**Section 1110.40 Voluntary Recognition Procedures**

a) Voluntary recognition procedures may not be used under the following circumstances:

1) whenever another employee organization has lawfully attained representation rights as the exclusive representative of the employees in the bargaining unit;

2) whenever there has been a valid representation election or a majority interest petition has been dismissed within the preceding 12 months;

3) whenever the proposed bargaining unit would include both professional and nonprofessional employees.

b) An employee organization is not required to follow voluntary recognition procedures prior to employing majority interest procedures.

c) Whenever a party intends to use the voluntary recognition procedures, the party shall notify the Board of its intent. The notification shall be on a form developed by the Board and shall include:

1) the name and address of the employer;

2) the name, address and affiliation, if any, of the employee organization to be recognized;

3) a description of the proposed bargaining unit;

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

5) the reasons why the employee organization appears to represent a majority of the employees;

6) the date on which the employer posted or intends to post the voluntary recognition notice; and

7) a copy of the voluntary recognition notice that has been or will be posted.

d) The employer must post the voluntary recognition notice provided by the Board on bulletin boards and other places where notices for employees in the bargaining unit are customarily placed.

e) The notice shall remain posted for a period of at least 20 school days. For purposes of computing the 20-day period, a school day shall not include weekends, days on which holidays are recognized, or any day on which a significant portion of the regularly scheduled work force in the bargaining unit is not scheduled to work. The employer shall attempt to ensure that the notice is not removed or defaced and shall replace any notice that is removed or defaced.

f) During the posting period, any competing employee organization may file a petition with the Board. Prior to, or simultaneously with, its filing with the Board, the petition shall also be served on the employer and the employee organization that was to have been voluntarily recognized. The petition shall be on a form developed by the Board and shall contain:

1) the name, address and affiliation, if any, of the employee organization;

2) the names of the employer and employee organization that the employer intends to voluntarily recognize;

3) a description of the proposed bargaining unit;

4) the date the voluntary recognition notice was posted; and

5) the date the posting period is scheduled to terminate.

g) A competing employee organization's petition must be supported by a showing of interest by *at least 15 percent of the employees in an appropriate bargaining unit which includes all or some of the employees in the unit intended to be recognized* (Section 7(b) of the Act).

h) Upon the filing of a competing employee organization's petition, the Board shall treat the notification of intent to use the voluntary recognition proceedings as a representation proceeding. The Board shall proceed in accordance with Section 7(c) of the Act and Sections 1110.90 through 1110.150.

i) The petition must be supported by objective evidence that a majority of the employees in the bargaining unit wish to be represented by the employee organization.

1) If authorization cards are offered as evidence, those cards that would not qualify as evidence in support of a representation petition, pursuant to Section 1110.80(c) and (d), will not be considered sufficient evidence of majority status.

2) If employees signing such authorization cards have also signed cards authorizing other employee organizations to represent them, those cards will not be considered sufficient evidence of majority status.

j) If no competing employee organization petitions have been filed with the Board by the termination of the posting period, the Board will investigate the voluntary recognition request.

1) If the Board concludes that the employee organization represents a majority of the employees in the bargaining unit, and that the petition is otherwise consistent with the Act and this Part, the Board shall certify the employee organization as the exclusive representative of the employees.

2) If the Board determines that there is insufficient evidence to support the claim of majority status, or that the petition otherwise contravenes the Act or this Part, the Board shall dismiss the petition without prejudice to the filing of a representation petition by either the employer or the employee organization.

(Source: Amended at 41 Ill. Reg. 10587, effective August 1, 2017)