

1 BEFORE THE BOARD OF PERSONNEL APPEALS

2
3 IN THE MATTER OF:)
4 AMERICAN FEDERATION OF STATE, COUNTY,)
AND MUNICIPAL EMPLOYEES,)
5 Petitioner,)
6 DEPARTMENT OF SOCIAL AND REHABILITATIVE)
SERVICES,)
7 Employer.)

4D-42-1974

DETERMINATION OF
APPROPRIATE UNIT

8
9 I FINDINGS OF FACT

10 1. The American Federation of State, County, and Municipal Employees
11 submitted a petition (10/23/73) to represent all eligible employees of the
Disability Determination Bureau of the Department of Social and Rehabilita-
tive Services.

12 2. Thirty percent (30%) proof of interest requirement met by the American
13 Federation of State, County, and Municipal Employees.

14 3. The Department of Social and Rehabilitative Services counter-petitioned
in the matter, proposing a departmental-wide unit.

15 4. There is a state-wide standard classification and salary plan for all
16 divisions of the Department of Social and Rehabilitative Services.

17 5. In accordance with RPA 24-3.8(10)-S8060 (8) (b) a hearing was conducted
on the proposed unit in Helena, Montana, on February 1, 1974.

18 DISCUSSION

19 Section 59-1606(2), R.C.M., 1947, states that "in order to assure employees
20 the fullest freedom in exercising the rights guaranteed by this act, the Board
or an agent of the Board shall decide the unit appropriate for collective bar-
21 gaining and shall consider such factors as community of interest, wages, hours,
fringe benefits, and other working conditions of the employees involved, the
22 history of collective bargaining, common supervision, common personnel policies,
extent of integration of work functions and interchange among employees affected
23 and the desires of the employees."

24 The Montana Public Employees Association has submitted a petition (12/4/73)
for unit determination for the Rehabilitative Services Division excluding the
25 Disability Determination Bureau. This clearly indicates that all the employees
of this division desire organization, and that the labor organizations involved
26 are not truly representing the desires of these employees. The Board's responsi-
bility is "to insure employees the fullest freedom in exercising the rights
27 guaranteed by the (Collective Bargaining) Act". Therefore the Board feels that
it would be inappropriate to approve the unit as petitioned for.

28 II CONCLUSIONS OF LAW

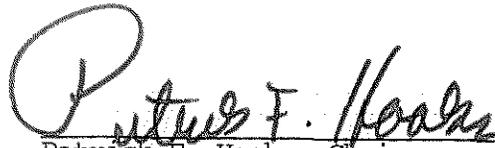
29 1. Employees of the Disability Determination Bureau of the Department of
30 Social and Rehabilitative Services have the right, under Section 59-1603, R.C.M.,
1947, to organize and bargain collectively.

31 2. The Board of Personnel Appeals has authority, under Section 59-1606(2),
32 R.C.M., 1947, to determine units appropriate for collective bargaining purposes.

III ORDER

In accordance with BPA 24-3.8(10)-S8060(8)(c) the Board of Personnel Appeals determines that the bargaining unit petitioned for by the American Federation of State, County, and Municipal Employees is inappropriate and denies the petition.

DATED this 8th day of April, 1974.



Patrick F. Hooks, Chairman
Board of Personnel Appeals