



Independent Electrical Contractors, Inc.

Greater Montana Independent Electrical Contractors

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SENATE JUDICIARY
EXHIBIT NO. 2
DATE 1/31/11
BILL NO. SB 196

SB 196 ADDRESS BULLYING IN THE WORKPLACE

OPPOSITION TESTIMONY

Jan 31, 2011

Mr. Chair and Senate Judiciary Committee Members:

The Greater Montana Independent Electrical Contractors (IEC) is made up of merit shop, non-union electrical contractors. Member contractors employ from 2 to 50 employees. We are small businesses across Montana.

We stand in strong opposition to SB196. Our concerns begin with New Section 4 and continue throughout the rest of the bill. It is a bill with a significant impact to Montana businesses—an impact that is very negative and very costly. When Leadership asked Business how the Legislature could help improve the business environment in Montana, this bill is a perfect example of what NOT to do!

One example of many, is that this bill makes the Employer vulnerable in everyday business practices:

Page 3, Definitions, New Section 5(1)(a)(iii). "the gratuitous sabotage or undermining of a person's work performance, including deliberate exclusion from decision/making opportunities that are critical for a job or..... A disgruntled employee may charge that a regular foreman's meeting that said employee is not normally a part of, is all of a sudden "undermining his work performance" because he had not been a part of the meetings.

The language throughout the bill Section 5 can easily be abused by any disgruntled employee and only further ties the hands of an employer who must discipline or terminate an underperforming employee.

This bill sets up the business owner up for high costs in attorneys fees and remedies. These remedies are spelled out in New Section 6 and are extraordinarily burdensome and costly. This bill could destroy a business for NO legitimate reason.

It is interesting that this bill has no Fiscal Note. Similar versions of the Employer portion of this bill have been brought to the legislature at least twice before, that I am aware of. In the 2009 Session it was SB494. The Fiscal Note showed an up to \$77,379 impact to the state special revenue account Employment Security Account.

The Technical Notes of that Fiscal Note state: "The potential to increase civil actions in districts courts is high...." And again, while this bill SB196 is not identical to SB494 of last session, the results are similar and I have attached that fiscal note for your information.

Please vote NO on SB196. I am sorry that I could not attend the hearing. It would be my pleasure to answer any questions you may have.

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