

HOUSE BILL 80

Introduced by Ellis, et al.

12/09	Introduced
12/09	Referred to Education & Cultural Resources
12/09	First Reading
12/09	Fiscal Note Requested
12/13	Hearing
12/14	Committee Report--Bill Passed
12/14	Fiscal Note Received
12/14	Fiscal Note Printed
12/15	2nd Reading Do Pass Motion Failed

1 House BILL NO. 80  
2 INTRODUCED BY [Signature]  
3 7/10/93

4 A BILL FOR AN ACT ENTITLED: "AN ACT MANDATING THAT UNTIL A  
5 NEW AGREEMENT IS REACHED, A SCHOOL DISTRICT EMPLOYEE MUST  
6 RECEIVE THE SAME SALARY AND BENEFITS AFTER EXPIRATION OF A  
7 COLLECTIVE BARGAINING AGREEMENT AS THE EMPLOYEE RECEIVED  
8 BEFORE EXPIRATION OF THE AGREEMENT; AMENDING SECTION  
9 39-31-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

17 (2) Except as provided in subsection (5), an agreement  
18 may contain a grievance procedure culminating in final and  
19 binding arbitration of unresolved grievances and disputed  
20 interpretations of agreements.

21 (3) An agreement between the public employer and a  
22 labor organization must be valid and enforced under its  
23 terms when entered into in accordance with the provisions of  
24 this chapter and signed by the chief executive officer of  
25 the state or political subdivision or commissioner of higher

1 education or by a representative. A publication of the  
2 agreement is not required to make it effective.

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

8 (5) An agreement to which a school is a party must  
9 contain a grievance procedure culminating in final and  
10 binding arbitration of unresolved and disputed  
11 interpretations of agreements. The aggrieved party may have  
12 the grievance or disputed interpretation of the agreement  
13 resolved either by final and binding arbitration or by any  
14 other available legal method and forum, but not by both.  
15 After a grievance has been submitted to arbitration, the  
16 grievant and the exclusive representative waive any right to  
17 pursue against the school an action or complaint that seeks  
18 the same remedy. If a grievant or the exclusive  
19 representative files a complaint or other action against the  
20 school, arbitration seeking the same remedy may not be filed  
21 or pursued under this section.

22 (6) Upon expiration of a collective bargaining  
23 agreement and until a successor agreement is reached, a  
24 school district employee covered by the agreement must  
25 continue to receive the same salary and benefits as were

1 received on the day before the agreement expired.  
2 Incremental salary or benefit increases provided for, or  
3 that are the same as or similar to those provided for, in  
4 the expired agreement may not be granted except by mutual  
5 agreement of the exclusive representative and the public  
6 employer. A court, an arbitrator, or the board of personnel  
7 appeals may not require a public employer to provide higher  
8 wages or benefits to a school district employee than those  
9 due the employee on the day before the agreement expired."

10 NEW SECTION. Section 2. Effective date. [This act] is  
11 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

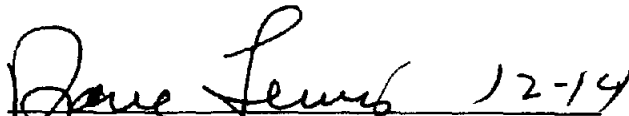
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0080, as introduced.


DESCRIPTION OF PROPOSED LEGISLATION: An act mandating that until a new agreement is reached, a school district employee must receive the same salary and benefits after expiration of a collective bargaining agreement as the employee received before expiration of the agreement; amending section 39-31-306, MCA; and providing an immediate effective date.

ASSUMPTIONS:

1. House Bill 80 has no impact on state support for schools.

FISCAL IMPACT: None.

  
DAVID LEWIS, BUDGET DIRECTOR      DATE 12-14  
Office of Budget and Program Planning

  
ALVIN ELLIS, PRIMARY SPONSOR      DATE 12-14-92  
Fiscal Note for HB0080, as introduced

HB 80

APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

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3 [Signature]

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