

APS GUIDELINES FOR CERTIFICATION AND DECERTIFICATION OF EXCLUSIVE REPRESENTATIVES

Guidelines as of February 2, 2023

A. Verification Process for Thirty (30) Percent Interest of Employees in Bargaining Unit

1. If an Employee Association seeking certification as the Exclusive Representative for an appropriate bargaining unit (Petitioner) files a request with the Director of Labor Relations (the Director) of the Arlington Public Schools (APS), the Director will select a third-party neutral (Official) to assist with the election process.
2. Within five (5) business days of receipt of the request for certification, the School Board may, but is not required to, invoke the process to verify whether at least thirty (30) percent of the employees in a bargaining unit(s) wish to be represented by the Petitioner (a 30 percent showing of interest).
3. To invoke the verification process, the School Board will send a request to the Director and deliver it to the Petitioner. The request shall include a statement that the School Board is seeking to verify that the Petitioner satisfies the 30 percent showing of interest.
4. Within five (5) business days of the School Board's request, the Petitioner and the Director will be required to provide the Official with the information outlined below to allow the Official to determine whether the 30 percent showing of interest has been satisfied:
 - i. The Petitioner will provide the Official with evidence to satisfy the 30 percent showing of interest through any of the following: membership cards, dues payment, a petition, authorization forms, or other evidence of an Employee's desire to be represented by the Petitioner for the purposes of collective bargaining.
 - ii. The Director will provide the Official with a current list of eligible employees and any other necessary information.
5. Within five (5) business days of receipt of the information from the Petitioner and the Director, the Official will issue a determination to the School Board (Showing of Interest Determination), delivering a copy to the Petitioner and the Director, as to whether the Petitioner satisfies the 30 percent showing of interest. If the Official needs additional time to complete the review, the Official will make a request for additional time to the School Board, delivering a copy to the Petitioner and Director. This request will toll the twenty (20) business days timeline for the Notice of Election, and it will resume when the Official issues a determination to the School Board.
6. If the Official finds that the 30 percent showing of interest has not been established, the School Board will end the proceeding.
7. If the Official finds that the 30 percent showing of interest has been established, the Director has five (5) business days to notify all Employees in the appropriate bargaining unit (the bargaining unit) of the following:
 - i. Date, time, place, or method for the election.
 - ii. Include a statement that other labor organizations or Employee Associations have an opportunity to be included on the election ballot by filing a request to intervene with the Director within seven (7) business days from the date of this notice (Notice of Election).

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B. Intervenor Verification Process for Thirty (30) Percent Interest of Employees in Bargaining Unit

1. Within seven (7) business days of the Notice of Election, other labor organizations or Employee Associations who wish to be included on the election ballot must submit a request to intervene with the Director, who will deliver a copy of the request to the School Board and the Petitioner.
2. Within five (5) business days of the Intervenor's request, the School Board or the Petitioner may invoke the verification process to have the Official determine if the Intervenor satisfies the 30 percent showing of interest, delivering the request to the Director, the Intervenor, and, if applicable, the School Board and the Petitioner.
3. Within five (5) business days of the request to verify the Intervenor's showing of interest, the Director and the Intervenor will follow the procedures described above in paragraph A.4. to provide the Official with the information necessary to determine if the Intervenor has satisfied the 30 percent showing of interest.
4. Within five (5) business days of receipt of information by the Intervenor and the Director, the Official will issue a determination to the School Board and the Petitioner, delivering a copy to the Director and the Intervenor as to whether the Intervenor satisfies the 30 percent showing of interest. If the Official needs additional time to complete the review, the Official will make a request for additional time to the School Board, delivering a copy to the Director, Petitioner, and the Intervenor.
5. Once the Official determines whether the Intervenor has satisfied the 30 percent showing of interest, or if no Intervenor has filed by the deadline, the Director will provide an updated Notice of Election to Employees in the bargaining unit if the Intervenor satisfied the 30 percent showing of interest and/or a new date, time, place, or method for the election is needed due to the delay caused by the intervening verification process.

