

HOUSE JOINT RESOLUTION NO. 35
INTRODUCED BY D. HIMMELBERGER
BY REQUEST OF THE HOUSE STATE ADMINISTRATION STANDING COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM LEGISLATIVE STUDY OF PAY POLICIES AND PRACTICES ON BONUSES FOR STATE GOVERNMENT EMPLOYEES; ARTICULATING POLICY GOALS; AND REQUIRING A REPORT OF FINDINGS AND RECOMMENDATIONS TO THE 62ND LEGISLATURE.

WHEREAS, controversy over bonuses called attention to the topic of bonus payments for state employees and resulted in the introduction of three bills to restrict bonuses for certain types of employees and at certain times; and

WHEREAS, the three bills were House Bill No. 358 by Representative Bergren, House Bill No. 576 by Representative Warburton, and House Bill No. 594 by Representative Hunter; and

WHEREAS, each bill took a different approach to restricting bonuses and was aimed at a different issue related to bonus payments; and

WHEREAS, the House State Administration Committee heard each bill, tabled each bill because of unresolved questions on the bill, conducted informational and discussion sessions about pay and bonuses in state government, and decided that an interim legislative study on bonuses should be requested to encompass the issues raised by the tabled bills; and

WHEREAS, an interim legislative study will enable a thorough examination of pay policies and practices concerning bonuses paid to state employees and facilitate a systematic approach to drafting legislation for the next legislative session; and

WHEREAS, if interim committee workload precludes a full-fledged committee study, the study objectives outlined in this resolution can be accomplished through a staff white paper.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(a) review each state agency's policies and practices on providing bonuses and compare and contrast

how bonuses are paid to classified versus nonclassified employees within and among the agencies;

(b) examine how money appropriated for the 2008-2009 biennium under section 2-18-303(2), MCA, for purposes including but not limited to market progression, job performance, or employee competencies was used;

(c) examine whether any bonuses paid since July 1, 2007, were paid according to established guidelines and procedures and whether bonuses are considered an effective or necessary pay administration tool;

(d) identify and analyze issues and options related to how bonuses are or should be paid; and

(e) develop conclusions and offer recommendations, including any necessary implementing legislation, on how best to meet the policy goals listed in subsection (2) with respect to bonuses.

(2) That the legislative study of bonuses described in subsection (1) be conducted in the context of the following policy goals:

(a) transparency to avoid possible impropriety or the appearance of impropriety;

(b) accountability and oversight to ensure established procedures are followed and that there is ongoing monitoring and periodic review of policies and practices;

(c) equity within and among agencies to ensure that there is a sound rationale for flexible policies, variable practices, and exceptions; and

(d) definition and clarity in statewide as well as agency standards and guidelines governing how and why bonuses are to be given to employees in classified as well as nonclassified positions.

BE IT FURTHER RESOLVED, that the study include an examination of the pay and bonuses of only those employees whose compensation is within the scope of House Bill No. 13, the pay plan bill covering both classified and nonclassified positions in state government.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, the study's findings and conclusions, including any suggested legislation, be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2010.

BE IT FURTHER RESOLVED, that the final results of the study, including the study's findings, conclusions, recommendations, and suggested legislation, be reported to the 62nd Legislature.

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