

Employee Representation Certification and Recertification Process

This regulation defines the certification process and applicable standards for an employee organization to be recognized by the Board to exclusively represent a bargaining unit. This regulation also provides the recertification process for an exclusive employee representative that loses its recognition status.

1. Composition of a Bargaining Unit

The District shall apply the following criteria to decide whether a proposed employee organization meets the composition requirements to proceed to a representation election:

- a. **Community of Interest:** All bargaining units must share similar job classifications, job duties, qualifications, wages, hours, and working conditions.
 - i. **Minimum Unit Size and Total Pool Requirement:** Bargaining unit must consist of at least one hundred (100) employees. For purposes of this regulation, the District's total pool, not the number of employees of a particular job classification who sign a petition or join an organization, shall define the total pool.
 - ii. **Exempt vs. Non-Exempt:** A single bargaining unit must be comprised of solely exempt (professional) or non-exempt (classified) employees, but not both.

2. Representation Timelines and Process Initiation

Representation Proposals may be initiated by a proposed employee organization at any time during the year.

3. Sequential Procedure for Certification

Employee organizations seeking new certification or recertification must complete the following steps:

Step One: Submission of Representation Proposal

1. If an employee organization desires to be recognized as the exclusive representative for a new bargaining unit, or when an organization is required to undergo a Recertification Election as provided in Step Four of Section 3 of this regulation, then the proposed (or currently recognized) employee organization shall submit a Representation Proposal. Only employee organizations whose active members are eligible employees of the proposed bargaining unit can submit Representation Proposals.
2. The Representation Proposal submitted to the Chief Human Resources Officer (CHRO) must include the following:
 - a. Description of the proposed bargaining unit the employee organization seeks to represent,

- b. Name(s) and contact information for current officers of the organization, specifying the dates when such officers were elected and when their terms expire,
 - c. A copy of the organization's Constitution, Bylaws, and governing documents, and
 - d. Signature(s) of person(s) with authority on behalf of the employee organization attesting to their knowledge of and compliance with the requirements of this regulation.
3. The Chief Human Resources Officer will reject incomplete Representation Proposals and will notify the organization specifying the missing items. The organization may thereafter resubmit a complete Representation Proposal.

Step Two: Administrative Review of Bargaining Unit

1. Within fifteen (15) business days after acceptance of a complete Representation Proposal, the Chief Human Resources Officer will verify that the organization meets the criteria for the composition of a bargaining unit. If the composition of the bargaining unit meets the requirements, then the CHRO will notify the organization in writing that it is authorized to proceed and will provide to the employee organization's designee the total headcount of eligible employees in the defined bargaining unit.
2. **Dispute Resolution:** If the CHRO determines that the proposed bargaining unit does not meet the criteria then the CHRO shall issue a formal written dispute notice to the organization. The employee

organization may then either (i) withdraw its Representation Proposal to cure any problems and refile without being barred by the one calendar year waiting period or (ii) request at their expense that a neutral third party review the composition of the proposed bargaining unit in accordance with the following procedures:

- a. The CHRO and organization shall meet to select a neutral third party within five (5) business days of the CHRO's receipt of the organization's request for a third-party review of the Representation Proposal. The CHRO will notify the selected neutral third party regarding the initiation of this dispute resolution process.
- b. Within ten (10) business days from the date of their engagement, the neutral third party shall issue a recommendation to the Superintendent as to whether the employee organization in the Representation Proposal has proposed an appropriate bargaining unit based on the information provided.
- c. Within five (5) business days from the date of receipt of the neutral third party's written recommendations, the Superintendent will issue to the organization a determination on the appropriateness of the composition of the bargaining unit.
- d. If the organization disputes the Superintendent's findings on the composition criteria of the bargaining unit, then the employee organization can request review by the Board at its next regularly scheduled meeting. The Board's determination on whether the organization has proposed the appropriate composition of a

bargaining unit is final. If the Board determines that the organization does not have an adequate showing of interest, the organization must wait one (1) calendar year before resubmitting a Representation Proposal.

- e. The standard certification timelines shall be suspended pending the recommendation of the neutral third party.

