

**MEETING MINUTES
BOARD OF PERSONNEL APPEALS
Zoom Meeting
Helena, Montana
9:00 a.m.
February 16, 2023**

Call to Order – Establish Quorum – Introduction of Board & Staff Members Present: (00:05)

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 Mediator

Approval of Minutes for December 15, 2022, meeting (02:08)

Member Schomer moved to approve minutes from the previous meeting and Member Stringer seconded the motion. December 15, 2022, meeting minutes were approved.

Public Opportunity to Comment (2-3-103 MCA) (02:29):

There were no comments by the Public.

Staff/Attorney Comments (03:22):

There were no additional comments.

Board Action – Case for Oral Argument (04:39):

**Petitioner: Thomas Flowers
Counter Petitioner: Fish Wildlife and Parks
Case #202011240**

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

Eric Holm, representing (Petitioner) Thomas Flowers, presented his oral argument. Holm argues that Fish Wildlife and Parks owed Flowers due process rights before terminating him. Holms maintains the Hearing Officer failed to require FWP to meet the burden of proof to show just cause for this termination. Holm asks that the Hearing Officers Findings of Fact, Conclusions of Law, and Recommended Order be rejected and reversed, as it was based upon clear error and an unconstitutional burden shift.

Jamie MacNaughton, representing the Counter Petitioner(s) Fish Wildlife and Parks, presented her oral argument in this matter. MacNaughton argues that Fish Wildlife and Parks provided competent and substantial evidence that proves due process was given.

Board Discussion of Case for Oral Argument (00:23:20)

Members of the Board asked follow up questions regarding the information presented. Chair Hopkins called for discussion and 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 Member Schomer. Vote: 3-0. The motion passed.

Scheduling of Next Meeting

TBD

Meeting adjourned. (00:39:10):

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.