

**POWAY UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE**

Originator: Assoc. Superintendent, PSS

Issue No: 4

Date: 7/29/91

ARTICLE: 4.0 PERSONNEL SUPPORT SERVICES

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4.1 GENERAL PERSONNEL PRACTICES

Reference: GC 3544, 3544.1, 3544.3;
Forms P-95, P-96, P-97,
P-98, P-99

**4.110 RECOGNITION OF EXCLUSIVE
REPRESENTATIVE**

SECTION 4.110.1 Procedure for Recognition of Exclusive Representative

An employee organization must file a written request with the Secretary of the Board of Education (Superintendent) for recognition by the Board of Education as an exclusive representative of an appropriate unit. The written request must include the following information:

1. Employee organization, including name, mailing address, organization's duly authorized agent, incorporation information (if applicable), current officers, and titles.
2. A description of employment classes to be included in the claimed unit.
3. Proof of majority support through current dues deductions authorizations, or notarized membership list(s), or membership cards, or petitions signed by the majority of employees of the claimed unit.

Utilize District Form P-95 (Request by Employee Organization for Recognition as Exclusive Representative) for this purpose.

Requests will be time stamped; i.e., date, hour, and logged in the Superintendent's office. (District Form P-96, Processing of Recognition Request) A receiving signature will be required as part of this log. The Superintendent shall designate a staff member who shall verify proof of majority.

Posting of notice, pursuant to statutes of the State of California, shall be done within ten (10) working days of receipt of request. Such notice (District Form P-97, Notice) shall be posted for a period of fifteen (15) working days. Posting shall be done on each District bulletin board at all District schools and the District Administration Center.

Challenge to Exclusive Representative: Other employee organizations shall have fifteen (15) working days from the date of posting to file a challenge. (District Form P-98, Competing Claim of Representation by Employee Organization Asserting at Least 30 Percent Support of the Employees in an Appropriate Unit, or P-99, Challenge by Competing Employee Organization to Appropriateness of Claimed Unit, whichever is appropriate.) Such challenges shall be pursuant to PERB Regulations and must include petitions representing signatures of at least 30% of the members of the claimed unit.

The Secretary to the Board of Education (Superintendent) shall log such challenges by time stamp, with a receiving signature, and will notify the Public Employment Relations Board of the challenge.

The PERB shall then, pursuant to the statutes of the State of California, conduct an investigation, hold a hearing if necessary, determine the representative, or may hold an election, the results of which shall become final.

The Secretary to the Board of Education (Superintendent) may challenge any request for recognition. This challenge requires no proof, merely a reasonable doubt. This shall be in writing to the PERB and may result in an election conducted by the PERB pursuant to the statutes of the State of California.

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No Challenge to Exclusive Representative: If no challenges are made, the Secretary to the Board of Education (Superintendent) may recommend recognition as requested. The Board of Education shall grant a request for recognition unless:

1. There is currently in effect a lawful written agreement that covers the employees, unless the recognition request is filed less than 120 days, but more than 90 days prior to the expiration date of an agreement; or
2. The Board of Education has, within the previous twelve (12) months, lawfully recognized another employee organization as the exclusive representative.

No Exclusive Representative: If, by January 1, of any school year, no employee organization has claimed a majority:

1. A majority of employees of any appropriate unit may submit a petition requesting a representation election (employees may sign a petition even though not a member of an employee organization).
2. The Superintendent, or designate, shall post a notice of the request upon all bulletin boards.
3. Any employee organization shall have the right to appear on the ballot if, within fifteen (15) workdays after posting, it expresses an interest.
4. At the end of the fifteen (15) days following the posting of notice, the Superintendent, or designate, shall send to the PERB all the names of the employee organizations interested in being part of the ballot.

If the final results indicate that no organization is elected as exclusive representative, then matters relating to employer-employee relations would continue as before. The Superintendent may form employee committees to discuss matters relating to scope of representation as defined by law.