



Ohio Administrative Code

Rule 4117-3-02 Objections to voluntary recognition requests; petitions in response.

Effective: May 18, 1987

(A) Any objections to a request for recognition shall be filed with the board and served upon the parties not later than the twenty-first day following the employer's receipt of the request for recognition.

(B) On the twenty-second day following the employer's receipt of the request for recognition, the board shall certify as the exclusive representative the employee organization filing the request for recognition unless by the twenty-first day:

(1) The employer has filed a petition for election pursuant to section 4117.07 of the Revised Code, in which case the board will determine whether there is a question of majority representation warranting a representation election;

(2) The board receives substantial evidence as defined by rule 4117-3-03 of the Administrative Code demonstrating that a majority of the employees in the described bargaining unit do not wish to be represented by the employee organization that filed the request for recognition;

(3) The board receives from another employee organization substantial evidence as defined by rule 4117-3-03 of the Administrative Code demonstrating that at least ten per cent of the employees in the described bargaining unit wish to be represented by such other employee organization; or

(4) The board receives substantial evidence as defined by rule 4117-3-03 of the Administrative Code indicating that the proposed unit is not appropriate.

(C) The board shall not certify an exclusive representative pursuant to an employee organization's request for recognition if the proposed bargaining unit is prohibited by division (D) of section 4117.06 of the Revised Code or if the evidence submitted in support of the request for recognition is not substantial.



(D) In the event the employer does not file a petition for representation election pursuant to sections 4117.05 and 4117.07 of the Revised Code, the board shall determine whether or not the employee organization is entitled to certification pursuant to section 4117.05 of the Revised Code and Chapter 4117-3 of the Administrative Code. The board may conduct inquiries, investigations, and hearings for the purpose of determining whether it has received substantial evidence in support of either the request for recognition or objections. The board shall notify the employee organization and employer of its determination.

(E) The submission of substantial evidence in accordance with paragraph (B)(2) or (B)(3) of this rule may result in the direction of an election if the board determines that there is a question of majority representation.

(F) Nothing in this rule shall be construed to permit a public employer to recognize, or the state employment relations board to certify, an employee organization as an exclusive representative under Chapter 4117. of the Revised Code if there is in effect a lawful written agreement, contract, or memorandum or understanding between the public employer and another employee organization which, on the effective date of Chapter 4117. of the Revised Code, has been recognized by a public employer as the exclusive representative of the employees in a unit or which by tradition, custom, practice, election, or negotiation has been the only employee organization representing all employees in the unit; this restriction does not apply to that period of time covered by any agreement which exceeds three years. For the purposes of this rule, extensions of agreement do not affect the expiration of the original agreement.