



ADMINISTRATIVE RULES OF MONTANA



24.26.1012 UNIT DETERMINATION PETITIONS

- (1) A labor organization or a group of employees may file a unit determination petition (UD petition) with the board alleging there is a question concerning representation and seeking an election to determine whether employees wish to be represented by the petitioner.
- (2) The UD petition shall contain:
 - (a) a description of the unit to be determined specifying inclusions and exclusions;
 - (b) a statement as to whether there is any known disagreement between the employer and the petitioner as to the nature and scope of the proposed unit and the reasons for the disagreement;
 - (c) the names of all labor organizations known to the petitioner who claim to represent employees in the proposed unit;
 - (d) the expiration dates and brief description of any contracts covering any employees in the proposed unit;
 - (e) the approximate number of employees in the proposed unit; and
 - (f) any other relevant facts.
- (3) The UD petition must be accompanied by proof of interest, consisting of authorization cards, or copies thereof.
 - (a) The board agent shall promptly issue a certification of representative because no question of representation exists, an election is not required, and an appropriate unit has been determined, if the following requirements of this subsection are met:
 - (i) the number of authorization cards submitted exceeds 50 percent of the number of employees in the proposed bargaining unit;
 - (ii) an employer counter petition is not filed within seven days of the date the board mailed the petition for unit determination to the employer, as provided by ARM 24.26.1016;
 - (iii) a petition to intervene has not been filed within seven days of the employer posting notice of unit determination proceedings, as provided by ARM 24.26.1018; and
 - (iv) the showing of interest is adequate because more than 50 percent of the employees on the excelsior list have submitted an authorization card.
 - (b) An election is required pursuant to ARM 24.26.1070 when at least 30 percent but not more than 50 percent of the employees on the excelsior list have submitted an authorization card.

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.