

STATE OF MONTANA  
DEPARTMENT OF LABOR AND INDUSTRY  
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNIT DETERMINATION NO. 16-87 & 18-87:

MONTANA FEDERATION OF TEACHERS, )  
AFT, AFL-CIO, )  
Petitioner, )  
- vs - ) FINAL ORDER  
MONTANA EDUCATION ASSOCIATION, NEA, )  
BILLINGS HIGH SCHOOL DISTRICT NO. 2, )  
HELENA SCHOOL DISTRICT NO. 1, )  
GREAT FALLS HIGH SCHOOL DISTRICT NO. A, )  
MISSOULA COUNTY HIGH SCHOOL, and )  
MONTANA BOARD OF REGENTS, )  
Respondents. )

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The Order Dismissing Petition was issued by Jack H. Calhoun, Chief of the Appeals Bureau on August 8, 1988.

Exceptions to the Order Dismissing Petition were filed by the Petitioner on August 18, 1988.

Oral argument was scheduled before the Board of Personnel Appeals on September 30, 1988.

After reviewing the record, considering the briefs and oral arguments, the Board orders as follows:

1. IT IS ORDERED that the Exceptions to the Order Dismissing Petition are hereby denied.

2. IT IS ORDERED that this Board therefore adopt the Order Dismissing Petition by Jack H. Calhoun, Chief of Appeals Bureau, as the Final Order of this Board.

DATED this 13 day of October, 1988.

BOARD OF PERSONNEL APPEALS

By Alan L. Joscelyn  
Alan L. Joscelyn  
Chairman

CERTIFICATE OF MAILING

1 I, Jennifer Jacobson, hereby certify  
2 that a true and correct copy of this document was mailed to  
3 the following on the 14th day of October, 1988:

4 Dan Evan  
5 Field Representative  
6 Montana Federation of Teachers  
7 AFT, AFL-CIO  
8 P.O. Box 1246  
9 Helena, MT 59624

10 Emilie Loring  
11 HILLEY & LORING, P.C.  
12 500 Daly Avenue  
13 Missoula, MT 59801

14 J.C. Weingartner  
15 222 Broadway  
16 Helena, MT 59601

17 LeRoy Schramm  
18 Office of the Commissioner  
19 of Higher Education  
20 33 South Last Chance Gulch  
21 Helena, MT 59620

22 Superintendent Roger Eble  
23 Billings School District #2  
24 101 10th Street West  
25 Billings, MT 59101

26 Superintendent Jerry Weast  
27 Great Falls School District  
28 P.O. Box 2428  
29 Great Falls, MT 59403

30 Superintendent Dennis Kraft  
31 Missoula County High School  
32 915 South Avenue West  
Missoula, MT 59801

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MONTANA FEDERATION OF TEACHERS,  
AFT, AFL-CIO,

Petitioner,

-vs-

MONTANA EDUCATION ASSOCIATION, NEA,  
BILLINGS HIGH SCHOOL DISTRICT NO. 2,  
HELENA SCHOOL DISTRICT NO. 1,  
GREAT FALLS HIGH SCHOOL DISTRICT NO. A,  
MISSOULA COUNTY HIGH SCHOOL, and  
MONTANA BOARD OF REGENTS,

Respondents.

ORDER  
DISMISSING PETITION

The Montana Federation of Teachers, AFT, AFL-CIO, filed a "Petition to Clarify Certification As Exclusive Bargaining Agent" following its success in an election in this matter. The Montana Education Association and various named school districts responded to that petition. MEA also moved to dismiss that petition.

Title 39, Chapter 31, Montana Codes Annotated, governs collective bargaining for public employees. Procedures for that process are set forth in the Administrative Rules of Montana. Section 24.26.601 ARM, et seq. Unit determinations are explicitly governed by Sections 24.26.610 - .622 ARM. Election procedure is found at 24.26.655 - .667 ARM.

Following a review of all applicable statutes and rules, no authority can be found for a "Petition to Clarify Certification As Exclusive Bargaining Agent." The matters are more properly addressed in the context of the companion unfair labor practice charge, ULP No. 12-88.

