SENATE JUDICIARY
EXHIBIT NO. 1
DATE 1/15/09
BILL NO. SB 160

DEPARTMENT OF JUSTICE
SB 160: Clarifying Disciplinary Procedures for Highway Patrol Officers

Background

Montana workers are generally protected in their employment by the Wrongful Discharge from Employment Act or, if members of a union, by a collective bargaining agreement. The Legislature, however, has created specific statutory protections for members of the Highway Patrol. Those statutes were initially enacted in 1943, well before the protections granted under the Wrongful Discharge from Employment Act and the provisions of Montana law governing collective bargaining rights.

SB 160 clarifies the interaction between the statutory protections for members of the Highway Patrol and these other more recent protections.

Purpose of SB 160

Specifically SB 160 would clarify that:

- Discipline of a member of the Highway Patrol who is covered by a collective bargaining agreement is subject to the terms of that negotiated agreement;
- Discipline of all other members of the Highway Patrol is covered by the statutory procedures set forth in § 44-1-7, 8 and 9 MCA; and
- A member of the Highway Patrol who is discharged after the hearing provided for in § 44-1-8 MCA has the right to appeal the discharge to district court, but is not entitled to file a separate action under the Wrongful Discharge from Employment Act.

These changes will protect the due process rights of employees and at the same time ensure that the Department does not have to defend multiple lawsuits addressing the same issue, whether or not a discharge was supported by just cause.

2009 Legislature
January 15, 2009