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
OF LABOR \& INDUSTRY
A bill for an act entitled: "an act to prohibit retaliation
AGAINST AN EMPLOYEE BY AN EMPLOYER BECAUSE THE EMPLOYEE HAS
FILED OR PARTICIPATED IN AN INVESTIGATION OR PROCEEDING
CONCERNING AN UNEMPLOYMENT INSURANCE CLAIM, A WORKERS'
COMPENSATION CLAIM, OR A MINIMUM WAGE OR OVERTIME
COMPENSATION CLAIM; AND PROVIDING FOR HEARING PROCEDURES,
REMEDIES, AND ENFORCEMENT."
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

[^0]60\mathrm{ days of the time the
notice of hearing issued.
(4) If the commissioner finds that an employer has violated subsection (l), the commissioner shall issue an order requiring any reasonable measure to correct the retaliatory practice and may order an award of lost wages or actual damages or order the employer to reinstate the
employee, or any combination thereof. If the commissioner actual damages or order the employer to reinstate the
employee, or any combination thereof. If the commissioner finds that subsection (1) was not violated, he shall dismiss the complaint.
(5) An order of the commissioner under this section may be enforced by a district court upon the petition of the department of labor and industry or a party filed within 1 year of the commissioner's final decision.
(6) The commissioner may adopt procedural rules necessary to implement this section.
filing of a complaint, give notice of a hearing and must dispose of the complaint within 60 days of the time the notice of hearing issued.

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} -End-

In compliance with a written request received January 21
1985 \(\qquad\) , there is hereby submitted a Fiscal Note for H.B. 237 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.

\section*{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.

\section*{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.

One (1) case per year goes to supreme court.
This program would be housed in the Commissioner's Office.
FISCAL IMPACT ON STATE SPECIAL REVENUE:


Because the Commissioner's Office is General Fund:
Federal Funds:
State Special Revenue
TOTAL
funded from
cost allocation plan, this
\(\begin{array}{llll}\$ & 6,085 & \$ & 6,196\end{array} \$ 12,281\)
\(\begin{array}{rrrr}104,305 & 106,210 & 210,515 \\ & \frac{33,146}{43} & \$ \frac{33,751}{46,157} & \$ 2 \frac{66,897}{89,693}\end{array}\)
program would be funded as follows:


Date:
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[^0]:    ```
    filing of a complaint, give notice of a hearing and must
    dispose of the complaint within ```

