

RECERTIFICATION FAQs

Question: Who is PERB?

- **Answer:** The Iowa Public Employment Relations Board (PERB) is the neutral State agency responsible for administering Iowa's collective bargaining laws as set forth in Iowa Code chapter 20.

Question: What are retention and recertification elections?

- **Answer:** A retention and recertification election is an election required by Iowa law and initiated by PERB pursuant to [Iowa Code section 20.15](#). In this election all eligible voters (employees in that job classification whether members of the union or not) will be asked whether they want to retain and recertify their current representative (union) as their exclusive bargaining representative.

Question: Who is conducting retention and recertification elections?

- **Answer:** PERB has the legal responsibility of conducting the retention and recertification elections as directed by [Iowa Code section 20.15](#).

Question: Does PERB have experience conducting elections?

- **Answer:** PERB has been conducting elections since the 1970s. The first retention and recertification elections were held in the fall of 2017.

Question: Why is PERB using Election-America aka YesElections as part of the election process?

- **Answer:** Election-America is an election services company with national and international experience for both public and private clients. PERB will be conducting hundreds of elections with thousands of voters in a very short time frame. Because PERB is a small agency with many other responsibilities aside from conducting elections, PERB requested the help of an election services vendor.

Question: When will I be voting in a retention and recertification election?

- **Answer:** A retention and recertification election occurs approximately ten months prior to the expiration of a collective bargaining agreement between the employer and the certified representative.

Question: How will I receive notice about a retention and recertification election?

- **Answer:** PERB will notify the employer and the certified employee organization (union) through PERB's electronic-filing (e-filing) system about PERB's intent to conduct the retention and recertification election.

The employer and certified employee organization are required to maintain and update the representative or agent for service in the bargaining unit case file as necessary.

After receiving the eligible voter list from the employer and receiving payment from the certified employee organization, PERB will then e-file a "Notice of Election." The employer is required to post copies of the Notice of Election in the manner and locations customarily used for the posting of information to employees. Additionally, if the employer normally distributes information to employees by other means, such as by email, the employer is required to promptly distribute the notice to the employees in that manner as well.

The "Notice of Election" will provide the method of voting (meaning whether the voter will be voting in-person, by mail, or by internet or telephone), the date, time, and place of the election period, and the purpose of the election.

Question: How will I know if I am eligible to vote?

- **Answer:** Those employees who are in positions listed in the unit description as provided in the "Notice of Election" on the date or dates of eligibility are eligible to vote in the election. The employer provides the list of eligible voters to PERB. The employer and the certified employee organization may discuss and mutually agree to eligibility of employees.

If you have questions regarding your eligibility, please speak to your employer or certified employee organization.

Question: How do I vote?

- **Answer:** This varies by election. PERB carefully considers many factors when choosing the method of voting. The method of voting will be listed in the "Notice of Election." The methods of voting are:

- On-site elections where the voter casts a ballot by going to the designated place at the designated date and time of the election.
- Mail elections where PERB mails the ballot to the voter and the voter returns the ballot by mail.
- Telephonic/Web-based elections where a voter casts a ballot by either calling the designated number or going to the designated website to cast a ballot.

If the voter is unable to vote using the method selected, the voter must promptly contact PERB to arrange an alternate voting method.

Question: Why do most voters have to vote online or by telephone?

- **Answer:** Telephone and online voting is easy, secure, and cost effective when PERB conducts many elections at the same time.

Question: Do I have to vote in a retention and recertification election?

- **Answer:** No. An eligible voter is not required to vote in a retention and recertification election.

However, if an eligible voter does not vote in the election, it is essentially the same as a “no” vote. The certified representative needs to have a majority of all eligible voters vote “yes” in order to be recertified.

Question: Will anyone know how I voted?

- **Answer:** No, this is a secret ballot. No one, including PERB, will know if you voted “yes” or “no.” PERB will be able to confirm to the voter, and only the voter, if the voter has cast a ballot, but PERB does not know how a person voted.

Question: If I don’t vote, is that the same as voting “no”?

- **Answer:** Correct. A non-vote essentially acts as a “no” vote.

If an eligible voter does not vote in the election, it is essentially the same as a “no” vote because the certified representative needs to have a majority of eligible voters—not a majority of those voting in the election—vote “yes” to be recertified.

Question: How do I vote in a telephonic/web-based election?

- **Answer:** Log on to <https://vote.yeselections.com/iaperb/> or call 1-877-639-7161. The voting system is in operation 24 hours a day, 7 days a week during the voting period. You will be asked for information to verify you are an eligible voter. After successfully logging in you will be asked if you want to continue to be represented by (the name of your current union) for the purpose of collective bargaining. You will then be instructed on how to vote “yes” or “no” and asked to confirm your choice. After you confirm your choice, your vote will be electronically submitted.

Question: How long do I have to vote?

- **Answer:** This depends on the method of voting and varies by election. If you are voting in a telephonic/web-based election, you will likely have two weeks to cast a ballot.

If you are voting in a mail-ballot election, you will likely have three weeks from the date the ballot is mailed to you until it is due back to PERB.

If you are voting in an on-site election, you will likely have one day to cast your ballot.

Question: Can I change my vote after I have submitted it?

- **Answer:** No.

Question: What if I have trouble using the telephonic or web-based voting system?

- **Answer:** Call the Election-America (aka YesElections) Help Desk at 1-800-503-8671. It is available twenty-four hours a day/seven days a week during the election period.

Question: What does the employer have to do in a retention and recertification election?

- **Answer:**
 1. The employer must update the representative or agent for service in the BU case file as needed.
 2. The employer must provide an accurate list of the employees to PERB in a timely manner. The employer must also notify the

employee organization to let them know the list has been sent to PERB and notify the employee organization how many employees are on the list. The employer will be asked for a subsequent list and must provide that subsequent list if information has changed. After the second list, the employer must promptly update the employee organization if an eligible voter leaves employment prior to the close of the election.

3. The employer also must post and distribute notices to the affected employees. The only notice the employee receives, by law, is through these notices provided by the employer. The certified employee organization may also distribute this information, but is not required by law to do so.
4. The employer needs to provide PERB with the collective bargaining agreement. The receipt of the collective bargaining agreement triggers the recertification election process.
5. Employers must respond promptly to PERB's inquiries throughout the election process.

Question: If the Employer sent the voter list to the certified employee organization, does it need to send the list to PERB?

- **Answer:** Yes. Even if the Employer has provided the list to the certified employee organization, the Employer needs to send the list to PERB.

Question: Does the employee organization (“union”) have to pay for a retention and recertification election?

- **Answer:** Yes. [Iowa Code section 20.6](#) requires employee organizations to pay the fees required to cover the cost of certification elections, decertification elections, and retention and recertification elections. [PERB rule 621—15.1](#) sets the fee amount.

Question: When and how will I know the results of a retention and recertification election?

- **Answer:** Within a few days of the close of the election period PERB will electronically file the tally of ballots that the employer is required to post

and distribute. PERB will also have the unofficial results available on our website, <https://iowaperb.iowa.gov/>.

Question: What does the employee organization (“union”) need to do to “win” a retention and recertification election?

- **Answer:** The employee organization must have a majority of all eligible voters (not a majority of voters), vote “yes” in favor of recertification.

Question: What happens if the employee organization (“union”) wins a retention and recertification election?

- **Answer:** The employee organization continues as the representative for the bargaining unit.

Question: What happens if the employee organization (“union”) loses a retention and recertification election?

- **Answer:** The employee organization is decertified and is no longer the bargaining unit’s representative. The contract between the employee organization and the employer is void and unenforceable.