

HOUSE BILL NO. 810

INTRODUCED BY HARRINGTON, KEENAN, WALKER,
DRISCOLL, REAM, COHEN, HANSEN, MCCORMICK, O'CONNELL

IN THE HOUSE

FEBRUARY 18, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & LABOR.

FEBRUARY 24, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

PRINTING REPORT.

SECOND READING, DO PASS.

ON MOTION, RULES SUSPENDED AND BILL
PLACED ON THIRD READING THIS DAY.

THIRD READING, PASSED.
AYES, 82; NOES, 18.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

MARCH 20, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 24, 1987 SECOND READING, CONCURRED IN.

MARCH 26, 1987 THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 27, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 810
 2 INTRODUCED BY Harveston, Keenan Walker
 3 David O'Connell, Stella Joubert, M. Lewis

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 39-31-103, MCA, TO PROVIDE HEAD START EMPLOYEES THE SAME
 6 RIGHT AS PUBLIC EMPLOYEES TO BARGAIN COLLECTIVELY."
 7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 39-31-103, MCA, is amended to read:
 10 "39-31-103. Definitions. When used in this chapter,
 11 the following definitions apply:

12 (1) "Public employer" means the state of Montana or
 13 any political subdivision thereof, including but not limited
 14 to any town, city, county, district, school board, board of
 15 regents, public and quasi-public corporation, housing
 16 authority or other authority established by law, and any
 17 representative or agent designated by the public employer to
 18 act in its interest in dealing with public employees.
 19 Public employer also includes any local public or private
 20 nonprofit agency designated as a head start agency as
 21 provided in 42 U.S.C. 9836.

22 (2) (a) "Public employee" means:
 23 (i) except as provided in subsection (2)(b) of this
 24 section, a person employed by a public employer in any
 25 capacity; and

1 (ii) an individual whose work has ceased as a
 2 consequence of or in connection with any unfair labor
 3 practice or concerted employee action.

- 4 (b) "Public employee" does not mean:
 5 (i) an elected official;
 6 (ii) a person directly appointed by the governor;
 7 (iii) a supervisory employee, as defined in subsection
 8 (3) of this section;
 9 (iv) a management official, as defined in subsection
 10 (4) of this section;
 11 (v) a confidential employee, as defined in subsection
 12 (12) of this section;
 13 (vi) a member of any state board or commission who
 14 serves the state intermittently;
 15 (vii) a school district clerk;
 16 (viii) a school administrator;
 17 (ix) a registered professional nurse performing service
 18 for a health care facility;
 19 (x) a professional engineer; or
 20 (xi) an engineer-in-training.

21 (3) "Supervisory employee" means any individual having
 22 authority in the interest of the employer to hire, transfer,
 23 suspend, lay off, recall, promote, discharge, assign,
 24 reward, discipline other employees, having responsibility to
 25 direct them, to adjust their grievances, or effectively to

1 recommend such action, if in connection with the foregoing
 2 the exercise of such authority is not of a merely routine or
 3 clerical nature but requires the use of independent
 4 judgment.

5 (4) "Management official" means a representative of
 6 management having authority to act for the agency on any
 7 matters relating to the implementation of agency policy.

8 (5) "Labor organization" means any organization or
 9 association of any kind in which employees participate and
 10 which exists for the primary purpose of dealing with
 11 employers concerning grievances, labor disputes, wages,
 12 rates of pay, hours of employment, fringe benefits, or other
 13 conditions of employment.

14 (6) "Exclusive representative" means the labor
 15 organization which has been designated by the board as the
 16 exclusive representative of employees in an appropriate unit
 17 or has been so recognized by the public employer.

18 (7) "Board" means the board of personnel appeals
 19 provided for in 2-15-1705.

20 (8) "Person" includes one or more individuals, labor
 21 organizations, public employees, associations, corporations,
 22 legal representatives, trustees, trustees in bankruptcy, or
 23 receivers.

24 (9) "Unfair labor practice" means any unfair labor
 25 practice listed in 39-31-401 or 39-31-402.

1 (10) "Labor dispute" includes any controversy
 2 concerning terms, tenure, or conditions of employment or
 3 concerning the association or representation of persons in
 4 negotiating, fixing, maintaining, changing, or seeking to
 5 arrange terms or conditions of employment, regardless of
 6 whether the disputants stand in the proximate relation of
 7 employer and employee.

8 (11) "Appropriate unit" means a group of public
 9 employees banded together for collective bargaining purposes
 10 as designated by the board.

11 (12) "Confidential employee" means any person found by
 12 the board to be a confidential labor relations employee and
 13 any person employed in the personnel division, department of
 14 administration, who acts with discretionary authority in the
 15 creation or revision of state classification
 16 specifications."

17 NEW SECTION. Section 2. Extension of authority. Any
 18 existing authority of the board of personnel appeals to make
 19 rules on the subject of the provisions of this act is
 20 extended to the provisions of this act.

-End-

APPROVED BY COMM. ON
BUSINESS & INDUSTRY

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Public employer also includes any local public or--private
nonprofit agency designated as a head start agency as
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(2) (a) "Public employee" means:

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(b) "Public employee" does not mean:

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for a health care facility;

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