

STATE OF MONTANA  
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNIT CLARIFICATION NO. 10-97:

MONTANA DEPARTMENT OF CORRECTIONS )  
AND DEPARTMENT OF ADMINISTRATION, )  
LABOR AND EMPLOYEE RELATIONS BUREAU )  
Petitioner )

vs. )

FINAL ORDER

MONTANA FEDERATION OF STATE )  
EMPLOYEES, MFT, AFT, AFL-CIO )  
Respondent )

\*\*\*\*\*

The above-captioned matter came before the Board of Personnel Appeals on December 3, 1998. Respondent appealed from the Amended Findings of Fact; Conclusions of Law; and Recommended Order issued by Joseph Maronick, Hearing Officer, dated June 24, 1998.

Appearing before the Board were Vivian Hammill, attorney with the State Personnel Division, representing the Petitioner; and J.C. Weingartner, attorney for the Respondent, and Stacy Cummings, Field Representative for the Montana Federation of State Employees. All parties appeared in person.

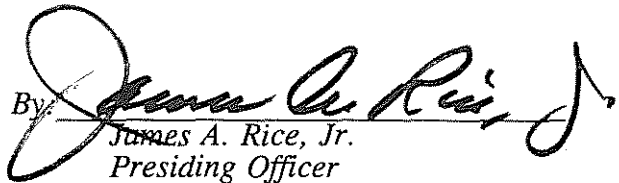
After review of the record and consideration of the arguments by the parties, the Board concludes that substantial credible evidence in the record supports the findings of the hearing officer. Further, the Board concludes that given the facts as found by the hearing officer, the conclusions reached are proper. Accordingly, the Board orders as follows:

1. **IT IS HEREBY ORDERED** that the exceptions to the Amended Findings of Fact, Conclusions of Law, and Recommended Order are hereby dismissed.

2. **IT IS FURTHER ORDERED** that the Board upholds the Amended Findings of Fact, Conclusions of Law, and Recommended Order of the hearing officer.

DATED this 3 day of February, 1999.

BOARD OF PERSONNEL APPEALS

By:   
James A. Rice, Jr.  
Presiding Officer

\*\*\*\*\*

Board members Rice, Talcott and Hagan concur.

Board members Schneider and Perkins dissent.

\*\*\*\*\*

\*\*\*\*\*

NOTICE: You are entitled to Judicial Review of this Order. Judicial Review may be obtained by filing a petition for Judicial Review with the District Court no later than thirty (30) days from the service of this Order. Judicial Review is pursuant to the provisions of Section 2-4-701, et seq., MCA.

\*\*\*\*\*

CERTIFICATE OF MAILING

I, Jennifer Jacobson, do hereby certify that a true and correct copy of this document was mailed to the following on the 5<sup>th</sup> day of February, 1999:

VIVIAN HAMMILL  
STATE PERSONNEL DIVISION  
DEPARTMENT OF ADMINISTRATION  
ROOM 130 - MITCHELL BUILDING  
HELENA MT 59620-0127

J C WEINGARTNER  
222 BROADWAY  
HELENA MT 59601

STACY CUMMINGS  
MONTANA FEDERATION OF STATE EMPLOYEES  
PO BOX 6169  
HELENA MT 59604-6169

\*\*\*\*\*

STATE OF MONTANA  
BEFORE THE BOARD OF PERSONNEL APPEALS

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MONTANA DEPARTMENT OF CORRECTIONS )  
AND DEPARTMENT OF ADMINISTRATION, )  
LABOR AND EMPLOYEE RELATIONS BUREAU, )

Petitioners, )

- vs - )

MONTANA FEDERATION OF STATE )  
EMPLOYEES, MFT, AFT, AFL-CIO, )

Respondents )

ORDER

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This matter came before the Board pursuant to Petitioners' Motion to Reset Board Hearing Date on Respondents' Appeal which was filed on October 1, 1998.

The history of this case on review is relevant and is summarized as follows. The Amended Findings of Fact; Conclusions of Law; and Recommended Order was issued by Hearing Officer Joseph V. Maronick on June 22, 1998. Exceptions were filed by Stacy A. Collette Cummings, Field Representative with the Montana Federation of State Employees, on behalf of the Respondent. A Notice of Oral Argument dated July 24, 1998 was mailed to the parties scheduling this matter for September 17, 1998 at 1:00 pm.

