

STATE OF MONTANA  
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNIT DETERMINATION NO. 8-83:

MONTANA PUBLIC EMPLOYEES )  
ASSOCIATION, INC. )  
Petitioner, )  
CITY OF GREAT FALLS, )  
Respondent. )

AMENDED  
FINDINGS OF FACT;  
CONCLUSIONS OF LAW;  
AND  
RECOMMENDED ORDER

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In the Conclusions of Law found on page 16, the name of Kelly Orrantia was inadvertently omitted from the list of administrative secretaries excluded from the unit. Her name should be added at the end of line 22 on page 16 of the order dated February 7, 1984.

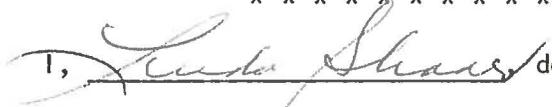
Dated this 10th day of February, 1984.

BOARD OF PERSONNEL APPEALS



LINDA SKAAR  
Hearing Examiner

\*\*\*\*\*

I,  do certify that a true and correct copy of this document was mailed to the following on the 10th day of February, 1984.

G. Allen Johnson, Manager  
City of Great Falls  
P.O. Box 5021  
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Jim Adams  
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P.O. Box 5600  
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1 STATE OF MONTANA  
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3 IN THE MATTER OF UNIT DETERMINATION NO. 8-83:

4 MONTANA PUBLIC EMPLOYEES )  
5 ASSOCIATION, INC., )  
6 Petitioner, ) FINDINGS OF FACT;  
7 CITY OF GREAT FALLS, ) CONCLUSIONS OF LAW;  
8 Respondent. ) AND  
9 ) RECOMMENDED ORDER

10 \* \* \* \* \*

11 A petition for new unit determination and election was  
12 filed on August 30, 1983, by Petitioner proposing a unit  
13 comprised of all Great Falls City office employees, includ-  
14 ing but not limited to housing technicians, clerks, cashiers,  
15 secretaries, lab technicians, library clerks, dispatchers,  
16 clerical aides and clerk typists. Respondent filed a counter  
17 petition on September 13, 1983, disagreeing with Petitioner's  
18 proposed unit. The City believes that certain positions  
19 should be excluded from the unit as supervisory, confidential  
20 or professional engineers. These positions are:

21 Administrative Secretary--the City contends that the posi-  
22 tions held by Donna Heim (City Manager's office),  
23 Lillian Knutson (Fire Department), Kelly Orrantia  
(Finance Department), Patricia Banis (Police Department)  
24 are confidential positions within the meaning of the  
Act and should be excluded.

25 Administrative Secretary--the City contends that the posi-  
26 tions now held by Marian (Sue) Clark (Park & Recreation  
27 Department) and Joyce Thares (Community Development  
Department) are both confidential and supervisory  
within the meaning of the Act.

28 Development Technicians and Building and Zoning Technician  
29 in the Department of Community Development--the City  
30 contends that the positions now held by Gale Keith,  
Kevin Myre and Jeanne McKeague are supervisory and  
should be excluded.

31 Accounting Technician in the Department of Finance--the City  
32 contends that the position now held by Laura Kjersem is  
confidential and should be excluded.

1 Laboratory Technician in the Department of Public Works--the  
2 City contends that the position now held by Charlotte  
3 Jones should be excluded from the unit as either a  
supervisory position or as a professional engineer.

4 Loan Desk Supervisor in the Great Falls Library--the City  
5 contends that the position now held by Margot Clasby is  
6 supervisory within the meaning of the Act and should be  
excluded.

7 Clerk II in the Great Falls Library--the City contends that  
8 the position now held by Dorothy Nelson is confidential  
and should be excluded from the unit.

9 The City also contends that employees of the Great  
10 Falls library are not city employees and therefore should be  
11 excluded from the unit.

