

In subsection (c)(1) of this section, the reference to a petition "submitted in accordance with this section" is substituted for the former words "such petition", to clarify that the petition must be submitted by an appropriate party, supported by sufficient employees, and timely.

As to the substitution of "Mediation Service" for the former references to "the Commissioner" and "his duly authorized representative", see the revisor's note to § 4-202 of this subtitle.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that subsection (b)(2) of this section prohibits a petition for decertification within 1 year after a certification that results from a consent election. However, there is no similar limitation on a petition for decertification of a bargaining representative that an employer recognizes without a consent election. Although former Art. 89, § 12(c) referred to "recognition resulting from a secret ballot election", it did not seem to be the intent of the General Assembly to prohibit a petition of decertification for a set period if there is only voluntary recognition, since it would be difficult to set the date on which voluntary recognition begins.

Accordingly, in subsection (b)(2) of this section, the former word "recognition" is deleted as inaccurate since the result of a consent election is certification, rather than recognition, which results from voluntary action on the part of an employer.

The Committee also notes that subsection (a) of this section omits a reference to cases in which an entity other than the Mediation Service has certified a bargaining representative after a consent election.

Defined terms: "Bargaining representative" § 4-201

"Consent election" § 4-201

"Mediation Service" § 4-201

GENERAL REVISOR'S NOTE TO SUBTITLE:

Throughout this subtitle, references to the "Mediation Service" are substituted for former references to the "Commissioner", the "Division of Labor and Industry", and "duly authorized representatives" of the Commissioner. Chapter 429, Acts of 1969, created the State Mediation and Conciliation Service and required the Mediation Service to administer former Art. 89, §§ 3 through 13 "on behalf of the Commissioner".

Although Ch. 429 did not change the provisions of former §§ 12 and 13 that imposed specific powers and duties to reflect the creation of the Mediation Service, in practice, the Mediation Service does carry out those powers and duties. Therefore, § 4-202 of this subtitle and the references to the "Mediation Service" throughout this subtitle seem to be consistent with the intent of Ch. 429.