9 Steps to Unionization

1. Union gathers signatures from a minimum of 30 percent of employees in a bargaining unit. This is called a “showing of interest.”

2. Union files Representation petition with NLRB along with “showing of interest” and serves petition on university.
   a. The university must post notice of petition within two business days of being served with the notice of hearing by NLRB.

3. Notice of hearing sets hearing for 8 days from filing of petition (postponements only for extraordinary cases) and sets due date for employer position statement (noon the business day before hearing), limited scope of issues for hearing:
   a. University and union present evidence and oral testimony regarding their position on the hearing issues.
   b. Agreement may be reached on hearing issues and election details at the hearing.
   c. If agreement is not reached at or before the hearing, NLRB will issue decision on hearing issues and direct election if appropriate.

4. If an election is directed:
   a. The university must electronically file a list of all eligible voters within 2 days of the NLRB directing the election. This information includes available personal mobile and home telephone numbers and personal email addresses.
   b. The union or the university may request review of the NLRB’s decision, however, this will generally not delay the date of the election.
   c. If the bargaining unit as determined by the Board expands in scope and the signatures gathered by the union are no longer 30 percent of the expanded bargaining unit, the NLRB may dismiss the petition or allow the union a certain amount of time to gather enough signatures to be a sufficient “showing of interest.”
   d. NLRB may also dismiss the petition in certain other circumstances such as a bar to an election exists.

5. Election date/details may be agreed to (stipulated) between the university and the union. If not, the NLRB will determine the election date which could occur as soon as 13 days after the petition is filed.

6. The NLRB conducts a secret ballot election. The election may take place on the university’s property or by mail ballot.
   a. The union and the university have an opportunity to challenge the ballots of voters they do not believe are eligible to vote.

7. The NLRB counts the ballots.
   a. The votes cast by the majority of the voters (rather than the majority of the bargaining unit members) determines the outcome. Therefore, a bargaining unit minority can decide for the whole group.
   b. Eligibility questions raised by challenged ballots are resolved either through administrative investigation or another NLRB hearing if the number of challenged ballots would be determinative of the election results.

8. The union or the university may file objections and provide supporting evidence within seven days of the election if they believe the conduct of the other party during the campaign was illegal and affected the election outcome.
   a. The NLRB Regional Office will hold a hearing about the objections and render a decision.
   b. If objections are sustained, a rerun election will be held.
   c. The decision of the NLRB Regional Director regarding objections may be appealed.

9. The election results are certified by the NLRB if objections are not filed within seven days of the counting of the ballots, or if, after a hearing and appeal, the objections are overruled.

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