12 At the close of the hearing held on November 4, 1984,  
13 the parties stipulated to the exclusion of certain positions.  
14 These positions are:

15 Engineer II, Engineering Technician--the positions now held  
16 by Clifford Gullings, Michael Murray and Milton Westin.  
17 Sanitation Leadworker--the position now held by Richard Schott.  
18 Personnel Technician--the position now held by Debi Reynolds.  
19 Librarians I & II--the positions now held by Kay Courtnage,  
20 Susan Creed, Patricia Johnson, Sister M. Bartholome,  
Christian Lee and Judith Strong.  
21 Receipts Supervisor--the position now held by Clarence Wright.

22 Having carefully reviewed the entire record including  
23 sworn testimony and evidence these are my findings of fact:

24  
25  
26 FINDINGS OF FACT

27 1. The City of Great Falls takes a de-centralized  
28 approach to labor negotiations. There is no director of  
29 personnel or industrial relations whose duty it is to negotiate  
30 labor contracts with city employees. Instead the city takes  
31 a "team approach" to negotiations with teams of department  
32 heads doing the negotiating. City Manager Al Johnson is

1 involved in labor relations strategy but does not ordinarily  
2 go to the bargaining table. Because Mr. Johnson is a manager  
3 who formulates, determines and effectuates management policy  
4 in the field of labor relations, the parties have agreed  
5 that his executive secretary, Georgia Beaulieu, is a confi-  
6 dential employee.

7 Donna Heim, administrative secretary in the City Mana-  
8 gers' office acts as assistant to Ms. Beaulieu and substi-  
9 tutes for her upon occasion. Because the office is equipped  
10 with a word processor and stores labor relations information  
11 on the same disc as other material, Ms. Heim has access to  
12 labor relations information.

13  
14 DEPARTMENT OF COMMUNITY DEVELOPMENT

15 2. Joyce Thares is Administrative Secretary to Director  
16 Cheryl Bruskotter in the Department of Community Development.  
17 Ms. Thares supervises three clerical employees. Ms. Thares  
18 assists in screening new employees, effectively recommends  
19 candidates for employment, evaluates employees and makes  
20 recommendations for pay increases. Ms. Thares disciplines  
21 employees for minor offenses and discusses major offenses  
22 with Department Director Bruskotter; they make a joint  
23 decision.

24 3. Development technicians Gayle Keith and Kevin Myre  
25 are under the development supervisor in the Community Develop-  
26 ment Department headed by Cheryl Bruskotter. The technicians  
27 direct the work of building inspectors on specific projects  
28 which may last from a single day to several months. No more  
29 than 2 inspectors work on a single project. While the tech-  
30 nicians may be consulted on the evaluations of the inspectors,  
31 there is no evidence to suggest that there is a regular  
32

1 system for requesting their opinions. The inspectors are  
2 supervised by Bill Fura, the head of the Building Inspection  
3 Division who does the hiring and the discipline.

4 Jeanne McKeague holds the position of building/zoning  
5 technician in the Building Inspection Division. Like the  
6 development technicians, Ms. McKeague will, from time to  
7 time, direct the building inspectors on specific projects.

8 Testimony of Department Head Bruskotter indicated that  
9 the technicians devote perhaps 10% of their time to working  
10 on projects with the building inspectors.

#### 11 FINANCE DEPARTMENT

12  
13 4. As Director of the Department of Finance, Nathan  
14 Turbergen participates in strategy sessions with the city  
15 manager and negotiators in the various bargaining units. He  
16 supplies economic data for negotiations and figures the cost  
17 of different proposals. Relatively new in his position, Mr.  
18 Tubergen has not yet been to the bargaining table but expects  
19 to do so in the future. Mr. Tubergen's duties are such that  
20 he can be considered a management employee who determines,  
21 formulates and effectuates management labor policy.

22 5. Administrative Secretary. Kelly Orrantia, admin-  
23 istrative secretary, acts in a confidential capacity to  
24 Director Tubergen. She types material for negotiations,  
25 correspondence on discipline, pay increases, transfers, pro-  
26 motions and demotions and for any grievance panels on which  
27 Mr. Tubergen sits. She also keeps a log on employee evalua-  
28 tions.

