



ADMINISTRATIVE RULES OF MONTANA

24.26.1050 PETITIONS TO AMEND CERTIFICATION OF EXCLUSIVE REPRESENTATIVE

- (1) A labor organization may file a petition to amend the certification of an exclusive representative (AC petition) when there is no question of representation and one of the following circumstances exists:
 - (a) the name or affiliation of the exclusive representative has changed; or
 - (b) the name of the employer has changed.
- (2) AC petitions to affiliate exclusive representatives of bargaining units with other labor organizations shall show that members of the bargaining unit were afforded due process and will have continuity of representation.
 - (a) Due process in the affiliation process shall be demonstrated by a showing that members of the bargaining unit were:
 - (i) given notice of the impending affiliation vote;
 - (ii) given an opportunity to discuss the proposed affiliation at a meeting prior to voting; and
 - (iii) permitted to vote by secret ballot on the affiliation question.
 - (b) Continuity of representation shall be demonstrated by a showing that:
 - (i) there will be a continuation of bargaining unit autonomy;
 - (ii) local officers will be retained;
 - (iii) financial arrangements are not substantially different under the affiliation than before; and
 - (iv) procedures regulating grievance handling, voting, and by-law changes are continued.
- (3) The board agent shall investigate all questions and facts concerning the proposed affiliation and shall have the following options:
 - (a) The board agent may issue a written determination approving the affiliation and allowing the certification.
 - (b) The board agent may issue a written determination denying the petition.
- (4) If either party disagrees with the determination, they may submit additional information to the board agent within 14 days of service of the board agent's determination, and the board agent shall issue a redetermination.

- (5) If either party objects to the redetermination, they may file written exceptions with the board agent within 14 days of service of the board agent's redetermination. The board agent shall then refer the matter to a hearing officer pursuant to ARM 24.26.1008.

Authorizing statute(s): 39-31-104, 39-32-103, MCA

Implementing statute(s): 39-31-206, 39-31-207, 39-32-113, MCA

History: NEW, 2020 MAR p. 2422, Eff. 12/25/20.