

# The MEA Advantage.

Membership matters.



## MEA

Michigan Education Association

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*The mission of the MEA is to ensure that the education of our students and the working environments of our members are of the highest quality.*



# The MEA Advantage

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**MERC:**  
**How the MERC  
Election Process Works**

**MEA: Impacting** the Future

# How the MERC Election Process Works

The Public Employment Relations Act (PERA) established the right of public employees to bargain collectively with their employers concerning wages, hours, and other terms and conditions of employment.

The Michigan Employment Relations Commission (MERC) supervises the election process that is used by a group of employees who wish to join together and gain the right to bargain with their employer.

The following is a brief, step-by-step summary of the election process.

## ▶ Step I

- Authorization cards must be collected from at least 30 percent of the employees in the proposed bargaining unit.
- Authorization cards are confidential and will not be shared with your employer, your supervisor or with any other union.
- An employee may sign an authorization card from more than one union.
- The purpose of the authorization card is to indicate to MERC that there is sufficient employee interest to have an election.
- Signing an authorization card does not obligate the signer to vote for that union when an election is held.
- Signing an authorization card does not require the signer to become a member of that union or to pay dues.

## ▶ Step II

- The union submits a petition to MERC requesting an election.

## ▶ Step III

- Upon receipt of the petition, MERC schedules a conference call.
- Participating on the conference call will be representatives of the petitioning union, the employer and other interested parties, and a MERC elections officer.
- The MERC elections officer will count, in private, the authorization cards and will compare them with a list of employee names provided by the employer. This will determine that the union has the required 30 percent “showing of interest.”

- The MERC elections officer also determines that the petition was timely filed and is otherwise proper.
- The parties will attempt to agree to a description of which jobs and/or classifications are to be included or excluded from the bargaining unit.
- Finally, a date, time and location or mail ballot election will be determined.
- If however any issues are not resolved during the conference call, they will ultimately be presented to a MERC administrative law judge. Following a trial-like hearing, a decision will be issued on the disputed issues and an election will subsequently be scheduled.

## ▶ Step IV

- The MERC election officer conducts the election.
- The election is by secret ballot.
- Administrators and supervisors are not allowed near the voting location.
- The ballots will be counted by the MERC election officer at the close of the election.
- In order to win the election, a union must receive a majority of the total votes cast.

## ▶ General Information

- In most cases where employees are already covered by a bargained contract, the petition must be filed in January, February or March (“open window period”) prior to the expiration date of the contract.
- If employees are not covered by a bargained contract, the time period for filing a petition is open.
- Once a petition is filed, it will generally be six to eight weeks before an election is held. If there are unresolved issues that must be presented to a MERC administrative law judge, it may be an additional four to eight weeks.
- Many elections are conducted on the employer’s property at a central location. However, in certain situations, MERC will conduct the election by mail ballot.

## ▶ Employer Conduct

The following is a partial list of restrictions regarding an employer’s conduct during an organizing campaign:

- It is illegal for an employer to discipline or to fire an employee for supporting or attempting to organize a union.
- It is illegal for an employer to threaten, coerce, bribe, promise or otherwise attempt to pressure an employee to vote against a union.
- It is illegal for an employer to alter employee wages, hours, benefits, or other terms and conditions of employment due to an election or an organizing campaign.
- The employer may require employees to attend a meeting regarding the upcoming election only if the meeting is held during the normal work hours of the employees.
- The employer may not require attendance at a meeting that is held during an employee’s “off hours.” This includes duty-free lunch and break time.
- It is illegal for an employer to attempt to pressure employees to support one union over another.
- The employer may not spy on employees attending union meetings.
- The employer may not question employees about their union feelings or even ask if they have signed authorization cards.