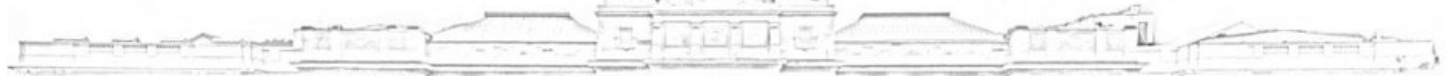




ADMINISTRATIVE RULES OF MONTANA



24.26.1024 EMPLOYER RECOGNITION PETITION

- (1) An employer may file an employer recognition petition (ER petition) with the board alleging that one or more labor organizations have presented to it a claim to be recognized as the exclusive representative in an appropriate unit.
- (2) ER petitions may be filed under the following circumstances:
 - (a) during the period not more than 90 days, and not less than 60 days prior to the termination date of the existing CBA;
 - (b) during January of the year the existing CBA terminates if the bargaining unit is comprised of employees of school districts, units of the university system, or a community college;
 - (c) after the termination date of the existing CBA; or
 - (d) when the proposed exclusive representative gives notice to the employer that it desires to begin negotiations of a CBA.
- (3) The ER petition shall contain:
 - (a) a statement naming all labor organizations making a claim to the employer to be recognized as the exclusive representative and bargaining agent;
 - (b) a concise statement of how the demands for recognition took place;
 - (c) a description of the bargaining unit the labor organizations demand to represent, including the approximate number of employees in the unit or units that are in dispute, and an enumeration, by job title, of the inclusions and exclusions proposed by the labor organizations;
 - (d) a brief description, including expiration dates, of all contracts covering employees in the proposed unit; and
 - (e) any other relevant facts.
- (4) A board agent shall review and investigate the employer petition.
- (5) If the board agent determines there are not sufficient grounds to act on the ER petition, the agent shall issue a written determination of the reasons for not proceeding with the recognition proceedings. The agent shall serve the determination on the employer.
 - (a) The petitioner may file exceptions to the board agent's determination within 14 days of the service of the determination.

- (b) The exceptions shall be forwarded to the hearing officer for consideration pursuant to ARM 24.26.1008.
- (6) If the board agent finds there is sufficient, objective criteria to doubt the certified or recognized exclusive representative's majority status, meaning there is a question of representation, then the board agent shall serve a copy of the petition on all parties claiming to be the exclusive representative and bargaining agent. After service of the petition, the procedures for unit determination and elections, including the right to intervene, will then proceed pursuant to ARM 24.26.1012.

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.