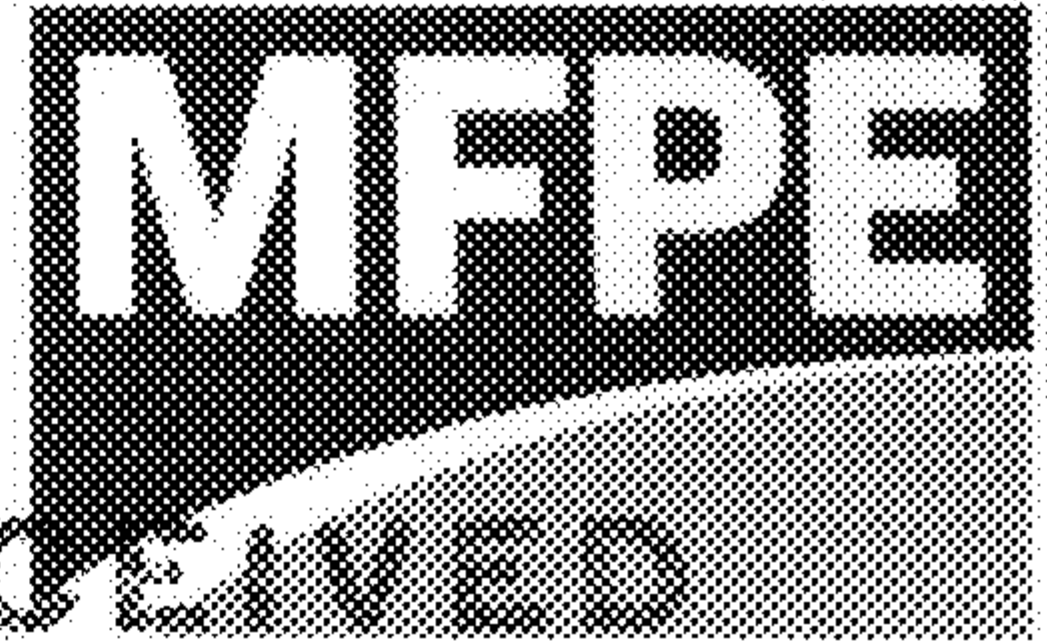


Montana Federation of Public Employees
East Regional Service Area

Box 1008 | Glendive, MT 59330

Tel: 406.365.4015 | 800.288.0341

May 12, 2019 (VIA Email DLuckey@mt.gov and US Mail)



David Luckey, Investigator
Montana Department of Labor & Industry
PO Box 201503
Helena MT 59620-1503

MAY 15 2019

EMPLOYMENT RELATIONS DIVISION

RE: Frazer Education Association withdrawal without prejudice ULP 660-2019

Mr. Luckey,

This is the Union's notice that it is withdrawing ULP #660-2019 **without prejudice**.

In the Investigative Report you issued on May 1, 2019, you wrote:

"Investigation into this ULP was initially stayed, allowing the parties the opportunity to negotiate the issue into the new contract." (page 2, paragraph 5)

Respectfully sir, that is not BoPA's call to make. Refusing to issue an initial decision for **seven months** after a charge is filed is simply unacceptable.

The fact that BoPA withheld this decision based on its determination that bargaining might cure the complaint is unacceptable. The statute and rules require when a charge is filed, it is served on the other side, investigated and an initial decision issued. When I complained to you in January 2019 about the time it was taking for you to issue an initial determination, your response was that there was no statutory timeline governing when the initial determination is issued--and then you advised me the decision would be issued.

Four months later the decision was issued--four months after you had concluded your investigation. I am dumbstruck. In the 30 years I've worked in Montana I've never waited **seven months** for an initial determination.

You may be correct. Timelines may not exist for the issuance of an initial determination; given our experience in Frazer, it's probably time for MFPE to consider lobbying to change that because our members rely on BoPA to do the job prescribed in the statutes; in a timely fashion.

A handwritten signature in black ink that reads "Maggie Copeland". The signature is fluid and cursive, with the first name "Maggie" and last name "Copeland" clearly visible.

Maggie Copeland
MFPE East Office Field Consultant

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Cc: Erik Burke, MFPE Executive Director