

HOUSE JOINT RESOLUTION NO. 58

INTRODUCED BY ADDY, RAMIREZ

IN THE HOUSE

April 12, 1985	Introduced and referred to Committee on Judiciary.
April 16, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
April 17, 1985	Second reading, do pass as amended.
April 18, 1985	Correctly engrossed.
April 19, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

April 20, 1985	Introduced and referred to Committee on State Administration.
April 23, 1985	Committee recommend bill be concurred in. Report adopted.
April 24, 1985	Second reading, concurred in.
April 25, 1985	Third reading, concurred in. Ayes, 44; Noes, 4.
	Returned to House.

IN THE HOUSE

April 25, 1985

Received from Senate.

Sent to enrolling

Reported correctly enrolled.

HOUSE JOINT RESOLUTION NO. 58

INTRODUCED BY Ally Ramsey

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE STATUTORY HIRING AT WILL RULE AND THE DOCTRINES OF WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY AND THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING.

WHEREAS, section 39-2-503, MCA, provides that "an employment having no specified term may be terminated at the will of either party"; and

WHEREAS, this rule was strictly applied in Montana until 1980; and

WHEREAS, since 1980, the Montana Supreme Court has applied two exceptions to the "hiring at will rule", which are known as "the doctrine of wrongful discharge in violation of public policy" and "the implied covenant of good faith and fair dealing"; and

WHEREAS, since the mid-1970s, these exceptions have become increasingly popular in many states as limits upon the 100-year old "hiring at will rule" applied nationwide; and

WHEREAS, the application of these exceptions has a

far-reaching effect on the employment relationship and the parties to that relationship are unsure of the scope of the exceptions and the manner of their application; and

WHEREAS, it is essential that these parties know exactly how they stand in relation to each other.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That an appropriate interim committee be assigned to study:

(a) the "hiring at will rule";

(b) the doctrine of wrongful discharge in violation of public policy; and

(c) the doctrine of an implied covenant of good faith and fair dealing.

(2) That the committee study the case law of Montana and cases and statutes of other states.

(3) That the committee describe various applications of these three doctrines and reactions to them in the other states.

(4) That the committee study the reasons underlying the three doctrines.

(5) That the committee prepare an all-encompassing report on the matter, including alternative approaches and methods for arbitrating discipline and discharge disputes,



LC 1966/01

- 1 and submit the report and its recommendations to the 50th
- 2 Legislature.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

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15 and fair dealing AS AN EXCEPTION TO THE "HIRING AT WILL  
16 RULE".  
17 (2) That the committee study the case law of Montana  
18 and cases and statutes of other states RELEVANT TO THESE  
19 THREE DOCTRINES.  
20 (3) That the committee describe various applications  
21 of these three doctrines and reactions to them in the other  
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1 report on the matter, including alternative approaches and  
2 methods for arbitrating discipline and discharge disputes,  
3 THE DESIRABILITY OF REQUIRING ARBITRATION AS A PRECONDITION  
4 TO FILING SUIT, and submit the report and its  
5 recommendations to the 50th Legislature.

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THIRD READING  
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