

**BOARD OF PERSONNEL APPEALS  
MINUTES – SEPTEMBER 11, 2014 MEETING**

**PRESENT:**

Anne MacIntyre, Presiding Officer  
Jay Reardon, Board Member  
Amy Verlanic, Board Member by telephone

Jim Soumas, Board Member by telephone  
Rina Moore, Board Member by telephone

**STAFF ATTENDING:**

Tim Little, Board Attorney  
Bill Smith  
John Andrew

Pam McDaniel  
Paul Melvin  
Max Hallfrisch

**BOARD BUSINESS**

**APPROVAL OF MINUTES (00:1.19):**

Minutes for the August 21, 2014 will be moved to the next Board Meeting.

**NEXT MEETING DATE (1.20:1.29):**

The next meeting is tentatively scheduled for October 16, 2014. There will be one coming before the Board. Unit Clarification City of Bozeman vs. IAFF Local 613 – battalion chiefs should be in the unit. The Unfair Labor Practice that was going to be scheduled has withdrawn their appeal.

**PUBLIC COMMENT (2-3-103 MCA) (1.30:1.41):**

No comments were made.

**STAFF/ATTORNEY COMMENTS – (1.42:1.49):**

No comments were made.

**ORAL ARGUMENT: CONTINUANCE OF 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. Board Member Moore and Board Member Soumas have had the opportunity to listen to the August Board meeting with the parties oral arguments. No additional questions were asked by these Members.

There was no oral argument as the parties presented it at the August 21, 2014 Board Meeting. Presiding Officer Anne MacIntyre moved that the Board hold that Exhibit V (report compiled by Mr. Kerins) was improperly admitted by the Hearing Officer for any purpose other than the showing that the employer afforded due process in determining the discipline of Ms. Cozzie. Member Verlanic seconded the motion. Motion passed 5-0.

Presiding Officer Anne MacIntyre motioned to adopt the Hearing Officer's Findings of Fact to the extent that those findings are supported by witness testimony as opposed as to simply being contained in exhibit V but reject the ultimate conclusion of law that just cause existed for the demotion. Member Moore seconded the motion. Motion passed 5-0.

Member Reardon motioned that the grievance for Cozzie versus Montana Department of Transportation be granted and reinstated in her previous position and awarded any pay and benefits associated with that to the date she was removed, July 14, 2012. Presiding Officer MacIntyre seconded the motion. Motion passed 5-0.

Meeting adjourned