

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

IN THE MATTER OF UNFAIR LABOR PRACTICE CHARGE NO. 19-96:

MONTANA PUBLIC EMPLOYEES)	
ASSOCIATION,)	
)	
Complainant,)	ORDER DISMISSING COMPLAINT AND
)	RETAINING JURISDICTION PENDING THE
vs.)	FILING OF RELATED UNIT CLARIFICATION
)	PETITION BY COMPLAINANT
HUNTLEY PROJECT SCHOOL)	
DISTRICT NO. 24,)	
)	
Defendant.)	

* * * * *

On August 15, 1996, counsel for both parties signed and filed a MEMORANDUM OF RESOLUTION and proposed ORDER in this ULP. That RESOLUTION is made part of the record. Counsel have successfully resolved the first of two elements of the ULP and deem it appropriate to address the underlying concern of the Complainant's second element through a UNIT CLARIFICATION.

The undersigned spoke separately with Messrs. Dahlem and Picotte on August 16, 1996, and is happy for their cooperative efforts in addressing the concerns of their respective clients. The Hearing Officer, however, believes that he may lack authority to convert the present unfair labor practice charge into a unit clarification petition and declines an invitation to do so.

The BOARD had adopted certain rules for filing a UC petition codified at ARM 24.26.630. The undersigned therefore suggests that the Complainant, with the presumed concurrence of the Defendant in the present action, petition the BOARD directly. The parties might stipulate that all the requirements set out in the ARM citation have been met in order to expedite action on a unit clarification.

