employment Relations.
January 28, 1983	Committee recommend bill do pass. Report adopted.
January 29, 1983	Bill printed and placed on members' desks.
February 1, 1983	Second reading, do pass.
February 2, 1983	Correctly engrossed.
February 3, 1983	Third reading, passed. Ayes, 49; Noes, 1. Transmitted to House.

IN THE HOUSE

February 4, 1983	Introduced and referred to Committee on Labor and Employment Relations
March 7, 1983	Committee recommend bill concurred in. Report adopted.
March 8, 1983	Second reading, concurred in.
March 9, 1983	Third reading, concurred in.

IN THE SENATE

March 10, 1983	Returned to Senate. Sent to enrolling.  Reported correctly enrolled.
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1 Senate BILL NO. 169  
 2 INTRODUCED BY Van Valkenburg  
 3 BY REQUEST OF THE PERSONNEL AND LABOR  
 4 RELATIONS STUDY COMMISSION  
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 6 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD  
 7 OF PERSONNEL APPEALS TO INVESTIGATE AND DISMISS COMPLAINTS  
 8 OF UNFAIR LABOR PRACTICES; AMENDING SECTION 39-31-405, MCA."  
 9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11 Section 1. Section 39-31-405, MCA, is amended to read:  
 12 "39-31-405. Unfair labor practice complaint --  
 13 investigation -- notice of hearing -- service -- answer. (1)  
 14 Whenever a complaint is filed alleging that any person has  
 15 engaged in or is engaging in any such unfair labor practice,  
 16 ~~the board or any agent designated by the board for such~~  
 17 ~~purposes~~ shall issue and cause to be served upon the person  
 18 a copy of the complaint and provide the person with an  
 19 opportunity to respond to all charges. After receipt of  
 20 responses from the charged party, an agent designated by the  
 21 board for such purposes shall investigate the alleged unfair  
 22 labor practice.  
 23 (2) If, after the investigation, the agent designated  
 24 by the board determines that the charge is without probable  
 25 merit, the board shall issue and cause to be served upon the

1 complaining party and the person being charged notice of its  
 2 intention to dismiss the complaint. The dismissal becomes a  
 3 final order of the board unless either party requests a  
 4 review of the decision to dismiss the complaint. The request  
 5 for a review must be made in writing within 10 days of  
 6 receipt of the notice of intention to dismiss. If a review  
 7 is requested, the board may uphold its decision to dismiss  
 8 the complaint or, pursuant to subsection (3), schedule a  
 9 hearing on the merits. If the board upholds its decision to  
 10 dismiss the complaint, the dismissal becomes a final order  
 11 of the board.  
 12 (3) If after the investigation or after the review  
 13 provided for in subsection (2), the board determines that  
 14 there is probable merit for the charge, the board shall  
 15 issue and cause to be served upon the complaining party and  
 16 the party charged a notice of hearing before the board, a  
 17 member thereof, or before a designated agent at a time and  
 18 place therein fixed, not less than 5 working days after the  
 19 date of service.  
 20 (4) If a hearing is to be held, the person upon  
 21 against whom the charge is served filed shall file an answer  
 22 to the complaint."

-End-

-2- INTRODUCED BILL  
 SB 169

Approved by Committee  
on Labor & Employment  
Relations

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20 (4) If a hearing is to be held, the person upon  
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SECOND READING

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(2) If, after the investigation, the agent designated by the board determines that the charge is without probable merit, the board shall issue and cause to be served upon the

complaining party and the person being charged notice of its intention to dismiss the complaint. The dismissal becomes a final order of the board unless either party requests a review of the decision to dismiss the complaint. The request for a review must be made in writing within 10 days of receipt of the notice of intention to dismiss. If a review is requested, the board may uphold its decision to dismiss the complaint or, pursuant to subsection (3), schedule a hearing on the merits. If the board upholds its decision to dismiss the complaint, the dismissal becomes a final order of the board.

(3) If after the investigation or after the review provided for in subsection (2), the board determines that there is probable merit for the charge, the board shall issue and cause to be served upon the complaining party and the party charged a notice of hearing before the board, a member thereof, or before a designated agent at a time and place therein fixed, not less than 5 working days after the date of service.

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