29 6. Accounting Technician. The position of accounting  
30 technician now occupied by Laura Kjersem is a relatively new  
31 position within the department. Evidence indicates that the  
32

1 Finance Department will be reorganized at some indefinite  
2 time in the future and the duties of the accounting techni-  
3 cian may change under the reorganization. However, at this  
4 time Ms. Kjersem acts as a leadworker to three accounting  
5 clerks. There is no evidence to suggest that she has the  
6 authority to hire, fire, evaluate or discipline these clerks  
7 nor does she possess the authority to exercise any of the  
8 other duties which are indices of supervisory authority.

9 Ms. Kjersem is supervised by the accounting supervisor  
10 and may assist him and department director Nathan Tubergen  
11 in gathering data which is used as the basis for union con-  
12 tracts. There is no evidence to suggest that the accounting  
13 supervisor is a management employee who determines, formu-  
14 lates and effectuates management labor relations policy.  
15 There is no evidence to suggest that Ms. Kjersem works with  
16 Mr. Tubergen in any capacity other than the gathering of  
17 data.

18  
19 DEPARTMENT OF PUBLIC WORKS

20 7. Charlotte Jones is laboratory technician in the  
21 Department of Public Works under the supervisor of the city  
22 water plant. Ms. Jones is responsible for plant process  
23 operations including selection and monitoring of chemical  
24 feed rates for taste and odor control, flocculation, sedi-  
25 mentation and chlorination.

26 While Ms. Jones directs the efforts of temporary per-  
27 sonnel in the water plant, there is no evidence on the  
28 record that she performs as a supervisor within the defini-  
29 tion of the Act. This is confirmed by her job description  
30 which states that she does not supervise.  
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FIRE DEPARTMENT

1  
2 Mike Karlovich has been Chief of the Fire Department in  
3 Great Falls since 1979. Since that time he has negotiated  
4 contracts with the fire fighters. The composition of the  
5 bargaining team has varied during this period but Mr. Karlovich  
6 has always had a position at the bargaining table. Last  
7 year he acted as chief spokesman and was primarily respon-  
8 sible for management strategy after consultation with the  
9 city manager and the director of finance. Mr. Karlovich is  
10 a management employee who formulates, determines and effec-  
11 tuates management labor policy.

12 9. Lillian Knutsen is administrative secretary to  
13 Fire Chief Mike Karlovich. In the course of her duties Ms.  
14 Knutson acts in a confidential capacity to Mr. Knutsen,  
15 preparing information for negotiating sessions, taking notes  
16 at strategy meetings and typing draft proposals for review  
17 by management.

18 10. Chief of Police Jack Anderson is a management  
19 employee who formulates, determines and effectuates manage-  
20 ment labor policy. He is chief spokesman for the city in  
21 negotiating the collective bargaining agreement with members  
22 of the police force. There are 20 or more departmental  
23 employees in the proposed unit and, after certification,  
24 Chief Anderson expects to be involved in negotiations with  
25 the new unit.

26 11. Pat Banis, the administrative secretary in the  
27 Police Department acts in a confidential capacity to Chief  
28 Anderson. She assists him in the preparation of proposals  
29 prior to negotiations. She will occasionally point out that  
30 a section of the contract is difficult to interpret. She  
31 may also help in the preparation of labor relations cases  
32

1 doing applicable research upon occasion. In the absence of  
2 the Chief she may need to make a preliminary interpretation  
3 of the collective bargaining agreement. She performs other  
4 personnel related duties such as typing reports on employee  
5 misconduct and preparation of payroll.  
6

#### 7 PARKS AND RECREATION

8 12. Director of Parks and Recreation Tom Sullivan is a  
9 management employee who formulates, determines and effec-  
10 tuates labor policy. For a number of years Mr. Sullivan has  
11 been more involved in city negotiations than other department  
12 heads because there are more labor contracts covering employees  
13 in his department than in most departments. Mr. Sullivan  
14 expects to continue his role in collective bargaining with  
15 the new unit when it is certified.  
16

17 13. Marian (Sue) Clark is administrative secretary to  
18 Department Director Tom Sullivan. Ms. Clark acts in a  
19 confidential capacity to Mr. Sullivan, sitting in on collec-  
20 tive bargaining strategy sessions and sometimes on the  
21 negotiations themselves. She types strategy notes, nego-  
22 tiating session notes, confidential memos to department  
23 heads concerning union activities, letters of reprimand and  
24 actions concerning grievances.

