



State of Montana

E-13

Board of Personnel Appeals

1406 ~~Ballwin Avenue~~, Helena, Montana 59601
1434 Roberts

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July 15, 1974

Carl Schrader, Administrator
Cascade County Convalescent Hospital
1130 17th Avenue South
Great Falls, MT 59401

Dear Mr. Schrader:

A representation election was conducted by the Board of Personnel Appeals April 30, 1974 for the clerical and office employees of Cascade County Convalescent Hospital.

Eight (8) employees were eligible to vote of which eight (8) valid ballots were cast. Two (2) ballots were cast in favor of representation by Chauffeurs, Teamsters, Warehousemen and Helpers, Local #45; two (2) ballots were cast in favor of No Representation; and four (4) ballots were challenged under MAC 24-3.8(18)-S8230 (9) Challenges. Basis of the challenges were, and ruling of the Board are, as follows:

- (a) Barbara Lee--by Teamsters under MAC 24-3.8(18)-S8180 (4) Eligible Voters, as not being an employee on the date petition was filed.

The Board determined, from hospital records, that Ms. Lee was hired previous to the filing date of the petition and ruled Barbara Lee eligible to vote.

- (b) John Austrang--by Teamsters, as not being in the unit petitioned for. Teamsters stated in their brief of February 12, 1974, that "Petitioner is willing to expand its proposed unit to include the accountant..."

The Board has authority under Section 59-1606(2), R.C.M., 1947 to determine bargaining units. The Board's Order, dated 4/8/74, described the unit as including "all office employees". Mr. Austrang is an "office employee" of Cascade County Convalescent Hospital and the Board therefore ruled Mr. Austrang eligible to vote.

- (c) Jackie Nielson--by Teamsters as being a "confidential employee"; Dorothy Smith--by hospital Administrator as being a "confidential employee."

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Neither the Collective Bargaining Law nor the Rules and Regulations of the Board of Personnel Appeals provides for exclusion of "confidential employees". An amendment was proposed and rejected during the 1974 Legislative Assembly which would have provided a basis for excluding "confidential employees". The Board does not intend to circumvent legislative authority to exclude employees from collective bargaining. Therefore, the Board ruled Jackie Nielson and Dorothy Smith eligible to vote.

All four (4) challenged ballots were opened by the Board on July 2, 1974 and all four (4) ballots were cast in favor of No Representation. The final tally shows six (6) ballots cast in favor of No Representation and two (2) ballots cast in favor of representation by Chauffeurs, Teamsters, Warehousemen and Helpers, Local #45.

Thank you for your cooperation in this matter.

Sincerely,

Robert R. Jensen
Executive Secretary

RRJ:gk

cc: Milo Dean
George Huston
Teamsters, Local #45
Emilie Loring