

**MEETING MINUTES
BOARD OF PERSONNEL APPEALS
Zoom Meeting
Helena, Montana
9:00 a.m.
September 15, 2022**

Call to Order – Establish Quorum – Introduction of Board & Staff Members Present: (00:01:42)

Members Present via Zoom:

Brian Hopkins, Board Chair
Kevin McRae, Management Member
Jenny Stringer, Management Member
Stacey Yates, Labor Member
Curtis Schomer, Alt 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 September 12, 2022, meeting (02:16)

Minutes from Monday's meeting are not ready for approval yet.

Public Opportunity to Comment (2-3-103 MCA) (03:17):

There were no comments by the Public.

Staff/Attorney Comments (03:30):

Nelson let the board know that there will be a ULP Case for Review October 20, 2022.

Board Action – Case for Oral Argument (08:27):

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

Alan Zackheim representing the (respondent) Department of Public Health and Human Services (DPHHS) presented his oral argument. DPHHS argued that it filed objections to preserve the issues for appeal, but DPHHS would be satisfied with the Board adopting the Hearing Officers Findings and Conclusions in full. DPHHS consider the conclusions of the Hearing Officer to be both reasonable and equitable. DPHHS argument in this case matter is when to start the clock on back pay.

Lin Deola representing the petitioner(s) presented her oral argument in this case matter. Deola argues that there was never a legal basis identified and therefore no rationale on the date of which back pay should begin. Deola states the finding is that the disparity started in 2005 and back pay should be granted on this date.

Members of the Board asked follow up questions regarding the information presented.

Board Discussion of Case for Oral Argument (0:54:07)

Chair Hopkins called for discussion on observations of the Board. Chair Hopkins stated the issue before the Board is to recommend approval of the Findings of Facts and Conclusions of Law as set forth. Member McRae made a motion to approve the Hearing Officers recommended order dated November 30th, 2021, case number 1767-2014, and recommends making a move that the Board adopt the Findings of Fact and Conclusions of Law. The motion was seconded by Member Stringer. Vote: 4-1. The motion passed.

Members McRae, Stringer, Schomer, and Chair Hopkins concurred in the decision. Member Yates dissented.

Scheduling of Next Meeting

October 20, 2022

Meeting adjourned. (01:16:40):

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