

3.12 INTERPRETATION OF NOTICE OF MAINTENANCE OF STATUS QUO

When the Bureau receives a petition which requires an election for employees to choose a bargaining representative (certification, decertification or challenge) its duty is to insure a fair atmosphere for employees to vote on the question. To aid in this duty a Notice is issued by the Bureau for the purpose of insuring a “level playing field” while the election process proceeds. This is called a Notice of Maintenance of Status Quo. It contains the following elements:

1. Wages, hours and all existing conditions of employment of the employees shall not be changed as of the date of this Notice.
2. Negotiations shall not be carried on.
3. Threats or promises as to changes in wages, hours and conditions of employment are prohibited.
4. Employees shall not be questioned by the employer with respect to membership in a labor organization.
5. Employees shall not be discriminated against as a result of the filing of the petition.
6. The Employer shall post this Notice of Maintenance of Status Quo at the work locations of all employees involved.

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.

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