

DRAFT The Decertification Elections Act

Summary

Workers are entitled to seek an election to determine if a majority of their coworkers want to drop union representation. Decertification elections allow workers to decide if and how they want to be represented by a union. This Act provides for worker choice by lowering the number of petition signatures necessary to trigger a decertification election and expanding the time in which a petition to decertify may be filed.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Definitions}

- (A) “Petition to decertify” means a petition requesting the removal or substitution of a labor organization representative.
- (B) “The Commission” refers to the state labor board or any body that oversees labor relations in the state.
- (C) “Labor organization” refers to any association or organization of employees, and any agency, employee representation committee, or plan in which employees participate that exists, in whole or in part, to advocate on behalf of employees about grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
- (D) “Majority of bargaining unit members” refers to over 51 percent of total members, not just those voting.

Section 2. {Petitions to Decertify}

- (A) Upon the presentation of a petition requesting the removal of a labor organization representative or substitution of another representative, said petition bearing the signatures of 10 percent of the members of the bargaining unit, the Commission shall schedule an election no earlier than 30 days and no later than 60 days after the filing of the petition.
- (B) If within 15 days after a petition to decertify a representative is filed with the Commission, a second labor organization files a petition to represent the same bargaining unit, bearing the signatures of 10 percent of the members of the bargaining unit, the labor organization named in the second petition shall be included on the ballot.
- (C) A petition to decertify a representative may not be filed for a year after a representative is certified, but may be filed at any other time.

- 47 (D) If a representative fails to receive the support of a majority of bargaining unit members
48 he or she shall be immediately decertified.
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- 50 (E) All elections held pursuant to this section shall be held by secret ballot.
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- 52 (F) “No representation” shall be included as an option on the ballot.
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- 54 (G) In any election, if a labor organization other than the current representative receives the
55 support of a majority of bargaining unit members, it shall be immediately certified as the
56 representative by the Commission.
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- 58 (H) If a majority of bargaining unit members indicates support for a representative as
59 opposed to no collective representation, but no single labor organization receives the
60 support of a majority of bargaining unit members, the Commission shall schedule a
61 second election within 60 days, in which bargaining unit members may choose between
62 the labor organization receiving the most votes and no representative.
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- 64 (I) The Commission shall promulgate rules for the resolution of disputes regarding the filing
65 of petitions for the removal and substitution of representatives, and the holding of
66 elections, that are consistent with this section.
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68 **Section 3. {Severability Clause}**

69 **Section 4. {Repealer Clause}**

70 **Section 5. {Effective Date}**
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