

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

**Call to Order – Establish Quorum – Introduction of Board & Staff Members Present:
(00:00:48)**

Members Present via Zoom:

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

Staff Present via Zoom:

Theresa Sroczyk, Dispute Resolution Section Manager
Trisha Shupe, Board Secretary
Ben Williams, Attorney, Department of Labor and Industry
Wendy Jackson, Dispute Resolution Mediator

Approval of Minutes for November 17, 2022, meeting (03:19)

Member Stringer moved to approve meeting minutes and Board Chair Hopkins seconded the motion. November 17, 2022, meeting minutes were approved.

Public Opportunity to Comment (2-3-103 MCA) (04:58):

There were no comments by the Public.

Staff/Attorney Comments (00:00):

There were no additional comments

Board Action – Case for Oral Argument (05:06):

**Petitioner: Madison County Sherriff's Association
Counter Petitioner: Madison County
Case#2022DRS00095**

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

Madison County Sheriff's Association filed a petition for unit determination. The petition proposed a new bargaining unit including Deputy Sheriffs (Deputy/Deputies), Sergeants, communications Officer/Dispatcher, and Dispatch Coordinator. The unit excluded all other employees including the sheriff and Undersheriff. A counter petition was filed by Madison County proposing to remove Sergeants and the Communications Coordinator.

Eric Holm representing (Petitioner) Madison County Sheriffs Association presented his oral argument. Holm states the county in this case has the burden of proving sergeants are supervisory employees under the law and believe they have failed to provide sufficient evidence to meet that burden. Therefore, the two sergeants should be allowed to join the other deputies in the union to collectively bargain with management from the county. Tyler Smith representing the Counter Petitioner(s) Madison County presented his oral argument in this matter. Smith argues that the County's Sergeants are in fact supervisory employees and cannot be part of the bargaining unit.

Board Discussion of Case for Oral Argument (00:32:46)

Members of the Board asked follow up questions regarding the information presented. Chair Hopkins called for discussion on observations by the Board. Member Stringer made a motion to adopt the Hearing Officers Findings of Fact, Conclusions of Law, and Recommended Order. The motion was seconded by Board Chair Hopkins. Vote:4-0. The motion passed.

Board Action – Case for Oral Argument (00:48:31):
Petitioner: Montana Federation of Public Employees
Respondent: State Auditors
Case#2023DRS00055 & 2022DRS00057

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

This ULP alleges that CSI refused to bargain in good faith when it extended two verbal offers to rollover the CBA for one year and is now contesting the CBA's existence.

Nate McConnell representing the (Petitioner), Montana Federation of Public Employees, presented his oral argument. McConnell states MFPE has submitted more than enough evidence to support a Finding of Probable Merit and believes the Board Agent didn't apply the probable merit standard, but instead reached conclusions based on her assessment of contested facts. McConnell asks that the board remand these ULP's to a Hearing.

Jean Faure representing (Counter Petitioner) CSI presents her oral argument. Faure states that the Board Agent did not overstep her role, and her conclusions show there is no probable merit to both of the ULP's presented. Faure states the Board Agent's Decision is well supported and asks that the Board affirm by this decision.

Board Discussion of Case for Oral Argument (2:03:35)

Members of the Board asked follow up questions regarding the information presented. Chair Hopkins called for discussion on observations of the Board. Chair Hopkins made a motion

that both cases be remanded to the Office of Administrative Hearings for further fact finding. Member Schomer seconded the motion. Vote:4-0. The motion was passed

Scheduling of Next Meeting

January 19, 2023

Meeting adjourned. (02:08:35):

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