

LEGAL STUFF

How to File a Petition for Election

Here are the basics about filing a petition for union election with the National Labor Relations Board. Other private- and public-sector laws share some concepts, but specific steps, forms and instructions will be different.



BE PREPARED

Before you file, make sure you are ready to move the campaign forward and win an election.

- Do we know enough and are we prepared to deal with bargaining unit issues?
- Is the committee ready?
- Do we have enough support to win
- What do we expect about process and timeframes?

SHOWING OF INTEREST

The law says you can file with 30%, but you need a *majority* to win the election and build a powerful union.

- Authorizations cards and petitions are common tools to sign up co-workers who want to form a union.
- Have a good reason and strategy if you are going to file with less than 65% support.
- If you submit electronic or paper copies of cards when you file, you must deliver originals to the NLRB within 48 hours of filing.

Lists, Lists, Lists

The Statement of Position requires that the employer share lists early in the process. A list must include the name, position and shift of:

- All the workers covered under the union-proposed unit.
- All the workers covered under the employer's proposed unit (if different).
- Note: If you stipulate to an election agreement before the Statement of Position is due, you will not get these lists.

COMPLETE THE PETITION FORM

You will need the following information to complete the petition form:

- Name of employer and contact person email and phone.
- Unit description: who's in and who's out.
- Total number of people you think are in the bargaining unit.
- Legal name of the union.
- Election details: site or mail ballot, proposed dates, times, locations.

Get Forms and
the Straight Scoop
from the NLRB

www.nlr.gov

FILE YOUR PETITION WITH THE BOARD

Make sure they get:

- Cards or petitions that meet the minimum requirement of 30% interest.
- The completed NLRB petition form.
- A completed Certificate of Service form (4812).
- If you deliver it before noon, the petition will be processed the same day.

GIVE NOTICE TO THE EMPLOYER

When you file a petition with the NLRB, you must simultaneously serve all parties named in the petition. This means you are legally required to give the employer a copy of:

- The petition (do *NOT* include copies of cards).
- A blank Statement of Position Form (505).
- Questionnaire on Commerce Form (5081).
- Description of Procedures in R Cases (4812).
- Copy of completed Certificate of Service (5544).

Can We Deliver the Notice Directly to Our Employer?

Yes! This is a great way to make sure many people are getting firsthand experience in the campaign.

As a union we will stand together and negotiate a contract. Why not start now and send a unified message?

WHAT TO EXPECT AFTER YOU FILE

Once you file your petition, there are timeframes and deadlines for the board, the employer and the union. Make sure you know the rules.

Here's what to expect:

- The Board will send out a **Notice of Hearing**.
- The employer must submit a **Statement of Position** to the board and the union prior to the hearing, which will include a list.
- **The hearing** should be scheduled within eight business days of your filing.
- After the hearing, expect the board to issue a **Decision and Direction of Election** within one or two weeks.
- **The employer must post two notices in the workplace** during this process: a **Notice of Petition** within two business days after petition is filed, and a **Notice of Election** within two days of the board decision or stipulated election; it must be posted at least three days before the election can take place.
- The Employer must provide a **Voter Eligibility List** to the union within two days of the Decision and Direction or a "stip" and at least 10 days before the election.
- The Voter Eligibility List must include home addresses, home and cell numbers, personal emails (if available,) work locations, shifts and classifications.

Don't Need 10 Days?

You can waive all or part of the 10-day rule if you don't need the extra time to get ready for the election.