

MEMORANDUM

TO: ALL FEA LOCALS

FROM: Pam Cooper

RE: Pubic Employee Ratification Procedures.

DATE: January 22, 2007

Questions have arisen regarding the ratification procedure to be utilized for STAR. There is no distinction between a ratification vote for STAR and any other ratification vote of either tentative agreements or memorandum of understandings. The procedure for ratification is contained specifically in Chapter 60CC-4.

This PERC rule provides:

- * A proposed agreement is first to be reduced to writing and signed by bargaining agent and the chief executive officer
- * **DUTIES OF BARGAINING AGENT**
 - * Submit agreement to bargaining unit members NOT just local members
 - * Provide NOTICE sufficiently in advance of ratification vote (PERC will not review notice but the issue is whether bargaining unit members have time to understand the issues to be voted upon)
 - * NOTICE must be *communicated* in a way that all bargaining unit members have opportunity to see notice such as:
 - * (1) Posting in conspicuous places where such notices are typically posted
 - * (2) Personal delivery to members of bargaining unit
 - * (3) Mailing to all members of the bargaining unit
 - * (4) Advertisement in employee newsletter distributed to all members of bargaining unit
 - * (5) Advertisement in local newspaper of general circulation

NOTICE MUST CONTAIN:

- * (1) DATE, TIME AND PLACE OF MEETING
- * (2) NOTICE MEETING IS OPEN TO ALL BARGAINING UNIT MEMBERS NOT JUST MEMBERS OF ORGANIZATION
- * (3) NOTICE ALL MEMBERS OF BARGAINING UNIT ELIGIBLE TO VOTE
- * (4) NOTICE OF AVAILABILITY OF PROPOSED AGREEMENT AT SPECIFIED LOCATION(S)

RATIFICATION VOTING AT MEETINGS:

- * (1) Voting at ratification meetings is by **SECRET BALLOT-all bargaining unit members in attendance**
- * (2) Vote is to be publicly counted and announced at conclusion of voting and counting
- * (3) If more than one ratification meeting, all such meetings have to follow same procedure as set forth above.
- * (4) Combined results of several ratification meetings must be announced within (3) days after final ratification meeting

MAIL BALLOT RATIFICATION VOTE IN LIEU OF RATIFICATION MEETINGS

- * (1) Use of mail ballot permissible BUT bargaining agent must still have Ratification Meeting to tally votes.
- * (2) Tally of votes to occur at Ratification Meeting and announced at conclusion of tally
- * (3) **NOTICE** of Ratification Meeting and Mail ballot to occur **PRIOR** to distribution of mail ballots

***(4) NOTICE SHALL CONTAIN:**

- Date Mail Ballots to be distributed
- Last Date for return ballots
- All bargaining unit members eligible to vote
- Notice of inspection of proposed agreement and locations
- Date, time and place of meeting to tally ballots
- Notice that meeting to tally ballots open to all bargaining unit members regardless of membership in organization.

MAJORITY OF VOTES PREVAILS

*Bargaining agent to notify public employee within 5 days after final count.

*Bargaining agent to retain written record of results of the vote.

*If agreement not ratified, rejecting party to notice the other party within 5 days after rejection.