



ADMINISTRATIVE RULES OF MONTANA



24.26.1042 PETITION FOR UNIT CLARIFICATION OF BARGAINING UNIT

- (1) The public employer or exclusive representative of the bargaining unit in question may file a unit clarification petition (UC petition) under the following circumstances:
 - (a) there is no question concerning representation; and
 - (b) the parties to the CBA are neither engaged in negotiations nor within 120 days of the expiration date of the CBA, unless the parties mutually agree to permit the petition; and
 - (c) a UC petition has not been filed with the board concerning substantially the same unit within the past 12 months immediately preceding the filing of the UC petition; and
 - (d) no election has been held in substantially the same unit within the past 12 months immediately preceding the filing of the UC petition.
- (2) A UC petition shall contain the following:
 - (a) the identification and description of the existing bargaining unit;
 - (b) a description of the proposed clarification of the unit;
 - (c) the job classification(s) of employees as to whom the clarification issue is raised, and the number of employees on each such classification;
 - (d) a statement setting forth the reason why the petitioner desires a clarification of the unit;
 - (e) a statement that no other employee organization is certified to represent any of the employees who would be directly affected by the proposed clarification; and
 - (f) a brief and concise statement of any other relevant facts.

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

Implementing statute(s): 39-31-202, 39-31-207, 39-32-113, MCA

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