

621—5.5 (20) Bars to an election.

5.5(1) *Certification elections.* Notwithstanding the filing or pendency of a certification petition, the board shall conduct no certification election:

a. During the one-year period following the date of an employee organization's noncertification subsequent to a valid certification election; or

b. If the bargaining unit in question is at that time represented by a certified exclusive bargaining representative. This representation bar shall not apply to a representation election in an amendment of unit case pursuant to 621—subrule 4.6(3).

5.5(2) *Decertification elections.* Notwithstanding the filing or pendency of a decertification petition, the board shall conduct no decertification election:

a. During the one-year period following the date of an employee organization's certification subsequent to a valid certification election; or

b. During the one-year period following the date of the issuance of an order of continued certification subsequent to a valid decertification election; or

c. Whenever a collective bargaining agreement exists, provided such agreement is written and executed by the parties to it; that such agreement is between a public employer and a certified employee organization; that such agreement does not discriminate among groups of employees on the basis of age, race, sex, religion, national origin or physical disability, as provided by law; and provided further, that any such agreement which exists for a duration in excess of two years shall be deemed for the purposes of this rule to be for a duration of two years only.

[ARC 8953B, IAB 7/28/10, effective 9/1/10]