C. Processes for the Election of an Exclusive Representative

1. Following the Notice of Election, the Director shall provide the Official, Petitioner, and, if applicable, the Intervenor with an alphabetized list of eligible employees in the bargaining unit, job title, work location, and email address.
2. Before the election, the Petitioner, and, if applicable, the Intervenor, will have the opportunity to review and agree to the eligibility list. If necessary, the Official will hold a pre-election conference with the appropriate parties to resolve any discrepancies.
3. The election will take place by use of a secret ballot.
4. The election ballot will contain the name of the Petitioner, the name(s) of any Intervenor, and an option of no representation.
5. The Petitioner or Intervenor must receive the majority of the valid ballots cast in order to be certified by the School Board as the Exclusive Representative.
6. When there are three (3) or more choices on the ballot, and none of the choices receives a majority of the votes cast, then there will be a runoff election between the two (2) choices on the initial ballot that received the highest and next highest number of

votes.

D. Online Election Procedures

1. The Official will provide the Vendor conducting the online election with the following information:
 - i. The list of eligible employees in the bargaining unit along with email addresses to be used for purposes of sending the secret ballot and voting related notices.
 - ii. The question and options to be included on the secret ballot.
 - iii. The language for any notices to be sent by the vendor relating to voting.
2. The Vendor conducting the online election will share the Election Report results with the Official.
3. The Official will share the Election Report Results with the Director, Petitioner, and, if applicable, the Intervenor at the same time.

E. Certification of an Exclusive Representative

1. Should a runoff election be required, within five (5) business days of receipt of the Election Report Results, the Director will notify employees in the bargaining unit(s) by electronic mail of the date, time, place, or method for a runoff election (Notice of Runoff Election).
2. The procedures for the runoff election will be the same as the procedures for the initial election described above in paragraph D.
3. If any Employee Association receives a majority of valid votes cast in either the initial or the runoff election, the School Board, within 20 business days of receipt of the Election Report Results, will certify the Employee Association as the Exclusive Representative of the employees in the appropriate bargaining unit.

F. Decertification Verification Process for Fifty (50) Percent Interest of Employees in Bargaining Unit

1. If Employees within a bargaining unit(s) no longer wish to be represented by the Employee Association recognized as an Exclusive Representative (Decertification Petitioner) they may file a request with the Director, and the Director will select an Official to assist with the decertification process.
2. Within five (5) business days of receipt of request for decertification, the School Board or the Exclusive Representative may, but is not required to, invoke the process to verify whether at least fifty (50) percent of Employees in a bargaining unit(s) no longer wish to be represented by the Exclusive Representative (a 50 percent showing of uninterest).
3. To invoke the decertification verification process, the School Board or the Exclusive Representative will send a request to the Director, delivering a copy to the other party eligible to invoke this process, and the Employees seeking decertification. The request shall include a statement that the filer is seeking to verify that the Employees seeking decertification satisfy the 50 percent showing of uninterest.

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4. Within five (5) business days of the School Board's or Exclusive Representative's request, the Decertification Petitioner and the Director will follow the procedures described in paragraph A.4. to provide the Official with the information necessary to determine if the 50 percent showing of uninterest has been satisfied.
5. Within five (5) business days of receipt of information from the Decertification Petitioner, the Director will issue a determination to the School Board (Showing of Uninterest Determination), delivering a copy to the Decertification Petitioner, Director, and Exclusive Representative, as to whether the Decertification Petition satisfies the 50 percent showing of uninterest. If the Official needs additional time to complete the review, the Official will make a request for additional time to the School Board, delivering a copy to the Decertification Petitioner, Director, and Exclusive Representative.
6. If the Official finds that the 50 percent showing of uninterest has not been established, the School Board will end the proceeding.
7. If the Official finds that the 50 percent showing of uninterest has been established, the Director will notify all employees in the bargaining unit of the date, time, place, or method for the decertification election.

G. Procedures for Decertification Election

1. The Decertification Election will follow the processes set forth in paragraph C.1. to C.3. with the exception that there can be no Intervenor in this process.
2. The election ballot will contain the name of the specific Employee Association recognized as the Exclusive Representative. Eligible employees will have the option to indicate whether this Exclusive Representative should continue to represent the bargaining unit(s) or would prefer decertification.
3. The Decertification Petitioner must receive the majority of the valid ballots cast in order for the current Exclusive Representation to be decertified by the School Board.
4. The Decertification Election will follow the Online Election Procedures set forth above in paragraph D.1. through D.3.
5. Should the specific Exclusive Representative not receive the majority of the votes, the School Board will decertify the Employee Association recognized as the Exclusive representative for the bargaining unit(s) within 20 business days of receipt of the Election Report Results.