



ADMINISTRATIVE RULES OF MONTANA



24.26.1036 DECERTIFICATION PETITION INVESTIGATION AND HEARING

- (1) The board shall serve a copy of the DC petition upon the labor organization(s) concerned and the public employer, and the board agent shall include the notice of unit decertification with the petition. The notice shall be posted pursuant to ARM 24.26.1032.
- (2) The board agent shall investigate all questions and facts concerning the DC petition and shall have the following options:
 - (a) to direct a hearing after the time for intervening has passed;
 - (b) to dispense with a hearing and schedule the election and a pre-election conference; or
 - (c) dismiss the DC petition if it does not meet the requirements as outlined in ARM 24.26.1028.
- (3) If the board agent directs a hearing, the matter shall be referred to a hearing officer, pursuant to ARM 24.26.1008. Orders issued by the hearing officer under this rule are not subject to appeal to the board.
- (4) Within seven days of the board agent's determination to dispense with the hearing, or within seven days of service of the hearing officer's order, the board agent shall direct the election and schedule the pre-election conference pursuant to ARM 24.26.1070.

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

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

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