

SENATE BILL NO. 15
INTRODUCED BY BLAYLOCK

IN THE SENATE

DECEMBER 22, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
JANUARY 4, 1993	FIRST READING.
JANUARY 27, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 28, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 29, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 32; NOES, 16.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 30, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 15, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 29, 1993	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 31, 1993	THIRD READING, CONCURRED IN. AYES, 60; NOES, 38.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 3, 1993	SECOND READING, AMENDMENTS NOT CONCURRED IN.
APRIL 6, 1993	ON MOTION, CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 7, 1993

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 16, 1993

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 16, 1993

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 19, 1993

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 20, 1993

FREE CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 20, 1993

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

APRIL 21, 1993

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

SENATE BILL NO. 15
INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MANDATORY
GRIEVANCE PROCEDURES IN COLLECTIVE BARGAINING AGREEMENTS;
AMENDING SECTION 39-31-306, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 39-31-306, MCA, is amended to read:

"39-31-306. Collective bargaining agreements. (1) Any
An agreement reached by the public employer and the
exclusive representative shall must be reduced to writing
and shall must be executed by both parties.

(2) An agreement may must contain a grievance procedure
culminating in final and binding arbitration of unresolved
grievances and disputed interpretations of agreements.

(3) An agreement between the public employer and a
labor organization shall must be valid and enforced under
its terms when entered into in accordance with the
provisions of this chapter and signed by the chief executive
officer of the state or political subdivision or
commissioner of higher education or his by a representative.
A publication of the agreement is not required to make it
effective.

(4) The procedure for the making of an agreement
between the state or political subdivision and a labor
organization provided by this chapter is the exclusive
method of making a valid agreement for public employees
represented by a labor organization."

NEW SECTION. **Section 2.** Effective date --
applicability. [This act] is effective on passage and
approval and applies to agreements entered into on or after
[the effective date of this act].

-End-

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

SENATE BILL NO. 15

INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MANDATORY
GRIEVANCE PROCEDURES IN SCHOOL COLLECTIVE BARGAINING
AGREEMENTS; AMENDING SECTION 39-31-306, MCA; AND PROVIDING
AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 39-31-306, MCA, is amended to read:

"39-31-306. Collective bargaining agreements. (1) Any
An agreement reached by the public employer and the
exclusive representative ~~shall~~ must be reduced to writing
and ~~shall~~ must be executed by both parties.

(2) An EXCEPT AS PROVIDED IN SUBSECTION (5), AN
agreement ~~may~~ must MAY contain a grievance procedure
culminating in final and binding arbitration of unresolved
grievances and disputed interpretations of agreements.

(3) An agreement between the public employer and a
labor organization ~~shall~~ must be valid and enforced under
its terms when entered into in accordance with the
provisions of this chapter and signed by the chief executive
officer of the state or political subdivision or
commissioner of higher education or ~~his~~ by a representative.
A publication of the agreement is not required to make it

effective.

(4) The procedure for the making of an agreement
between the state or political subdivision and a labor
organization provided by this chapter is the exclusive
method of making a valid agreement for public employees
represented by a labor organization.

(5) AN AGREEMENT TO WHICH A SCHOOL IS A PARTY MUST
CONTAIN A GRIEVANCE PROCEDURE CULMINATING IN FINAL AND
BINDING ARBITRATION OF UNRESOLVED AND DISPUTED
INTERPRETATIONS OF AGREEMENTS."

NEW SECTION. **Section 2.** Effective date --
applicability. [This act] is effective on passage and
approval and applies to agreements entered into on or after
[the effective date of this act].

-End-

1 SENATE BILL NO. 15

2 INTRODUCED BY BLAYLOCK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MANDATORY
5 GRIEVANCE PROCEDURES IN SCHOOL COLLECTIVE BARGAINING
6 AGREEMENTS; AMENDING SECTION 39-31-306, MCA; AND PROVIDING
7 AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

10 Section 1. Section 39-31-306, MCA, is amended to read:

11 "39-31-306. Collective bargaining agreements. (1) Any
12 An agreement reached by the public employer and the
13 exclusive representative shall must be reduced to writing
14 and shall must be executed by both parties.

