

Recertification Election Process for Collective Bargaining Agreements that Expire on June 30, 2020 – Note Important 2019 Dates

Here are the steps and important dates for the recertification election process for collective bargaining agreements that expire June 30, 2020.

- 1. NO LATER THAN AUGUST 26, 2019**, the employer must electronically submit to the Iowa Public Employment Relations Board (PERB) a collective bargaining agreement with an expiration date of June 30, 2020 in order for the election to be scheduled. Since PERB **will not** schedule an election if the contract is not submitted to the agency by this date, an employer should email the contract to PERB at iaperb@iowa.gov, even if the contract is not yet signed by the union.
- 2. On August 26, 2019**, PERB will send emails notifying those public employers with a collective bargaining agreement scheduled to expire on June 30, 2020 that PERB intends to conduct a recertification election. The email (which will be sent to the employer's designated contact person or representative listed with PERB) will advise the employer to login to PERB's e-filing system to download the notice: <https://perb.iowa.gov/efiling/>.
- 3.** The notice must be posted on bulletin boards where other employee notices are posted and distributed to employees by other means used by the employer to send employee notices (e.g., email, mailboxes, with paystubs). There will be a separate notice for each bargaining unit required to conduct an election.
- 4. NO LATER THAN SEPTEMBER 3, 2019 (the day after Labor Day)**, the employer must email PERB (iaperb@iowa.gov) an Excel spreadsheet with the following information about each employee in the collective bargaining unit: **first name, last name, job classification, date of birth, last four digits of social security number, home address, work email address, personal email address (if known), work telephone (if available), and personal telephone number (if known).**

WHAT ARE THE DO'S AND DON'TS DURING THE ELECTION SEASON?

- **DO** allow employees to vote during breaks if the employer generally allows employees to use work computers or phones during break time for other personal business.
- **DO** allow employees to vote during work time if the employer generally allows employees to minimally use work computers or phones during work time for other personal business.
- **DO** direct employees with questions to call PERB (515-281-4414) or visit PERB's webpage with FAQs about recertification elections: <https://iowaperb.iowa.gov/recertification-faqs>
- **DO** contact labor relations counsel if employee campaigning activities or voting interferes with workplace operations.
- **DO** contact labor relations counsel if the union approaches the employer about not sending in the voter list or proposes extending the current contract.
- **DO NOT** interfere with employees' rights to discuss the election.
- **DO NOT** discipline employees for exercising their right to vote.
- **DO NOT** try to answer questions about the election.
- **DO NOT** ask employees if they voted or how they voted.

Be sure to include all employees in each job classification listed in the PERB notice issued August 26. This is the official bargaining unit description and must be followed. A separate spreadsheet for each bargaining unit is required. A sample voter list information spreadsheet can be located here:

https://iowaperb.iowa.gov/sites/default/files/images/sample_voter_list_instructions.pdf.

5. After the employer emails PERB the spreadsheet, the employer must inform the union that PERB has received the list. If the employer does not send the spreadsheet in by **September 3, 2019**, there will be no election and the union will be recertified automatically.
6. On **September 18, 2019**, PERB will send another email that will advise the employer to again login to its e-filing system and download another election notice. This notice will have more information about the election and include voting instructions.
7. This notice must be posted on bulletin boards and circulated to employees in the bargaining unit. There will be a separate notice for each bargaining unit.
8. The employer must inform PERB if any new employees in the bargaining unit start working between **September 3 and September 18, 2019**.
9. Between the dates of **October 15, 2019 and October 29, 2019**, employees will be able to vote either online or by phone.
10. During the voting period, the employer **DOES NOT** inform PERB if any employees stop working (terminations, resignations and retirements) between **September 18 and October 29, 2019**.
11. After the voting period expires, PERB will post tentative results.

There will then be a 10-day period where parties may challenge the results. If there are no pending challenges after the 10-day period, PERB will issue an order of decertification or recertification, depending on the vote results.

This notice will also need to be posted and circulated to employees.

WHAT CAN EMPLOYERS DO NOW TO GET READY FOR THE ELECTION?

- Go to <https://www.iowaperb.org/Search>. Search for the employer's collective bargaining agreements. If any are missing or outdated, email current versions to PERB right away: iaperb@iowa.gov.
- Go to <https://perb.iowa.gov/efiling/>. Practice logging in or get new login information from PERB. Make sure the employer's contact information is correct and the appropriate contact person is listed so PERB notices are properly routed. Make sure all bargaining units are listed. If not, contact PERB.
- Start making a spreadsheet containing the employee information required by PERB.
- Go to <https://www.iowaperb.org> and view PERB's Retention and Recertification Election Training Webinar.

If you have any questions about this Client Alert, please contact any member of the Ahlers & Cooney [Collective Bargaining/Labor Law Group](#).