A request was received from the Respondent to reschedule the matter to December 1998. Vivian Hammill, attorney for the Petitioner, concurred with a postponement to either October or, preferably, November of 1998. The parties were notified by e-mail that the Board combines the November and December meetings to early December and were later notified that the meeting was scheduled for December 3, 1998. A Notice of Postponement scheduling the matter for the December meeting was mailed to the parties on September 8, 1998.

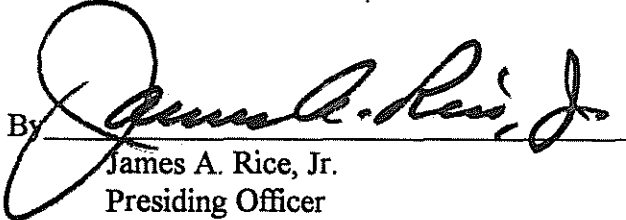
The Motion filed by the Petitioner requests the Board advance the hearing date to October 22, 1998. The Respondent has refused to agree to this request. The Board scheduled a special conference call which was held on Wednesday, October 14, 1998, at 10:00 a.m. for discussion and consideration of this Motion.

Upon deliberation, the discretion of the Board was moved to deny Petitioners' request to reschedule the hearing of this matter to October 22, 1998.

1  
2 Therefore, Petitioners' motion is denied and this matter remains scheduled for oral  
3 argument on Thursday, December 3, 1998 at 11:00 a.m.  
4

5 DATED this 22 day of October, 1998.  
6

7 BOARD OF PERSONNEL APPEALS  
8

9  
10 By   
11 James A. Rice, Jr.  
12 Presiding Officer  
13  
14

15 \*\*\*\*\*  
16 Board members Rice, Perkins, Schneider, Talcott and Hagan concur  
17 \*\*\*\*\*  
18

19 CERTIFICATE OF MAILING

20 I, , do hereby certify that a true and  
21 correct copy of this document was mailed to the following on the 23<sup>rd</sup> day of October, 1998:  
22  
23

24 STACY A COLLETTE-CUMMINGS  
25 MONTANA FEDERATION OF STATE EMPLOYEES  
26 PO BOX 6169  
27 HELENA MT 59604-6169  
28

29 VIVIAN HAMMILL  
30 SPECIAL ASSISTANT ATTORNEY GENERAL  
31 DEPARTMENT OF ADMINISTRATION  
32 PO BOX 200126  
33 HELENA MT 59620-0126  
34

35 \*\*\*\*\*  
36  
37

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

IN THE MATTER OF UNIT CLARIFICATION NO. 10-97:

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BUREAU, )

Petitioner, )

vs. )

MONTANA FEDERATION OF STATE )  
EMPLOYEES, MFT, AFT, AFL-CIO, )

Respondent. )

AMENDED  
FINDINGS OF FACT;  
CONCLUSIONS OF LAW;  
AND RECOMMENDED ORDER

\* \* \* \* \*

I. INTRODUCTION

Montana Department of Corrections and Department of Administration, Labor and Employee Relations Bureau (Petitioner) filed a petition for unit clarification on January 28, 1997. The Petitioner asked for exclusion of Correctional Supervisors, Correctional Service Coordinators, a Psychology Specialist, and an Accounting Specialist because the incumbents meet the statutory definition of supervisor found in § 39-31-103(11), MCA.

On April 1, 1997, the Petitioner requested the Unit Clarification (UC 10-97) be placed on hold pending further discussion with Montana Federation of State Employees, MFT, AFT, AFL-CIO (Respondent). Informal efforts to resolve the UC issues identified were unsuccessful. On September 12, 1997, the Petitioner requested a contested case hearing. Hearing Officer, Joseph Maronick, conducted a hearing in person and by telephone conference call on January 21, and 22, 1998. Petitioner witnesses: Warden, Michael Mahoney; Deputy Warden, Leonard

Mihelich; Deputy Warden, Kathy Redfern; Ranch Accountant and Physical Manager, Ross Swanson; Personnel Officer, Anita Larner; Accounting Specialist, Carol Ann Holling; Recreational Specialist, William Hogart; Correctional Supervisor, Larry Spangberg; Correctional Supervisor, David Facincani; Unit Manager, Bill Perry; Correctional Officer, Wayne Nichols; Correctional Services Coordinator, Keith Cozby; Psychology Specialist, Sandy Heaton; Correctional Supervisor, Jerry Guthrie; Correctional Supervisor, Don Curlin; Correctional Officer, Van Shelton; Lieutenant Mike Strutzel; and Lieutenant Don Hess were present, duly sworn and testified. Petitioner's Exhibits 1 through 13, and Respondent's Exhibits A through M were admitted into the record without objection. The Petitioner was represented by Counsel Vivian V. Hammill and the Respondent was represented by Stacey Collette Cummings. Petitioner, Labor and Employee Relations Bureau, Department of Administration Representative Paula Stoll and Respondent Representatives Howie Wigert and David Facincani were present throughout the hearing. Final post hearing submissions were received on March 19, 1998.

