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BEFORE THE BOARD OF PERSONNEL APPEALS

BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNIT DETERMINATION)	
#22 - 1977; THE MONTANA PUBLIC EMPLOYEES)	FILING OF RENEWED
ASSOCIATION'S CERTIFIED BARGAINING UNIT)	PROOF OF
COVERING CERTAIN EMPLOYEES OF THE OFFICE)	MAJORITY STATUS
OF SUPERINTENDENT OF PUBLIC INSTRUCTION)	

The Montana Public Employees Association, Inc., the certified bargaining agent for certain employees of the Office of Superintendent of Public Instruction, as determined by unit determination No. 22 - 1977, hereby files with the Board of Personnel Appeals the attached petition. Said petition states:

"I, the undersigned employee of the Office of Superintendent of Public Instruction, do hereby authorize The Montana Public Employees Association to represent me, as my exclusive representative, for the purpose of collective bargaining respecting rates of pay, wages, hours of employment, and other conditions of employment, in accordance with applicable law."

Said petition is signed by greatly in excess of 50% of the individuals contained in the present bargaining unit, thus demonstrating the majority status of the Montana Public Employees Association.

Respectfully submitted this 20th day of March, 1979.



 JEFF J. MINCKLER, Representative
 Montana Public Employees Assn.
 P.O. Box 5600
 Helena, MT 59601

CERTIFICATE OF SERVICE

I, JEFF J. MINCKLER, do hereby certify that I served the above FILING OF RENEWED PROOF OF MAJORITY STATUS upon the Board of Personnel Appeals by personally delivering the document to their office on above date, and that I did personally place in the mails a true and correct copy of the same, minus petition, to Mr. Ross Cannon, CANNON & GILLESPIE, 1721 11th Ave., Helena, MT, 59601.



 JEFF J. MINCKLER

STATE OF MONTANA

BEFORE THE BOARD OF PERSONNEL APPEALS

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IN THE MATTER OF UNIT DETERMINATION
NO. 22-77:
SUPERINTENDENT OF PUBLIC INSTRUCTION

ORDER

WHEREAS, on January 6, 1978, the Superintendent of Public Instruction (employer) filed a counter-petition with the board seeking to establish 21 positions within the Office of Public Instruction which she considered to be supervisory and therefore outside the scope of the bargaining unit; and

WHEREAS, the Montana Public Employees Association (MPEA) opposed the petition; and

WHEREAS, a hearing on the petition began on December 15, 1978; and

WHEREAS, on that date and prior to the completion of the hearing MPEA moved to recess the hearing without date; and

WHEREAS, the hearing was scheduled to resume on February 20, 1979, at 9:30 a.m.; and

WHEREAS, the MPEA on February 19, 1979, by letter to employer representative Ross W. Cannon (attached hereto) notified the employer and the Board of Personnel Appeals that the MPEA had determined not to contest any of the remaining positions sought by the employer to be excluded from the unit; and

WHEREAS, as of this date MPEA has agreed to exclude all 21 original positions from the bargaining unit together with five additional positions subsequently included as part of this proceeding; and

1	Lawyer II	Vacant	63
2	Accountant Supervisor II	Murphy, Martin	94
3	Audiovisual Library Manager	Weiss, Ed	140
4	Staff Services Manager	Green, Jean	49
5	Administrative Assistant IV	Crawford, Bonnie	20
6	Administrative Secretary II	Wolfe, Carolyn	28

7 DATED this 27th day of February, 1979.

8 
 9 Rick D'Hooze
 10 Hearing Examiner

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BEFORE THE BOARD OF PERSONNEL APPEALS

BOARD OF PERSONNEL APPEALS

1 IN THE MATTER OF)
2 UNIT DETERMINATION # 22-77)
3 OFFICE OF THE SUPERINTENDENT)
4 OF PUBLIC INSTRUCTION)

FINAL
ORDER

4 * * * * *

5 On June 29, 1978 the Superintendent of Public Instruction
6 filed a motion requesting this Board to either grant a re-hearing
7 and reconsider its Order of June 7, 1978 which denied the excep-
8 tions to the Hearing Examiner's Findings of April 20, 1978, or
9 in the alternative to submit a reasoned decision for the June
10 7th Order.

11 Oral argument on the employer's motion was held before the
12 Board of Personnel Appeals on August 8, 1978. After reviewing
13 the record and briefs the Board makes the following Order:

14 1. IT IS ORDERED, that its Order dated June 7, 1978 be
15 withdrawn.

16 2. IT IS ORDERED, that the employer's exceptions dated
17 April 26, 1978 be granted.

18 3. IT IS ORDERED, that the Hearing Examiner hear testimony
19 on the management status of the three "education representa-
20 tives" at the post election unit determination hearing.

21 Dated this 8th day of September, 1978.

23 BOARD OF PERSONNEL APPEALS

24
25 BY Brent Cromley
26 Brent Cromley, Chairman

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CERTIFICATE OF MAILING

I, Marian A. Bergum, hereby certify and state that I did, on the 11th day of September, 1978, mail a true and correct copy of the above FINAL ORDER to the following:

LeRoy H. Schramm, Chief
State Labor Relations Bureau
Department of Administration
Personnel Division
Mitchell Building
Helena, Montana 59601

Ross W. Cannon
1721 Eleventh Avenue
Helena, Montana 59601

MPEA
Box 5600
Helena, Montana 59601

Marian A. Bergum
Marian A. Bergum