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BEFORE THE BOARD OF PERSONNEL APPEALS

STIPULATION FOR RECOGNITION WITHOUT CONSENT ELECTION

Unit Determination No. 3-81

Pursuant to Sections 39-31-208 and 209, M.C.A., the undersigned parties hereby waive the consent election and hearing upon questions of representation and agree as follows:

1. No question of representation of the painter employee at Montana State Prison exists.
2. The parties waive rights to a consent election. The Employer will recognize the employee classified as Painter at Montana State Prison as a member and integral part of the bargaining unit at Boulder River School and Hospital represented by the International Brotherhood of Painters and Allied Trades.

Upon signing of this stipulation the painter employee at Montana State Prison shall be subject to and enjoy all the rights and constraints of the current collective bargaining agreement for the bargaining unit.

3. The parties agree that the recognition of the one employee at Montana State Prison as part of an existing bargaining unit, without hearing or election, does not set a precedent for future requests for recognition which may arise. The employer retains the right in the future to request a consent election.
4. The painter employee at Montana State Prison shall immediately, upon signing of this stipulation, be converted to the Blue Collar Classification and Pay Plan as a red-circled position, that is, without suffering a reduction of the current pay rate.

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5. Upon implementation of the fiscal year 1982 Blue Collar pay rate, the painter employee at Montana State Prison shall no longer retain a red-circle status and shall receive a pay increase equivalent to the difference between the painter's fiscal year 1981 base pay rate and the painter classification Blue Collar base pay rate for fiscal year 1982.

6. The recognition without consent election of the painter employee at Montana State Prison as a member and integral part of the Painters' Union bargaining unit at Boulder River School and Hospital does not create a bar of any kind which would inhibit the members of the bargaining unit in exercising their rights under statute, the rules of the Board of Personnel Appeals or the collective bargaining agreement in effect for the bargaining unit.

FOR:
THE STATE OF MONTANA

FOR:
THE INTERNATIONAL BROTHERHOOD OF PAINTERS AND ALLIED TRADES

Art McClure
(Name)

Jimmy L. Painter
(Name)

Labor Relations Specialist
(Title)

Attorney
(Title)

March 24, 1981
(Date)

March 23, 1981
(Date)

Date Approved: March 31, 1981

BY: Robert R. Jensen
Robert R. Jensen
Administrator
Personnel Appeals Division