

SENATE BILL NO. 212

INTRODUCED BY D. LENZ

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EDUCATION REQUIREMENTS FOR STATE JOBS; REQUIRING EQUIVALENCY FOR EXPERIENCE AND CERTIFICATION; AMENDING SECTION 2-18-102, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-18-102, MCA, is amended to read:

"2-18-102. Personnel administration -- general policy setting -- oversight. (1) Except as otherwise provided by law or collective bargaining agreement, the department shall:

(a) exercise leadership in the development of effective personnel administration within the several agencies in the state and make available the facilities of the department to this end;

(b) foster and develop programs for recruitment and selection of capable persons for employment and for the improvement of employee effectiveness, including training, ethical conduct, safety, health, counseling, welfare, discipline, grievances, and evaluation for productivity and retention in permanent status;

(c) develop a system to formulate alternatives to advanced degree requirements in job descriptions based on experience and certification;

~~(e)~~(d) foster, develop, and promote job sharing in agencies;

~~(d)~~(e) investigate from time to time the operation and effect of parts 1 through 3 of this chapter and the policies made under those parts and report the findings and recommendations to the governor;

~~(e)~~(f) establish policies, procedures, and forms for the maintenance of records of all employees in the state service; and

~~(f)~~(g) apply and carry out parts 1 through 3 and the policies under those parts and perform any other lawful acts that may be necessary or desirable to carry out the purposes and provisions of parts 1 through 3.

(2) The department may delegate authority granted to it under parts 1 through 3 to agencies in the state service that effectively demonstrate the ability to carry out the provisions of parts 1 through 3, provided

1 that the agencies remain in compliance with policies, procedures, timetables, and standards established by the
2 department.

3 (3) The department shall develop and issue personnel policies for the state and shall adopt
4 policies or rules to implement this part, except 2-18-111. Adequate public notice must be given to all interested
5 parties of proposed changes or additions to the personnel policies before the date on which they are to take
6 effect. If requested by any of the affected parties, the department shall schedule a public hearing on proposed
7 changes or additions to the personnel policies before the date on which they are to take effect.

8 (4) The department shall develop model rules of conduct for all state employees based upon the
9 provisions of Title 2, chapter 2. The department shall provide employees with a pamphlet summarizing the
10 provisions of Title 2, chapter 2. Each state agency shall adopt the model rules of conduct and additional rules
11 appropriate to the specific circumstances of the agency.

12 (5) Except as otherwise provided by law, the office of budget and program planning shall:

13 (a) approve any salary increase proposed by an agency that exceeds an employee's occupational
14 wage range prior to the increase going into effect;

15 (b) monitor the way each agency compensates its employees within the parameters of the
16 occupational wage range for each occupation; and

17 (c) provide a report in an electronic format to the legislative finance committee identifying any
18 agency that provides a base salary for an employee that exceeds the occupational wage range for the
19 employee's occupation and the reasons for the differences.

20 (6) The provisions of subsection (5)(a) do not apply to employees of the following agencies:

21 (a) the department of justice;

22 (b) the office of public instruction;

23 (c) the public service commission;

24 (d) the secretary of state; and

25 (e) the state auditor's office.

26 (7) The agencies listed in subsection (6) shall provide required budget information on personal
27 services, and pay increases above the occupational wage range for these agencies are not required to be
28 included in the executive budget in accordance with Title 17, chapter 7, part 1.

1 (8) The department of administration shall adopt rules and procedures for job classification.

2 (9) An agency may not change the classification of an occupation or its related job evaluation
3 factors until the agency submits the proposed changes to and receives approval from the department of
4 administration."

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6 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2023.

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