



ADMINISTRATIVE RULES OF MONTANA



24.26.1020 UNIT DETERMINATION PETITION INVESTIGATION AND HEARING

- (1) The board agent shall serve a copy of the UD petition on the public employer, and the board agent shall include with the UD petition the notice of unit determination. The notice shall be posted pursuant to ARM 24.26.1014.
- (2) The board agent shall investigate all questions and facts concerning the proposed unit, and shall have the following options:
 - (a) to direct a unit determination hearing after the time for intervening has passed; or
 - (b) to dispense with a unit determination hearing under the following conditions:
 - (i) the employer has not filed a counter petition;
 - (ii) no intervenors contest the petitioner's proposed unit; or
 - (iii) the parties have entered into a consent election agreement pursuant to ARM 24.26.1072.
- (3) The excelsior list must be provided to the board agent and the petitioner within ten days of the board agent's mailing of the UD petition to the public employer.
- (4) 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.
- (5) If the unit does not include nurses working for a health care facility under 39-32-106, MCA, 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. Either party shall raise any challenges for individual inclusions and exclusions to the unit at the pre-election conference.
- (6) If the unit approved in the hearing officer's order includes nurses working for a health care facility under 39-32-106, MCA, the board agent must also comply with ARM 24.26.1022.

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.