

Memorandum of Understanding
Between
Montana Department of Corrections
And
Federation of Montana State Prison Employees Local 4700

This Memorandum of Understanding is mutually agreed upon by the Montana Department of Corrections, Montana State Prison, hereafter referred to as the “employer” and the Federation of Montana State Prison Employees Local 4700, hereafter referred to as the “union”.

Background:

On Thursday, 14 September 2017, Unit Manager Shelly Steyh and Supervisor Sam Casey held a meeting with the admission officers, Local 4700 Vice President Terrance Johnson and MEA-MFT Field Consultant Larry Nielsen. At this meeting, UM Steyh informed the officers that management intended to change their working schedules from the regular schedule of ten-hours per day with four days per week, to eight hour shifts with three shifts per day, seven days per week. The purpose of the schedule change was based upon the need to temporarily house additional incoming inmates in the admission area holding cells and to provide the necessary twenty-four hour security. The change in schedule was to be effective 1 October 2017. The officers and FC Nielsen objected to the schedule changes, claiming that it was a violation of Article 10 Section 2 of the collective bargaining agreement (CBA) and filed a Step 1 grievance.

On 19 September 2017, was the regular meeting between Warden Fletcher and the union. Attending the meeting were Warden Mike Fletcher, HR Officer Cynthia Davenport, President Dave Harris and FC Larry Nielsen. The schedule change situation at MDIU was discussed. Warden Fletcher explained that the Department of Corrections was directed to reduce jail holds, consequently there will be an influx of incoming inmates. The prison was looking at available options for additional temporary beds until the repurposed bootcamp beds became available. HR Officer Davenport added that if the admission officers had ideas or suggestions as to additional beds and the management of the additional inmates, management would be willing to have a discussion and explore suggested options. It was agreed upon by the parties that the implementation date for the proposed schedule change be delayed in order to provide time for discussion and resolution.

On 17 October 2017, a “roundtable” meeting was held with UM Steyh, Supervisor Casey, AW Myron Beeson, HR Officer Davenport, President Harris, FC Nielsen and the three admission officers. A productive discussion ensued and the parties agreed to a suitable solution and remedy.

Be it therefore resolved:

1. The five stash cells, ten beds, on A block in MDIU shall be appropriated to house incoming and stash inmates. The employer shall make every effort to first fill the stash cells before utilizing the temporary holding cells located in the admissions area.

2. In the event the stash cells are full, stash inmates may be housed in the temporary holding cells located in the admissions area. Admission officers shall provide security and supervise these cells during their regular ten-hour per day four days per week shifts. When an admission officer is not available for supervision, bargaining unit members may volunteer to supervise inmates in admission area temporary holding cells. Should no bargain unit member volunteer for supervision, a POST certified non-bargaining unit employee may be used for supervision. Under no condition shall a bargaining unit member be required to fulfill a mandatory overtime in order to supervise the admission area.


3. The employer will not make further attempts to change the schedules of the admission officers. Additionally, the employer acknowledges that the attempt to change the admission officer's work schedules from four-ten hour shifts to five eight hour shifts, as was proposed at the 14 September 2017, meeting, would have required mutual agreement of the parties as per the CBA.

4. The union will withdraw the grievance filed on behalf of the admission officers.


This agreement is for this singular and onetime event. The parties acknowledge and agree that this agreement, with the exception of items 3 and 4, shall not establish precedent or past practice and will expire on 31 December 2017.

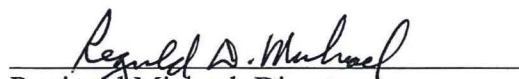
DATED this 29th day of November, 2017

FOR: THE STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
EMPLOYEES, MONTANA

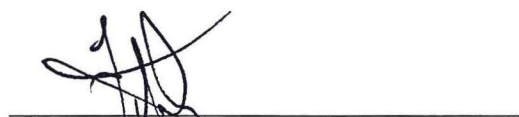

Mike Manion, Chief
State Office of Labor Relations

FOR: FEDERATION OF MONTANA
MONTANA STATE PRISON
STATE PRISON LOCAL 4700,
MEA-MFT, AFL-CIO


David W. Harris, President
FMSPE Local #4700, MEA-MFT


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Larry Melsen, Field Consultant
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Michael Fletcher, Warden
Montana State Prison