

Labor-Management Advisory Council on Workers' Compensation

Proposed Decision Making Process

The purpose of the Labor-Management Advisory Council (LMAC) on Workers' Compensation is to provide a structure for an organized discussion of workers' compensation public policy with the objective of bringing forward ideas, improvements and recommending changes that will have a positive impact on Montana's workers' compensation system. The LMAC will share ideas, gather information, furnish advice, and make recommendations on workers' compensation and safety issues to the commissioner in order to facilitate education among stakeholders, promote mutual cooperation between labor and management and improve the workers' compensation system. The intent is to seek to identify proposals on each issue which may be part of a comprehensive proposals acceptable to both a majority of the labor and management representatives and the LMAC chair.

Guiding Principles

In our discussions of the issues, the LMAC will follow these principles:

1. We will seek to understand the position and interest of all parties.
2. We will seek to reach agreement on each issue that is acceptable to all parties.
3. We recognize that compromise is necessary to reach a comprehensive proposal.
4. Our goal is to review each issue and agree on recommendations that are fair and balanced and in the interest of both injured workers and employers.
5. We recognize that any comprehensive proposal must be fair and balanced and include compromises by both labor and management that will meet the legitimate interests of labor and management.
6. The comprehensive proposal must be viewed by the Legislature and the public as being fair and balanced and in the best interest of the workers' compensation system as provided in Section 39-71-105, MCA, Declaration of Public Policy.

Process for Making Decisions

We will follow this process to reach a comprehensive proposal:

1. Each individual issue will be scheduled for full discussion by the LMAC.
2. Each member is encouraged to suggest proposals that might lead to agreement.
3. Individual issues may be further broken down to isolate specific conflicts or areas of agreement.

4. When the chair believes that the discussion has led to a possible proposal that is acceptable to the majority of labor and management, the chair will summarize that proposal for the group as a “sense of the LMAC” tentative agreement.
5. The chair will ask if there are members who could not support the proposal as part of a fair and balanced comprehensive proposal.
6. The meeting minute’s recorder will capture the “sense of the LMAC” tentative agreements in the minutes.
7. No official motions or votes will be taken on individual tentative agreements, unless by agreement of the LMAC.
8. After all issues have been discussed and brought to tentative agreements; the entire comprehensive proposal will be considered and voted on by the LMAC.
9. A super majority vote is needed to pass an LMAC recommendation. A super majority is a majority of the representatives of employers, a majority of the representatives of labor and the Lt. Governor.
10. LMAC members will advocate on legislative proposals that were recommended by LMAC and received a super majority vote by the council.
11. LMAC will hold weekly meetings during the legislature to discuss amendments to LMAC proposals or others workers’ compensation bills.
12. If LMAC-recommended proposals are amended, LMAC will consider the amendments and vote on whether or not to support or oppose as a council. A super majority vote is needed to support or oppose a bill on behalf of the LMAC.
13. If an amendment of an LMAC recommendation or another bill proposal fails a super majority vote, individual members may testify as individuals on behalf of their membership.