

GLOSSARY OF ILLINOIS LABOR RELATIONS BOARD TERMS

REPRESENTATION TERMS

Authorization card: cards signed and dated by employees and submitted as evidence of their interest in being represented by a labor organization (showing of interest) for representation and intervention petitions. In decertification petitions, cards are signed and dated by employees and submitted as evidence of their interest in decertifying the existing exclusive bargaining representative.

Bargaining unit: a class of jobs or positions held by employees whose collective interests may suitably be represented by a labor organization for collective bargaining.

Certification: Board document which formally acknowledges (certifies) the outcome of the various representation petitions and issues before the Board.

Certification bar: a Board restriction against petitioners filing representation or decertification petitions within 12 months following a voluntary recognition and Board certification of an exclusive representative of all or some of the employees in the bargaining unit.

Challenged ballot: a ballot, which is objected to by an observer because of a question, concerning voter eligibility.

Confidential employee: an employee who is exempt from coverage under the Act because in the regular course of his/her duties he assists and acts in a confidential capacity to persons who formulate, determine, and effectuate management policies with regard to labor relations or who have authorized access to information relating to the employer's collective bargaining policies. See Section 3(c) of the Act.

Consent Election: Representation election conducted pursuant to an agreement (stipulation to a consent election) between the petitioner and the employer whereby the employer has "consented" to the election.

Contract bar: a Board rule that restricts petitioners from filing representation and decertification petitions while a collective bargaining agreement is in effect, except during the window period.

Craft employee: skilled journeyman, crafts persons, and their apprentices and helpers. See Section 3(d) of the Act.

Decertification Election: Board-conducted procedure whereby individuals vote by secret ballot as to whether they desire continued representation by their existing exclusive bargaining representative.

Decertification petition: a Board designated form filed by an employee or group of employees requesting an election to determine whether a majority of the employees in an appropriate bargaining unit maintain their desire to be represented by the existing exclusive bargaining representative. The petition must be accompanied by a 30% showing of interest.

Election bar: a Board restriction against petitioners filing representation or decertification petitions within 12 months following a valid Board-conducted election among all or some of the employees in the bargaining unit.

Election observers: individuals designated by the petitioner and the employer to observe the election and to observe the tallying of the ballots.

Exclusive bargaining representative: a labor organization that has been designated by the Board as the representative of a majority of public employees in an appropriate bargaining unit.

Firefighter: any person who has been or is appointed to a fire department or fire protection district or employed by a state university and sworn or commissioned to perform fire fighter duties or paramedic duties. Certain exclusions apply. See Section 3(g-1) of the Act.

Intervention petition: a Board designated form filed by a labor organization seeking to participate in an election to be held pursuant to a representation petition.

Labor organization: an organization which exists for the purpose of representing the interests of public employees concerning their wages, hours and other terms and conditions of employment, including the settlement of grievances.

Mail ballot election: a Board-conducted election whereby eligible employees receive their ballot in the mail and they mark their choice and mail the ballot back to the Board. The Board tallies the ballots on a set date.

Managerial employee: an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of management policies and practices. See Section 3(j) of the Act.

Objections to the Election: a statement filed with the Board by a party to an election that alleges that the election result was not fairly and freely chosen by a majority of the employees.

Peace officer: any persons who have or are appointed to a police force, department, or agency and sworn and commissioned to perform police duties. Certain exclusions apply. See Section 3(k) of the Act.

Petitioner: term to describe entity filing a petition with the Board

Petitions to Amend Certification: a Board designated form filed by an exclusive bargaining representative whenever there is a change in its name or structure. An employer or exclusive bargaining representative files such a petition whenever there is a change in the structure of the unit's employing entity.

Petitions for Amendment or Clarification of the Bargaining Unit (Unit clarification petition) (UC petition): a Board designated form which a labor organization must complete and submit to the Board when it seeks to include a unit of employees in an

existing bargaining unit. A UC petition is only appropriate under four circumstances. See: FAQ

Professional employee: any employee engaged in work predominantly intellectual and varied in character rather than routine mental, manual, mechanical or physical work. See Section 3(m) of the Act.

Public employee: an individual employed by a public employer

Public employer: the State of Illinois, any political subdivision of the State, or a unit of local government.

Representation Election: Board-conducted procedure whereby individuals vote by secret ballot as to whether they desire representation by a labor organization.

Representation hearing: when questions concerning representation arise, the Executive Director or the administrative law judge assigned to the petition may order a hearing to resolve such issues. Representation hearings are fact-finding proceedings and are therefore considered non-adversarial in nature. On an agreed upon date, the parties present their case before the administrative law judge. Representation hearings are formal proceedings consisting of opening statements, examination and cross-examination of witnesses, submission of exhibits as evidence, rebuttal and closing arguments. The administrative law judge may also require the parties to produce information relevant to making a fact-finding determination. The hearing is stenographically transcribed. After reviewing the record and all relevant evidence, including any post-hearing briefs submitted by the parties, the administrative law judge issues a recommended decision and order. The parties may appeal the recommended decision and order to the Board. If no appeals are filed, the recommended decision and order becomes a non-precedential decision of the Board.

Representation petition (RC petition): a Board designated form which a labor organization must complete and submit to the Board when it seeks to become the exclusive bargaining representative of a unit of public employees. The petition must be accompanied by a 20% showing of interest. See also: FAQ, Forms

Run-off Election: an election conducted by the Board when there are three or more choices on the ballot and no choice receives a majority of the valid ballots cast. The Board conducts a run-off election between the two choices that received the most votes.

Security employee: an employee who is responsible for the supervision and control of inmates at correctional facilities. See Section 3(p) of the Act.

Short-term employee: an employee who is employed for less than two consecutive calendar quarters during a calendar year and who does not have a reasonable assurance that he or she will be rehired by the same employer for the same service in a subsequent calendar year. See Section 3(q) of the Act.

Showing of interest: for representation and intervention petitions, it is evidence, often in the form of authorization cards indicating that an employee desires to be represented by a particular labor organization; for decertification petitions, it is evidence that an

employee no longer wishes to be represented by the labor organization which is the current exclusive bargaining representative.

Spoiled ballot: a ballot that is defaced, torn, marked in such a manner that it is not understandable, or identifies the voter.

Voluntary recognition petition (VR petition): a Board designated form that is filed jointly by an employer and a labor organization requesting the Board certify the labor organization as the exclusive bargaining representative without holding an election because the labor organization clearly represents a majority of employees in an appropriate unit.

Voter eligibility: a set of guidelines for determining whether an individual is eligible to vote in an election. To be eligible to vote, an employee must have been in the bargaining unit as of last day of the payroll period immediately prior to the date of the direction of election or the approval of a consent election agreement, and must still be in the bargaining unit on the date of the election.

Window period: the acceptable time frame for filing representation and decertification petitions (between 90 and 60 days prior to the expiration of a collective bargaining agreement) with the Board.