

SENATE BILL 343

Introduced by Van Valkenburg, et al.

2/04	Introduced
2/04	Referred to Labor & Employment Relations
2/09	Hearing
2/13	Committee Report--Bill Not Passed
2/13	Adverse Committee Report Adopted
2/14	Reconsidered Previous Action
2/17	2nd Reading Passed
2/20	3rd Reading Passed

1 INTRODUCTION BY Senate BILL NO. 343
2 Van Vollenburg Adley
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR
5 ARBITRATION OF COLLECTIVE BARGAINING DISPUTES BETWEEN
6 MUNICIPAL POLICE OFFICERS AND PUBLIC EMPLOYERS."
7

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

9 NEW SECTION. Section 1. Short title. [This act] may
10 be cited as the "Arbitration for Municipal Police Officers
11 Act".

12 NEW SECTION. Section 2. Arbitration between municipal
13 police officers and public employers. (1) This section
14 applies only to municipal police officers and their public
15 employers.

16 (2) If an impasse is reached in the course of
17 collective bargaining between a public employer and a
18 municipal police officers' organization or its exclusive
19 representative and if the procedures for mediation and
20 factfinding in 39-31-307 through 39-31-310 have been
21 exhausted, either party or both jointly may petition the
22 board of personnel appeals for final and binding
23 arbitration.

24 NEW SECTION. Section 3. Designation of arbitrator.
25 Within 3 days of the receipt of a petition for final and

1 binding arbitration, the board of personnel appeals shall
2 submit to the parties a list of five qualified and
3 disinterested arbitrators. From the list submitted by the
4 board, the parties shall alternately strike two names. The
5 remaining person shall be designated as the arbitrator. The
6 parties shall notify the board of the designated arbitrator
7 within 5 days of receipt of the list.

8 NEW SECTION. Section 4. Powers and duties of
9 arbitrator. (1) The arbitrator shall establish dates and a
10 place for hearings and may subpoena witnesses and require
11 the submission of evidence necessary to resolve the impasse.
12 (2) Prior to making a determination on any issue
13 relating to the impasse, the arbitrator may refer the issues
14 back to the parties for further negotiation.

15 (3) At the conclusion of the hearings, the arbitrator
16 shall require the parties to submit their respective final
17 position on matters in dispute.

18 (4) The arbitrator shall make a just and reasonable
19 determination of which final position on matters in dispute
20 will be adopted within 30 days of the commencement of the
21 arbitration proceedings. The arbitrator shall notify the
22 board of personnel appeals and the parties, in writing, of
23 his determination.

24 (5) In arriving at a determination, the arbitrator
25 shall consider any relevant circumstances, including:

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1 (a) comparison of hours, wages, and conditions of
2 employment of the employees involved with employees
3 performing similar services and with other services
4 generally;

5 (b) the interests and welfare of the public and the
6 financial ability of the public employer to pay;

7 (c) appropriate cost-of-living indices;

8 (d) any other factors traditionally considered in the
9 determination of hours, wages, and conditions of employment.

10 (6) The determination of the arbitrator is final and
11 binding and is not subject to the approval of any governing
12 body.

13 NEW SECTION. **Section 5.** Collective bargaining
14 permitted during arbitration. Nothing prohibits the parties
15 to the impasse from reaching an agreement prior to the
16 rendering of a determination by the arbitrator.

17 NEW SECTION. **Section 6.** Strikes limited. Strikes are
18 prohibited during the term of any contract and the
19 negotiations or arbitration of that contract.

20 NEW SECTION. **Section 7.** Cost of arbitration. The cost
21 of arbitration shall be shared equally by the public
22 employer and the municipal police officers' organization or
23 its exclusive representative.

-End-

RECOMMEND DO NOT PASS
ON MOTION, PRINTED AND
PLACED ON SECOND READING

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