**Section 1210.160 Voluntary Recognition Procedures**

a) Voluntary recognition petitions may not be filed under the following circumstances:

1) whenever a labor organization is recognized in accordance with the Act as the exclusive representative of all or some of the employees in the bargaining unit; and

2) whenever the proposed bargaining unit would include both professional and nonprofessional employees.

b) When an employer and a labor organization agree to use the voluntary recognition procedures, the employer and labor organization must file a request for voluntary recognition with the Board. The request shall be on a form developed by the Board. The request shall be signed by both parties and shall contain the following:

1) the name, address and telephone number of the employer;

2) the name, address, telephone number and affiliation, if any, of the labor organization;

3) the name, addresses and telephone numbers of the parties' representatives;

4) a specific and detailed description of the proposed bargaining unit, including job titles and classifications;

5) the number of employees in the proposed bargaining unit and whether the proposed bargaining unit includes professional employees;

6) a statement describing why the employer and the labor organization are satisfied that the labor organization represents the majority of the employees in the proposed bargaining unit; and

7) a statement describing why the employer and the labor organization are satisfied that the proposed unit is an appropriate bargaining unit within the meaning of Section 9 of the Act.

c) The request must be supported by objective evidence of the majority status of the labor organization as required by Section 1210.80.

1) If authorization cards are offered as evidence, they may be submitted jointly to the Board or they may be confidentially submitted by the labor organization to the Board. Cards must be signed and dated by the employees pursuant to Section 1210.80. The authorization cards expire one year from the signing date.

2) If authorization cards are offered as evidence, those cards that would not qualify as evidence in support of a representation petition will not be considered sufficient evidence of majority status.

3) If employees signing authorization cards have also signed cards authorizing other labor organizations to represent them, those cards will not be considered sufficient evidence of majority status.

d) Following the filing of a request for voluntary recognition, the Board shall provide the employer with a Notice of Voluntary Recognition that shall be posted on bulletin boards and other places where notices for employees in the bargaining unit are customarily posted. The Board's Notice of Voluntary Recognition shall have the following information:

1) statement that, subject to Board certification, the employer intends to recognize the employee organization if no competing claims of representation are filed with the Board;

2) the name and address of the employer;

3) the name and address and affiliation, if any, of the labor organization;

4) a specific and detailed description of the proposed bargaining unit, including job titles and classifications;

5) the number of employees in the proposed bargaining unit;

6) the date of posting; and

7) the signature of the employer's representative.

Parties are required to inform the Board of any errors in the Notice of Voluntary Recognition.

e) The Notice of Voluntary Recognition shall remain posted for a 20 day period specified within the Notice. The employer shall take steps reasonably necessary to ensure that the Notice of Voluntary Recognition is not removed or defaced. After the Notice of Voluntary Recognition has been posted for the prescribed 20 day period, the employer shall submit a Board-issued Certificate of Posting confirming that the Notice has been posted for 20 days.

f) During the 20 day posting period, any competing labor organization may file a petition with the Board seeking to represent all or some of the employees in the unit. Prior to, or simultaneously with, its filing with the Board, the competing labor organization shall serve the petition on the employer and the labor organization that was to have been voluntarily recognized. The petition shall be on a form developed by the Board and shall contain:

1) the name, address, telephone number and affiliation, if any, of the labor organization;

2) the name, address, telephone number and signature of petitioner's representative;

3) the names of the employer and labor organization that the employer intended to voluntarily recognize, and the names and addresses of the employer and labor organization representatives;

4) a specific and detailed description of the proposed bargaining units, including job titles and classifications to the extent known, proposed by the petitioner and on the Notice of Voluntary Recognition and designate any positions included in both units;

5) the date the Notice of Voluntary Recognition was posted; and

6) the date the posting period is scheduled to end.

g) A competing labor organization's petition must be supported by a showing of interest of *at least 10 percent of the employees in an appropriate bargaining unit which includes all or some of the employees in the unit* that was to have been voluntarily recognized. (Section 9(g) of the Act~~.~~)

h) Upon the filing of a competing labor organization's petition and proper showing of interest, the Board shall treat the voluntary recognition proceeding as a representation proceeding. The Board shall proceed in accordance with Section 9(a) of the Act and Sections 1210.80 through 1210.150.

i) If no competing labor organization petitions have been filed with the Board by the end of the posting period, the employer and the labor organization shall file with the Board a certification of posting. This Certification of Posting pshall be on a form developed by the Board. The Certification of Posting shall contain the following:

1) the Board case number assigned to the Request for Voluntary Recognition and date filed;

2) the name, address and telephone number of the employer;

3) the name, address, telephone number and affiliation, if any, of the labor organization;

4) the names, addresses and telephone numbers of the parties' representatives;

5) a specific and detailed description of the proposed bargaining unit, including job titles and classifications;

6) the number of employees in the proposed bargaining unit;

7) the dates, locations and termination date of the posting of the Notice of Voluntary Recognition ;8) a statement that the Notice of Voluntary Recognition was not removed or defaced during the posting period;

9) a statement that the parties desire certification of the voluntary recognition issue; and

10) a statement that no intervening petition was filed.

j) The Board will investigate the Request for Voluntary Recognition.

1) If the Board concludes that the labor organization represents a majority of the employees in an appropriate bargaining unit, and that the petition is otherwise consistent with the Act and this Part, the Board shall certify the labor organization as the exclusive representative of the employees.

2) If the Board determines that there is insufficient evidence to support the claim of majority status, that the proposed bargaining unit is not appropriate, or that the petition otherwise contravenes the Act or this Part, the Board shall dismiss the petition without prejudice to the filing of a representation petition by either the employer or the labor organization or the commencement of voluntary recognition proceedings in an appropriate unit in which the labor organization has majority status.

k) If, after the Board directs an election in a representation proceeding, the employer decides to voluntarily recognize the labor organization, the Request for Voluntary Recognition must be filed within 14 days after service of the Board's Direction of Election. Within seven days after receipt of the Request, if the Board determines that there is insufficient evidence to support the claim of majority status, an election shall be scheduled as expeditiously as possible.

(Source: Amended at 27 Ill. Reg. 7393, effective May 1, 2003)