**Section 1210.170 Unit Clarification Procedures**

a) An exclusive representative *or an employer may file a unit clarification petition to clarify or amend an existing bargaining unit* when:

1) *substantial changes occur in the duties and functions of an existing title, raising an issue as to the title's unit placement;*

2) *an existing job title that is logically encompassed within the existing unit was inadvertently excluded by the parties at the time the unit was established;*

3) *a newly created job title is logically encompassed within an existing unit;*

4) *a significant change takes place in statutory or case law that affects the bargaining rights of employees*;

5) *a determination needs to be made as to the unit placement of positions in dispute following a majority interest certification of representative* issued under subsection 9(a-5) of the Act;

6) *a determination needs to be made as to the unit placement of positions in dispute following a certification of representative issued following a direction of election* under subsection 9(d) of the Act;

7) *the parties have agreed to eliminate a position or title because the employer no longer uses it;* and

8) *the parties have agreed to exclude some of the positions in a title or classification from a bargaining unit and include others.* [5 ILCS 315/9(a-6)]

b) The petition shall be served on the other party by the Board. The petition shall be signed and shall contain the following:

1) the name, address and telephone number of the employer;

2) the name, address and telephone number of petitioner's representative;

3) the name, address, telephone number and affiliation, if any, of the exclusive representative;

4) a specific and detailed description of the existing bargaining unit, including job titles and classifications; and

5) the nature of and reasons for the proposed amendment or clarification.

c) Following the filing of a unit clarification petition, the Board shall provide the employer with a Notice to Employees that shall be posted on bulletin boards and other places where notices to employees in the bargaining unit are customarily posted. The Notice to Employees shall remain posted for at least the 20 day period specified by the Board in the Notice.

d) The responding party may file a response to the petition within 20 days following service of the petition.

e) The Board or its agent shall investigate the petition. After the investigation, the Executive Director shall dismiss the petition, set the matter for hearing, or issue an order clarifying the unit. Parties may appeal the dismissal or the order clarifying the unit in accordance with Section 1200.135. If the matter is set for hearing, the hearing shall be held in accordance with Section 1210.107.

1) Interested persons desiring to intervene in the hearing shall submit a written request to the Administrative Law Judge. The Administrative Law Judge shall have discretion to grant or deny intervention. The decision shall be based upon the interests of the intervenor, whether those interests will be adequately protected by existing parties, and the timeliness of the intervenor's request.

2) The Administrative Law Judge may schedule a prehearing conference or request prehearing briefs when it appears that doing so would expedite the procedure.

3) The Administrative Law Judge shall inquire into all matters in dispute and shall obtain a full and complete record. Following the close of the hearing, the Administrative Law Judge shall file and serve upon the parties a recommended disposition of the matter.

4) Parties may appeal the Administrative Law Judge's recommended decision and order in accordance with Section 1200.135.

(Source: Amended at 48 Ill. Reg. 18017, effective December 5, 2024)