15 (2) An EXCEPT AS PROVIDED IN SUBSECTION (5), AN
16 agreement may must MAY contain a grievance procedure
17 culminating in final and binding arbitration of unresolved
18 grievances and disputed interpretations of agreements.

19 (3) An agreement between the public employer and a
20 labor organization shall must be valid and enforced under
21 its terms when entered into in accordance with the
22 provisions of this chapter and signed by the chief executive
23 officer of the state or political subdivision or
24 commissioner of higher education or his by a representative.
25 A publication of the agreement is not required to make it

1 effective.

2 (4) The procedure for the making of an agreement
3 between the state or political subdivision and a labor
4 organization provided by this chapter is the exclusive
5 method of making a valid agreement for public employees
6 represented by a labor organization.

7 (5) AN AGREEMENT TO WHICH \A SCHOOL IS A PARTY MUST
8 CONTAIN A GRIEVANCE PROCEDURE CULMINATING IN FINAL AND
9 BINDING ARBITRATION OF UNRESOLVED AND DISPUTED
10 INTERPRETATIONS OF AGREEMENTS."

11 NEW SECTION. Section 2. Effective date --
12 applicability. [This act] is effective on passage and
13 approval and applies to agreements entered into on or after
14 [the effective date of this act].

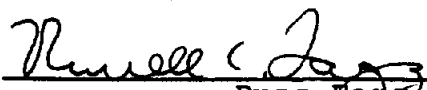
-End-

HOUSE STANDING COMMITTEE REPORT

March 12, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 15 (third reading copy -- blue) be concurred in as amended.

Signed: 
Russ Fagg, Chair

And, that such amendments read:

Carried by: Rep. J. Rice

1. Title, line 6.

Following: "AGREEMENTS;"

Insert: "PROVIDING FOR AN ELECTION OF REMEDIES;"

2. Title, line 7.

Following: "AND"

Strike: "AN"

Following: "APPLICABILITY"

Strike: "DATE"

Insert: "DATES"

3. Page 2, line 10.

Following: "AGREEMENTS."

Insert: "The aggrieved party may have the grievance or disputed interpretation of the agreement resolved either by final and binding arbitration or by any other available legal method and forum, but not by both. The remedy elected by the aggrieved party is binding on the aggrieved party, that party's collective bargaining agent, and the employer and is the exclusive method of remedy for resolution of the grievance or disputed interpretation."

4. Page 2, line 14.

Following: "act]"

Insert: ", except that subsection (5) of 39-31-306 applies to agreements for school years that begin on or after July 1, 1996"

-END-

HOUSE

Committee Vote:
Yes 13, No 5.

SB 15
561617SC.Hpf

HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 15
Representative Vogel

March 29, 1993 8:27 am
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 15 (House Judiciary Committee Amendments of March 12, 1993 and the third reading copy -- blue).

Signed: 
Representative Vogel

1. And, that such amendments to the House Judiciary Committee amendments of March 12, 1993 be amended as follows:

Committee amendment item #3.

Strike: amendment #3 in its entirety

2. And, that Senate Bill 15 (third reading copy--blue) be further amended as follows:

Page 2, line 11.

Following: line 10

Insert: "(6) After a grievance has been filed, the grievant and the exclusive representative waive any right to pursue any action or complaint involving the same facts or circumstances before any local, state, or federal agency, tribunal, court, or other forum in which relief may be sought or granted. If a grievant or the exclusive representative files a complaint, appeal, or other action with a local, state, or federal agency, tribunal, court, or other forum involving the same facts or circumstances, a grievance may not be filed or pursued under this section."

-END-

ADOPT

REJECT

SB 15

HOUSE

SENATE BILL NO. 15

INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MANDATORY GRIEVANCE PROCEDURES IN SCHOOL COLLECTIVE BARGAINING AGREEMENTS; PROVIDING FOR AN ELECTION OF REMEDIES; AMENDING SECTION 39-31-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY ~~DATB~~ DATES."

