**Section 1210.80 Showing of Interest**

a) Representation Petitions/Decertification Petitions

Representation petitions filed by employees, groups of employees and labor organizations, and all decertification petitions, must be accompanied by a 30% showing of interest.

b) Majority Interest Petitions

If a labor organization has indicated on the representation petition that it is seeking to utilize the Board's card check procedures for determination of majority support, the petition must be accompanied by a showing of interest evidencing that a majority of the employees in the petitioned-for bargaining unit wish to be represented by the labor organization.

c) Intervention Petitions

A petition to intervene in an election must be supported by a 10% showing of interest when the petition seeks a bargaining unit substantially similar to the unit originally petitioned for. When the intervenor seeks a bargaining unit substantially different from the unit originally petitioned for, the petition must be supported by a 30% showing of interest. However, an incumbent exclusive representative shall automatically be allowed to intervene without submitting any showing of interest. Petitions to intervene shall not be permitted in majority interest cases.

d) Showing of Interest Requirements

1) Representation Petitions Seeking Elections

A) The showing of interest in support of a representation petition may consist of authorization cards, petitions, or any other evidence that demonstrates that at least 30% of the employees wish to be represented by the labor organization.

B) The showing of interest in support of a decertification petition may consist only of cards or petitions clearly stating that the employee does not want the incumbent labor organization to continue serving as exclusive representative.

C) Any evidence submitted as a showing of interest must contain legible signatures and each signature must be dated by the employee. The showing of interest in support of a petition may be evidenced by the electronic signature of the employee, as set forth in 80 Ill. Adm. Code 1210.80(e).

D) The showing of interest shall be valid only if signed within 12 months prior to the filing of the petition.

E) Where non-electronic signatures are used to determine showing of interest, the Board will not accept copies of the documents bearing such signatures.

F) The evidence submitted as a showing of interest must indicate the employee's desire for the named labor organization to act as his/her exclusive bargaining representative.

2) Representation Cases Involving Majority Interest Petitions

A) The showing of interest in support of a majority interest petition may consist of authorization cards, petitions, or any other evidence that demonstrates that a majority of the employees wish to be represented by the union for the purposes of collective bargaining.

B) Any evidence submitted as a showing of interest must contain legible signatures and each signature must be dated by the employee.

C) The showing of interest shall be valid only if signed within 6 months prior to the filing of the petition.

D) Where non-electronic signatures are used to determine showing of interest, the Board will not accept copies of the documents bearing such signatures. The Board also will not count signatures from employees who were not employed by the employer on the date the majority interest petition was filed.

E) The showing of interest shall include the name of the petitioner, and shall state that by signing the card the employee acknowledges that if a majority of the co-workers in an appropriate unit sign evidence of majority support, the card can be used by the petitioner to obtain certification as the employees' exclusive representative without an election. This provision shall not apply to evidence of majority support signed prior to February 19, 2004.

F) Evidence of majority support signed prior to August 5, 2003 is invalid for determining majority support.

e) Determination of Showing of Interest

1) The Board shall maintain the confidentiality of the showing of interest. The evidence submitted in support of the showing of interest shall not be furnished to any of the parties.

2) Whenever an employee has signed authorization cards or petitions for two or more labor organizations, each card or petition shall be counted in computing the required showing of interest. Duplicates for the same labor organization shall be counted as one. Where a majority interest petition has been filed and employees signing authorization cards have also signed cards authorizing other labor organizations to represent them, the most recently signed card will count for the purpose of determining majority status.

3) The adequacy of the showing of interest shall be determined administratively by the Board or its agent. The showing of interest determination is not subject to litigation, except upon a finding of a material issue of fact or law relating to fraud or coercion in majority interest petition cases. However, any person who has evidence that the showing of interest was obtained improperly, such as through the use of fraud or coercion, may bring the evidence to the attention of the Board agent investigating the petition.

4) If the Board agent determines that the evidence submitted does not demonstrate the appropriate level of showing of interest, the petitioner or intervenor shall have 48 hours in election cases, or five days in majority interest cases, to provide the necessary showing of interest to the Board agent. If the petitioner or intervenor is unable to present any necessary additional evidence of showing of interest within that time, then the petition shall be dismissed.

5) When the Board orders an election, or certification upon determination of majority support through the Board's majority interest petition procedures, in a unit different from the one petitioned for, the petitioner and intervenors, if any, shall have 5 days from the date of service of the Board's Order to submit a showing of interest in the new unit.

6) Employees may not withdraw authorization cards or other documents evidencing majority support after the filing of a majority interest petition, unless the basis for the withdrawal constitutes evidence of fraud or coercion on the part of the petitioner.

7) Authorization cards or other documents evidencing majority support may be signed with an electronic signature.

8) *"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.* [815 ILCS 333/2(8)].

9) Submissions supported by electronic signature must contain the following:

A) the signer's name;

B) the signer's email address or other known contact information;

C) the signer's telephone number;

D) the language to which the signer has agreed;

E) the date the electronic signature was submitted; and

F) the name of the employer of the employee.

10) Submissions supported by electronic signature may not contain dates of birth, social security numbers, or other sensitive personal identifiers. The Board will not accept such submissions until the petitioner redacts them.

(Source: Amended at 46 Ill. Reg. 15585, effective September 1, 2022)