

If You are Contemplating Filing a Representation Petition with the Office of Collective Bargaining (“OCB”):

- **You can review the Rules of the Office of Collective Bargaining** (Rules of the City of New York, Title 61, Chapter 1) (“OCB Rules”). Section 1-02 of the OCB Rules describes all the procedures necessary to file a representation petition. Complete copies of OCB Rules and the New York City Collective Bargaining Law (“NYCCBL”) are available at <http://www.ocb-nyc.org/general-info/law-rules/>.
- **You can review prior Board of Certification (“BOC”) decisions.** You can research BOC decisions that may pertain to your petition at <http://www.ocb-nyc.org/general-info/search-our-cases-advanced/> or at OCB, for which an appointment must be made in advance.
- **Make sure your petition is timely.** Be aware that petitions for certification and decertification may be filed only during certain window periods prior to the expiration of the collective bargaining agreement. With limited exceptions, petitions for certification or decertification are not timely if they are filed after the expiration of a collective bargaining agreement. See OCB Rule §1-02(g).
- **You can call the Director of Representation** for assistance at (212) 306-7160. The Director of Representation can answer your procedural questions.

If You Decide to File, Below are Instructions to Help You Complete Your Petition:

- **Item 1 - Purpose of the Petition:** Determine the type of petition you are filing. Choose only one: Certification of Representative (“RU”), Representation (Employer Petition) (“RE”), Decertification (Removal of Representative) (“RD”) or Amendment of Certification (“AC”). See the petition form and description of the types of petitions at <http://www.ocb-nyc.org/guides/types-of-representation-petitions/>.
- **Item 2 - Public Employer Information:** List the name and contact information for the agency that employs the employees who are the subject of the petition.
- **Item 3(a) - Unit Description:** List a sufficient number of bargaining unit titles to make clear which bargaining unit is being referenced. Include the Certification Number (the number of the Board decision that created the bargaining unit), if available.
- **Item 3(b) - Amendment Sought:** For AC cases only, list the titles you request to be added to an existing bargaining unit.
- **Item 4 - Number of Employees:** List the approximate number of employees in the bargaining unit.
- **Item 5 - Showing of Interest:** For RU and RD petitions, a showing of interest is required to prove that 30% or more of the employees in the bargaining unit support the

petition. See OCB Rule §1-02(f). This showing of interest must include a dated signature from at least 30% of the individuals in the bargaining unit. The signatures must be dated no earlier than 7 months before you file your petition. Note that each signature must be dated separately. Keep a copy of the showing of interest for your records.

- **Item 6 - Current Bargaining Representative:** If the employees are represented, list the name, address and phone number of the current collective bargaining representative. If there is none, please write “none” in the space provided.

- **Item 7 - Expiration Date of Collective Bargaining Agreement:** If the employees described in Item 3 are covered by a collective bargaining agreement, list the date upon which that agreement expires.

- **Item 8 - Other Interested Labor Organizations:** Be sure to include the name and address of any labor organization, other than the Petitioner or the currently certified bargaining representative, known to have a representative interest in any of the employees included in the unit or title(s) described in Item 3 of the petition.

- **Item 9 - Petitioner Information:** Provide the correct name and contact information for the Petitioner. For RU and RD petitions, the Petitioner may be an individual employee filing on behalf of the bargaining unit. For some RU, AC, and RD petitions, the Petitioner is the labor organization or union seeking to represent the employees. For RE and some AC petitions, the Petitioner is the City or a municipal agency. The petition must be signed by an authorized representative of the Petitioner.

- **Submission of Additional Information:** In certain instances, a Petitioner may wish to submit, along with the petition, a statement or brief containing details to support its assertion of a question concerning representation, the appropriateness of the petitioned for bargaining unit, or other issues that the petition may raise. In most instances, OCB Rules do not require such information to be submitted with the petition, but such submission may expedite the processing of the case. OCB will provide such submissions to all other parties in the case if the Petitioner has not already done so.

How to File the Representation Petition:

The Petitioner may file the petition with OCB by mail, email, e-filing through OCB’s website, or in person during business hours. OCB Rules do not require the Petitioner to serve other parties to the proceeding simultaneously with the filing; however, it is suggested that the Petitioner send a courtesy copy of the petition to all other parties. If submitted, the showing of interest should not be served on the other parties.

What Happens After the Petition is Filed:

- **Docketing:** The petition is assigned a docket number that a party must use when writing or calling OCB.
- **Publication:** A notice of the petition is published in the City Record, and OCB notifies the parties that a petition has been filed.
- **Responses:** Parties are given 20 business days to respond to the petition in writing. Responses should include a concise statement of all objections to the petition and explain the legal basis for those objections.
- **Extensions of time to file a response:** Reasonable requests for extensions of time to file a response to a petition are generally granted. The requesting party should first call the other party or parties and ask for consent. Then the party seeking the extension files a written request to the Director of Representation and advises whether the other parties have consented. The decision about whether to grant an extension will be made by OCB, not the parties.
- **Always copy all parties:** A copy of all correspondence sent to OCB concerning the case, such as requests for extensions of time, documents, additional information, etc., must also be sent to all parties or their attorney(s) so that they may review the materials and, if appropriate, respond.
- **Review by Director of Representation:** Petitions are reviewed by the Director of Representation for sufficiency, timeliness, and adequacy of the showing of interest. Such review may be conducted either before or after a response is filed. Petitions that are untimely, lack a sufficient showing of interest, or are otherwise insufficient, may be dismissed administratively. In such instances, Petitioner will receive a written notice of dismissal. Petitioner may obtain review of the dismissal by filing an appeal with the Board. See OCB Rule §1-02(j)(2).
- **Conference/Hearing:** If the petition has been timely filed and is otherwise sufficient, a conference will be scheduled at OCB's offices. All parties are expected to attend the conference in order to discuss any issues in the case and to determine whether the matter can be settled and/or whether a hearing will be necessary. The Director of Representation or a Trial Examiner assigned to the case will inform you whether a hearing, another conference, or additional documents are necessary before your case is reviewed by the Board. See OCB Rule §1-02(j)(1).
- **Elections:** In certain instances, the parties may agree to or the Board may order an election to ascertain the employees' preference concerning union representation. All elections conducted by the Board are by secret ballot. See OCB Rules §1-02(n) through §1-02(r).

The Board's Decision:

- **Review by the Board:** The length of time it takes for the Board to review a case depends on many factors. The Board meets in executive session, discusses the facts and issues raised by the petition, and renders a decision. The executive session is not open to the public.
- **Final decision:** After the Board rules on the case, OCB sends all parties a copy of the signed decision by certified mail.

NOTE: In the event this guide conflicts with the NYCCBL or the OCB Rules, the NYCCBL and/or the OCB Rules will take precedence.