25 Ms. Clark also has supervisory duties. She supervises  
26 a clerk typist in the office. She helps interview for this  
27 position and does the hiring along with the day to day  
28 supervision.  
29

#### 30 GREAT FALLS CITY LIBRARY

31 14. Richard Gercken is Director of the Great Falls  
32 City Library. While 4 of his employees are members of City

1 of Great Falls bargaining units, Mr. Gercken has never been  
2 actively involved in the collective bargaining process. He  
3 anticipates that if this unit is certified his level of  
4 involvement will remain the same--his opinion will be sought  
5 but he will not otherwise be active in the process. Mr. Gercken  
6 is not a management employee who formulates, determines or  
7 effectuates labor relations policies.

8 15. Clerk II, Dorothy Nelson, acts as secretary to  
9 Library Director Gercken. In this capacity she types all  
10 correspondence and/or has access to all files including  
11 personnel records and any management information on labor  
12 relations.

13 16. Margot Clasby, the loan desk supervisor at the  
14 Great Falls Library supervises 8.5 clerical staff, a corps  
15 of volunteers and a corps of high school students. She  
16 exercises the same level of supervision over employees as do  
17 the professional librarians who have been stipulated out of  
18 the unit. She sits on interview panels and hers is the  
19 initial responsibility for responding to grievances, evalu-  
20 ating and disciplining employees. While she does not attend  
21 management meetings with the professional librarians her  
22 salary is very similar; she is paid at a lower step of the  
23 same pay grade.

#### 24 DISCUSSION

25  
26 The Board of Personnel Appeals has previously deter-  
27 mined an appropriate bargaining unit for employees of the  
28 City of Great Falls. Since this unit determination (UD  
29 18-1976) did not result in a certified unit, some of the  
30 same questions are again before us. Among these is the  
31 question of whether employees of the Great Falls Library are  
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1 actually city employees or employees of the Library Board of  
2 Trustees. At that time we determined that library employees  
3 are city employees. Although the City contends that library  
4 employees are not City employees, and thus should be excluded  
5 from the Act, it has presented no evidence that there has been  
6 any chance in the relationship of the City and the library in  
7 the ensuing years. In UD 18-1976, this Board cited a Montana  
8 Supreme Court decision in Local 2390 v. City of Billings 171  
9 Mt. 20, 555 P.2d 507 (1976) in which the Court determined that  
10 library employees in the City of Billings were indeed city  
11 employees. Here, the Court thoroughly reviewed the relationship  
12 between the Library Systems Act and the Collective Bargaining  
13 Act for Public Employees. It found no inconsistency between  
14 the two Acts. Lacking any evidence of a changed relationship  
15 between the City of Great Falls and the Great Falls library  
16 we must adhere to our original determination that employees  
17 of the Great Falls Library are employees of the City of  
18 Great Falls and appropriate positions in the library are to  
19 be included in the unit.

20 At the time of the previous Unit Determination, the Act  
21 contained no exclusion for confidential employees. However,  
22 in 1979 the Act was amended<sup>1</sup> to include an exclusion of con-  
23 fidential employees. Shortly thereafter this Board adopted  
24 the definition of confidential employee previously adopted by  
25 the National Labor Relations Board in B.F. Goodrich<sup>2</sup> and Ford  
26 Motor Co.<sup>3</sup> The NLRB defined confidential employee

27 so as to embrace only those employees who assist  
28 and act in a confidential capacity to persons who  
29 formulate, determine, and effectuate management  
30 policies in the field of labor relations.

31 <sup>1</sup> 39-31-103(12) MCA

32 <sup>2</sup> B.F. Goodrich Co., 115 NLRB No. 103, 37 LRRM 1383 (1956).

<sup>3</sup> Ford Motor Co., 66 NLRB 1317, 17 LRRM 394 (1946).

