

STATE OF MONTANA  
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNIT CLARIFICATION NO. 13-2002:

MONTANA SUPREME COURT,  
EIGHTH JUDICIAL DISTRICT COURT,

and

TEAMSTERS UNION LOCAL NO. 2,  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
Petitioners

RECOMMENDED ORDER

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The above Unit Clarification request comes before the Board of Personnel Appeals under the authority of 39-31-202 MCA and ARM 24.26.630 et seq. At the heart of this petition is Senate Bill 176, enacted during the fifty seventh legislative session. Under SB 176 certain employees of Cascade County will become employees of the State of Montana, Supreme Court, Eighth Judicial District Court, effective July 1, 2002. Two positions (two employees) covered by the collective bargaining agreement between Cascade County and Teamsters Union Local No. 2 are affected by this change in employment status.

Given the statutory language there is no question this transfer will occur and that effective July 1, 2002, the positions in question will no longer be appropriately included in the existing bargaining unit. Therefore, as a matter of law, and upon joint petition of the parties pursuant to 24.26.630 (5) (a) ARM, it is recommended that the composition of the bargaining unit be modified to exclude those positions that will be assumed by the Supreme Court. The effective date of this Recommended Order is July 1, 2002.

DATED this 28<sup>th</sup> day of March, 2002.

BOARD OF PERSONNEL APPEALS

By:

  
John Andrew  
Board Agent

NOTICE: This Recommended Order will become the final order of the Board of Personnel Appeals unless appealed within 10 business days of the date the Recommended Order is mailed.

**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 28<sup>th</sup> day of March, 2002:

Beth McLaughlin  
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P.O. Box 203002  
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Max Hallfrisch  
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