

1 HOUSE BILL NO. 91

2 INTRODUCED BY D. BROWN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN HOURLY PAY INCREASE FOR STATE
5 EMPLOYEES; CONFORMING THE INCREASE AND THE COMPETENCY-BASED PAY ALLOCATIONS TO
6 THE STATE FISCAL YEAR; AMENDING SECTION 2-18-303, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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10 **Section 1.** Section 2-18-303, MCA, is amended to read:

11 **"2-18-303. Procedures for administering broadband pay plan.** (1) (a) On the first day of the first
12 complete pay period in fiscal year ~~2008~~ 2010, the base salary of each employee ~~is entitled to the amount of the~~
13 ~~employee's base salary as it was on June 30, 2007~~ must be increased by \$1 an hour.

14 (b) Effective on the first day of the first complete pay period ~~that includes October 1, 2007~~ in fiscal year
15 2011, the base salary of each employee must be increased by ~~3%~~ \$1 an hour. ~~Effective on the first day of the~~
16 ~~first complete pay period that includes October 1, 2008, the base salary of each employee must be increased by~~
17 ~~3%.~~

18 (2) (a) Effective ~~October 1, 2007, and October 1, 2008~~ July 1, 2009, and July 1, 2010, the appropriation
19 that represents 6/10 of 1% of the salary for each full-time equivalent position must be allocated to each agency
20 to distribute to its employees for reasons including but not limited to market progression, job performance, or
21 employee competencies.

22 (b) To the extent that this distribution applies to employees within a collective bargaining unit, the
23 distribution is a negotiable subject under Title 39, chapter 31. The amount of money allocated to agencies and
24 available to distribute to members of each bargaining unit must be determined by multiplying the salaries of the
25 total number of full-time equivalents in the bargaining unit by 6/10 of 1%.

26 (c) The allocation described in subsection (2)(b) may not be distributed to members of a collective
27 bargaining unit until the employer's collective bargaining representative receives written notice that the
28 employee's collective bargaining unit has ratified a pay addendum to the collective bargaining agreement
29 specifying the distribution.

30 (3) An employee's base salary may be no less than the pay band entry salary for the employee's

1 assigned occupation.

2 (4) (a) (i) A member of a bargaining unit may not receive the pay increase provided for in subsection
3 (1)(b) until the employer's collective bargaining representative receives written notice that the employee's
4 collective bargaining unit has ratified a collective bargaining agreement.

5 (ii) If ratification of a collective bargaining agreement, as required by subsection (4)(a)(i), is not completed
6 by the date on which a legislatively authorized pay increase is implemented, members of the bargaining unit must
7 continue to receive the compensation that they were receiving until an agreement is ratified.

8 (b) Methods of administration consistent with the purpose of this part and necessary to properly
9 implement the pay adjustments provided for in this section may be provided for in collective bargaining
10 agreements.

11 (5) The current wage or salary of an employee may not be reduced by the implementation of the
12 broadband pay plan.

13 (6) (a) Montana highway patrol officer base salaries and biennial salary increases must be established
14 through the broadband pay plan. Before January 1 of each odd-numbered year, the department shall, after
15 seeking the advice of the Montana highway patrol, conduct a salary survey to be used in establishing the base
16 salary and any biennial salary increase for existing and entry-level highway patrol officer positions. The county
17 sheriff's offices in the following consolidated governments and counties are the labor market for purposes of the
18 survey: Butte-Silver Bow, Cascade, Yellowstone, Missoula, Lewis and Clark, Gallatin, Flathead, and Dawson.
19 The base salary and biennial salary increases for existing and entry-level highway patrol officer positions must
20 then be determined by the department of justice, using the results of the salary survey and the department of
21 justice pay plan guidelines. Base or biennial salary increases under this subsection are exclusive of and not in
22 addition to any increases otherwise awarded to other state employees ~~after July 1, 2006~~.

23 (b) To the extent that the plan applies to employees within a collective bargaining unit, the
24 implementation of the plan is a negotiable subject under 39-31-305.

25 (c) The department of justice shall submit the salary survey to the office of budget and program planning
26 as a part of the information required by 17-7-111.

27 (d) The salary survey and plan must be completed at least 6 months before the start of each regular
28 legislative session."

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30 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2009.

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