

**MEETING MINUTES
BOARD OF PERSONNEL APPEALS
Zoom Meeting
Helena, Montana
9:00 a.m.
September 21, 2023**

Call to Order – Establish Quorum – Introduction of Board & Staff Members Present: (00:06)

Members Present via Zoom:

Brian Hopkins, Board Chair
Jenny Stringer, Management Member
Curtis Schomer, Alt Labor Member

Staff Present via Zoom:

Trisha Shupe, Board Secretary
Ben Williams, Attorney, Department of Labor and Industry
Wendy Jackson, Dispute Resolution Section Chief

Approval of Minutes for February 16, 2023, meeting (02:22)

Member Schomer moved to approve minutes from the previous meeting and Member Stringer seconded the motion. February 16, 2023, meeting minutes were approved.

Public Opportunity to Comment (2-3-103 MCA) (03:05):

There were no comments by the Public.

Staff/Attorney Comments (03:15):

Board Chair Brian Hopkins asked Wendy Jackson an administrative matter concerning the Board and its number of members.

Board Action – Case for Oral Argument (06:32):

Petitioner: MFPE

Counter Petitioner: YELLOWSTONE COUNTY

Case #2022DRS00075

Board Chair Brian Hopkins confirmed all documents provided to the Board were reviewed by Board Members.

Steven Williams, representing the Counter Petitioner(s) Yellowstone County, presented his oral argument in this matter. Williams argues that Montana follows a two-part test regarding privacy. First looking at whether the individual has a subjective expectation of privacy regarding information and secondly it looks at whether that expectation is one where society will recognize reasonable. William states that the Hearing officer correctly found the first prong of the test was met as both parties agree there is a subjective expectation of privacy regarding the personal contact information in question. Williams asks the Board to consider

whether this expectation of privacy in an individual's personal contact information is one that society recognizes as reasonable.

Vicki McDonald, representing the Petitioner (MFPE), presented her oral argument in this matter. McDonald argues that the Union is requesting this information, not to the general public, but to the Union. McDonald states that the Union requesting this information is a duty to fulfill, not just for paying members but to all unit employees whether they choose to join or not.

Board Discussion of Case for Oral Argument (00:45:40)

Members of the Board asked follow up questions regarding the information presented. Chair Hopkins called for discussion and observations by the Board. Board Chair Hopkins made a motion to adopt the Hearing Officers Findings of Fact, Conclusions of Law, and Recommended Order. The motion was seconded by Member Schomer. Vote: 3-0. The motion passed.

Scheduling of Next Meeting

November 16, 2023

Meeting adjourned. (00:52:57):

There being no further business to come before the Board, Board Chair moved to adjourn the meeting. Member Schomer seconded the motion, and the meeting was adjourned.