

STATE OF MONTANA
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNFAIR LABOR PRACTICE NOS. 11-2016 AND 12-2016:

TEAMSTERS UNION LOCAL NO. 2,)	Case Nos. 678-2016 and 679-2016
)	
Complainant,)	
)	
vs.)	RECOMMENDED ORDER
)	
ANACONDA-DEER LODGE COUNTY,)	
)	
Defendant.)	

* * * * *

In the accompanying Order On Summary Judgment, the Hearing Officer concluded as a matter of law that the Union was entitled to summary judgment on only that part of ULP No. 12-2016 that alleged ADLC committed an unfair labor practice when it threatened to privatize the Detention Center in retaliation for protected activity as described in the accompanying order.

The Hearing Officer therefore recommends that the Board:

1. Dismiss ULP No. 11-2016.
2. Dismiss ULP No. 12-2016 except for the issue of whether ADLC committed an unfair labor practice by threatening to privatize the Detention Center.
3. Find that ADLC committed an unfair labor practice by threatening to privatize the Detention Center.
4. Order ADLC to cease and desist from interfering, restraining, and coercing employees in the exercise of their collective bargaining rights by threatening to privatize the Detention Center or by any other means.

5. Order ADLC to post written notice in conspicuous places setting forth the results and remedies of this unfair labor practice charge.

DATED this 17th day of October, 2016.

BOARD OF PERSONNEL APPEALS

By: /s/ DAVID W. EVANS
DAVID W. EVANS
Hearing Officer

NOTICE: Exceptions to these Findings of Fact, Conclusions of Law and Recommended Order may be filed pursuant to Admin. R. Mont. 24.26.222 within twenty (20) days after the day the decision of the hearing officer is mailed, as set forth in the certificate of service below. If no exceptions are timely filed, this Recommended Order shall become the Final Order of the Board of Personnel Appeals. Mont. Code Ann. § 39-31-406(6). Notice of Exceptions must be in writing, setting forth with specificity the errors asserted in the proposed decision and the issues raised by the exceptions, and shall be mailed to:

Board of Personnel Appeals
Department of Labor and Industry
P.O. Box 201503
Helena, MT 59620-1503