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

Section 1. Section 39-31-306, MCA, is amended to read:

"39-31-306. Collective bargaining agreements. (1) Any An agreement reached by the public employer and the exclusive representative ~~shall~~ must be reduced to writing and ~~shall~~ must be executed by both parties.

(2) An ~~EXCEPT AS PROVIDED IN SUBSECTION (5), AN~~ agreement ~~may~~ must ~~MAY~~ contain a grievance procedure culminating in final and binding arbitration of unresolved grievances and disputed interpretations of agreements.

(3) An agreement between the public employer and a labor organization ~~shall~~ must be valid and enforced under its terms when entered into in accordance with the provisions of this chapter and signed by the chief executive officer of the state or political subdivision or commissioner of higher education or ~~his~~ by a representative.

A publication of the agreement is not required to make it effective.

(4) The procedure for the making of an agreement between the state or political subdivision and a labor organization provided by this chapter is the exclusive method of making a valid agreement for public employees represented by a labor organization.

~~(5) AN AGREEMENT TO WHICH A SCHOOL IS A PARTY MUST CONTAIN A GRIEVANCE PROCEDURE CULMINATING IN FINAL AND BINDING ARBITRATION OF UNRESOLVED AND DISPUTED INTERPRETATIONS OF AGREEMENTS. THE AGGRIEVED PARTY MAY HAVE THE GRIEVANCE OR DISPUTED INTERPRETATION OF THE AGREEMENT RESOLVED EITHER BY FINAL AND BINDING ARBITRATION OR BY ANY OTHER AVAILABLE LEGAL METHOD AND FORUM, BUT NOT BY BOTH. THE REMEDY ELECTED BY THE AGGRIEVED PARTY IS BINDING ON THE AGGRIEVED PARTY, THAT PARTY'S COLLECTIVE BARGAINING AGENT, AND THE EMPLOYER AND IS THE EXCLUSIVE METHOD OF REMEDY FOR RESOLUTION OF THE GRIEVANCE OR DISPUTED INTERPRETATION.~~

(6) AFTER A GRIEVANCE HAS BEEN FILED, THE GRIEVANT AND THE EXCLUSIVE REPRESENTATIVE WAIVE ANY RIGHT TO PURSUE ANY ACTION OR COMPLAINT INVOLVING THE SAME FACTS OR CIRCUMSTANCES BEFORE ANY LOCAL, STATE, OR FEDERAL AGENCY, TRIBUNAL, COURT, OR OTHER FORUM IN WHICH RELIEF MAY BE SOUGHT OR GRANTED. IF A GRIEVANT OR THE EXCLUSIVE REPRESENTATIVE FILES A COMPLAINT, APPEAL, OR OTHER ACTION

1 WITH A LOCAL, STATE, OR FEDERAL AGENCY, TRIBUNAL, COURT, OR
2 OTHER FORUM INVOLVING THE SAME FACTS OR CIRCUMSTANCES, A
3 GRIEVANCE MAY NOT BE FILED OR PURSUED UNDER THIS SECTION."

4 NEW SECTION. Section 2. Effective date --
5 applicability. [This act] is effective on passage and
6 approval and applies to agreements entered into on or after
7 [the effective date of this act], EXCEPT THAT SUBSECTION (5)
8 OF 39-31-306 APPLIES TO AGREEMENTS FOR SCHOOL YEARS THAT
9 BEGIN ON OR AFTER JULY 1, 1996.

-End-

Free Conference Committee
on Senate Bill No. 15
Report No. 1, April 16, 1993

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill No. 15, met and considered:

We recommend that Senate Bill No. 15 (reference copy - salmon) be amended as follows:

1. Page 2, line 18.

Strike: line 19 through "GRANTED." on line 24

Insert: "The aggrieved party may have the grievance or disputed interpretation of the agreement resolved either by final and binding arbitration or by any other available legal method and forum, but not by both. After a grievance has been submitted to arbitration, the grievant and the exclusive representative waive any right to pursue against the school an action or complaint that seeks the same remedy."

