**Section 1210.35 Timeliness of Petitions and Bars to Election**

a) Contract Bar

1) When there is in effect a collective bargaining agreement of 3 years or shorter duration covering all or some of the employees in the bargaining unit, representation and decertification petitions may be filed during the window period (between 90 and 60 days prior to the scheduled expiration date of the collective bargaining agreement) or anytime after the expiration of the collective bargaining agreement. However, the collective bargaining agreement shall serve as a bar (contract bar) to filing representation or decertification petitions outside of the window period.

2) *Where more than 4 years have elapsed since the effective date of the agreement, the agreement shall continue to bar an election, except that the Board may process an election petition filed between 90 and 60 days prior to the end of the fifth year of such an agreement, and between 90 and 60 days prior to the end of each successive year of such agreement.* (Section 9(h) of the Act) This bar shall also apply to the filing of majority interest petitions.

3) When an employer recognizes an employee organization without using the voluntary recognition or representation procedures as specified by the Act, any collective bargaining agreement reached by the parties shall not serve as a bar to the filing of a representation or decertification petition.

b) Certification Bar

The Board will dismiss a representation or decertification petition filed within 12 months following the date of Board certification of an exclusive representative for all or some of the employees in the bargaining unit, as a result of certification following a representation petition or voluntary recognition petition.

c) Election Bar

With respect to any bargaining unit, no election may be conducted in a bargaining unit, or subdivision thereof, when a valid Board conducted election has been held within the preceding 12 month period in which the union or petitioner has lost the election. However, representation and decertification petitions filed within the last three months of the 12 month period will be processed, and any resulting election or certification pursuant to the Board's card check procedures will be held after the 12 month period has elapsed. Representation and decertification petitions filed in the first 9 months of the 12 month period will be dismissed.

(Source: Amended at 28 Ill. Reg. 4172, effective February 19, 2004)