

## 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.*

#### 13 NCAC 04D .0102 CARD-CHECKS/CERTIFICATIONS

(a) Upon mutual consent and request of the parties, a card-check/certification will be conducted, by the division, to determine whether or not a union possesses majority status in a defined bargaining unit. Prior to the card-check/certification, the appropriate bargaining unit, payroll period ending dates to be used in determining employee members of the appropriate bargaining unit, and the date, time, and location of the card-check/certification must be agreed upon by the parties. A check is made of the signed cards submitted by the union against the list of employees submitted by the employer and thereby, certification made either for or against union majority status.

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

- (1) agreement by the parties to use card-check/certification procedure to clarify or dismiss union's alleged majority status,
- (2) appropriate bargaining unit and payroll period ending dates to be used in determining employees comprising the appropriate unit,
- (3) employer responsibility in the event that it is ascertained that union possesses majority status,
- (4) union responsibility and agreement in the event that it is ascertained that union does not possess majority status,
- (5) 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.*

## **SECTION .0200 - EDUCATIONAL SERVICES: AVAILABILITY: REQUESTS**

### **13 NCAC 04D .0201 AVAILABILITY OF SERVICES**

The division is available and is often called upon to plan, develop, and present programs, lectures, workshops, and seminars in the area of labor relations pertaining to conflict resolution of labor disputes through arbitration, conciliation, and/or mediation efforts.

*History Note: Authority G.S. 95-32;  
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.*

### **13 NCAC 04D .0202 REQUESTS FOR SERVICES**

Requests for these services can be made by telephone or through mail to the division office.

*History Note: Authority G.S. 95-32;  
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.*