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BOARD OF PERSONNEL APPEALS

1 IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE
2 OF MONTANA, IN AND FOR THE COUNTY OF LEWIS & CLARK

3 Cause No. 43348

4 DEER LODGE EDUCATION ASSOCIATION)
5 affiliated with MONTANA EDUCATION)
6 ASSOCIATION,)

7 Petitioner)

8 vs.)

9 OPINION AND ORDER

10 STATE OF MONTANA ex rel BOARD OF)
11 PERSONNEL APPEALS and BOARD OF)
12 TRUSTEES, POWELL COUNTY SCHOOL)
13 DISTRICT NO. 1,)

14 Respondents.)

15 This matter came for hearing before this Court on a Petition
16 for Judicial Review filed by Petitioner seeking review of an
17 Order issued by Respondent Board of Personnel Appeals on December
18 20, 1978.

19 The facts leading up to the filing of the Petition for
20 Judicial Review show that a labor dispute arose between the
21 Petitioner and Respondent Board of Trustees, Powell County School
22 District No. 1 (School District). Both the Petitioner and the
23 School District filed unfair labor practices with Respondent
24 Board of Personnel Appeals (Board). After the filing of the
25 charges, the Petitioner and the School District reached an agree-
26 ment which culminated into a contract. The Board dismissed two
27 of the four counts of Petitioner's charge as being moot.

28 Petitioner alleges that it is aggrieved by the order because
29 "both charges should have been dismissed in their entirety on the
30 ground of mootness" or in the alternative "none of the charges
31 should have been dismissed, and regardless of mootness, the
32 Respondent Board should proceed to hold a hearing and reach a
33 decision on both of them." The Petition for Judicial Review
34 raises two main issues: (1) Does the Board of Personnel Appeals
35 have discretion to hear an unfair labor practice charge alleging
36 failure to bargain in good faith after the parties involved have

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CLERK OF DISTRICT COURT
LEWIS & CLARK COUNTY
MARY G. HARRIS

