



STATE OF MONTANA
DEPARTMENT OF LABOR AND INDUSTRY
BOARD OF PERSONNEL APPEALS

DO NOT WRITE IN THIS SPACE

CASE NO. 3-88
DATE FILED 3/28/88

PETITION FOR UNIT CLARIFICATION

INSTRUCTIONS: Submit an original and five (5) copies of this petition to the Board of Personnel Appeals, P.O. Box 1728, Helena, Montana 59624. If more space is required for any item, attach additional sheets, numbering items accordingly. (Print or type in black.)

1. NAME OF BARGAINING REPRESENTATIVE: Wilbur W. Rehmann AFFILIATION, if any: Montana Nurses' Association
Labor Relations Director
2. ADDRESS OF BARGAINING REPRESENTATIVE: Box 5718, Helena, MT 59604 TELEPHONE: (406) 442-6710
3. NAME OF PUBLIC EMPLOYER: State of Montana, Warm Springs State Hospital
4. ADDRESS OF PUBLIC EMPLOYER: Montana Department of Institutions, Helena, MT 59620 or Montana State Hospital, Warm Springs TELEPHONE:

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5. Description of existing bargaining unit in question, specifying inclusions and exclusions:
The Employer recognizes the Association as the exclusive representative of all Registered Professional and Psychiatric Nurses employed at the Hospital on a full-time or part-time basis. All managerial and supervisory personnel shall be excluded as certified by the Board of Personnel Appeals. Article 2.1 and 2.2 of the MNA contract with the State of Montana.

6. Description of proposed clarification of the unit: (include job classifications and number of employees in each job classification affected by proposed clarification)
Position #2093, Staff Development Specialist I, currently held by Susan Beausoleil is the position that MNA contends is not a management position and rightfully belongs in the MNA Bargaining Unit at Warm Springs State Hospital. This is a recently created position that was arbitrarily excluded from the Bargaining Unit and the Position Description (enclosed) shows no indication or responsibilities that would warrant such a decision. The position includes no duties that that would or should exclude it from the Unit. Ms. Beausoleil previously held a part-time position, #16, that has essentially identical duties and responsibilities and was included in the Bargaining Unit.

7. Statement setting forth the reasons why petitioner desires a clarification of the unit:
The MNA wishes to have a clarification of the Unit because we believe the State acted in an arbitrary and capricious manner when it excluded Position # 2093 from the Bargaining Unit and by its actions has deprived the employee, Susan Beausoleil, the just and rightful exercise of her rights to join a union and engage in collective bargaining.

8. Is any employee organization, other than the representative listed in Number 1, certified to represent any of the employees who would be directly affected by the proposed clarification?
Yes _____ No X (If yes, explain below)

9. A brief and concise statement of any other relevant facts:
I have enclosed Position Descriptions for Positions #2093 and #16.

BY: Wilbur W. Rehmann
Labor Relations Director, MNA

DATE: March 25, 1988

TITLE: