

Unions and Salaries

Initial question from librarian: The Supreme Court of the State of Montana in the case, Board of Trustees, Butte-Silver Bow Public Library v. Butte-Silver Bow County, it states that the library board has the exclusive authority to determine the salaries and compensation of Library employees. Does this mean that the city union cannot give raises to library employees?

Response from Bob Cooper and Tracy Cook – April 16, 2010

The difference between this situation and the Butte case may be the specific involvement of the union. If in your situation, library employees are also considered city employees and the library board has adopted the city personnel policies as its own, and those library employees are members of the union, then a contract with the union is likely binding. Did the city sign the contract with the union intentionally linking library employee wages to the terms of that contract? Was the library board in any way involved in the contract negotiations, creation of the contract language, or was the board a signatory on the contract? The legal twist involved here is that only the library board can authorize expenditures (in this case wages) from the library fund. MSL does not believe the union can implement raises expending this money from the library fund without the blessing of the library board unless a specific agreement in place with the city or the contract itself indicates the intent of the library board to allow this practice. Again, if in all other ways the library board has agreed that library employees are to be included equally as city employees, there may be some grounds to consider that the library board has granted its permission for raises implemented through the union to occur. The city or county attorney should be consulted if after reviewing the questions posed in this MSL response the course to be followed remains uncertain.