

HOUSE BILL NO. 735

INTRODUCED BY FISHER

BY REQUEST OF THE HOUSE JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

A BILL FOR AN ACT ENTITLED: "AN ACT ~~ELIMINATING~~ REVISING THE JOB REGISTRY FOR STATE EMPLOYEES WHOSE POSITIONS ARE ELIMINATED AS A RESULT OF PRIVATIZATION, REORGANIZATION, OR REDUCTION IN FORCE; AMENDING SECTION 2-18-1203, MCA; AND PROVIDING AN EFFECTIVE DATE."

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. General protection -- job register -- seniority preference. (1) An employee whose position is eliminated as a result of privatization, reorganization of an agency, closure of or a reduction in force at an agency, or other actions by the legislature 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)(A) 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 under the Workforce Investment Act of 1988, 29 U.S.C. 2801, et seq., provided that the employee begins participating in a program within 1 year after the elimination of the employee's position; and; AND~~

~~(B) INCLUSION IN A SPECIAL JOB REGISTER FROM WHICH ALL AGENCIES MAY ATTEMPT TO HIRE EMPLOYEES PRIOR TO SEEKING APPLICATIONS FROM THE GENERAL PUBLIC. NOTHING IN THIS SECTION REQUIRES AN AGENCY TO ATTEMPT TO HIRE EMPLOYEES FROM THE SPECIAL JOB REGISTER PRIOR TO SEEKING APPLICATIONS FROM THE GENERAL PUBLIC. AN EMPLOYEE'S ELIGIBILITY TO PARTICIPATE IN THE JOB REGISTER TERMINATES 2 YEARS FROM THE EFFECTIVE DATE OF THE EMPLOYEE'S LAYOFF OR 2 YEARS FROM THE DATE OF THE EMPLOYEE'S COMPLETION OF JOB TRAINING PROVIDED UNDER SUBSECTION (1)(A), WHICHEVER IS LATER.~~

~~—— (c) inclusion in a special job register from which all agencies, except an agency attempting to hire for~~

1 a position exempt under 2-18-103 or 2-18-104, shall attempt to hire employees prior to seeking applications from
2 the general public. The employee must be listed in the job register according to the occupational categories in
3 which the employee is qualified for employment. An employee's eligibility to participate in the job register
4 terminates 2 years from the effective date of the employee's layoff or 2 years from the date of the employee's
5 completion of job training provided under subsection (1)(b), whichever is later.

6 ~~————(2) (a) An agency attempting to hire from the job register shall consider the employee's qualifications~~
7 ~~and length of state service. If two or more employees listed in the job register are equally qualified for a vacant~~
8 ~~position, the agency shall select the employee with the longest continuous state service.~~

9 ~~————(b) If there is not an employee listed on the job register who meets the job qualifications for the vacant~~
10 ~~position, the agency may hire a qualified external applicant or establish a training assignment, according to state~~
11 ~~policy.~~

12 ~~(3)(2)~~ Each state agency shall pay to the department of labor and industry a set amount that is equal
13 to the department's average cost of providing the retraining and development services for state employees in
14 the previous fiscal year for each involuntarily terminated state employee who requests access to any job training
15 and career development program provided by the department."

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17 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2003.

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