1  
2           The test for determining confidential employee status  
3 is two pronged. For an employee to be excluded from the  
4 bargaining unit as a confidential employee, the management  
5 official whom she/he assists must be involved in formulating,  
6 determining and effectuating labor relations policies and  
7 the employee must have access to confidential labor rela-  
8 tions information in the normal course of employment. It is  
9 this test which is used to determine the confidential nature  
10 of certain positions in the City of Great Falls.

11           The Collective Bargaining Act for Public Employees it-  
12 self sets forth the definition of supervisor in 39-31-103(3)  
13 MCA. In order to be termed a supervisor, an employee must  
14 have the authority to hire, discharge, transfer, suspend,  
15 lay off, recall, promote, assign, reward, discipline, direct,  
16 adjust grievances or effectively recommend such action using  
17 independent judgment. This authority must not be exercised  
18 merely in a routine or clerical way. This Board gives those  
19 duties of hiring, discharging, transferring, suspending,  
20 laying-off and recalling workers the most weight in making  
21 the determination of supervisory status. The term effective  
22 recommendation is open to various interpretations, but in  
23 general, an employee who can effectively recommend an action  
24 is one whose word is acted on without question.

25           Discussion of the specific positions the City wishes to  
26 exclude from the unit follows:

27  
28                           CITY MANAGER'S OFFICE

29           In the City Manager's office, Donna Heim acts as assis-  
30 tant to Georgia Beaulieu who acts in a confidential capacity  
31 to City Manager Al Johnson. While there is no question that  
32 Mr. Johnson formulates, determines and effectuates labor

1 relations policies and Ms. Beaulieu acts in a confidential  
2 capacity to Mr. Johnson, there is no evidence that Ms.  
3 Beaulieu herself acts in a decision making capacity in  
4 regard to management labor relations policies. Thus, we  
5 must determine that since Ms. Heim's supervisor is not a  
6 management official who formulates, determines and effectuates  
7 labor relations policy, her position does not meet the first  
8 part of the test: Ms. Helm does not act in a confidential  
9 capacity to a management official who formulates, determines  
10 and effectuates labor relations policies. While, upon  
11 occasion, she substitutes for Ms. Beaulieu and has access  
12 to confidential material through the word processing equipment,  
13 the NLRB has held that "Mere access to confidential material,  
14 albeit confidential labor relations material, is not sufficient  
15 to confer confidential status." "Further, the typing of  
16 confidential labor relations memoranda does not, without  
17 more, imply confidential status." Los Angeles New Hospital,  
18 224 NLRB No. 157, 102 LRRM 1189 (1979).

19 The position of administrative secretary now held by  
20 Donna Heim is properly included in the unit.  
21

22 DEPARTMENT OF COMMUNITY DEVELOPMENT

23 The City has asked that administrative secretary Joyce  
24 Thares not be included in the unit on the grounds that it is  
25 both a confidential and supervisory position. Since there  
26 is no evidence that Ms. Thares' supervisor, Department  
27 Director Cheryl Bruskotter, is a management employee who  
28 formulates, determines and effectuates management policy in  
29 the field of labor relations, Ms. Thares position cannot be  
30 considered confidential.  
31

32 Evidence on the record establishes that Ms. Thares

1 supervises three clerical employees: she screens candidates  
2 for employment, effectively recommends hiring, evaluates  
3 employees and makes recommendations for pay increases. Ms.  
4 Thares is a supervisor within the meaning of the Act and her  
5 position will be excluded from the unit.

6 The development technicians and building and zoning  
7 technician work with building inspectors on specific projects.  
8 They spend only about 10% of their time working on such  
9 projects with the inspectors. Even during this small period  
10 of time there is no evidence to suggest that the technicians  
11 exercise supervisory functions over the building inspectors;  
12 instead they act as leadworkers to the building inspectors  
13 on these projects.

14 The positions now held by Gayle Keith, Kevin Myre and  
15 Jeanne McKeague are not supervisory within the meaning of  
16 the Act and will be included in the unit.

17  
18 DEPARTMENT OF FINANCE

19 Department Director Nathan Tubergen is a management  
20 official who formulates, determines and effectuates labor  
21 relations policies. His administrative secretary, the posi-  
22 tion now held by Kelly Orrantia types material for negotia-  
23 tions and other general personnel matters. This position  
24 meets both parts of the two prong test for confidentiality  
25 and will be excluded from the unit.

