

SENATE BILL NO. 51

INTRODUCED BY GAGE, REAM, HALLIGAN, T. NELSON, KADAS

IN THE SENATE

DECEMBER 10, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FIRST READING.

DECEMBER 15, 1993

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

PRINTING REPORT.

DECEMBER 16, 1993

SECOND READING, DO PASS.

CROSSING REPORT.

THIRD READING, PASSED.
AYES, 48; NOES, 1.

TRANSMITTED TO HOUSE.

IN THE HOUSE

DECEMBER 17, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN.
AYES, 94; NOES, 4.

RETURNED TO SENATE.

IN THE SENATE

DECEMBER 17, 1993

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

25 **Section 1.** Section 2-18-1203, MCA, is amended to read:

24 (2) (a) An agency attempting to hire from the job
25 register shall consider the employee's qualifications and

1 length of state service. If two or more employees listed in
2 the job register are equally qualified for a vacant
3 position, the agency shall select the employee with the
4 longest continuous state service.

5 (b) If there is not an employee listed on the job
6 register who meets the job qualifications for the vacant
7 position, the agency may hire a qualified external applicant
8 or establish a training assignment, according to state
9 policy. (Terminates July 1, 1995--sec. 11, Ch. 477, L.
10 1993.)"

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

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

SENATE BILL NO. 51

INTRODUCED BY GAGE, REAM, HALLIGAN, T. NELSON, KADAS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STATE
EMPLOYEE PROTECTION ACT; AMENDING SECTION 2-18-1203, MCA;
AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, under Mead v. McKittrick, 223 Mont. 428, 727
P.2d 517 (1986), it appears that the judicial branch of
state government is immune from the provisions of the State
Employee Protection Act; and

WHEREAS, the reasoning of the court in Mead v.
McKittrick, that "public policy is best served when
newly-elected officials are free to select their own key
staff members", should apply equally to the several
positions, exempt from state classification statutes, of
certain elected officials as it does to newly elected
judges; and

WHEREAS, the state personnel classification system does
not apply to a number of other exempt positions, thereby
complicating the ability to determine whether or not a
person meets the minimum qualifications for a position.

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

Section 1. Section 2-18-1203, MCA, is amended to read:

"2-18-1203. (Temporary) General protection -- job
register -- seniority preference. (1) An employee whose
position is eliminated as a result of privatization,
reorganization of an agency, or closure of or a reduction in
force at an agency is entitled to:

(a) notice of announcements for jobs for which the
employee may qualify that arise within the terminating
agency or within state government. Notices must be provided
by the state for a period of 1 year from the date of
separation.

(b) access to any job retraining and career development
programs provided by the state through the Job Training
Partnership Act service delivery areas dislocated worker
programs, provided that the employee begins participating in
a program within 1 year after the elimination of the
employee's position; and

(c) inclusion in a special job register from which all
agencies, exempt EXCEPT an agency attempting to hire for a
position exempt under 2-18-103 or 2-18-104, shall attempt to
hire employees prior to seeking applications from the
general public. The employee must be listed in the job
register according to the occupational categories in which
the employee is qualified for employment.

(2) (a) An agency attempting to hire from the job
register shall consider the employee's qualifications and

1 length of state service. If two or more employees listed in
2 the job register are equally qualified for a vacant
3 position, the agency shall select the employee with the
4 longest continuous state service.

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