Step Three: Show of Interest Petition, Severance Petition

1. Window for Collection: Upon written notification that the bargaining unit composition is appropriate and the employee organization is authorized to proceed with Step Three, the employee organization shall have sixty (60) business days to submit the Show of Interest Petition to the CHRO.
2. The Show of Interest Petition shall be signed by at least thirty percent (30%) of all eligible employees in the proposed bargaining unit. The thirty percent (30%) verification threshold is calculated based on the total pool.
3. When a subgroup of a bargaining unit seeks to form a separate bargaining unit, the proposed subgroup of the employee organization shall submit a Severance Petition to the CHRO.
3. A Show of Interest Petitions and Severance Petition may only be submitted by employee organizations whose active members are members of the proposed bargaining unit.
4. The CHRO or designee shall verify the validity of the signatures on the Show of Interest Petition and Severance Petition within fifteen (15) business days.

Step Four: Certification Election

1. Within ten (10) business days after successful verification of the signatures on the Show of Interest Petition or Severance Petition, the Superintendent or designee will cause a list of the names, job titles, work locations, and work contact information of all eligible employees of the proposed bargaining unit to be distributed to the employee organization's designee. This list will be used for the purposes of establishing the required support of the bargaining unit in the election. This list shall also constitute the total pool of employees eligible to vote in the election.
2. The Superintendent or designee, in consultation with the requesting organization, will establish the date, ballot collection locations and/or manner, and voting time periods for a secret and confidential ballot election. The secret-ballot election must be initiated and completed within forty-five (45) business days of the verification of signatures on the Show of Interest Petition or Severance Petition. The election date and voting times should be selected with the goal of minimizing disruptions to the operations of the District, while also providing a reasonable opportunity for all eligible employees of the proposed bargaining unit to cast a vote if they choose.
3. **Election Process:** A secret ballot election will be conducted by a neutral third party, collaboratively agreed upon by the employee organization and the District.
 - a. **Ballot:** The secret ballot generated by the neutral third party shall be distributed to all employees eligible to vote (as provided in Step four, section one) and shall contain only a binary choice—"YES" (in

favor of recognizing the bargaining unit as the exclusive employee representative for purposes of negotiations with the Board) or “NO” (not in favor of recognizing the bargaining unit as the exclusive employee representative for purposes of negotiations with the Board).

- b. **Approval Threshold:** To be certified, the employee organization must receive a “YES” vote from a simple majority (50% plus one) of all valid ballots cast.
 - c. **Confidentiality of Ballots:** The neutral third party shall remove any personal identifiable information from ballots once ballots are verified and counted.
 - d. **Costs:** All certification and election-related expenses shall be the responsibility of the employee organization.
 - e. **Blackout Period:** Elections shall not be scheduled or conducted during scheduled school breaks lasting longer than three (3) consecutive student contact days (e.g., Summer Break, Thanksgiving Break, or Winter Break). If a timeline falls within a blackout period, the timeline shall be paused and resumed on the first student contact day following the break. Additionally, elections shall not be scheduled or conducted during the state testing windows.
4. The neutral third party shall provide the Superintendent or designee and the employee organization’s designee with a report of the election outcome within five (5) business days after voting has concluded. If the organization fails to obtain the approval threshold in the certification

election, then no further action shall be taken for that recognition request, and the certification process shall be concluded. The requesting organization may submit a subsequent certification request in accordance with this regulation and timelines but no sooner than one calendar year from the date of the failed election.

Step Five: Final Board Certification

Within thirty (30) calendar days of receiving the official report from the neutral third party, the Board of Education shall review and certify the election results at a public meeting. If the report confirms the organization achieved the required simple majority (50% plus one) threshold of the eligible ballots cast, then the Board shall take formal action regarding a formal Resolution of Certification. If the report demonstrates that the organization failed to achieve the required simple majority, then the Board shall take formal action to deny recognition of the proposed employee organization.

4. Maintenance of Status (Active Membership)

The District, in collaboration with the employee organization, shall conduct an active membership audit annually commencing on November 1 of all employee organizations recognized by the Board.

- a. **Active Membership:** Active members of the employee organization recognized as the exclusive representative for a bargaining unit shall be verified through one or more of the following: (a) verified list through the

state/national organization (b) payroll dues deduction or (c) annual signed authorization cards for non-dues paying organizations.

