

STATE OF MONTANA

BEFORE THE BOARD OF PERSONNEL APPEALS

STIPULATION FOR CERTIFICATION UPON CONSENT ELECTION UNIT DETERMINATION NO. 16-2008 and 16-2008A

Pursuant to Section 39-31-209, MCA, the undersigned parties hereby waive a hearing upon questions of representation and agree as follows:

1. The Board of Personnel Appeals will concurrently conduct two elections to determine whether certain employees of the undersigned employer in the units defined below desire to be represented for purposes of collective bargaining by the undersigned labor organization. The elections will be by secret ballot and will be conducted by mail. The elections will be conducted in accordance with the Collective Bargaining for Public Employees Act (Title 39, Chapter 31, MCA) and the applicable rules of the Board of Personnel Appeals.
2. The eligible voters will be those employees stipulated to and included in voter lists filed with the Board of Personnel Appeals. For purposes of this stipulation the elections and ballot counts will be designated as UD 16-2008 and UD 16-2008A. Voter lists will be exchanged between the parties and a final eligible voter list for each election filed with the Board of Personnel Appeals by no later than March 25, 2009. After they are submitted to the Board any additions or deletions from the eligible voter lists must be through stipulation of both parties.

The first appropriate bargaining unit, UD 16-2008, will be defined as:

All tenure/tenure track faculty .5 and above as stipulated in the voter list supplied to the Board of Personnel Appeals, and within the unit on the date the petition was filed, June 2, 2008, including the following: Professor, Associate Professor, Assistant Professor, Library Faculty excluding Administration including President, Vice Presidents, Provost, Dean, and assistants and associates of those positions; Department Head, Department Chair, Directors; Affiliate Professors; Faculty who are Professional Engineers, Engineers In Training / Engineer Interns (EIT); Research Faculty including Research Professor, Research Associate Professor, Research Assistant Professor, Associate Research Professor, Assistant Research Professor, Affiliate Research Professor; Emeritus Faculty, Retired Faculty working under post-retirement contract; Extension Agents (tenurable and non-tenurable); Extension Specialists (tenurable and non-tenurable); Agricultural Experiment Station Faculty and Staff; Classified Staff; Contract Professional Staff; Post Doctorate, Post Doctorate Researcher, Graduate Teaching Assistant, Graduate Research Assistant; ROTC Faculty; as well as Adjunct faculty including: Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, Adjunct Instructor, Adjunct Lecturer, Lecturer, Instructor, Clinical Resource Nurse and those employees voluntarily separated from employment after the petition filing date.

The second appropriate bargaining unit, UD 16-2008 A, will be defined as:

All non-tenurable faculty .5 and above as stipulated in the voter list supplied to the Board of Personnel Appeals, and within the unit on the date the petition was filed, June 2, 2008, including the following: Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, Adjunct Instructor, Adjunct Lecturer, Lecturer Instructor, Clinical Resource Nurse excluding Administration including President, Vice Presidents, Provost, Dean, and assistants and associates of those positions; Department Head, Department Chair, Directors; Affiliate Professors; Faculty who are Professional Engineers, Engineers In Training / Engineer Interns (EIT); Research Faculty including Research Professor, Research Associate Professor, Research Assistant Professor, Associate Research Professor, Assistant Research Professor, Affiliate Research Professor; Emeritus Faculty, Retired Faculty working under post-retirement contract; Extension Agents (tenurable and non-tenurable); Extension Specialists (tenurable and non-tenurable); Agricultural Experiment Station Faculty and Staff; Classified Staff; Contract Professional Staff; Post Doctorate, Post Doctorate Researcher, Graduate Teaching Assistant, Graduate Research Assistant; ROTC Faculty; as well as Tenure/ tenure track faculty: including Professor, Associate Professor, Assistant Professor, Library Faculty and those employees voluntarily separated from employment after the petition filing date.

3. The Board of Personnel appeals will prepare a NOTICE OF MAIL BALLOT ELECTION and SAMPLE BALLOT for each election and supply copies to the parties and all eligible voters. This will constitute the posting requirements of the elections.

4. The mail ballot elections will be conducted according to the following schedule:
- A. A copy of the NOTICE OF MAIL BALLOT ELECTION and SAMPLE BALLOT as well as an OFFICAL BALLOT and necessary return mailing envelopes will be mailed to all eligible voters on March 27, 2009.
 - B. The ballots will be counted at **1:00 pm on April 14, 2009**, in the Board of Personnel Appeals Office, 1805 Prospect, Helena, Montana. The employer and the employee organization(s) may have an authorized observer(s) present when the ballots are counted.
5. For purposes of this election when ballot envelopes are received in the Board office a Board election judge will note receipt of the envelope on the Board designated voter list. Those envelopes which are properly signed will be opened by a designated election judge, removed from the security envelope and the ballot placed in a locked election ballot box designated either UD 16-2008, or UD 16-2008A. Any returned ballot envelopes which are not signed will be set aside and considered an invalid ballot for election purposes. Any ballots which are questioned by the election judge will be set aside in a sealed envelope and reviewed for inclusion or exclusion from the count at the time ballots are counted.

FOR: ASSOCIATED FACULTY OF MONTANA STATE UNIVERSITY, MEA-MFT

(NAME)

(Title)

(Date)

FOR: MONTANA UNIVERSITY SYSTEM, MONTANA STATE UNIVERSITY

(NAME)

(Title)

(Date)

APPROVED:
