

### **345.060 Election of exclusive representative.**

- (1) Whenever in accordance with such regulations and as may be prescribed by the State Labor Relations Board a petition has been filed:
  - (a) By a firefighter or group of firefighters or any labor organization acting in behalf of 30 percent of the employees who have signed union affiliation cards and the union showing proof of representation:
    1. Wish to be represented for collective bargaining by a labor organization as exclusive representative, or
    2. Assert that the labor organization which has been certified or is currently being recognized by the public employer as bargaining representative is no longer the representative of the majority of employees in the unit; or
  - (b) By the public employer alleging that one (1) or more labor organizations has presented to it a claim to be recognized as a representative of the majority of firefighters in an appropriate unit;

the board shall investigate such petition, and if it has reasonable cause to believe that a question of representation exists, shall provide for an appropriate hearing upon due notice. If the board finds that there is a question of representation, it shall direct an election by secret ballot to determine whether or by which labor organization the firefighters desire to be represented and shall certify the result thereof.

- (2) The board shall decide in each case, in order to assure firefighters the fullest freedom in exercising the rights guaranteed by this chapter, the unit appropriate for the purposes of collective bargaining, based on such factors as community of interest, wages, hours, and other working conditions of the firefighters involved; the history of collective bargaining; and the desires of the firefighters.
- (3) An election shall not be directed in any bargaining unit or in any subdivision thereof within which in the preceding twelve (12) month period a valid election has been held. The board shall determine who is eligible to vote in the election and shall establish rules governing the election. In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for the selection between the two (2) choices receiving the largest and the second largest number of valid votes cast in the election. A labor organization which receives the majority of the votes cast in an election shall be certified by the board as exclusive representative of all the firefighters in the unit.
- (4) Nothing in this or any other law shall be construed to prohibit recognition of a labor organization as the exclusive representative by a public agency by mutual consent.
- (5) No election shall be directed by the board in any bargaining unit where there is in force and effect a valid collective bargaining agreement. Provided, however, no collective bargaining agreement shall bar an election upon the petition of persons not parties thereto where more than three (3) years have elapsed since the execution of the agreement or the last timely renewal, whichever was later.

**History:** Created 1972 Ky. Acts ch. 120, sec. 7.