

MEMORANDUM OF AGREEMENT
Between the
State of Montana, Department of Corrections
And
Montana Public Employees Association

This Memorandum of Agreement is entered into between the Montana Department of Corrections, Pine Hills Youth Correctional Facility and the Montana Public Employees Association.

The Montana Department of Corrections and MPEA have agreed that the Sergeants positions are supervisory in nature and should be removed from the collective bargaining unit. However, the employees currently in these positions may retain the right to remain in the bargaining unit. The following criteria will apply:

1. Sergeants will have the right to choose whether they will remain in the bargaining unit. If an employee opts out of the bargaining unit they will not have the option of going back into the bargaining unit.
2. When a Sergeants position is vacated by the current employee, or the current employee opts out of the bargaining unit, the position will be taken out of the bargaining unit.
3. If all of the supervisory duties are removed from a Sergeants position, the position will be placed back into the bargaining unit.
4. Sergeants who opt to stay in the bargaining unit will continue to have all of the rights and privileges of the collective bargaining agreement and representation of MPEA, with the exception of the following sections in the Supplement to the MPEA Master Agreement:

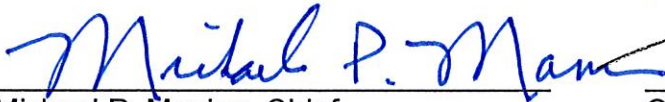
- 12 - Posting and Vacancies
- 13 - Correctional Officer Shift Bid Book
- 16 - Layoff/Seniority
- 25 - Vacation Requests
- 27 – Overtime opportunities
- 29 - Article 7, section 6 Master Contract, wages and salaries

5. Sergeants, who remain in the bargaining unit, will not serve on a Labor Management Committee or any bargaining committee unless appointed by the Superintendent.

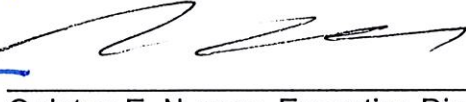
6. Management meetings will remain confidential and information will not be disclosed to employees unless directed by the Superintendent.
7. If a sergeant, who remains in the union, is the subject of disciplinary action regarding their supervisory duties or a grievance involving a subordinate, the employee shall be provided due process through the agency grievance process only and not be represented by MPEA.
8. Sergeants who opt to stay in the bargaining unit shall sign a copy of the agreement and shall have it placed in their personnel file.

FOR: STATE OF MONTANA

FOR: MONTANA PUBLIC EMPLOYEES
ASSOCIATION



Michael P. Manion, Chief
State Office of Labor Relations



Quinton E. Nyman, Executive Director
Montana Public Employees Association



Mike Batista, Director
Department of Corrections



Darcy Dahle, Field Representative
Montana Public Employees Association



Steve Ray, Superintendent
Pine Hills Youth Correctional Facility



Heath N. Gentes
Chapter President
MPEA Unit 068



Cindy McKenzie, Administrator
Youth Services Division