**Section 1210.40 Representation Petitions**

a) A representation petition may be filed by:

1) an employee, a group of employees, or a labor organization; or

2) an employer, *alleging that one or more labor organizations have presented a claim to be recognized as an exclusive bargaining representative of a majority of the employees in an appropriate unit.* (Section 9(a)(2) of the Act)

b) Representation petitions shall be signed by a representative of the petitioning party and shall contain:

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, address and telephone number of petitioner's representative;

4) a specific and detailed description of the proposed bargaining unit thatpetitioner claims to be appropriate, including employee classifications or job titles to the extent known;

5) a statement of whether the proposed unit combines professional and nonprofessional employees;

6) a statement of whether the proposed unit combines craft and noncraft employees;

7) the approximate number of employees in the proposed bargaining unit;

8) a statement of whether the proposed unit is to be included within an existing bargaining unit;

9) the name of any existing exclusive representative of any employees in the proposed bargaining unit;

10) a brief description of any collective bargaining agreements covering any employees in the proposed bargaining unit, and the expiration dates of the agreements;

11) the date that the employer recognized any existing exclusive representative of any employees in the proposed bargaining unit, and the method of recognition;

12) election and/or recognition history prior to July 1, 1984, to the extent known;

13) in the case of a petition filed by an employer, a statement that one or more labor organizations has demanded recognition; and

14) a statement indicating whether the petitioner requests a representation election or a determination of majority support through the Board's card check procedures.

c) The Board shall serve the representation petition on the appropriate parties as follows:

1) Employer petitions shall be served on the labor organizations that have demanded recognition, and on the existing exclusive representative, if any.

2) Employee and labor organization petitions shall be served on the employer and on the existing exclusive representative, if any.

d) Employee and labor organization petitions shall be accompanied by a showing of interest, as defined in Section 1210.80, that at least 30% of the employees in the petitioned for bargaining unit wish to be represented by the labor organization.

e) If a labor organization has indicated on the representation petition that it is seeking to utilize the Board's card check procedures for determination of majority status, the petition must be accompanied by a showing of interest, as defined in Section 1210.80, evidencing that a majority of the employees in the petitioned-for bargaining unit wish to be represented by the labor organization.

f) A petition may seek joint representation by two or more labor organizations if an instrument, such as a joint council, has been established to effectuate the joint representation. In such instances, the petition shall describe the instrument, and the showing of interest shall expressly designate joint representation.

g) A labor organization may withdraw its representation petition as follows:

1) If there are no intervenors, at any time. However, any such withdrawal that occurs after the direction of an election or the approval of a consent election agreement shall bar the labor organization from petitioning for an election or for a determination of majority status through the Board's card check procedures in a bargaining unit covering all or part of the petitioned for unit for six months following the withdrawal.

2) If there are intervenors, the labor organization may not withdraw its petition without the consent of all parties. However, the labor organization may file a statement signed by its authorized representative that it no longer wishes to appear on the ballot. The statement shall be filed no later than 5 days prior to the election. Upon receipt of such a statement, the Board shall strike the labor organization's name from the ballot.

h) Whenever a representation petition proposes a bargaining unit that includes craft and non-craft employees, the petition shall so state. In cases where a petition seeks determination of majority support based upon the Board's card check procedures, the Board will first conduct an election to determine whether the employees wish to be included in a combined craft/non-craft unit. The election will be conducted pursuant to the election provisions in this Part, except that the date for determining an employee's eligibility to vote shall be the date the majority interest petition was filed. Following the election, the Board will then calculate the union's majority status, based upon the evidence filed with the petition, for either a combined unit or separate units, depending upon the results of the election.

i) Whenever a representation petition proposes a bargaining unit that includes or that may include professional and non-professional employees, the petition shall so state. In cases where a petition seeks determination of majority support based upon the Board's card check procedures, the Board will first conduct an election to determine whether the employees wish to be included in a combined professional/non-professional unit. The election will be conducted pursuant to the election provisions in this Part, except that the date for determining an employee's eligibility to vote shall be the date the majority interest petition was filed. Following the election, the Board will then calculate the union's majority status, based upon the evidence filed with the petition, for either a combined unit or separate units, depending upon the results of the election.

j) Whenever a representation petition proposes a bargaining unit that includes or that may include peace officers and civilian employees, the petition shall so state.

(Source: Amended at 28 Ill. Reg. 4172, effective February 19, 2004)