

~~(I) THE BOARD HAS CERTIFIED AN EXCLUSIVE REPRESENTATIVE FOR THAT BARGAINING UNIT WITHIN THE PRECEDING 2 YEARS; OR~~

~~(II) THE BARGAINING UNIT HAS IN EFFECT A VALID COLLECTIVE BARGAINING AGREEMENT THAT, BY ITS TERMS, DOES NOT EXCEED 3 YEARS.~~

~~(2) THE LIMITATION OF PARAGRAPH (1)(II) OF THIS SUBSECTION DOES NOT APPLY IF THE PETITION FOR ELECTION IS FILED NOT MORE THAN 90 DAYS BEFORE THE EXISTING COLLECTIVE BARGAINING AGREEMENT EXPIRES.~~

3-402.

(A) A PETITION FOR THE ELECTION OF AN EXCLUSIVE REPRESENTATIVE OF A BARGAINING UNIT MAY BE FILED WITH THE BOARD BY:

(1) AN EMPLOYEE ORGANIZATION SEEKING CERTIFICATION AS EXCLUSIVE REPRESENTATIVE; OR

(2) AN EMPLOYEE, A GROUP OF EMPLOYEES, OR AN EMPLOYEE ORGANIZATION SEEKING A NEW ELECTION TO DETERMINE AN EXCLUSIVE REPRESENTATIVE.

(B) A PETITION SHALL:

(1) CONTAIN THE INFORMATION THE BOARD REQUIRES; AND

(2) ~~MUST~~ BE ACCOMPANIED BY A SHOWING OF INTEREST SUPPORTED BY 30% OF THE EMPLOYEES IN THE APPROPRIATE UNIT INDICATING THEIR DESIRE TO BE EXCLUSIVELY REPRESENTED BY THE PETITIONER FOR THE PURPOSE OF COLLECTIVE BARGAINING.

3-403.

(A) (1) THE BOARD SHALL DETERMINE THE APPROPRIATENESS OF EACH BARGAINING UNIT.

(2) IF THERE IS NO DISPUTE ABOUT THE APPROPRIATENESS OF THE ESTABLISHMENT OF THE BARGAINING UNIT SOUGHT, THE BOARD SHALL ISSUE AN ORDER DEFINING AN APPROPRIATE BARGAINING UNIT.

(3) IF THERE IS A DISPUTE ABOUT THE APPROPRIATENESS OF THE ESTABLISHMENT OF THE BARGAINING UNIT SOUGHT, THE BOARD SHALL:

(I) CONDUCT A HEARING; AND

(II) ISSUE AN ORDER DEFINING AN APPROPRIATE BARGAINING UNIT.

(B) IF THE APPROPRIATE BARGAINING UNIT AS DETERMINED BY THE BOARD DIFFERS FROM THE BARGAINING UNIT DESCRIBED IN THE PETITION, THE BOARD MAY:

(1) DISMISS THE PETITION; OR