## **II. FINDINGS OF FACT**

1. The Correctional Supervisors are responsible for inmate behavior and the security of housing units at the Montana State Prison (Exhibit F, page 2). The Correctional Supervisors supervise, review, direct and train Correctional Officers and Correctional Technicians. The Correctional Supervisors coordinate work schedules and vacations, justify overtime and work with the command post when the Unit Manager is absent. Ultimate control for scheduling rests with the command post.

1 Correctional Supervisors provide leadership through direct  
2 supervision, feedback, encouragement, confrontation, and  
3 modeling. The Correctional Supervisors are members of the unit  
4 management team which creates, reviews, and implements unit  
5 procedures and rules. The Correctional Supervisors train and  
6 coordinate security training for all unit staff. They train  
7 staff in report procedures and act as the Unit Manager at  
8 meetings as requested or assigned by the Unit Manager. The  
9 Correctional Supervisors intervene to resolve disputes between  
10 unit staff, inmates and aides as directed by the Unit Managers.  
11 They respond to unit grievances. The Correctional Supervisors  
12 foster information exchange between other staff members (Exhibit  
13 F, pages 2-7). The Correctional Supervisors must have the  
14 ability to select, train, supervise and evaluate staff. They  
15 must be able to coordinate staff activities and provide feedback,  
16 encouragement and discipline to subordinate staff. These  
17 abilities are indicated on the "as required" section in the  
18 vacancy announcement for Correctional Supervisors (Exhibit H).

19 2. The Correctional Service Coordinators oversee all  
20 aspects of living and programming for unit inmates to assure  
21 proper case management (Exhibit G, page 2). The Correctional  
22 Service Coordinators train staff in report writing, unit  
23 procedures, security procedures and as member of the multi-  
24 disciplinary team participate in recruitment, training,  
25 discipline and evaluation of unit staff. The Correctional  
26 Service Coordinators monitor and train Correction Supervisors and  
27 Correctional Officers in the use of the objective classification  
28 system of inmates and provide unit staff training in para-

1 professional counseling. They also provide inmate case  
2 management, proper maintenance and sanitation of the unit in  
3 which they are located.

4 3. Correctional Service Coordinators perform supervisory  
5 duties as members of the multi disciplinary team made up of  
6 Correctional Supervisor, Correctional Technician and Correctional  
7 Officers as directed by the Unit Manager. The team duties  
8 include recruitment, discipline, evaluation of unit staff and  
9 work schedule coordination and justification. The Correctional  
10 Service Coordinators compile information for the Unit Manager and  
11 assists the Unit Manager in writing grievance responses. The  
12 Correctional Service Coordinators act as department head when the  
13 Unit Manager is absent or as directed by the Unit Manager. The  
14 Correctional Service Coordinator position description shows  
15 management and supervision of up to a total of 9.5 full-time  
16 employees (Exhibit G, pages 2-9).

17 4. The Psychology Specialist is responsible for the sex  
18 offender program at the prison. She supervises two Psychology  
19 Specialists and one half-time Administrative Clerk. She  
20 supervises two and one-half contracted staff. She negotiates the  
21 contracts with them and keeps track of their hours and work  
22 performance. She screens and hires the two masters level  
23 Psychology Specialists. She evaluates the treatment plans of  
24 the Psychologists under her and has final authority over their  
25 inmate treatment recommendations. As a supervisor, the  
26 Psychology Specialist hires, transfers, suspends, lays-off,  
27 recalls, promotes, discharges, rewards and disciplines the people  
28 she supervises.



5. The Accounting Specialist "performs technical/professional level accounting work and oversees the Montana Correctional Enterprises Accounting System for customer billing and collection, accounts payable, inmate payroll, capital assets inventory, gathering/assembling production and financial information, policy formulation and information services (Exhibit 10, page 2). The Accounting Specialist trains staff in co-worker duties so work is completed during vacation, sick and other staff vacancy time periods. The Accounting Specialist supervises an Accountant Technician and four Accounting Support Clerks (Exhibit 10, page 9, Management and Supervision of Others).