2. Page 2, line 25.

Strike: "APPEAL,"

3. Page 3, lines 1 through 3.

Strike: "WITH" on line 1 through "SECTION" on line 3

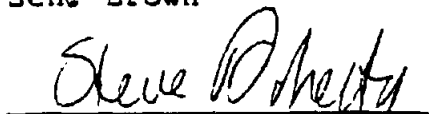
Insert: "against the school, arbitration seeking the same remedy may not be filed or pursued under this section"


And that this Free Conference Committee report be adopted.


For the Senate:


Sen. Blaylock, Chair


Sen. Brown


Sen. Doherty

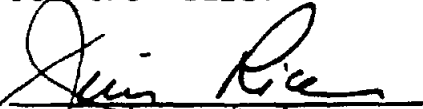

Amd. Coord.


Sec. of Senate

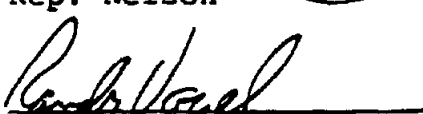
ADOPT

REJECT

For the House:


Rep. Rice, Chair


Rep. Nelson


Rep. Vogel

SB 15

F.C.C.R. #1

841028CC.Sma

SENATE BILL NO. 15
INTRODUCED BY BLAYLOCK

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(3) An agreement between the public employer and a labor organization ~~shall~~ must be valid and enforced under its terms when entered into in accordance with the provisions of this chapter and signed by the chief executive officer of the state or political subdivision or commissioner of higher education or ~~his~~ by a representative.

A publication of the agreement is not required to make it effective.

(4) The procedure for the making of an agreement between the state or political subdivision and a labor organization provided by this chapter is the exclusive method of making a valid agreement for public employees represented by a labor organization.

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(6) AFTER A GRIEVANCE HAS BEEN FILED, THE GRIEVANT AND THE EXCLUSIVE REPRESENTATIVE WAIVE ANY RIGHT TO PURSUE ANY ACTION OR COMPLAINT INVOLVING THE SAME FACTS OR CIRCUMSTANCES BEFORE ANY LOCAL, STATE, OR FEDERAL AGENCY, TRIBUNAL, COURT, OR OTHER FORUM IN WHICH RELIEF MAY BE SOUGHT OR GRANTED. THE AGGRIEVED PARTY MAY HAVE THE GRIEVANCE OR DISPUTED INTERPRETATION OF THE AGREEMENT

1 RESOLVED EITHER BY FINAL AND BINDING ARBITRATION OR BY ANY
 2 OTHER AVAILABLE LEGAL METHOD AND FORUM, BUT NOT BY BOTH.
 3 AFTER A GRIEVANCE HAS BEEN SUBMITTED TO ARBITRATION, THE
 4 GRIEVANT AND THE EXCLUSIVE REPRESENTATIVE WAIVE ANY RIGHT TO
 5 PURSUE AGAINST THE SCHOOL AN ACTION OR COMPLAINT THAT SEEKS
 6 THE SAME REMEDY. IF A GRIEVANT OR THE EXCLUSIVE
 7 REPRESENTATIVE FILES A COMPLAINT, APPEAL, OR OTHER ACTION
 8 WITH--A-LOCAL, STATE, OR FEDERAL AGENCY, TRIBUNAL, COURT, OR
 9 OTHER FORUM INVOLVING THE SAME--FACTS--OR--CIRCUMSTANCES,--A
 10 GRIEVANCE--MAY--NOT--BE--FILED--OR--PURSUED--UNDER--THIS--SECTION
 11 AGAINST THE SCHOOL, ARBITRATION SEEKING THE SAME REMEDY MAY
 12 NOT BE FILED OR PURSUED UNDER THIS SECTION."

13 NEW SECTION. Section 2. Effective date --
 14 applicability. [This act] is effective on passage and
 15 approval and applies to agreements entered into on or after
 16 [the effective date of this act], EXCEPT THAT SUBSECTION (5)
 17 OF 39-31-306 APPLIES TO AGREEMENTS FOR SCHOOL YEARS THAT
 18 BEGIN ON OR AFTER JULY 1, 1996.

-End-