

STATE OF MONTANA  
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNIT CLARIFICATION NO. 14-2002:

MONTANA SUPREME COURT,  
SECOND JUDICIAL DISTRICT COURT,

and

FEDERATION OF BUTTE SILVER BOW PUBLIC  
EMPLOYEES, LOCAL # 4372, MEA-MFT  
Petitioners

RECOMMENDED ORDER

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The above matter comes before the Board of Personnel Appeals under the authority of 39-31-202 MCA and ARM 24.26.630 et seq. The petition addresses the appropriateness of a bargaining unit subsequent to the passage of Senate Bill 176. SB 176 transfers the employment status of certain employees from Butte Silver Bow County to the State of Montana, Supreme Court, Second Judicial District Court, as of July 1, 2002. Two employees currently subject to the collective bargaining agreement between Butte Silver Bow County and Butte Silver Bow Public Employees, Local #4372, MEA-MFT will be affected by this petition.

Given the statutory language there is no question this transfer will occur and that at that point in time the affected employees 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 8th day of April, 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.

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4 **CERTIFICATE OF MAILING**

5 I, \_\_\_\_\_, do hereby certify that a true and correct copy of  
6 this document was mailed to the following on the \_\_\_\_ day of April, 2002:

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