

STATE OF MONTANA  
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNFAIR LABOR PRACTICE NO. 12-2008:

ANACONDA-DEER LODGE COUNTY, ) Case No. 1196-2008

Complainant, )

vs. )

ANACONDA POLICE PROTECTIVE )  
ASSOCIATION, )

Defendant. )

**FINDINGS OF FACT;  
CONCLUSIONS OF LAW;  
AND RECOMMENDED ORDER**

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**I. INTRODUCTION**

On January 22, 2008, complainant Anaconda-Deer Lodge County (Anaconda) filed an Unfair Labor Practice (ULP) charge with the Board of Personnel Appeals (BOPA), alleging that defendant Anaconda Police Protective Association (APPA) committed a “flagrant and egregious unfair labor practice” in violation of Mont. Code Ann. § 39-31-402, by “attempting to renegotiate” terms of a Collective Bargaining Agreement already ratified by both Anaconda and APPA. APPA denied any unfair labor practice.

On February 26, 2008, BOPA’s investigator found probable merit and referred the case to the Hearings Bureau for a hearing.

Hearing Officer Terry Spear convened the telephonic contested case hearing on behalf of BOPA on June 27, 2008.

Dr. Donald K. Klepper acted on behalf of Anaconda, with designated representative Rebecca Guay, C.E.O. Sgt. Bill Sather acted on behalf of APPA, serving also as its designated representative. The parties stipulated to the admission of Exhibits 1-11. Rebecca Guay testified under oath and the matter was submitted for decision at the conclusion of the hearing.

**II. ISSUE**

Is Anaconda entitled to an award equal to the expenditures it has made for Dr. Klepper’s representation in this ULP?

**III. FINDINGS OF FACT**

1. Anaconda is a public employer, among whose employees are certain law enforcement personnel.











