64th Legislature HJ0028.01

## 1 HOUSE JOINT RESOLUTION NO. 28 2 INTRODUCED BY M. CUFFE 3 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF 4 5 MONTANA REQUESTING AN INTERIM STUDY OF THE COLLECTIVE BARGAINING PROCESS AS USED 6 IN DETERMINING PAY FOR STATE EMPLOYEES; AND REQUIRING THAT THE FINAL RESULTS OF THE 7 STUDY BE REPORTED TO THE 65TH LEGISLATURE. 8 9 WHEREAS, the process for collective bargaining for state employees who are members of unions is 10 complicated because the negotiators are in the executive branch and the appropriators are in the Legislature as 11 well as because an estimated 38.7% of executive branch state employees are not dues-paying union members 12 yet typically receive the negotiated benefits; and 13 WHEREAS, budgeting decisions are negotiated prior to and during development of a state budget in the 14 executive branch but the negotiation does not involve legislators, who ultimately are not obligated to "rubber 15 stamp" the amount that was negotiated; and WHEREAS, in the 2013 legislative session, legislators appropriated a lump sum that allowed the 16 17 executive branch to choose how to allocate the amounts intended for both the negotiated pay increases for union 18 employees and the nonnegotiated amounts allowed for nonunion employees; and 19 WHEREAS, 65 bargaining units in 16 of 26 agencies in the executive branch negotiate agreements and 20 in some years the agreements have been used to increase wages equally with nonunion employees who have 21 had what unions call a "free ride" by not paying union dues or an equivalent amount to an optional beneficiary; 22 and 23 WHEREAS, the House Joint Resolution No. 17 study of state pay plans requested by the 2013 24 Legislature for the FY 2013-2014 interim, which looked at salary surveys and the market adjustments that take 25 place broadly in state government as well as collective bargaining, suggested the Legislature consider changes 26 in timing and contained information regarding parties to the negotiation process and the scope of the bargaining 27 process.

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



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That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to examine the collective bargaining process used by the state for executive branch employee pay and benefit plans to determine:

- (1) whether changes in the negotiation timeframes might benefit the process;
- (2) whether the expansion of parties to the negotiated wage and benefits agreements would improve the negotiating process or result in constitutional concerns about separation of powers; and
- (3) whether other states have implemented pay plans that reflect collective bargaining input and could be used as a model in Montana, recognizing that appropriations for wage and benefit contributions here are subject to a biennial process.
- BE IT FURTHER RESOLVED, that the study include a comparison of prebudget negotiated terms with the implementation of pay plans approved by the Legislature for the years 2004 through 2014.
- BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2016.
- BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 65th Legislature.

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