

**BOARD OF PERSONNEL APPEALS
MINUTES – AUGUST 21, 2014 MEETING**

PRESENT:

Anne MacIntyre, Presiding Officer
Jay Reardon, Board Member

Amy Verlanic, Board Member
Quint Nyman, Board Member

STAFF ATTENDING:

Tim Little, Board Attorney
Bill Smith

John Andrew
Amy Smith

BOARD BUSINESS

APPROVAL OF MINUTES (00:0.43):

Approval of the minutes for May 30, 2014 were moved by Member Reardon and seconded by Member Nyman. Motion passed 4-0.

NEXT MEETING DATE (0.44:3.15):

The next meeting is tentatively scheduled for October 16, 2014. There will be two cases coming before the Board. Unit Clarification City of Bozeman vs. IAFF Local 613 – battalion chiefs should be in the unit. Unfair Labor Practice Medicine Lake Education Association, MEA-MFT vs. Medicine Lake Board of Trustees. Presiding Officer MacIntyre also asked that the Board Members be notified at the size of the file that is on the flash drive and if a transcript has been submitted with the file.

PUBLIC COMMENT (2-3-103 MCA) (3.16:3.23):

No comments were made.

STAFF/ATTORNEY COMMENTS – (3.24:6.39):

Board Attorney Tim Little updated the Board that the Mashek case was appealed to District Court on June 19th and he will be just monitoring the case as we are not a party.

The District Court did issue an order on the Colleen Hanson case. The Court affirmed BOPA's Final Order.

MISCELLANEOUS (6.40:7.02)

No comments were made

ORAL ARGUMENT: TRANSPORTATION GRIEVANCE – 1-2013

Sheila Cozzie vs. Department of Transportation

Anne MacIntyre was the Presiding Officer in this matter. Amy Burns represented the Department of Transportation. Rick Sherwood represented Sheila Cozzie.

The matter before the Board was to determine if the Hearings Officer, Gregory Hanchett erred in his Findings of Fact; Conclusions of Law; and Recommended Order for the Transportation Grievance.

After hearing the oral argument Member Nyman had to recuse himself since Montana Public Employees' Association now represents the grievant as a member.

Member Reardon moved to uphold the Hearing Officer's decision. Member Verlanic seconded the motion. There was further discussion Presiding Officer MacIntyre stated that she could not support the motion and was concerned in regards to the Kerins' report. Motion failed 2-1.

The motion fails lack of 3 person majority. The Board will need to reconvene when the two other Board Members can be present. Board Secretary Windy Knutson will contact Rina Moore and Jim Soumas in regards to their schedules and send them a copy of the oral argument that was heard today. The matter will be set for September pending schedules since there is an Arbitration and Labor Relations Conference.

Meeting adjourned