

1 **BOARD OF PERSONNEL APPEALS**
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7
8 STATE OF MONTANA
9 BEFORE THE BOARD OF PERSONNEL APPEALS

10 IN THE MATTER OF UNFAIR LABOR PRACTICE NUMBER1-2008:

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12 MONTANA PUBLIC EMPLOYEES)
13 ASSOCIATION,)

14 Complainant,)

15 vs.)

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19 LEWIS AND CLARK COUNTY,)

20 Defendant,)

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RECOMMENDED ORDER

I. INTRODUCTION

On July 18, 2007, the Complainant, Montana Public Employees Association, hereafter the Association, filed an unfair labor practice charge with the Board of Personnel Appeals alleging that Lewis and Clark County, hereafter the County, failed to implement a cost of living increase contained in a collective bargaining agreement between the Association and the County. The Association alleged a violation of 39-31-306 MCA. On July 31, 2007, the County filed a response with the Board denying that an unfair labor practice had been committed and that, in fact, the County had complied with the terms of the collective bargaining agreement.

Pursuant to Section 39-31-405 (1) John Andrew was appointed by the Board of Personnel Appeals to investigate the charge. During he course of the investigation contact was made with representatives of both parties as was deemed necessary.

II. DISCUSSION

The Association alleges that the County violated the Montana Collective Bargaining for Public Employees Act, Section 39-31-306 MCA by failing to provide a cost of living increase. The contract at issue is a multi year agreement with an expiration date of June 30, 2008. A limited reopener is allowed as a part of the agreement. In Addendum B of the contract provides:

Second Year

July 1, 2007 – All employees will receive a minimum 2.0% or higher, based on the COLA adjustment as determined by the University of Montana effective the