26 Accounting technician Laura Kjersem acts as a leadworker  
27 to three accounting clerks. There was no evidence to suggest  
28 that she performs the supervisory duties which are necessary  
29 for exclusion under the Act. The City has also raised the  
30 question of confidentiality with this position. Ms. Kjersem  
31 is supervised by the accounting supervisor and although she  
32

1 may assist in gathering data which is the basis for union  
2 contracts, there is no evidence that the accounting super-  
3 visor formulates, determines and effectuates labor relations  
4 policy. Thus, this position does not meet the first test  
5 for confidentiality. In a case where it was ruling on ana-  
6 logous positions of accounting clerks, the NLRB did not  
7 exclude these similar positions from the unit since the  
8 individuals did not assist or act in a confidential capacity  
9 to a person who formulates, determines and effectuates  
10 management labor policies. National Medical Hospitals, Inc.,  
11 215 NLRB No. 172 (1969). In a case where a similar question  
12 arose the Court of Appeals upheld the Board because the  
13 positions in question did not have a confidential relationship  
14 with a management official who formulates, determines and  
15 effectuates labor relations policy. This was true even  
16 though the positions had access to information on which the  
17 employer's labor relations policy was based. Union Oil of  
18 California v. NLRB, CA9, 102 LRRM 2673 (1979), Los Angeles  
19 New Hospital, 244 NLRB No. 157, 102 LRRM 1189 (1979).

20 The position of accounting technician now held by Laura  
21 Kjersem cannot be excluded from the unit as either a super-  
22 visory or confidential position.

23  
24 DEPARTMENT OF PUBLIC WORKS

25 The City has asked that the position of laboratory  
26 technician Charlotte Jones be excluded from the unit as a  
27 professional engineer and supervisor. While Ms. Jones has a  
28 very responsible position at the city water plant and holds  
29 a college degree, there is no evidence that she is a pro-  
30 fessional engineer certified by the Montana Board of Pro-  
31 fessional Engineers and Land Surveyors.  
32

1           Although Ms. Jones oversees temporary personnel there  
2 is no evidence that she has the authority to be termed a  
3 supervisor. Her job description states that she does not  
4 supervise.

5           The position of laboratory technician now held by  
6 Charlotte Jones is included in the unit.

7  
8                               FIRE DEPARTMENT, POLICE DEPARTMENT AND  
9                               DEPARTMENT OF PARKS & RECREATION

10           Fire Chief Mike Karlovich, Police Chief Jack Anderson  
11 and Department Director Tom Sullivan are all management  
12 officials who formulate, determine and effectuate labor  
13 relations policy. Administrative secretaries Lillian Knutson  
14 (Fire Department), Pat Banis (Police Department), and Marian  
15 (Sue) Clark (Parks & Recreation) all act in a confidential  
16 capacity to the respective department heads each assisting  
17 in the preparation of proposals for bargaining sessions.

18           The positions of these three administrative secretaries  
19 are excluded from the unit because of their confidential  
20 nature. In addition, the position occupied by Ms. Clark may  
21 be termed supervisory.

22  
23                               GREAT FALLS LIBRARY

24           While Library Director Gercken's secretary, Dorothy  
25 Nelson, may handle confidential information, she does not  
26 act in a confidential capacity to a manager who formulates,  
27 determines and effectuates labor relations policies and will  
28 not be excluded from the unit under the confidential defini-  
29 tion. As mentioned earlier (see page 11) the National Labor  
30 Relations Board does not exclude positions from the unit  
31 when the individual merely has access to, or types confidential  
32 labor relations information.

1 Margot Clasby, the loan desk supervisor at the Great  
2 Falls Library supervises a clerical staff of 8.5 people.  
3 She exercises the same level of supervision over these  
4 employees as do the professional librarians who have been  
5 stipulated out of the unit. Ms. Clasby is a supervisory  
6 employee within the meaning of the Act and will be excluded  
7 from the unit.  
8

9  
10 CONCLUSIONS OF LAW

11 1. The City of Great Falls is the public employer of  
12 employees in the Great Falls Library within the meaning of  
13 39-31-103 (1) MCA.

