

(B) THE PUBLIC EMPLOYER SHALL DETERMINE WHETHER A PUBLIC EMPLOYEE IS TO BE CONSIDERED A PUBLIC EMPLOYEE FOR COLLECTIVE BARGAINING PURPOSES. EITHER PARTY OR AN EMPLOYEE ORGANIZATION MAY APPEAL THE DETERMINATION TO THE COMMISSIONER FOR A FINAL AND BINDING DECISION.

(C) UPON RECEIPT OF A PETITION FOR AN ELECTION FOR EXCLUSIVE REPRESENTATIVE, THE COMMISSIONER SHALL INVESTIGATE THE PETITION FOR PURPOSES OF VERIFICATION AND VALIDATION, AND CONDUCT A PUBLIC HEARING, RECEIVE WRITTEN AND ORAL TESTIMONY, AND THEREAFTER FILE AN ORDER DEFINING THE MOST APPROPRIATE BARGAINING UNIT. THERE SHALL BE NO MORE THAN TWO PROFESSIONAL UNITS. IN DEFINING A BARGAINING UNIT, THE COMMISSIONER SHALL CONSIDER, IN ADDITION TO OTHER RELEVANT FACTORS, THE EFFICIENCY OF OPERATIONS OF THE PUBLIC EMPLOYER, THE EFFECT OF OVER-FRAGMENTATION OF BARGAINING UNITS ON THE EFFICIENT ADMINISTRATION OF THE PUBLIC EMPLOYER, THE COMMUNITY OF INTEREST OF PUBLIC EMPLOYEES, AND THE ADMINISTRATIVE STRUCTURE OF THE PUBLIC EMPLOYER. THE COMMISSIONER MAY NOT FIND ANY UNIT APPROPRIATE THAT INCLUDES BOTH PROFESSIONAL AND NONPROFESSIONAL EMPLOYEES UNLESS A MAJORITY OF EACH GROUP VOTES FOR INCLUSION THEREIN.

(D) (1) AFTER OCTOBER 1, 1978, AN ELECTION FOR EXCLUSIVE REPRESENTATIVE SHALL BE CONDUCTED BY THE COMMISSIONER FOR EACH UNIT AFTER THE REQUIREMENTS OF SUBSECTION (B) AND SUBSECTION (C) OF THIS SUBTITLE HAVE BEEN MET BY THAT UNIT.

(2) A PETITION FOR AN ELECTION MAY BE SUBMITTED BY:

(I) AN EMPLOYEE ORGANIZATION DEMONSTRATING THAT 30 PERCENT OF THE EMPLOYEES IN A BARGAINING UNIT WISH TO BE REPRESENTED FOR COLLECTIVE BARGAINING BY AN EXCLUSIVE REPRESENTATIVE;

(II) A PUBLIC EMPLOYEE, A GROUP OF PUBLIC EMPLOYEES, OR AN EMPLOYEE ORGANIZATION DEMONSTRATING THAT 30 PERCENT OF THE EMPLOYEES ASSERT THE DESIGNATED EXCLUSIVE REPRESENTATIVE IS NO LONGER THE REPRESENTATIVE OF THE MAJORITY OF EMPLOYEES IN THE UNIT; OR

(III) THE PUBLIC EMPLOYER DEMONSTRATING THAT ONE OR MORE EMPLOYEE ORGANIZATIONS HAS PRESENTED TO IT A CLAIM, SUPPORTED BY SUBSTANTIAL PROOF, TO BE CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE, AND THE COMMISSIONER FINDS, ON INVESTIGATION OF THE PETITION, THAT A VALID QUESTION OF REPRESENTATION EXISTS.

(3) THERE SHALL BE ON THE BALLOT:

(I) THE NAME OR NAMES OF THE EMPLOYEE ORGANIZATION SUBMITTING THE VALID PETITION;

(II) THE NAME OF ANY OTHER EMPLOYEE ORGANIZATION OR ORGANIZATIONS DESIGNATED ON A VALID PETITION SIGNED BY MORE THAN 10 PERCENT OF THE EMPLOYEES IN THE