

5510.0610 WITHDRAWAL.**Subpart 1. Generally.**

A. A certification, representation, or decertification petition or a showing of interest may be withdrawn by a party at any point before the fifth calendar day after the commissioner issues an appropriate unit determination.

B. A clarification, transfer of exclusive representative status, amendment of certification, or affiliation petition may be withdrawn at any time before the hearing on the petition closes.

C. A withdrawal must either be stated on the record at the hearing or be in writing and served on the commissioner as provided under parts 5510.0110 to 5510.2310.

Subp. 2. Certification election.

A. For a certification election, if an employee organization withdraws, and no other employee organization has petitioned or intervened, the petition must be dismissed.

B. If another employee organization has also petitioned or has intervened, the matter must proceed under parts 5510.0110 to 5510.2310, but the withdrawing organization must not be listed on the ballot.

Subp. 3. Representation election.

A. For a representation election, if an incumbent exclusive representative withdraws, the matter must be processed as though a certification petition had been filed by the challenging employee organization.

B. A challenging employee organization that withdraws according to parts 5510.0110 to 5510.2310 must not be listed on the ballot. If all challengers have withdrawn, the petition must be dismissed.

Subp. 4. Decertification election.

A. For a decertification election, if a petitioner withdraws and no other employee organization has petitioned or intervened, the petition must be dismissed.

B. If the petitioner withdraws but another employee organization that has petitioned or intervened does not withdraw, the matter must be processed as a representation petition.

Statutory Authority: *MS s 179.02; 179.82; 179A.04; 179A.16; 626.892*

History: *9 SR 735; L 1987 c 186 s 15; 46 SR 1387*

Published Electronically: *July 27, 2022*