

SENATE BILL NO. 56

INTRODUCED BY J. ELLSWORTH

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING STATE EMPLOYEE GRIEVANCE PROCEDURES CONSISTENT FOR ALL STATE EMPLOYEES BY REPEALING THE SEPARATE BOARD OF PERSONNEL APPEALS PROCEDURE FOR DEPARTMENT OF TRANSPORTATION AND DEPARTMENT OF FISH, WILDLIFE, AND PARKS EMPLOYEES; AMENDING SECTION 87-1-403, MCA; REPEALING SECTIONS 2-18-1001, 2-18-1002, 2-18-1003, AND 87-1-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 87-1-403, MCA, is amended to read:

"87-1-403. Regulation of employees by director. (1) The director may suspend without pay, reduce in rank, or remove any employee at any time for cause, providing that any person who has been continuously employed for 1 year or more immediately preceding any suspension or discharge may demand and receive a hearing before the department on the charges filed. ~~The action of the department resulting from such a hearing constitutes final administrative action for purposes of filing a grievance with the board of personnel appeals as provided in 87-1-205.~~

(2) The director shall rate all employees on the basis of merit and efficiency in accordance with rules adopted by the department to secure a proper rating of each person employed. The department shall fix the salaries of employees, shall be fixed by the department, and travel Travel expenses, as provided for in 2-18-501 through 2-18-503, ~~as amended, shall be~~ are allowed employees ~~while upon~~ on official business away from designated headquarters."

NEW SECTION. **Section 2. Repealer.** The following sections of the Montana Code Annotated are repealed:

2-18-1001. Department of transportation personnel grievances -- hearing.

- 1 2-18-1002. Grievance procedure -- hearing -- order.
2 2-18-1003. Enforcement of board order -- petition in district court.
3 87-1-205. Grievance procedure.

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5 NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured,
6 penalties that were incurred, or grievance proceedings that were subject to the provisions repealed by this act
7 and that were begun before [the effective date of this act]. A grievance proceeding subject to this saving clause
8 may be filed with the Board of Personnel Appeals.

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10 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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