

Elsie Arntzen, Superintendent

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OFFICE OF PUBLIC INSTRUCTION
STATE OF MONTANA

Putting Montana Students First **A⁺**



July 23, 2018

Special Select Committee on State Settlement Accountability
P.O. Box 201706
Helena, MT 59620

Dear Committee Members,

This letter is in response to a request received by the Office of Public Instruction (OPI) dated May 23, 2018, requesting information from the agency regarding settlements agreed to between the State and employees who separated from the State between January 1, 2003, and May 1, 2018, and received compensation in excess of standard payments for employee departures.

After review, the OPI has identified four settlement agreements that it believes fit the criteria outlined in the request. The information pertaining to these agreements is listed below in chronological order, starting with the earliest. All four identified settlements occurred under previous administrations, and thus the agency is reliant on remaining documentation to respond to these requests, which may leave some questions unanswerable today. For example, for the 2003 settlement the agency was unable to even locate the final executed settlement agreement.

For all listed settlements, information identifying the name of the employee, the division of the employee, the employee's position, the reason for the employee's separation/termination, and a copy of the settlement agreement are being withheld out of concerns for employee confidentiality and privacy protections under relevant law. *See, e.g.,* Montana State Constitution Article II, Section 10, and *Billings Gazette v. City of Billings*, 2013 MT 334, 372 Mont. 409, 313 P.3d 129. Employee salaries are being rounded to the nearest \$1.00 for the same reason and their Grade or Band classification are being supplied.

My office hopes that this information is sufficient for the Committee's needs and stands ready and willing to discuss this important issue further.

Sincerely,

Elsie Arntzen
Superintendent of Public Instruction

2003 Settlement

1. Name of the Employee
Information Withheld
2. The Department and Division Where the Employee Worked:
Department: Office of Public Instruction
Division: Information Withheld
3. The Position Held by the Employee at Time of Separation/Termination:
Information Withheld
4. The Employee's Salary at the Time of Separation/Termination:
Approximately \$8.00/hour; Employee was Classified as a Grade 8
5. The Reason for the Employee's Separation/Termination:
Information Withheld
6. The Reason for the Settlement Agreement:
Unknown, No Settlement Agreement Located
7. The Amount of Payment to the Employee Pursuant to the Settlement:
\$3,000.00
8. The Identify of the SABHRS Account or Other Source from Which the Payment was Made:
The only identifiable information that may be relevant to this request is an e-mail from the central payroll help desk: "XXXXXXX¹ SEV used 01/24/2003"
9. If a Nondisclosure Agreement was Contained in the Settlement Agreement, Identify the Party Who Requested the Nondisclosure:
Unknown, No Settlement Agreement Located
10. A Copy of the Settlement Agreement and the Nondisclosure Agreement if it is in a Separate Document:
As stated previously, no settlement agreement was located for this employee, but if it is subsequently located it will be withheld per above legal considerations.

¹ "XXXXXXX" here is replacing the six-digit employee identification number

2004 Settlement

1. Name of the Employee
Information Withheld
2. The Department and Division Where the Employee Worked:
Department: Office of Public Instruction
Division: Information Withheld
3. The Position Held by the Employee at Time of Separation/Termination:
Information Withheld
4. The Employee's Salary at the Time of Separation/Termination:
Approximately \$16.00/hour; Employee was Classified as a Grade 13
5. The Reason for the Employee's Separation/Termination:
Information Withheld
6. The Reason for the Settlement Agreement:
Negotiated Settlement between OPI and MPEA
7. The Amount of Payment to the Employee Pursuant to the Settlement:
\$6,000.00
8. The Identify of the SABHRS Account or Other Source from Which the Payment was Made:
The only identifiable information that may be relevant to this request is an e-mail from the central payroll help desk: "XXXXXXX² SV2 used 04/02/2004"
9. If a Nondisclosure Agreement was Contained in the Settlement Agreement, Identify the Party Who Requested the Nondisclosure:
Unknown
10. A Copy of the Settlement Agreement and the Nondisclosure Agreement if it is in a Separate Document:
Information Withheld

² "XXXXXXX" here is replacing the six-digit employee identification number

2005 Settlement

1. Name of the Employee
Information Withheld
2. The Department and Division Where the Employee Worked:
Department: Office of Public Instruction
Division: Information Withheld
3. The Position Held by the Employee at Time of Separation/Termination:
Information Withheld
4. The Employee's Salary at the Time of Separation/Termination:
Approximately \$20.00/hour; Employee was Classified as a Grade 15
5. The Reason for the Employee's Separation/Termination:
Information Withheld
6. The Reason for the Settlement Agreement:
Unknown
7. The Amount of Payment to the Employee Pursuant to the Settlement:
\$5,000.00
8. The Identify of the SABHRS Account or Other Source from Which the Payment was Made:
The only identifiable information that may be relevant to this request is an e-mail from the central payroll help desk: "XXXXXXX³ SV2 used 07/23/2004 (two entries on this check)"
9. If a Nondisclosure Agreement was Contained in the Settlement Agreement, Identify the Party Who Requested the Nondisclosure:
Unknown
10. A Copy of the Settlement Agreement and the Nondisclosure Agreement if it is in a Separate Document:
Information Withheld

³ "XXXXXXX" here is replacing the six-digit employee identification number

2016 Settlement

1. Name of the Employee
Information Withheld
2. The Department and Division Where the Employee Worked:
Department: Office of Public Instruction
Division: Information Withheld
3. The Position Held by the Employee at Time of Separation/Termination:
Information Withheld
4. The Employee's Salary at the Time of Separation/Termination:
Approximately \$30.00/hour; Employee was Classified as a Band 6
5. The Reason for the Employee's Separation/Termination:
Information Withheld
6. The Reason for the Settlement Agreement
Negotiated settlement between the Office of Labor Relations and MPEA
7. The Amount of Payment to the Employee Pursuant to the Settlement:
\$25,000.00
8. The Identify of the SABHRS Account or Other Source from Which the Payment was Made:
SABHRS Expense Account 62813A Employee Settlements
9. If a Nondisclosure Agreement was Contained in the Settlement Agreement, Identify the Party Who Requested the Nondisclosure:
N/A
10. A Copy of the Settlement Agreement and the Nondisclosure Agreement if it is in a Separate Document:
Information Withheld