The Accounting Specialist trains accounting personnel and reviews accounting work performed by staff. She instructs staff on proper file maintenance and conducts random file checks to insure procedure compliance. She hires, trains, disciplines and evaluates civilian and inmate staff. She plans and assigns accounting projects and allocates available subordinate manpower to assure project completion.

6. Deputy Warden Milelich and Deputy Warden Redfern testified that the Correctional Service Coordinators and Correctional Supervisors supervise staff as identified in their respective positions descriptions. Personnel Officer Anita Larner testified that the Correctional Service Coordinators and Correctional Supervisors supervise Correctional Officers. They supervise subordinate staff in their respective housing units on a daily basis and are responsible (as are all staff members) to record and report any rule violations of any staff members including subordinate staff. The Correctional Service

1 Coordinators and Correctional Supervisors receive higher pay  
2 based upon their supervisory responsibilities. Correctional  
3 Officer Wayne Nichols testified that Correctional Supervisors  
4 oversee his work duties. Correctional Service Coordinator  
5 Kenneth Cozby testified he and other Correctional Service  
6 Coordinators were required to attend the supervisor sexual  
7 harassment class and he has participated as a voting member on  
8 hiring committees.

#### 9 IV. , DISCUSSION

10 1. The question raised in this case is whether the  
11 Correctional Supervisors, the Correctional Services Coordinators,  
12 the Psychology Specialist and the Accounting Specialist are  
13 supervisory employees and therefore statutorily excluded from the  
14 bargaining unit.

15 2. Under § 39-31-103(11), MCA, "supervisory employee" is  
16 defined as follows:

17 "Supervisory employee" means any individual having  
18 authority in the interest of the employer to hire,  
19 transfer, suspend, lay off, recall, promote,  
20 discharge, assign, reward, discipline other  
21 employees, having responsibility to direct them,  
22 to adjust their grievances, or effectively to  
23 recommend such action, if in connection with the  
24 foregoing the exercise of such authority is not of  
25 a merely routine or clerical nature but requires  
26 the use of independent judgment.  
27 (emphasis added)

28 3. In addition to the areas of authority exercised as  
29 identified in § 39-31-103(11), MCA, the Board of Personnel  
30 Appeals has identified some secondary tests for use in  
31 determining whether a position is supervisory. The secondary  
32 tests as identified in UD 6-88 are as follows:

the employee being designated a supervisor; the  
fact that he is regarded by himself and others as

a supervisor; the exercise of privileges accorded only to supervisors; attendance at instructional sessions or meetings held for supervisory personnel; responsibility for a shift or phases or operation; authority to interpret or transmit employer's instructions to other employees; responsibility for inspecting the work of others; instruction of other employees; authority to grant or deny leave of absence to others; responsibility for reporting rule infractions; keeping of time records on other employees; receipt of substantially greater pay than other employees, not based solely on skill; and failure to receive overtime. . . .

4. The Correctional Supervisors, the Correctional Services Coordinators, the Psychology Specialist and the Accounting Specialist in the interest of the Petitioner, effectively recommend hiring, transfer, layoff, discipline, and grievance adjustment, which is not merely routine in nature. They have the responsibility to train, direct subordinate staff. They do so on a regular basis. They regularly exercise independent judgment in directing subordinate staff. They receive a higher wage than do subordinate staff. They appraise subordinate staff. The supervisory duties performed are not based upon common practice or procedure but the use of independent judgment.

#### V. CONCLUSIONS OF LAW

1. The Board of Personnel Appeals has jurisdiction in this matter pursuant to § 39-31-202, MCA. Billings, Montana v. Fire Fighters Local No. 521, 113 LRRM 3324, 651 P.2d 627, 39 St. Rep. 1844 (1982).

2. The totality of all of the factors as identified in the law and by the Board lead to the conclusion that the Correctional Supervisors, the Correctional Services Coordinators, the Psychology Specialist and the Accounting Specialist are

1 supervisors and properly excluded from the unit. They use  
2 independent judgment in the interest of the employer and direct  
3 subordinate staff. This direction is not routine or clerical in  
4 nature.

5 **VI. RECOMMENDED ORDER**

6 The Correctional Supervisors, the Correctional Services  
7 Coordinators, the Psychology Specialist and the Accounting  
8 Specialist are supervisory staff and pursuant to this Recommended  
9 Order are excluded from the bargaining unit described in the  
10 collective bargaining agreement as:

11 All employees working at the Montana State Prison  
12 or MSP Corrections Industries, as listed by  
13 classification in Addendum A. All employees  
working at the Montana State Prison in the  
Correctional Supervisor series.

