

**BOARD OF PERSONNEL APPEALS
MINUTES – June 20, 2013 MEETING**

PRESENT:

Richard Parrish, Alternate Presiding Officer
Jay Reardon, Board Member

Steve Johnson, Board Member
Max Hallfrisch, Alternate Board Member

STAFF ATTENDING:

Tim Little, Board Attorney
Paul Melvin
Amy Smith

Bill Smith
John Andrew

BOARD BUSINESS

APPROVAL OF MINUTES (.19-.28):

Approval of the minutes were moved to the next meeting.

NEXT MEETING DATE (.29-.44):

The next meeting is scheduled for July 18, 2013, pending any appeals.

PUBLIC COMMENT (2-3-103 MCA) (.45-1.07):

No comments were made.

STAFF/ATTORNEY COMMENTS – (1.08-19.45):

Board Attorney Tim Little updated the Board on the Rules Project. Department Attorney Mark Cadwallader has been out ill and the rules will be delayed by one publishing cycle. This will be happening just delayed.

Paul Melvin discussed the issue of mediation being private and not public. He would like to see the mediation letter referencing the rules and statute. This may need to do a rule change in regards to this process. It comes under Title 25 and staff would like to see it also come under Title 39. There is an option to send the question to the Attorney General Opinion on mediation being a closed meeting or open meeting. This will be put on the agenda for the next meeting and Board Attorney Tim Little will do some research into it.

Windy Knutson gave an update on the Transportation Grievance of Bonnie Gundrum. She has appealed the Board decision and it is now in District Court for judicial review. John Andrew gave an update on his Havre non-religious affiliation. The parties have been able to settle and make the accommodation and he will be closing the file.

MISCELLANEOUS (19.46-19.54)

No comments were made.

ORAL ARGUMENT – UNIT DETERMINATION 6-2012

Montana Public Employees Association vs City of Billings

Richard Parish was the Presiding Officer in this matter. The parties have both waived oral argument and the matter has been briefed. Christopher Sweeney represented the City of Billings; Carter Picotte represented the Montana Public Employees Association.

The matter before the Board was to determine if the Hearings Officer, Gregory Hanchett erred in his Order Recommending Summary Judgment and Dismissal of MPEA's petition for Unit Determination. Member Reardon moved to adopt the Hearing Officer's Order dismissing the petition for unit

determination. Member Hallfrisch seconded the motion. There was further discussion and Member Hallfrisch wanted to go on the record that supervisory employees do have the right to organize for collective bargaining. Member Johnson discussed that the Union did not have a chance to cross examine the evidence. Motion failed 0-4. Member Johnson moved to the Recommended Order be denied and the matter be directed to hearing for question on material fact. Board Member Reardon seconded the motion. Motion passed 4-0.
