



ADMINISTRATIVE RULES OF MONTANA



24.26.1028 DECERTIFICATION PETITION

- (1) An employee, a group of employees, or a labor organization may file a decertification petition (DC petition), provided that 12 months have elapsed since the last election.
- (2) DC 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; or
 - (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; or
 - (c) after the termination date of the existing CBA.
- (3) The DC petition shall contain:
 - (a) a statement that the labor organization that has been certified or is currently being recognized by the employer as the exclusive representative no longer represents the interests of the majority of the employees in the unit;
 - (b) the name of the labor organization, if any, which claims to be the majority representative;
 - (c) a description of the bargaining unit involved and the approximate number of employees; and
 - (d) any other relevant facts.
- (4) The petition shall be accompanied by proof of interest, consisting of authorization cards, or copies thereof, from at least 30 percent of the employees in the unit. The cards shall indicate that the signatories do not desire to be represented for collective bargaining purposes by the board-certified or employer-recognized exclusive representative.

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.