

SUBCHAPTER 04D - TECHNICAL AND EDUCATIONAL SERVICES

SECTION .0100 - TECHNICAL SERVICES: REPRESENTATION ELECTIONS: CARD-CHECKS/CERTIFICATIONS

13 NCAC 04D .0101 REPRESENTATION ELECTIONS

(a) Upon mutual consent and joint request of the parties, a representation election will be conducted, by the division, to determine whether or not a union possesses majority status in a defined bargaining unit. The appropriate unit, names on the ballots, payroll period for voter eligibility, and the date, hours, and location of election will be defined and agreed upon by the parties prior to the election. Election will be conducted by a secret ballot procedure to protect employee free-choice expression.

(b) The forms used in this procedure are those of the department. The following stipulations are shown on these forms:

- (1) appropriate bargaining unit,
- (2) method of determination of union majority status,
- (3) employer responsibility in the event that it is ascertained that union possesses majority status,
- (4) union responsibility in the event that it is ascertained that the union does not possess majority status,
- (5) employer and union agreement to use representation election to determine whether or not union possesses majority status.

(c) The tally of ballots form shows the following:

- (1) number of eligible voters,
- (2) votes cast for union,
- (3) votes cast against union,
- (4) void ballots,
- (5) valid votes counted,
- (6) certification (either for or against union majority status).

*History Note: Authority G.S. 95-36; 29 U.S.C. sec. 159;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*