

New Technology & Representation Elections:

Don't go Mistaking Paradise for Technology Across the Road

Sara Slinn, Osgoode Hall Law School
William Herbert, PERB

Considerations for Vote Format

- Accurate measure of employees' actual preferences about representation
- Reliability / representativeness:
 - Privacy & freedom from improper influence
 - Reliable: tampering, breakdown, error
 - Encourages participation
 - Administrative concerns

Representation Election Landscape

- On-site manual elections
 - Single location; employees concentrated & available; small/mid-size units
 - Influence / reliability / administrative concerns & value
- Mail-ballot elections
 - Discretion: geographic / temporal dispersion; pending workstoppage or picketing
 - Influence / reliability / participation / costs & time
 - Norm at NMB, FLRA
- Internet / telephone voting (IETV)

Voter Turnout: Mail-ballots

PERB decertification study (1973):

- Two state-wide units: ISU (44,000 direct care employees) & PST (34,000 professional employees)
- ISU: Combined on-site and mail-ballot
54.5 % turnout on-site; 40.5 % turnout mail-ballots
- PST: Mail-ballot
63.9 % turnout

Geography; agency

NLRB:

Jan 1, 2006 - Dec 31, 2007

240 / 4,305 mail-ballot or mixed on-site/mail-ballot

Overall turnout in all representation elections: 80%

Turnout in on-site elections: 81.57%

Turnout in mail-ballots: 65%

Internet & Telephone Voting (IETV)

- NMB (2002 telephonic; 2007 internet)
- FLRA (Feb 2010)
- Nature of units: on-site impractical; mail-balloting costly

- Influence: Ers prefer; no incidents
- Reliability & Security
- Participation ? Digital divide?
- Costs & time

NMB:

- Airline and railroad industries
- Characterized by multiple worksites often throughout the country
- Very large, often national
- Workers commonly away from designated worksites for long periods

FLRA:

- Federal government employees
- Often nation-wide units

Labor Management Relations Practice Group

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The Board's consideration of the use of electronic/internet voting procedures is a radical departure from the successful and longstanding use of manual voting and is another effort to attack the use of secret ballot elections themselves, similar to proposals related to the Employee Free Choice Act (EFCA).

Moreover, replacing (or even supplementing) the in-person manual voting process with the electronic/internet mechanism is riddled with problems, including:

- (1) lack of safeguards against vote tampering, increased election abuse, and other technical difficulties;
- (2) absence of procedures to emphasize the significance of the voting decision (i.e., NLRB representatives, election observers, private voting booths);
- (3) potential for voter intimidation and peer-pressure; and
- (4) departure from the in-person secret ballot process and the most sound process to protect the interests of the eligible voters and employers alike.

Indeed, the in-person election continues to be the primary means by which our country's political races are decided at the polls.

The Way Forward

- Voter participation
- Election dynamic
- Board role
- IETV kiosk stations