14 2. The positions of administrative secretary now held  
15 by Lillian Knutson in the Fire Department, Patricia Banis in  
16 the Police Department, Kelly Orrantia in the Finance Depart-  
17 ment are confidential within the meaning of 39-31-103 (2)(b)(v)  
18 and (12) MCA.

19 The position of administrative secretary now held by  
20 Marian (Sue) Clark in the Department of Parks and Recreation  
21 is confidential and supervisory within the meaning of 39-31  
22 103(2)(b)(v) and (12) and 39-31-103(3) MCA.

23 The position of administrative secretary now held by  
24 Joyce Thares in the Department of Community Development is  
25 supervisory within the meaning of 39-31-103(3) MCA.

26 The position of administrative secretary Donna Heim in  
27 the City Manager's office and Dorothy Nelson at the Great  
28 Falls Library are not confidential within the meaning of  
29 39-31-103(2)(b)(v) MCA.

30 The positions of development technician and building  
31 and zoning technician in the Department of Community Devel-  
32 opment now held by Gayle Keith, Kevin Myre and Jeanne McKeague

1 are not supervisory within the meaning of 39-31-103(3) MCA.

2 The position of accounting technician now held by Laura  
3 Kjersem in the Finance Department is not confidential within  
4 the meaning of 39-31-103(2)(b)(v) MCA.

5 The position of laboratory technician in the Department  
6 of Public Works now held by Charlotte Jones is not supervisory  
7 within the meaning of 39-31-103(3) MCA nor is it a professional  
8 engineering position within the meaning of 39-31-103(2)(b)(x)  
9 or (xi) MCA.

10 The position of loan desk supervisor at the Great Falls  
11 Library now held by Margot Clasby is supervisory within the  
12 meaning of 39-31-103(3) MCA.

13 3. For the purpose of collective bargaining, the  
14 appropriate unit in this matter is one comprised of all  
15 Great Falls city office employees, including library em-  
16 ployees, all housing technicians, clerks, cashiers, secre-  
17 taries, lab technicians, library clerks, dispatchers, cleri-  
18 cal aids and clerk typists with the exception of those  
19 listed below:  
20

21 Administrative secretary--the positions now held by  
22 Lillian Knutson, Patricia Banis, Marian (Sue)  
Clark and Joyce Thares.

23 Loan desk supervisor in the Great Falls Library--the  
24 position now held by Margot Clasby.

25 Engineer II, Engineering technician--the positions now  
26 held by Clifford Gullings, Michael Murray and  
Milton Westin

27 Sanitation Leadworker--the position now held by Richard  
28 Schott

29 Personnel Technician--the position now held by Debi  
30 Reynolds

31 Librarians I & II--the positions now held by Kay Courtnage,  
32 Susan Creed, Patricia Johnson, Sister M. Bartholome,  
Christian Lee and Judith Strong

Receipts Supervisor--the position now held by Clarence  
Wright

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RECOMMENDED ORDER

Under the authority of Section 39-31-208 MCA it is hereby ordered that an election by secret ballot be conducted among the members of the bargaining unit defined above in accordance with ARM 24.26.55 et seq.

NOTICE

Written exceptions to these Findings of Fact, Conclusions of Law and Recommended Order may be filed within twenty days. If no exceptions are filed with the Board of Personnel Appeals within that time, the Recommended Order shall become the Order of the Board. Exceptions shall be addressed to the Board of Personnel Appeals, Capitol Station, Helena, MT 59620.

Dated this 7<sup>th</sup> day of February, 1984.

BOARD OF PERSONNEL APPEALS

By Linda Skaar  
LINDA SKAAR  
Hearing Examiner

\* \* \* \* \*

CERTIFICATE OF MAILING

I, Linda Skaar, do certify that a true and correct copy of this document was mailed to the following on the 7<sup>th</sup> day of February, 1984.

G. Allen Johnson, Manager  
City of Great Falls  
P.O. Box 5021  
Great Falls, MT 59403

Jim Adams  
Montana Public Employees Association  
P.O. Box 5600  
Helena, MT 59624

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