

STATE OF MONTANA  
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNIT CLARIFICATION NO. 3-2006:

JEFFERSON COUNTY,	)	Case No. 1076-2006
	)	
Petitioner,	)	
	)	
vs.	)	
	)	<b>RECOMMENDED ORDER</b>
JEFFERSON COUNTY PUBLIC	)	<b>FOR THE BOARD</b>
EMPLOYEES LOCAL 4538,	)	
MEA-MFT, AFT, AFL-CIO,	)	
	)	
Respondent.	)	

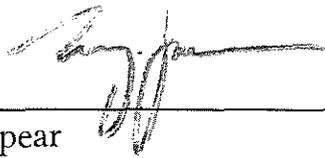
\* \* \* \* \*

An agreement (copy attached) has been reached between the parties, keeping the 3 positions at issue in the unit but excluding the persons presently occupying those positions from the unit while they occupy the positions. Therefore, the Hearing Officer recommends that the Board of Personnel Appeals adopt and issue the following order:

The existing Collective Bargaining Agreement is modified in accord with the Memorandum of Understanding dated November 27, 2007, attached to this order, AND THEREFORE, THIS PETITION FOR UNIT CLARIFICATION IS DISMISSED AS FULLY SETTLED ON THE MERITS.

DATED this 9<sup>th</sup> day of January, 2008.

BOARD OF PERSONNEL APPEALS

By:   
\_\_\_\_\_  
Terry Spear  
Hearing Officer

\* \* \* \* \*

NOTICE: Pursuant to ARM 24.26.215, the above RECOMMENDED ORDER shall become the Final Order of this Board absent written exceptions postmarked or filed no later than February 1, 2008 are received. This time period includes the 20 days provided for in Admin. R. Mont. 24.26.215, and the additional 3 days mandated by Rule 6(e), M.R.Civ.P., because service of this Order is by mail.

The notice of appeal shall consist of a written appeal of the decision of the hearing officer which sets forth the specific errors of the hearing officer and the issues to be raised on appeal. Notice of appeal must be mailed to:

Board of Personnel Appeals  
Department of Labor and Industry  
P.O. Box 6518  
Helena, MT 59624-6518

\* \* \* \* \*

#### CERTIFICATE OF MAILING

Copies today deposited in the U.S. Mail, postage prepaid, addressed to:

Matthew J. Johnson  
Jefferson County Attorney  
P.O. Box H  
Boulder, MT 59632

Stephen C. Bullock  
Attorney at Law  
P.O. Box 1330  
Helena, MT 59624

DATED this 9<sup>th</sup> day of January, 2008.

Sandy Duncan

MEMORANDUM OF UNDERSTANDING

WHEREAS, the positions of Deputy Clerk of Court, Deputy Clerk and Recorder, and Deputy Treasurer (the Positions) are currently within the Jefferson County Public Employees Local 4538, MEA-MFT, AFT, AFL-CIO bargaining unit (the Bargaining Unit); and

WHEREAS, on November 08, 2005, a Petition for Unit Clarification was filed by Jefferson County, seeking to remove the Positions from the Bargaining Unit; and

WHEREAS, the Bargaining Unit has objected to this petition; and

WHEREAS, the Parties seek to amicably resolve this matter without the necessity of going to hearing,

THEREFORE, the Parties agree as follows:

1. The following persons are exempted from inclusion in the Bargaining Unit, for so long as they hold the Positions identified next to their name:

MAUREEN DAWSON: Deputy Clerk of Court  
CARLA MATLAK : Deputy Clerk and Recorder  
CAROLYN ZACHARY : Deputy Treasurer

2. The Bargaining Unit agrees that it will not collect dues or otherwise include the persons identified in paragraph 1 in activities or obligations of the Bargaining Unit, so long as they hold the Positions identified next to their names. The County agrees to clearly and directly communicate to those persons that they no longer are members of the Bargaining Unit, and are not entitled to the protections or other benefits of membership in the Bargaining Unit.

3. The Positions remain part of the Bargaining Unit. Upon a person identified in Paragraph 1 vacating or being removed from one of the Positions, the successor will be

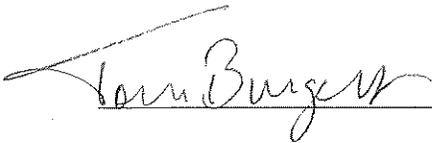
included in the Bargaining Unit unless and until (a) the parties agree otherwise, or (b) a final disposition is reached removing that Position from the Bargaining Unit.

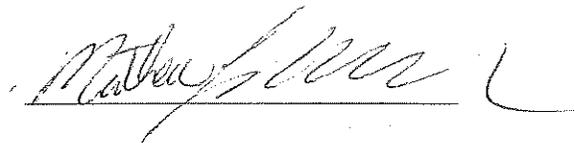
4. No other positions in the Bargaining Unit need clarified and the County shall refrain from seeking a clarification removing any other position from the Bargaining Unit, unless and until a position description significantly changes and, at minimum, until the opening of contract negotiations for the July 1, 2009 contract.

Agreed to this 27 day of November, 2007

FOR THE UNION

FOR THE COUNTY

  
\_\_\_\_\_

  
\_\_\_\_\_