



Ohio Administrative Code

Rule 4117-5-01 Petitions: who may file; purposes.

Effective: January 2, 2005

(A) A petition for election of an exclusive representative may be filed by an employee or group of employees or by any individual or employee organization acting in their behalf or by an employer who has been presented with a request for recognition.

(B) A petition supported by a showing of interest by at least thirty per cent of the employees in the unit stating a desire for representation by the employee organization for purposes of collective bargaining may be filed by an employee, group of employees, or employee organization acting in their behalf. The petition shall be known as a petition for representation election.

(C) A petition for representation election supported by a showing of interest by at least thirty per cent of the employees in the unit and alleging that the incumbent exclusive representative is no longer the representative of the majority of employees in the unit and alleging that at least thirty per cent of the employees in the unit wish to be represented by a rival employee organization may be filed by an employee or a group of employees or by any individual or employee organization.

(D) A petition supported by a showing of interest by at least fifty per cent of the employees in the unit alleging that the incumbent exclusive representative is no longer the representative of the majority of the employees in the unit and asserting that a majority of employees wish to have no exclusive representative for purposes of collective bargaining shall be known as a petition for decertification election and may be filed by any group of employees, or any individual acting in their behalf provided, however, that:

(1) An individual acting on behalf of employees seeking a decertification election must file with the petition verification in writing, signed by the employees, that the individual has been authorized by the employees to act as their agent in filing the decertification petition.

(2) No petition for decertification election as defined in this rule may be filed where the incumbent employee organization is deemed certified pursuant to division (A) of section 4 of Amended



Substitute Senate Bill 133 of the 115th General Assembly.

(E) In the absence of a question of majority representation, a petition for clarification of an existing bargaining unit or a petition for amendment of certification may be filed by the exclusive representative or by the employer. The purposes of such petitions are:

(1) For amendment of certification, to alter the composition of the unit by adding, deleting, or changing terminology in the unit description;

(2) For clarification of a unit, to determine whether a particular employee or group of employees is included or excluded from the unit based upon the existing unit description and the duties of the employees in question.

(F) For a unit that is deemed certified pursuant to division (A) of section 4 of Amended Substitute Senate Bill 133 of the 115th General Assembly, a petition for unit clarification or amendment may be filed at any time. Unless a petition for amendment of such a unit is submitted by mutual request, the board will not consider amendment unless the petition is filed by the deemed-certified employee organization and is not opposed by the employer.

(G) When a petition to amend certification seeks the addition of a group of employees to the existing unit, such addition may be permitted only if the number of employees to be added is substantially smaller than the number of employees in the existing unit.

(H) A petition filed under this rule shall be signed and in writing. An original and one copy of the petition shall be filed with the board. A petition shall not be accepted for filing with the board unless it contains proof of service upon the other parties pursuant to paragraph (B) of rule 4117-1-02 of the Administrative Code. Petitions filed pursuant to paragraph (C) or (D) of this rule must be served upon both the incumbent employee organization and the employer.