

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.

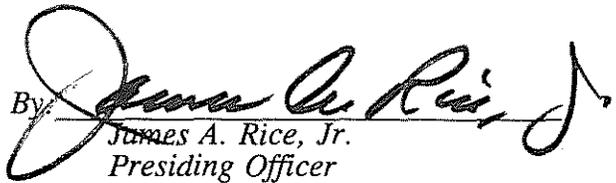
After review of the record and consideration of the arguments by the parties, the Board concludes that substantial credible evidence in the record supports the findings of the hearing officer. Further, the Board concludes that given the facts as found by the hearing officer, the conclusions reached are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

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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 5th 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

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

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

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.

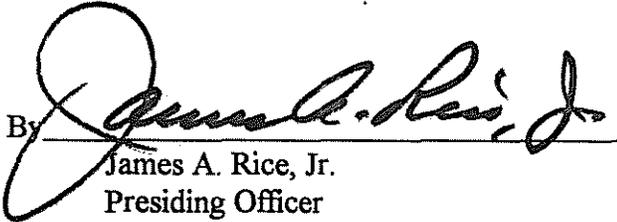
The Motion filed by the Petitioner requests the Board advance the hearing date to October 22, 1998. The Respondent has refused to agree to this request. The Board scheduled a special conference call which was held on Wednesday, October 14, 1998, at 10:00 a.m. for discussion and consideration of this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

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5 DATED this 22 day of October, 1998.

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7 BOARD OF PERSONNEL APPEALS

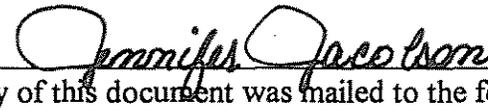
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9
10
11 By 
12 James A. Rice, Jr.
13 Presiding Officer

14
15 *****

16 Board members Rice, Perkins, Schneider, Talcott and Hagan concur

17 *****

18
19 CERTIFICATE OF MAILING

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

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:

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

1 | Mihelich; Deputy Warden, Kathy Redfern; Ranch Accountant and
2 | Physical Manager, Ross Swanson; Personnel Officer, Anita Lerner;
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
8 | Specialist, Sandy Heaton; Correctional Supervisor, Jerry Guthrie;
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
12 | through 13, and Respondent's Exhibits A through M were admitted
13 | into the record without objection. The Petitioner was represented
14 | by Counsel Vivian V. Hammill and the Respondent was represented
15 | by Stacey Collette Cummings. Petitioner, Labor and Employee
16 | Relations Bureau, Department of Administration Representative
17 | Paula Stoll and Respondent Representatives Howie Wigert and David
18 | Facincani were present throughout the hearing. Final post
19 | hearing submissions were received on March 19, 1998.

20 | **II. FINDINGS OF FACT**

21 | 1. The Correctional Supervisors are responsible for inmate
22 | behavior and the security of housing units at the Montana State
23 | Prison (Exhibit F, page 2). The Correctional Supervisors
24 | supervise, review, direct and train Correctional Officers and
25 | Correctional Technicians. The Correctional Supervisors
26 | coordinate work schedules and vacations, justify overtime and
27 | work with the command post when the Unit Manager is absent.
28 | 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.

1 5. The Accounting Specialist "performs
2 technical/professional level accounting work and oversees the
3 Montana Correctional Enterprises Accounting System for customer
4 billing and collection, accounts payable, inmate payroll, capital
5 assets inventory, gathering/assembling production and financial
6 information, policy formulation and information services (Exhibit
7 10, page 2). The Accounting Specialist trains staff in co-worker
8 duties so work is completed during vacation, sick and other staff
9 vacancy time periods. The Accounting Specialist supervises an
10 Accountant Technician and four Accounting Support Clerks (Exhibit
11 10, page 9, Management and Supervision of Others).

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

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 Lerner 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
28 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

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
23 subordinate staff. They appraise subordinate staff. The
24 supervisory duties performed are not based upon common practice
25 or procedure but the use of independent judgment.

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
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
14 working at the Montana State Prison in the
15 Correctional Supervisor series.

16 DATED this 24th day of June, 1998.

17 BOARD OF PERSONNEL APPEALS

18 By: Joseph V. Maronick
19 Joseph V. Maronick
20 Hearing Officer
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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 24th day of June, 1998.

35 Carol A. Zarkin

STATE OF MONTANA
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**FINDINGS OF FACT;
CONCLUSIONS OF LAW;
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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.

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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
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7 Officers as directed by the Unit Manager. The team duties
8 include recruitment, discipline, evaluation of unit staff and
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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
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18 offender program at the prison. She supervises two Psychology
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3 Montana Correctional Enterprises Accounting System for customer
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14 on proper file maintenance and conducts random file checks to
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18 to assure project completion.

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
28 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
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
the use of independent judgment.
(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
23 subordinate staff. They appraise subordinate staff. The
24 supervisory duties performed are not based upon common practice
25 or procedure but the use of independent judgment.

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
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 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 Coordinatiors, 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 22nd day of June, 1998.

19 BOARD OF PERSONNEL APPEALS

20 By: Joseph V. Maronick
21 Joseph V. Maronick
22 Hearing Officer
23
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
36
37
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