- b. **The 50% Plus One Maintenance Threshold:** An employee organization must maintain an active membership of at least fifty percent (50%) plus one of the total pool of employees in the bargaining unit.
- c. **Successful Verification:** If the annual audit verifies that the employee organization meets or exceeds this fifty percent (50%) plus one threshold, the annual review process is successfully concluded, and no further action shall be required.
- d. **The 18-Month Membership Review Period:** In the event that the active membership threshold cannot be verified, the employee organization will be transitioned into an 18-month-long review period following written notice. During these eighteen (18) months, the organization's recognition status remains active and unchanged. The organization has the right to cure the membership shortfall at any time during this review period by requesting a second review once the organization believes it has cured the membership shortfall. Even if a subsequent review is not requested, the District will audit the membership before the expiration of the eighteen-18-month period. A recertification election will only be triggered if the active membership remains below fifty percent (50%) plus one at that final audit.
- e. **Recertification Election:** A mandatory recertification election shall be held during the next available December election window following the expiration of the membership review period. The cost of the

recertification election shall be equally shared between the District and the organization.

- 1) To retain recognition status, the employee organization on membership review must receive a "YES" vote from a simple majority (50% plus one) of all eligible ballots cast.
- 2) If the employee organization fails to obtain the approval threshold in the recertification election, then the employee organization shall lose its status as a recognized exclusive employee representative. The employee organization may submit a new certification request no sooner than one calendar year from the date of the failed election.

5. Post-Election Procedures

No substantive bargaining begins until the District and the employee organization establish written protocols for negotiation. It shall be the duty of both parties to negotiate in good faith and in a timely fashion.

6. Initial Recognition and Negotiating Framework

Upon the successful certification of a new bargaining unit, the following transition steps shall occur:

- a. **Notice of Intent:** Within thirty (30) days of the Board's resolution certifying the election results, the newly recognized employee

organization shall submit a formal "Notice of Intent to Negotiate" to the Superintendent and the Board.

- b. **Establishment of Negotiating Guidelines:** Before substantive bargaining begins, the District and employee organization's leadership shall meet to establish protocols, including schedules, locations, and communication methods.
- c. **Scope of Agreement:** Negotiations between the District and the recognized employee organization shall culminate in a formal Memorandum of Understanding (MOU) which must be ratified by a majority of employees who are active members of the representative organization and approved by a formal vote of the Board of Education. The employee organization will not be permitted to participate in formal negotiations with the Board until the MOU is approved by the majority of the active membership of the employee organization.
- d. **Timing:** If a recognized employee organization enters into a formal Memorandum of Understanding (MOU) with the Board prior to March 1, then the recognized employee organization may participate in negotiations with the Board in the same fiscal year. If the MOU is finalized after March 1, then the bargaining unit may participate in negotiations during subsequent fiscal years.
- e. **Management Rights:** The District expressly retains all powers, rights, and authority not specifically limited by the express terms of a ratified and Board-approved MOU.

- f. **Interim Status:** Until a formal MOU is approved, all existing District policies, handbooks, and individual contracts remain in full force and effect.

7. Petition for Severance from an Existing Bargaining Unit

- a. Subgroups within a larger bargaining unit may seek to form a separate bargaining unit by:
 - 1) **Minimum Number:** Proving to the Chief Human Resources Officer that the total pool of the subgroup exceeds the minimum set forth in Section 1 of this regulation.
 - 2) **The "Distinct Interest" Test:** Proving a significantly distinct "Community of Interest" to the Chief Human Resources Officer.
 - 3) **The Double-Majority Requirement:** Presenting a thirty percent (30%) Severance Petition and winning a Certification Election with a "YES" vote from fifty percent (50%) plus one of all eligible ballots cast in that subgroup.
- b. The Severance Petition may only be submitted to the Chief Human Resources Officer during a thirty- (30-) day window exactly one year prior to the expiration of the larger unit's current MOU.

8. Savings Clause

If any provision of this policy or the application of this policy is found to be contrary to law, such provision shall have effect only to the extent permitted by law. Nothing in this regulation shall be construed to alter, abridge, or supersede any terms, conditions, or negotiation processes established in a valid, Board-ratified Memorandum of Understanding in effect at the time of this policy's adoption.

Adopted: September 16, 2026