



ADMINISTRATIVE RULES OF MONTANA



24.26.1016 EMPLOYER COUNTER PETITION

- (1) The employer may file an employer counter petition (EC petition) with the board within seven days of the board's service of the petition for a new unit determination on the employer if the employer disagrees with the appropriateness of the proposed unit as described in the petition.
- (2) The EC petition shall contain:
 - (a) the employer's disagreement with the petitioner's proposed appropriate unit;
 - (b) a detailed description of the employer's proposed appropriate unit;
 - (c) the number of employees in the employer's proposed unit;
 - (d) the expiration dates and brief description of any contracts covering any employees in the employer's proposed unit;
 - (e) an excelsior list for the employees in the proposed counter-unit; and
 - (f) any other relevant facts.
- (3) The employer shall serve a copy of the EC petition upon the petitioner.
- (4) A board agent shall have five business days to work with the parties to resolve issues raised in the EC petition. If the issue of the unit description is not resolved, the board agent shall transfer the counter petition to a hearing officer pursuant to ARM 24.26.1008.
 - (a) If a party disputes the recommended order of the hearing officer, the party may file exceptions pursuant to ARM 24.26.254 within ten days of service of the hearing officer's recommended order.
 - (b) Orders issued by the board on the composition of the unit under this rule are not subject to further appeal.
 - (c) Once the order of the board is issued that determines the appropriate unit, the matter shall proceed pursuant to ARM 24.26.1022 if appropriate or ARM 24.26.1070.
- (5) If the employer does not file an EC petition and the time for intervention has passed, the board agent shall review the petitioned-for unit to determine that it is appropriate under ARM 24.26.1005, and then proceed pursuant to ARM 24.26.1022 if appropriate or ARM 24.26.1070.

Authorizing statute(s): 39-31-104, 39-32-103, MCA

Implementing statute(s): 39-31-202, 39-31-207, 39-32-113, MCA



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