

621—15.3(20) General election procedures.

15.3(1) *Notice of intent to conduct an election.* PERB will issue a notice of intent to conduct an election on August 15 for fall elections and January 15 for spring elections to both the employer and employee representatives designated in suPERB.

15.3(2) *Initial filing of approved list by employer.*

a. When the agency files a notice of intent to conduct a retention and recertification election, the employer shall, no later than August 25 for fall elections and no later than January 25 for spring elections, submit to the agency through suPERB an alphabetical list of the names; addresses; email addresses, if known; telephone numbers, if known; and job classifications of the employees in the bargaining unit. When a telephonic/web-based election is ordered, the list of eligible voters shall include an alphabetical list of the names; addresses; email addresses, if known; telephone numbers, if known; job classifications of the employees; each employee's date of birth; the last four digits of each employee's social security number; and any other information required by the agency.

b. The employer shall email the certified employee organization's representatives that it submitted the list in suPERB. The suPERB system shall notify the parties that the employer filed the list.

c. For each election, the employer is obligated to file a new list. If the employer uploaded a current list of employees and their relevant information in the designated bargaining unit satisfying this subrule prior to August 1, the employer will approve the previously uploaded list in suPERB. For spring elections, this date will be January 1. The employer may upload a list prior to the filing by the agency of the notice of intent to conduct an election. The employer may do so any time after August 1 for fall elections and any time after January 1 for spring elections. Lists uploaded prior to the filing of the notice of intent to conduct an election shall be used for the upcoming election.

15.3(3) *Failure to upload an employee list.*

a. If an employer fails to file and approve the voter list by the deadlines established in subrules 15.2(1) and 15.2(2), the agency will order an in-person show cause hearing. The agency may provide reasonable accommodation to extend the filing period up to three days after the hearing in cases of demonstrated inability to create and file a list beyond the control of the employer.

b. Providing the employer an extension will automatically provide the employee organization an extension of a commensurate number of days to approve the list and pay the election fee.

c. The agency may take official notice of a failure to comply with Iowa Code chapter 20.

d. Failure of an employer to file a list will result in automatic recertification of the bargaining unit.

15.3(4) *Employer organization approval of the list.*

a. An employee organization shall have the periods established in subrules 15.2(1) and 15.2(2) to approve an eligible voter list. Eligible voters are those employees who were employed and included in the bargaining unit on the date of the deadline for the employer to submit the list as established in subrules 15.2(1) and 15.2(2). There will be no additions to the list after August 31 and February 1.

b. An employee organization shall utilize suPERB to suggest modifications to the list. The employer shall promptly review changes and make appropriate changes to the list when in agreement. The employer shall securely file any mutually agreed upon amended list in suPERB prior to the close of the list. Intentional or unreasonable obstruction by either party of list amendment shall be grounds for election objection.

c. If an employer of a respective bargaining unit fails to file a list and the board grants an extension, the employee organization shall be granted the same extensions for approval of eligible voters and payment of the election fee.

d. If an employee organization fails to approve a voter list by the deadlines established in subrules 15.2(1) and 15.2(2), the agency will order a show cause hearing. The agency may provide reasonable accommodation to extend the upload period up to three days after the hearing in cases of demonstrated inability to suggest changes and approve an eligible voter list.

e. If the employee organization fails to approve a list by the deadlines established in subrules 15.2(1) and 15.2(2), the agency will use the list currently uploaded to suPERB by the employer for the current election cycle.

15.3(5) *Employer's responsibility.*

a. It is the employer's responsibility to maintain accuracy of the list. It is the employer's responsibility to add or remove any employees who become employed or are no longer employed by the employer up until the list is final.

b. For any employees on the final list who become unemployed prior to the close of the election and after the deadline for changes to the list, the employer shall notify the agency and the employee organization. If, after the tally of the ballot, the removal of the voter would be outcome determinative, the agency will re-tally the ballots as if the employee who is no longer employed was never on the list.

c. If the employer fails to notify the agency and the employee organization that an employee is no longer employed with the employer, such failure shall constitute grounds for an objection.

15.3(6) *Final voter list.* The final voter list will be the contents of the list filed in suPERB as of the dates established in subrules 15.2(1) and 15.2(2). No additions or subtractions will occur after those dates.

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