3.11 NOTICE OF MAINTENANCE OF STATUS QUO

1. **Purpose.** When the Bureau receives a petition which requires an election for employees to choose a bargaining representative (certification, decertification, division, or challenge), or the clarification of a unit, the Bureau's duty is to assure a fair environment while the matter is being determined. To aid in this duty, a Notice is issued by the Bureau for the purpose of assuring a "level playing field" while the process proceeds. This is called a Notice of Maintenance of Status Quo. It contains the following elements:

    a. Wages, hours, and all existing conditions of employment of the employees shall not be changed as of the date of this Notice.

    b. Negotiations shall not be carried on.

    c. Threats or promises as to changes in wages, hours and conditions of employment are prohibited.

    d. Employees shall not be questioned by the employer with respect to membership in a labor organization.

    e. Employees shall not be discriminated against as a result of the filing of the petition.

    f. The Employer shall post this Notice of Maintenance of Status Quo at the work locations of all employees involved.

    g. The Maintenance of Status Quo is to remain posted until lifted.

2. **Notice of Maintenance of Status Quo in Part**. An Employee Organization may request an amended order for a Maintenance of Status Quo in part by submitting a written request to the BMS.

    a. The request will specify the conditions requested, including the specific position(s) or job classification(s) and/or terms and conditions covered by the Order.

    b. The Employer will be notified and provided an opportunity to identify any issues related to the request prior to the Bureau's review and determination on the request.

3. **Interpretation of Notice of Maintenance of Status Quo Order.** Often the Bureau receives questions from parties about whether specific actions might violate the Notice. Providing accurate answers to complex questions requires findings of fact and conclusions of law. Such findings and conclusions require a due process hearing where each party has an opportunity to present evidence and cross- examine witnesses.

Accordingly, when the Bureau receives requests, formal or informal, for the interpretation of a Notice of Maintenance of Status Quo, it attempts to help the parties resolve them by agreement. Failing this, the Bureau will give general guidance but does not make statements or rulings about whether specific actions violate the Notice.

6/8/81; 2/28/97; 5/1/01; 11/1/04; 4/9/18; 7/1/23; 4/16/25