

AN EMPLOYEE, AN EMPLOYER, OR A LABOR ORGANIZATION MAY SUBMIT TO THE MEDIATION SERVICE A PETITION FOR DECERTIFICATION OF AN ORGANIZATION THAT:

(1) THE MEDIATION SERVICE HAS CERTIFIED AS A BARGAINING REPRESENTATIVE AFTER A CONSENT ELECTION; OR

(2) AN EMPLOYER CURRENTLY RECOGNIZES AS THE BARGAINING REPRESENTATIVE WITHOUT A CONSENT ELECTION.

(B) REQUIREMENTS FOR PETITION.

A PETITION FOR DECERTIFICATION OF AN ORGANIZATION AS BARGAINING REPRESENTATIVE FOR A BARGAINING UNIT:

(1) SHALL BE SUPPORTED BY AT LEAST 30% OF THE EMPLOYEES IN THE BARGAINING UNIT; AND

(2) MAY NOT BE SUBMITTED WITHIN 1 YEAR AFTER CERTIFICATION OF THE BARGAINING REPRESENTATIVE AS A RESULT OF A CONSENT ELECTION.

(C) INVESTIGATION; ELECTION.

(1) THE MEDIATION SERVICE SHALL INVESTIGATE EACH PETITION SUBMITTED IN ACCORDANCE WITH THIS SECTION TO DETERMINE WHETHER THERE IS REASONABLE DOUBT THAT THE BARGAINING REPRESENTATIVE IN FACT REPRESENTS A MAJORITY OF THE EMPLOYEES IN THE BARGAINING UNIT.

(2) IF, AFTER THE INVESTIGATION, THE MEDIATION SERVICE DETERMINES THAT THERE IS REASONABLE DOUBT, THE MEDIATION SERVICE SHALL ORDER AN ELECTION TO RESOLVE THE ISSUE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 12(c).

Subsection (a) of this section is revised in the active voice to clarify who may submit a petition for decertification. This revision is based on practice.

In subsection (a)(1) of this section, the defined term "bargaining representative" is substituted for the former words "bargaining unit", to conform to the references throughout Part II of this subtitle. Similarly, in subsection (a)(2) of this section, the former reference to "a bargaining unit ... [being] established without benefit of an election and ... extended the right to represent the unit for purposes of collective bargaining" is deleted.

In subsection (b)(2) of this section, the defined term "consent election" is substituted for the former phrase "from a secret ballot election", to conform to subsection (a)(1) of this section.