

**Governing Iowa's public  
universities and special schools**

University of Iowa  
Iowa State University  
University of Northern Iowa  
Iowa School for the Deaf  
Iowa Braille and Sight Saving School  
Lakeside Laboratory Regents Resource Center  
Western Iowa Regents Resource Center



Michael J. Richards, MD, President, *West Des Moines*  
Patty Cownie, President Pro Tem, *Des Moines*  
Sherry Bates, *Scranton*  
Nancy Boettger, *Harlan*  
Milt Dakovich, *Waterloo*  
Nancy Dunkel, *Dyersville*  
Rachael Johnson, *Sioux City*  
Jim Lindenmayer, Ph.D., *Ottumwa*  
Larry McKibben, JD, *Marshalltown*

Mark J. Braun, Executive Director

August 28, 2018

**To:** Board of Regents Human Resource Officials

**From:** Tim Cook, Associate Counsel  
Board of Regents, State of Iowa

**RE:** Union Recertification Elections

---

Changes, as you know, were enacted in 2017 to Iowa Code Chapter 20, the Public Employment Relations Act that governs public sector collective bargaining between employers and unions, requiring Recertification Elections prior to the expiration of a collective bargaining agreement to ensure employees represented by a union wish to continue this relationship. As each of your institutions serve as either the employer or the employer representative for your employees represented by a union, we have responsibilities we must perform. First and foremost we must ensure that these represented employees are provided every opportunity, as required by the law, to vote in this election. Second, we must remain neutral; it is entirely up to the represented employees to decide whether they wish to continue to be represented or not.

This memorandum is intended to provide general principles and advice regarding the Recertification Election and may be shared with appropriate administrators and staff that in your judgement should be included. It may also be used to supplement each institutions' own communications regarding the Recertification Election. Below is a brief explanation of the Recertification Election process and advice.

Process:

- The Public Employment Relations Board (PERB) on August 27, 2018, sent Notice of Intent to Conduct a Retention and Recertification Election and a Notice to Employees regarding the upcoming election. The Notice to Employees must be posted in the manner and locations that have been customarily used to post such notices, including by email.

- On or before September 4, 2018, we must comprise a list of eligible voters. For the employees represented by AFSCME, we will send the list to the Department of Administrative Services; for COGS and United Faculty we will send the list directly to PERB. Failure to adhere to this requirement will result in the union being retained and recertified.
- On or before September 17, 2018, the unions must pay fees to conduct the election. Failure to do so will result in the union not being retained and recertified.
- If both parties meet their obligation, on September 19, 2018, PERB will send Notice of a Retention and Recertification Election and Notice to Employees. The Notice to Employees must be posted in the same manner as the previous.
- The voting period will begin on October 15, 2018, and continue through October 29, 2018. Eligible employees will be able to vote on-line or by telephone.
- At the conclusion of the voting period PERB will conduct an initial tally of the results and there will be a ten (10) day period where challenges to the election results may be filed.
- Following the ten (10) day challenge period, if no objections are filed PERB will post the final results. If challenges do occur, PERB will consider and make a final determination.

Advice:

- If represented employees inquire about the Recertification Election, do not discuss the election itself and refer them to PERB at (515)-281-4414 or their website <https://iowaperb.iowa.gov/notices-and-information/recertification-faqs>.
- If represented employees are discussing the Recertification Election amongst themselves or their peers, do not interfere with the discussion.
- Employer representatives should not inquire of represented employees their position on the election or attempt to coerce or infringe upon the employees' rights to engage in concerted activity regarding the election.
- Represented employees should not be disciplined or receive any other type of adverse action based upon their participation in the election process.
- Employees may vote during break times and are allowed to use work computers and telephones if allowed to use for other personal business.
- Employees may use de minimis work time to vote if allowed to do so for other personal business.

If there are any questions regarding the Recertification Election please do not hesitate to contact the Board Office.