

1 Department of Labor and Industry
Board of Personnel Appeals
2 P. O. Box 6518
Helena, MT 5624-6518
3 (406) 444-2718

4
5 STATE OF MONTANA
BEFORE THE BOARD OF PERSONNEL APPEALS

6 IN THE MATTER OF THE UNIT CLARIFICATION NO. 8-2002

7 LEWIS & CLARK COUNTY,)
8)
9 Petitioner,) RECOMMENDED ORDER
10 -vs-)
11 LABORERS LOCAL NO. 254,)
12 Defendant.)

13 * * * * *

14 I. INTRODUCTION

15 This matter involves the question of whether certain positions, approximately 8
16 employees consisting of the following: Programmer/Analyst-2 FTEs, GIS Supervisor-1 FTE,
17 WebManager-1 FTE, Software Trainer-1 FTE, System Administrator-3 FTEs, Help Desk
18 Manager-1 FTE, are appropriately placed in the current bargaining unit and subject to the
19 collective bargaining agreement between Lewis and Clark County and Laborers Local No.
20 254.

21 II. DISCUSSION

22 The Board of Personnel Appeals has jurisdiction over this matter pursuant to ARM
23 24.26.630. The Petitioner for Unit Clarification was received on December 17, 2001. This
24 Board issued an initial Notice and served it by US Mail upon Respondent on December 19,
25 2001. Respondent contacted this Board on January 4, 2002, concerning receipt of the Notice
26 approximately ten (10) days after mailing as a result of the high mail processing and number
27 of days the post office was closed due to the Christmas and New Year holidays. On that date,
28

Respondent was given an additional period, up to and including Tuesday, January 15, 2002, in which to file any response. As of this date, no response has been filed by Respondent.

III. RECOMMENDED ORDER

Pursuant to ARM 24-26-630 (5), “. . . failure to respond to a Petitioner for Unit Clarification will result in the agent of the Board issuing a recommended order granting the relief requested by the petitioner.” The union, although not necessarily in agreement with the petition, indicated the petition would not be opposed. Therefore, having received no formal response, the relief as requested is granted and the description of the bargaining unit modified accordingly.

DATED this 29 day of January, 2002.

BOARD OF PERSONNEL APPEALS

By: Vicki Knudsen
Vicki Knudsen, Agent

NOTICE

ARM 24.26.630 (5) provides: The recommended order is subject to Board review if appealed within 10 business days to the Board of Personnel Appeals at PO Box 6518, Helena MT 59604-6518. If not appealed, the recommended order is the final Board order.

CERTIFICATE OF MAILING

I, Vicki Knudsen, do hereby certify that a true and correct copy of this document was mailed to the following on the 29 day of January, 2002:

Glen Gregor
Laborers Local No. 254
PO Box 702
Helena, MT 59624

Sheila Cozzie
Personnel Officer
Lewis & Clark County
316 North Park Avenue
Helena, Mt 59601