

## CHAPTER 19 – PERSONNEL

### Sec. 19-20. Employee Organization; Decertification.

(a) The initial or any subsequent Employee Organization shall be decertified as the Employee Organization in the event of either:

1. Its failure to have included in its membership an employee of the City of Peoria in a position eligible to be a member of the unit represented by the employee organization, or
2. Decertification as a result of an election of the employees in a designated group held in the manner hereafter described.

(b) In the event a petition to decertify the employee organization is filed with the Human Resources Department containing the signatures of more than 50 percent of the number of City employees in a group eligible to have a Memorandum of Understanding with the City, the City through its City Manager and the Employee Organization shall each select a resident of the City of Peoria who is not an employee, officer, or Councilmember of the City of Peoria or interested in any capacity as a representative of the City of Peoria or a member of the Employee Organization, an employee or agent of the Employee Organization or a member, Employee or agent of any parent, subsidiary or affiliate thereof to serve on an Election Board. If either party fails to select a member to serve on the election board within twenty days following the filing of the petition, the Office of the Federal Mediation and Conciliation Service of the U.S. Department of Labor shall select the member.

(c) The two appointees shall then select a third member to serve on the Election Board and whom shall have the same qualifications or eligibilities for Appointment to the Election Board as the two initial appointees. The third member shall be selected within 20 days after the appointment of the first two members. In the event the two members are unable to select a third member, the Office of the Federal Mediation and Conciliation service of the U.S. Department of Labor shall select the third member. The Election Board shall then adopt rules and regulations applicable to the election contemplated to be held hereunder and shall proceed with conducting such election forthwith.

(d) The election to be held hereunder may submit to the appropriate group one or more of the following questions:

“Should the [name of existing Employee Organization] be retained as the designated representative of the group of employees under this code”, and/or,

“Should another [name of Employee Organization] be designated to serve as the designated representative of the group of employees under this code”, or

“Should any [name of Employee Organization] be designated to represent the group of employees”, and/or

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“Should there be any change in the bargaining unit which an existing employee organization serves as the designated representative.”

A majority vote of those employees of the City in positions that the bargaining unit is authorized to act as their designated representative. Voting in said election shall be determinative of the issues herein and in the event there is no majority vote on any proposition submitted at said election, the then acting Employee Organization shall continue to act as such designated representative of the group until such time as any further election decides otherwise.

(e) It is the intent that said election shall be conducted in a fair and equitable manner ensuring all employees of group for which the election is being held have a fair and appropriate forum in which they may express their vote. The City shall not dominate any such election and any activities of any organization or group seeking the right to be designated an Employee Organization or seeking a determination of no representation shall be carried out after normal working hours of the employees and off the premises of the City except for public streets and right of ways and areas designated as first amendment forum areas.

(f) In each calendar year, no election shall be held to determine the issues provided for in this Section until the approval of a Memorandum of Understanding by the Employee Organization and the City Council or the adoption of the City's tentative budget, whichever occurs first.

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