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BEFORE THE BOARD OF PERSONNEL APPEALS

\* \* \* \* \*

IN THE MATTER OF UNFAIR LABOR PRACTICE #19, 1976.

DANIEL JAMES MULLAN, PRESIDENT )  
VICTOR FEDERATION OF TEACHERS, )  
Complainant, )

vs-

FINAL ORDER

DUANE W. REAGAN, SUPERINTENDENT )  
OF SCHOOLS, VICTOR PUBLIC SCHOOLS, )  
Defendant. )

\* \* \* \* \*

No party to the above captioned matter has filed exceptions to the Findings of Fact, Conclusions of Law, and Recommended Order, within the time limits established by the rules and regulations of the Board of Personnel Appeals,

THEREFORE, the Board adopts the Recommended Order, in the above captioned matter, as the Final Order of the Board.

BOARD OF PERSONNEL APPEALS

BY *Brent Cromley*  
Brent Cromley, Chairman

Dated: December 13<sup>th</sup>, 1976.

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CERTIFICATE OF MAILING

\* \* \* \* \*

I, Vonda Brewster, hereby certify and state that I did on the 13th day of December, 1976, mail a copy of the above Final Order to the following:

Mr. Duane Reagan  
Superintendent of Schools  
Victor Public Schools  
Victor, MT 59875

Daniel James Mullen  
President  
Victor Federation of Teachers  
112 Crestline Drive  
Missoula, MT 59801

James McGarvey  
Executive Secretary  
Montana Federation of Teachers  
P. O. Box 1246  
Helena, MT 59601

David L. Astle  
Attorney at Law  
Astle & Astle  
705 Main  
Kalispell, MT 59901

  
Vonda Brewster

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BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNFAIR LABOR PRACTICE #19, 1976:

DANIEL JAMES MULLAN, PRESIDENT )  
VICTOR FEDERATION OF TEACHERS, )  
Complainant, )  
-VS- )  
DUANE W. REAGAN, SUPERINTENDENT )  
OF SCHOOLS, VICTOR PUBLIC SCHOOLS, )  
Defendant. )

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
RECOMMENDED ORDER

\*\*\*\*\*

On July 2, 1976, Mr. Daniel J. Mullan, President of the Victor Federation of Teachers, affiliated with the Montana Federation of Teachers, filed an unfair labor practice charge with the Montana State Board of Personnel Appeals against Duane W. Reagan, Superintendent of Schools, Victor Public Schools.

The charge alleges that Section 59-1612 has been violated in that Mr. Reagan refused to authorize payroll dues deductions for Victor Federation of Teachers members.

A hearing in the above captioned matter was held on October 6, 1976, in the Conference Room of the Ravalli County Courthouse, Hamilton, Montana. The Victor Federation of Teachers was represented by Mr. David L. Astle of the law firm of Astle and Astle, Kalispell, Montana; Mr. Reagan represented himself.

As the duly appointed hearing examiner of the Board of Personnel Appeals, I conducted the hearing in accordance with the provisions of the Montana Administrative Procedures Act (Sections 82-4201 to 82-4225, R.C.M., 1947).

After a thorough review of the record of this case, I make the following:

FINDING OF FACT

1. That on May 25, 1976, the Board of Personnel Appeals certified the Victor Federation of Teachers as the exclusive representative of teachers in the Victor Public Schools.

2. That following said certification, several teachers gave written authorization to the school district clerk to deduct Federation dues from their paychecks. Mr. Reagan, school superintendent, instructed the clerk that such deductions should not be made.

1 3. That for the 1975-76 school year the Victor Education Association was the  
2 exclusive representative for the Victor teachers and a contract between the  
3 Victor Education Association and the Victor Public Schools expired on June 30,  
4 1976.

5 DISCUSSION

6 As of May 25, 1976, the V.F.T. was authorized as the exclusive representa-  
7 tive of the Victor Public School teachers. This authorization does not, however,  
8 nullify the existing contract between the schools and the V.F.A. which expired  
9 June 30, 1976.

10 As of July 1, 1976, the V.F.T. was authorized to perform all the functions  
11 of an exclusive representative, handle grievances, negotiate contracts, etc.  
12 For the period May 25 to June 30 the authority of the V.F.T. extended only to  
13 carrying on contract negotiations in preparation for the time that the V.F.T.  
14 shall assume full status.

15 The record further shows that dues have been deducted for the V.F.T. since  
16 the beginning of the 1976-77 school year. This evidences a willingness of the  
17 school administration to cooperate with the V.F.T. on this issue.

18 CONCLUSIONS OF LAW

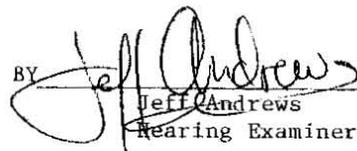
19 The allegation of ULP #19, 1976, that Mr. Duane W. Reagan, Superintendent  
20 of Victor Public Schools, has violated Section 59-1612, R.C.M., 1947, has not  
21 been sustained by the Complainant.

22 RECOMMENDED ORDER

23 The charge referred to in ULP #19, 1976, filed by Daniel Mullan, President  
24 of the Victor Federation of Teachers, against Duane W. Reagan, Superintendent of  
25 Victor Public Schools, on July 2, 1976, is hereby dismissed.

26 DATED this 1st day of November, 1976.

27 BOARD OF PERSONNEL APPEALS

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29 BY   
30 Jeff Andrews  
31 Hearing Examiner  
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CERTIFICATE OF MAILING

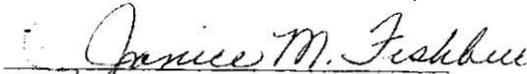
I, Janice M. Fishburn, hereby certify and state that I did on the  
1st day of November, 1976, mail a copy of the above FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND RECOMMENDED ORDER to the following:

Duane W. Reagan  
Superintendent of Schools  
Victor Public Schools  
Victor, MT 59875

Daniel James Mullen  
President, Victor Federation of Teachers  
112 Crestline Drive  
Missoula, MT 59801

James McGarvey  
Executive Secretary  
Montana Federation of Teachers  
P.O. Box 1246  
Helena, MT 59601

David L. Astle  
Attorney at Law  
Astle & Astle  
705 Main  
Kalispell, MT 59901

  
Janice M. Fishburn