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BOARD OF PERSONNEL APPEALS
PO BOX 6518
HELENA MT 59604-6518
Telephone: (406) 444-2718
Fax: (406) 444-7071

STATE OF MONTANA
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF THE UNFAIR LABOR PRACTICE CHARGE NO. 25-2000 (1959-2000):

ANACONDA POLICE PROTECTIVE ASSOCIATION, OR OFFICERS,)
AGENTS, REPRESENTATIVES, AND/OR MEMBERS OF THE)
ANACONDA POLICE PROTECTIVE ASSOCIATION,)
Complainants,)
- vs -)
ANACONDA-DEER LODGE COUNTY,)
Defendant.)

FINAL ORDER

IN THE MATTER OF UNFAIR LABOR PRACTICE CHARGE NO. 2-2001 (1044-2001):

ANACONDA-DEER LODGE COUNTY,)
Petitioner,)
- vs -)
ANACONDA POLICE PROTECTIVE ASSOCIATION, OR OFFICERS,)
AGENTS, REPRESENTATIVES, AND/OR MEMBERS OF THE)
ANACONDA POLICE PROTECTIVE ASSOCIATION,)
Defendant.)

The above-captioned matter came before the Board of Personnel Appeals (Board) on August 28, 2003. The matter was before the Board for consideration of the ANACONDA-DEER LODGE COUNTY'S EXCEPTIONS filed by Michael Dahlem, attorney for the Defendant, and the UNION'S EXCEPTIONS filed by Timothy J. McKittrick, attorney for the Complainants, to the RECOMMENDED ORDER ON REMAND FROM BOARD OF PERSONNEL APPEALS issued by Michael T. Furlong, Hearing Officer, dated December 20, 2002.

Appearing before the Board were Michael Dahlem, attorney for the Defendant, and Timothy J. McKittrick, attorney for the Complainants. Both parties appeared in person.

After review of the record and consideration of the arguments, the Board concludes and orders as follows:

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3 1. IT IS HEREBY ORDERED to strike Findings of Fact Numbers 80 through 85 from the
4 Recommended Order on Remand from the Board of Personnel Appeals as being conclusions of
5 law and not findings of fact.

6 2. IT IS FURTHER ORDERED that the Hearing Officer's Recommended Order On Remand
7 from Board of Personnel Appeals is hereby reversed and the unfair labor charges dismissed.

8 DATED this 10th day of September, 2003.

9 BOARD OF PERSONNEL APPEALS

10 BY: 
11 Jack Holstrom
12 Presiding Officer

13 *****
14 Order No. 1

15 Board Members Holstrom, Schneider and Johnson concur.
16 Alternate Board Members Dwyer and Dudley concur.

17 *****
18 Order No. 2

19 Board Members Holstrom and Johnson concur.
20 Alternate Board Member Dudley concurs.
21 Board Member Schneider and Alternate Board Member Dwyer dissent.

22 *****

23 NOTICE: You are entitled to Judicial Review of this Order. Judicial Review may be obtained
24 by filing a petition for Judicial Review with the District Court no later than thirty
25 (30) days from the service of this Order. Judicial Review is pursuant to the
26 provisions of Section 2-4-701, et seq., MCA.

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CERTIFICATE OF MAILING

I, Jennifer Jacobson, do hereby certify that a true and correct copy of this document was mailed to the following on the 15th day of September, 2003:

TIMOTHY J. MCKITTRICK
MCKITTRICK LAW FIRM PC
PO BOX 1184
GREAT FALLS MT 59403-1184

MICHAEL DAHLEM
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