

BOARD OF PERSONNEL APPEALS
MINUTES – MARCH 15, 2012 MEETING

PRESENT:

Anne MacIntyre, Presiding Officer
Max Hallfrisch, Alternate Board Member
Amy Verlanic, Alternate Board Member
Jay Reardon, Board Member
Steve Johnson, Board Member

STAFF ATTENDING:

Mark Cadwallader, Board Attorney	Vicki Knudsen
Tonya McCormack	John Andrew
Paul Melvin	Ron Stormer

PUBLIC IN ATTENDANCE:

Phil Drake, Montana Watchdog

BOARD BUSINESS

APPROVAL OF MINUTES (1:00-1:22):

Minutes were not approved as there was not a quorum in attendance to vote on them. These will be moved to the next meeting.

NEXT MEETING DATE (1.36-4:02):

The next meeting is scheduled for April 19, 2012, pending any appeals.

PUBLIC COMMENT (HOUSE BILL 94) (4:03-4:46):

No comments were made.

ATTORNEY COMMENTS – BOARD ATTORNEY MARK CADWALLADER (4:47-6:47):

Rules Project: Mark Cadwallader updated the Board about the hearing notice for the Collyerization change. He is anticipating filing the rule a week from Monday with the Secretary of State and scheduling the hearing date. He will also amend the notice to reflect the new Board Chair. He is looking at the end of April possibly early May to review comments and then take final action on the rule after considering the comments.

MISCELLANEOUS (6:48-24:16)

Anaconda Declaratory Judgment Order that Terry Spear with the Hearings Bureau issued on February 24, 2012. The Board members would like to review the hearing file. Member Reardon moved to have this heard at the next meeting. Member Verlanic seconded the motion. Board Attorney Mark Cadwallader will conduct research on this issue in regards to the declaratory ruling. Motion passed 5-0.

Issuing final order notices when no exceptions/appeals have been received. Board Chair Anne MacIntyre would like to review the process. Board Attorney Mark Cadwallader stated that there may be some value that it would put parties on notice for the judicial review process and date certain of it being final. The process can be done administratively with the Board Secretary Windy Knutson and Hearings may still have Anne's signature stamp to use. Windy will contact the Hearings Bureau to get the stamp for use and put a notice together to send to parties once the appeal time has passed. Board Chair Anne MacIntyre moves to authorize Board Secretary Windy Knutson to issue final orders 30 days after the order issued if no exceptions are filed. Member Verlanic seconded the motion. Motion passed 5-0

ORAL ARGUMENT – UNFAIR LABOR PRACTICE 8-2012

Sue Thomas vs. Montana Public Employees Association

Anne MacIntyre was the Presiding Officer in this matter. Board Member Nyman recused himself since he represents Montana Public Employees Association and Alternate Member Max Hallfrisch took his place. Joseph Engell III appeared before the Board to represent Sue Thomas; Carter Picotte appeared before the Board to represent the Montana Public Employees Association.

The matter before the Board was to determine if the Board Agent John Andrew erred in his recommended order to dismiss the unfair labor practice (ULP) complaint as being without merit. Argument was heard, questions were asked by Board Members. Member Reardon moved to adopt the hearings officer's decision in the matter of Sue Thomas vs. Montana Public Employees' Association. Board Member Hallfrisch seconded the motion. Motion passed 5-0.
