



ADMINISTRATIVE RULES OF MONTANA



24.26.1022 NURSE UNIT AT HEALTH CARE FACILITY – PROFESSIONAL EMPLOYEE SPECIAL ELECTION

- (1) This rule applies to UD petitions for a health care facility that include professional nursing staff in the proposed unit, as defined in 39-32-106, MCA.
- (2) If a hearing officer issues an order pursuant to ARM 24.26.1008, and the approved unit includes both professional nursing employees, as defined in 39-32-102, MCA, and nonprofessional employees, the board agent shall conduct a special election among professional employees to determine whether they wish to be included in the proposed unit.
 - (a) The board agent shall conduct the election by secret ballot in a prompt and efficient manner. Notice of the special election shall be posted by the employer no less than five days prior to the special election.
 - (b) If a majority of the professional employees in the proposed unit do not desire to be included in the proposed unit, the professional employees shall be excluded from the unit. If a majority of the professional employees in the proposed unit desire to be included in the unit, the professional employees shall be included in the unit.
 - (c) The board agent shall issue a written certification of the results of the special election and serve it on the parties.
- (3) Within seven days of service of the board agent's certification of the special election, 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.

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

Implementing statute(s): 39-32-102, 39-32-105, 39-32-106, 39-32-113, MCA

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