

STATE OF MONTANA  
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF THE UNFAIR LABOR PRACTICE CHARGE

|   |   |                              |
|---|---|------------------------------|
| Harold Horine                           | ) | Case No. 20191706            |
| and                                     | ) | RECOMMENDED ORDER TO DISMISS |
| Montana Nurses Association,             | ) |                              |
| Complainant,                            | ) |                              |
| -vs-                                    | ) |                              |
| Montana Department of Public Health and | ) |                              |
| Human Services,                         | ) |                              |
| Defendant.                              | ) |                              |
|   | ) |                              |

Mr. Horine filed an Unfair Labor Practice with the Board of Personnel Appeals. At the same time, the Montana Nurses Association filed a grievance with the Montana Department of Public Health and Human Services on Mr. Horine's behalf. The grievance, filed in accordance with the current collective bargaining agreement, and the unfair labor practice charge were over the same issue.

On August 5, 2019, this ULP was stayed pending the result of the grievance filed and any arbitrator's decision. After several attempts to contact Mr. Horine and the Montana Nurses Association to determine the status of the grievance, a notice was sent to both parties informing them, if they did not provide a status of the grievance by March 13, 2020, the unfair labor practice would be dismissed. As of this date, neither party has provided a status update.

Therefore, it is the recommendation of this investigator the Unfair Labor Practice be dismissed because the issue was addressed through the grievance process defined in the collective bargaining agreement.

DATED this 17<sup>th</sup> day of March, 2020.

BOARD OF PERSONNEL APPEALS

By:   
Theresa Sroczyk  
Investigator

NOTICE

Pursuant to ARM 24.26.680B (4) this recommended order will become the final order of the Board of Personnel Appeals unless appealed within 10 days of receipt of this notice of intention to dismiss. Any appeals should be filed with the:

Board of Personnel Appeals  
P.O. Box 201503  
Helena, MT 59620-1503.

Appeal must be received by the Board of Personnel Appeals no later than March 27, 2020.

\* \* \* \* \*

**CERTIFICATE OF MAILING**

The undersigned does hereby certify that a true and correct copy of the foregoing was served upon the following on the 17 day of March, 2020, postage paid and addressed or delivered as indicated:

HAROLD HORINE III  
43 MEADOWLARK LANE  
DEER LODGE MT 59722

JAMES FEHR  
DPHHS, HUMAN RESOURCES  
PO BOX 4210  
HELENA MT

AMY HOOLDNIK  
MONTANA DEPT OF ADMIN  
PO BOX 200101  
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