14 DATED this 24<sup>th</sup> day of June, 1998.

15 BOARD OF PERSONNEL APPEALS

16  
17 By:

Joseph V. Maronick  
Joseph V. Maronick  
Hearing Officer

1 NOTICE: Pursuant to ARM 24.26.215, the above RECOMMENDED ORDER  
2 shall become the Final Order of this Board unless written  
3 exceptions are postmarked no later than July 17, 1998.  
4 This time period includes the 20 days provided for in ARM  
5 24.26.215, and the additional 3 days mandated by Rule 6(e),  
6 M.R.Civ.P., as service of this Order is by mail.

7 The notice of appeal shall consist of a written appeal of the  
8 decision of the hearing officer which sets forth the specific  
9 errors of the hearing officer and the issues to be raised on  
10 appeal. Notice of appeal must be mailed to:

11 Board of Personnel Appeals  
12 Department of Labor and Industry  
13 P.O. Box 6518  
14 Helena, MT 59604

15 \* \* \* \* \*

16 CERTIFICATE OF MAILING

17 The undersigned hereby certifies that true and correct  
18 copies of the foregoing documents were, this day served upon the  
19 following parties or such parties' attorneys of record by  
20 depositing the same in the U.S. Mail, postage prepaid, and  
21 addressed as follows:

22 Stacey Cummings  
23 Montana Federation of State Employees  
24 P. O. Box 6169  
25 Helena, MT 59604-6169

26 The undersigned hereby certifies that true and correct  
27 copies of the foregoing documents were, this day, served upon the  
28 following parties or such parties' attorneys of record by means  
of the State of Montana's Interdepartmental mail service.

29 Vivian Hammill  
30 State Personnel Division  
31 Department of Administration  
32 Room 130 - Mitchell Building  
33 Helena, MT 59624-0127

34 DATED this 24<sup>th</sup> day of June, 1998.

35 Carol A. Zarkin

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3 Accounting Specialist, Carol Ann Holling; Recreational  
4 Specialist, William Hogart; Correctional Supervisor, Larry  
5 Spangberg; Correctional Supervisor, David Facincani; Unit  
6 Manager, Bill Perry; Correctional Officer, Wayne Nichols;  
7 Correctional Services Coordinator, Keith Cozby; Psychology  
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9 Correctional Supervisor, Don Curlin; Correctional Officer, Van  
10 Shelton; Lieutenant Mike Strutzel; and Lieutenant Don Hess were  
11 present, duly sworn and testified. Petitioner's Exhibits 1  
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4 3. Correctional Service Coordinators perform supervisory  
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1        5.    The Accounting Specialist "performs  
2 technical/professional level accounting work and oversees the  
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13 reviews accounting work performed by staff. She instructs staff  
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16 evaluates civilian and inmate staff. She plans and assigns  
17 accounting projects and allocates available subordinate manpower  
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19        6.    Deputy Warden Milelich and Deputy Warden Redfern  
20 testified that the Correctional Service Coordinators and  
21 Correctional Supervisors supervise staff as identified in their  
22 respective positions descriptions. Personnel Officer Anita  
23 Larner testified that the Correctional Service Coordinators and  
24 Correctional Supervisors supervise Correctional Officers. They  
25 supervise subordinate staff in their respective housing units on  
26 a daily basis and are responsible (as are all staff members) to  
27 record and report any rule violations of any staff members  
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6 Coordinators were required to attend the supervisor sexual  
7 harassment class and he has participated as a voting member on  
8 hiring committees.

#### 9 IV. DISCUSSION

10 1. The question raised in this case is whether the  
11 Correctional Supervisors, the Correctional Services Coordinators,  
12 the Psychology Specialist and the Accounting Specialist are  
13 supervisory employees and therefore statutorily excluded from the  
14 bargaining unit.

