HOUSE BILL NO. 237

- 1/17 Introduced

- 1/17 Referred to Business & Labor 1/21 Fiscal Note Requested 1/26 Fiscal Note Received Died in Committee

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1	HOUSE BILL NO. 237
2	INTRODUCED BY
3	BY REQUEST OF THE DEPARTMENT
4	OF LABOR & INDUSTRY
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT RETALIATION
7	AGAINST AN EMPLOYEE BY AN EMPLOYER BECAUSE THE EMPLOYEE HAS
8	FILED OR PARTICIPATED IN AN INVESTIGATION OR PROCEEDING
9	CONCERNING AN UNEMPLOYMENT INSURANCE CLAIM, A WORKERS'
10	COMPENSATION CLAIM, OR A MINIMUM WAGE OR OVERTIME
11	COMPENSATION CLAIM; AND PROVIDING FOR HEARING PROCEDURES,
12	REMEDIES, AND ENFORCEMENT."
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Retaliation against employees prohibited -enforcement proceedings. (1) No employer may discharge or
otherwise retaliate against an employee because the employee
filed or participated in an investigation or proceeding
concerning an unemployment insurance, workers' compensation,
minimum wage, or overtime compensation claim.

- (2) A person claiming to be aggrieved by a violation of this section may file a complaint with the commissioner of labor and industry within 90 days after the alleged violation occurred or was discovered.
 - (3) The commissioner must, within 30 days of the

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- l filing of a complaint, give notice of a hearing and must
- 2 dispose of the complaint within 60 days of the time the
- 3 notice of hearing issued.
- 4 (4) If the commissioner finds that an employer has 5 violated subsection (1), the commissioner shall issue an
- 6 order requiring any reasonable measure to correct the
- 7 retaliatory practice and may order an award of lost wages or
- 8 actual damages or order the employer to reinstate the
- 9 employee, or any combination thereof. If the commissioner
- 10 finds that subsection (1) was not violated, he shall dismiss
- 11 the complaint.
- 12 (5) An order of the commissioner under this section
- 13 may be enforced by a district court upon the petition of the
- 14 department of labor and industry or a party filed within 1
- 15 year of the commissioner's final decision.
- 16 (6) The commissioner may adopt procedural rules
- 17 necessary to implement this section.

-End-

FISCAL NOTE

Form BD-15

In compliance with a written request received <u>January 21</u> 19 85, there is hereby submitted a Fiscal Note for <u>H.B. 237</u> 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 LEGISLATION:

House Bill prohibits retaliation by an employer against an employee who has filed or participated in the investigation proceeding of unemployment insurance claim, workers' compensation claim or minimum wage or overtime compensation claim.

ASSUMPTIONS:

- 1. 400 retaliation claims filed per year.
- 2. 90 hearings per hearings officer per year.
- 3. 8 cases per year go to district court.
- 4. One (1) case per year goes to supreme court.
- 5. This program would be housed in the Commissioner's Office.

FISCAL IMPACT ON STATE SPECIAL REVENUE:

		FY 86		FY 87		Biennium Total	n
Expenditures:				<u> </u>			
Personal Services		125,536	\$	130,557	\$	256,093	
Operating		15,000		15,600		30,600	
Equipment		3,000		-0-		3,000	
TOTAL	\$	143,536	\$	146,157	\$	289,693	
Because the Commissioner's Office is funded from a cost allocation plan, this program would be funded as foll							program would be funded as follows:
General Fund:	\$	6,085	\$	6,196	\$	12,281	
Federal Funds:		104,305		106,210		210,515	_
State Special Revenue		33,146		33,751		66,897	
TOTAL	\$	$1\overline{43,536}$	\$	$1\overline{46,157}$	\$	289,693	
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BUDGET DIRECTOR

Office of Budget and Program Planning

Date

JAN 25

HB 23"