

1 *Benedict*
 2 INTRODUCTION BY *Treit Rehbein* SENATE BILL NO. *180*
 3 *Jenkins* *Stevenson* *AKLIFSTAD* *Fisher* *Storall* *Hargrove* *Gregg* *Emmerson* *Harvey*
 4 *Allen* *Call* *Holden* *Roe*

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE BINDING ARBITRATION PROVISION IN A
 5 COLLECTIVE BARGAINING AGREEMENT WITH A SCHOOL; ELIMINATING THE REQUIREMENT THAT A
 6 COLLECTIVE BARGAINING AGREEMENT TO WHICH A SCHOOL IS A PARTY CONTAIN A GRIEVANCE
 7 PROCEDURE CULMINATING IN BINDING ARBITRATION; PROHIBITING BINDING ARBITRATION FOR A
 8 COMPLAINT BASED ON THE SAME FACTS AND CIRCUMSTANCES; AMENDING SECTION 39-31-306,
 9 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

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

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

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

26 (5) ~~An agreement to which a school is a party must contain a grievance procedure culminating in~~
 27 ~~final and binding arbitration of unresolved and disputed interpretations of agreements. The~~ If an agreement
 28 to which a school is a party contains a binding arbitration provision, the aggrieved party may have the
 29 grievance or disputed interpretation of the agreement resolved either by final and binding arbitration or by
 30 any other available legal method and forum, but not by both. After a grievance has been submitted to



1 arbitration, the grievant and the exclusive representative waive any right to pursue against the school an
2 action or complaint that ~~seeks the same remedy~~ arises out of the same facts and circumstances. If a
3 grievant or the exclusive representative files a complaint or other action against the school, ~~arbitration~~
4 ~~seeking the same remedy~~ a grievance based upon the same facts and circumstances may not be ~~filed or~~
5 ~~pursued under this section~~ to binding arbitration."

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

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-END-

Benedict

Hays

SENATE BILL NO. 180

INTRODUCED BY

Trent Rehbein *John Emmons*
Jacob Stevan *AKLESTAD* *Fred Storrall* *Harvey*
Allen *Calley* *Holder* *Roe*

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE BINDING ARBITRATION PROVISION IN A COLLECTIVE BARGAINING AGREEMENT WITH A SCHOOL; ELIMINATING THE REQUIREMENT THAT A COLLECTIVE BARGAINING AGREEMENT TO WHICH A SCHOOL IS A PARTY CONTAIN A GRIEVANCE PROCEDURE CULMINATING IN BINDING ARBITRATION; PROHIBITING BINDING ARBITRATION FOR A COMPLAINT BASED ON THE SAME FACTS AND CIRCUMSTANCES; AMENDING SECTION 39-31-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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(3) An agreement between the public employer and a labor organization 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 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~~ If an agreement to which a school is a party contains a binding arbitration provision, 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

1 arbitration, the grievant and the exclusive representative waive any right to pursue against the school an
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5 pursued ~~under this section~~ to binding arbitration."

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