

STATE OF MONTANA
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNIT CLARIFICATION NO. 15-2002:

MONTANA SUPREME COURT,
FIFTH JUDICIAL DISTRICT COURT,

and

FEDERATION OF JEFFERSON COUNTY PUBLIC
EMPLOYEES, LOCAL # 4538, MEA-MFT
Petitioners

RECOMMENDED ORDER

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 Jefferson County to the State of Montana, Supreme Court, Fifth Judicial District Court, as of July 1, 2002. One employee currently subject to the collective bargaining agreement between Jefferson County and Jefferson County Public Employees, Local #4538, 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 5th 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:

7 Beth McLaughlin
8 Court Administrator's Office
9 P.O. Box 203002
10 Helena, MT 59620-3002

11 Todd Lovshin
12 MEA-MFT
13 810 Hialeah Court
14 Helena, MT 59601

15 Bonnie Ramey, Clerk and Recorder
16 Jefferson County Courthouse
17 Boulder, MT 59632
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