

35 PREPARATION AND CHECKING OF ELIGIBILITY LIST:

35.1 Discussion at election agreement meeting or teleconference: At the election agreement meeting, the parties review a current list of employees that the activity claims are eligible to vote in the election ([CHM 28.18.3.5](#)). If the parties agree on the eligibility list at the election agreement conference, the agent's copy of the list is used as the official voting list unless there is multi-site voting (see [CHM 35.2](#)). Absent the parties' agreement, the procedures discussed in [CHM 28.11](#) and [28.12](#) are followed.

If the eligibility list is not current as of the payroll period ending prior to the date of the election agreement meeting, it is updated and furnished to all parties immediately following the meeting, but prior to the pre-election conference.

The list actually consists of several lists:

- a. one includes the names of all employees whom the activity claims are eligible to vote in the election, and
- b. the other includes employees whom the activity claims are ineligible to vote in the election. (see [CHM 28.18.3.4](#), [28.18.3.5](#) and [.6](#)).
- c. ballots of employees whose eligibility is not resolved prior to the election may be on a third list (the appendix to the Election Agreement) or annotated on the other two lists. ([CHM 28.11.3.3](#)).

The list is prepared alphabetically, or if not feasible, by clock number sequence, alphabetical by voting location, or other numerical system used to identify the employees. The complete first name, rather than the first initial, is used as a means of facilitating identification, particularly in instances of duplicate last names. The names also contain additional information, such as job classification, job title, etc.

If there are professional employees voting with nonprofessional employees, the list is annotated to reflect the professional employees.

35.2 Preparation of the list for the election: Upon approval of the Election Agreement, or upon issuance of the Direction of Election, the activity is required to update the eligibility list before the manual ballot election or the mail-out. Updating the list involves annotating which employees are no longer eligible for inclusion in the unit due to promotion, termination or retirement and adding employees that parties agree are in the unit in accordance with the Election Agreement (e.g., an employee is a temporary supervisor at the cut-off date, but is back in the unit on the date of the election).

The region's copy of the list is used as the official voting list in the election unless the election is multi-site. If the election is held at multiple sites where voters are assigned to vote at specific polls, the activity updates the master list of all employees who are included and excluded and prepares separate voting site lists. These separate lists consist only of the names of employees who are eligible to vote at each designated polling site.

The activity also maintains a "running" list of all employees whose employment in the unit has been terminated (due to resignation, retirement, permanent transfer) during the period between the end of the payroll period for eligibility and the date of the manual election. These names are stricken from the voting list at the pre-election conference, prior to opening the polls at the manual election; and/or prior to counting the ballots in an all mail ballot election (see [CHM 35.5](#)).

- 35.3 Providing a copy of the updated eligibility list:** A copy of an updated eligibility list or changes to the list and any voting sites lists are provided by the activity to the parties and the Regional Office at least one week prior to the date of the manual election or mail-out. This will enable the petitioner and any intervenor(s) to check the list and make inquiries regarding any employees whose eligibility may be questioned.
- 35.4 Agent's responsibility: Whenever the eligibility list is updated, the agent reviews it to ensure that changes do not raise issues regarding the identity, size or scope of the unit and that any changes are consistent with the Statute. The responsibility for the quality of the eligibility list rests with the agent, not the parties. The region's copy of the updated list becomes the official voting list unless the election is multi-site. In such cases, the activity is responsible for preparing the actual voting list(s), and the agent is responsible for ensuring that the lists are complete, accurate, current, and prepared in time for the election.**
- 35.4.1 Resolution of eligibility issues:** Normally, a joint conference is not necessary to discuss changes in the eligibility lists, except in large elections. Generally, the activity contacts the parties and the agent and informs them about changes to the list. In large elections, however, especially those involving agencies where there is a history of high turnover or personnel changes, a joint onsite or teleconference is encouraged just before the election to review the list and discuss any changes. Such discussions minimize challenged ballots. As questions are resolved, the necessary changes are made on the voting list(s) in the presence of the parties and the agent prior to the start of the election. If there are disputes, the agent

decides whether the dispute affects the size and scope of the unit and raises an appropriateness of the unit question or whether the challenged ballot procedure is appropriate ([CHM 28.11.3.2](#), [28.18.3.4](#), [28.18.3.5](#) and [35.2](#)).

- 35.5 Last minute update:** Just prior to the start of the election, the original eligibility list is updated one more time. If present before the polls open, the authorized representative of each of the parties sign or initial the list and/or any changes. Initialing or signing the list before the polls open reflects only that the list is the official voting list. It does not preclude any party from challenging any employee whose name appears on the list at the polls or the agent from challenging any employee whose name does not appear on the list and seeks to vote during the election. A representative's refusal to sign or initial the list will not delay the election. See also [CHM 39.6](#).

