

**MEETING MINUTES
BOARD OF PERSONNEL APPEALS
1805 Prospect Ave, Conference Room B, Second Floor
Zoom Meeting
Helena, Montana
9:00 a.m.
October 21, 2021**

Call to Order – Establish Quorum – Introduction of Board & Staff Members Present: (00:01:21)

Members Present via Zoom:

Brian Hopkins, Board Chair
Kevin McRae, Management Member
Jenny Stringer, Management Member
Stacey Yates, Labor Member
Brooke Shelley, Labor Member

Staff Present via Zoom:

Theresa Sroczyk, Dispute Resolution Section Manager
Trisha Kinsella, Board Secretary
Haley Nelson, Attorney, Department of Labor
Wendy Jackson, Dispute Resolution Mediator

Approval of Minutes for August 19, 2021, meeting (03:18)

Board Chair Hopkins suggested we change the verbiage in August 2021 minutes. Hopkins moved to approve the August 19, 2021; meeting minutes subjected to the revised language. Member McRae seconded the motion. The vote was unanimous. Minutes of the August meeting are approved.

Public Opportunity to Comment (2-3-103 MCA) (08:33):

There were no comments by the Public.

Staff/Attorney Comments (09:33):

Theresa Sroczyk and Haley Nelson stated they had no comments at this time.

Board Action – Rules Change (10:15):

Board Chair Hopkins speaks about the Montana Department of Labor and Industry published rule notice 24-26-377 pertaining to recommended changes. A hearing was held October 25, 2021, regarding the rules changes no public comment or written comments were received. Hopkins turned it over to Nelson to summarize the rules changes.

Nelson began by summarizing Senate Bill 56. This bill repealed MDT and FWP's grievance processes under the Board of Personnel Appeals. Those agencies will now have an internal grievance process like all other state agencies. This bill was passed on March 8, 2021. There are grievances that were filed before March 8, 2021, which will continue through the appeal process. This rules package repeals the administrative rules associated with the MDT and FWP grievance process.

The rules package also made a correction to ARM 24-26-254 to comply with MAPA. ARM 24-26-1002 was also changed to make sure authorization cards for union elections complied with board procedure and to ensure they are confidential.

No public comments were received. Notice of Amendment and Repeal will be filed with Secretary of State October 26, 2021, will be published with the Montana Administrative Register on November 5, 2021, and be effective November 6, 2021. Hopkins asked for clarification on arm 24-26-1002, Sroczyk went into detail on the rules that were corrected. (18:39)

Member McRae moved that the board adopt the amendment and repeal as proposed by the department. Member Yates seconded the motion. Voted 4-0. The meeting proceeded.

Miscellaneous (24:53):

There was no miscellaneous business.

Scheduling of Next Meeting (1:56:03):

Theresa Sroczyk reported at this time there are no cases to come before the board in November.

Meeting adjourned. (29:44)

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