



Montana Association of Counties
2715 Skyway Drive
Helena, MT 59602-1213
(p) 406.449.4360 | (f) 406.442.5238
maco@mtcounties.org | www.mtcounties.org

RESOLUTION 2022-09

REVISE HEARING AND APPEAL PROCESS STATUTES AND CLARIFY HUMAN RIGHTS BUREAU HAS NO JURISDICTION TO INVESTIGATE WHERE THERE IS NO ALLEGATION OF A VIOLATION OF RIGHTS

It is the intent of the Montana Association of Counties to seek legislation to streamline the hearing and appeals process under the Human Rights Act by eliminating the Commission for Human Rights and clarify that a filed complaint must be received prior to commencement of any investigation.

WHEREAS the Commission for human rights was created as a quasi-judicial board of five members appointed by the Governor with the consent of the Senate, making it a political body; and

WHEREAS the Human Rights Bureau exists within the Department of Labor and acts as the investigating and initial ruling entity for alleged discrimination; and

WHEREAS the Commission for Human Rights has, by its existence, complicated and unnecessarily bogged down the hearing and appeals process to the detriment of counties; and

WHEREAS cases heard by the Commission are often appealed to District Court as a matter of course, at an extra cost of both time and money to employees and employers; and

WHEREAS the Human Rights Bureau should have clear direction regarding when an investigation may be conducted to avoid instances where investigations appear to be conducted without an actual complaint in hand or conducted on matters outside of jurisdiction.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek legislation that streamlines the hearing and appeal process by eliminating or reducing the role of the Commission for Human rights allowing certain appeals to go directly to District Court; and

BE IT FURTHER RESOLVED that the Montana Association of Counties will seek clarification through legislation or other means that the Human Rights Bureau does not have jurisdiction to investigate violations when no allegation of a violation has been established and it must first establish that a complaint falls within its jurisdiction.

SPONSOR:	YELLOWSTONE COUNTY
REFERRED TO:	COMMUNITY, ECONOMIC DEVELOPMENT & LABOR COMMITTEE (CEDL)
ADOPTED:	ANNUAL CONFERENCE – SEPTEMBER 28, 2022