15 2. Under § 39-31-103(11), MCA, "supervisory employee" is  
16 defined as follows:

17 "Supervisory employee" means any individual having  
18 authority in the interest of the employer to hire,  
19 transfer, suspend, lay off, recall, promote,  
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21 employees, having responsibility to direct them,  
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recommend such action, if in connection with the  
foregoing the exercise of such authority is not of  
a merely routine or clerical nature but requires  
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(emphasis added)

23 3. In addition to the areas of authority exercised as  
24 identified in § 39-31-103(11), MCA, the Board of Personnel  
25 Appeals has identified some secondary tests for use in  
26 determining whether a position is supervisory. The secondary  
27 tests as identified in UD 6-88 are as follows:

28 the employee being designated a supervisor; the  
fact that he is regarded by himself and others as

1 a supervisor; the exercise of privileges accorded  
2 only to supervisors; attendance at instructional  
3 sessions or meetings held for supervisory  
4 personnel; responsibility for a shift or phases or  
5 operation; authority to interpret or transmit  
6 employer's instructions to other employees;  
7 responsibility for inspecting the work of others;  
8 instruction of other employees; authority to grant  
9 or deny leave of absence to others; responsibility  
10 for reporting rule infractions; keeping of time  
11 records on other employees; receipt of  
12 substantially greater pay than other employees,  
13 not based solely on skill; and failure to receive  
14 overtime. . . .

15 4. The Correctional Supervisors, the Correctional Services  
16 Coordinators, the Psychology Specialist and the Accounting  
17 Specialist in the interest of the Petitioner, effectively  
18 recommend hiring, transfer, layoff, discipline, and grievance  
19 adjustment, which is not merely routine in nature. They have the  
20 responsibility to train, direct subordinate staff. They do so on  
21 a regular basis. They regularly exercise independent judgment in  
22 directing subordinate staff. They receive a higher wage than do  
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24 supervisory duties performed are not based upon common practice  
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## 26 V. CONCLUSIONS OF LAW

27 1. The Board of Personnel Appeals has jurisdiction in this  
28 matter pursuant to § 39-31-202, MCA. Billings, Montana v. Fire  
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5 Psychology Specialist and the Accounting Specialist are

1 supervisors and properly excluded from the unit. They use  
2 independent judgment in the interest of the employer and direct  
3 subordinate staff. This direction is not routine or clerical in  
4 nature.

5 **VI. RECOMMENDED ORDER**

6 It is ordered that an election by secret ballot be conducted  
7 as early as possible, in accordance with the rules and  
8 regulations of the Board of Personnel Appeals. The employees in  
9 the bargaining unit are described in the collective bargaining  
10 agreement as:

11 All employees working at the Montana State Prison  
12 or MSP Corrections Industries, as listed by  
13 classification in Addendum A. All employees  
working at the Nontana State Prison in the  
Correctional Supervisor series.

14 The Correctional Supervisors, the Correctional Services  
15 Coordinations, the Psychology Specialist and the Accounting  
16 Specialist are supervisory staff and pursuant to this Recommended  
17 Order are excluded from the bargaining unit.

18 DATED this 22<sup>nd</sup> day of June, 1998.

19 BOARD OF PERSONNEL APPEALS

20  
21 By: Joseph V. Maronick  
22 Joseph V. Maronick  
23 Hearing Officer  
24  
25  
26  
27  
28

1 NOTICE: Pursuant to ARM 24.26.215, the above RECOMMENDED ORDER  
2 shall become the Final Order of this Board unless written  
3 exceptions are postmarked no later than July 15, 1998.  
4 This time period includes the 20 days provided for in ARM  
5 24.26.215, and the additional 3 days mandated by Rule 6(e),  
6 M.R.Civ.P., as service of this Order is by mail.

7 The notice of appeal shall consist of a written appeal of the  
8 decision of the hearing officer which sets forth the specific  
9 errors of the hearing officer and the issues to be raised on  
10 appeal. Notice of appeal must be mailed to:

11 Board of Personnel Appeals  
12 Department of Labor and Industry  
13 P.O. Box 6518  
14 Helena, MT 59604

15 \* \* \* \* \*

16 CERTIFICATE OF MAILING

17 The undersigned hereby certifies that true and correct  
18 copies of the foregoing documents were, this day served upon the  
19 following parties or such parties' attorneys of record by  
20 depositing the same in the U.S. Mail, postage prepaid, and  
21 addressed as follows:

22 Stacey Cummings  
23 Montana Federation of State Employees  
24 P. O. Box 6169  
25 Helena, MT 59604-6169

26 The undersigned hereby certifies that true and correct  
27 copies of the foregoing documents were, this day, served upon the  
28 following parties or such parties' attorneys of record by means  
of the State of Montana's Interdepartmental mail service.

29 Vivian Hammill  
30 State Personnel Division  
31 Department of Administration  
32 Room 130 - Mitchell Building  
33 Helena, MT 59624-0127

34 DATED this 22nd day of June, 1998.

35 Jandra K. Page