



Verifying Local Association Membership

Question:

Our Board wishes to ask the local association to prove that it represents the majority of the certificated employees (teachers) for the purpose of negotiations. How do we go about this?

Answer:

First, this is a Board option. It is not required that a Board ask for proof of majority representation. If you are already aware that your association has well over 50% dues paying members to whatever educational association is seeking to negotiation for the teachers (IEA, AFT, etc.) the Board is not required to ask for proof of majority representation. However, if the Board is going to make this request, ISBA suggests that this be done in writing and that the Board specifically identify what it is seeking from the association in regard to written proof of 50% +1 representation. For example, "please provide the Board with proof that your association represents fifty percent (50%) plus one (1) of the teaching employees of the District, for the purpose of negotiations for the 2020-2021 school year. The Board will accept either a copy of the current signed cards or, if the association is not in agreement with such, the Board is willing to accept...(detail specifically what the board is willing to accept). The Board is not willing to consider authorization cards that are older in age than (whatever the Board is willing to accept)."

The law states that "proof" of 50% +1 must be no older than two (2) years old, and any evidence inconsistent with the statute outlined in Section 33-1271 (3), Idaho Code, shall not be counted.

Districts have utilized various methods of verification. For example, the District could provide a list of all certificated teachers who have authorized the association to negotiate on their behalf to a neutral third party for verification. This has been done through banks and local governmental offices (clerk's/mayors/city council). The neutral third party should also be provided with a copy of the Board's letter outlining what the Board is willing to consider for authorization. The association thereafter provides current authorization cards to this very same neutral third party. The third party then completes a check of the names and provides to both the Board and the association, written verification as to the percentage of representation the association holds for the purpose of negotiations. This verification, if a majority is reached, is then put into the record for the negotiation process and negotiations can commence. ISBA has received inquiries about whether the Board can choose to require that the local association only count dues paying members. The law only requires that the local association be "duly chosen and selected by fifty percent (50%) plus one (1) of the professional employees, excluding administrative personnel..., as their representative organization for negotiations" (Section 33-1272, Idaho Code). Our reading of this language would indicate that the Board cannot prevent teachers from choosing to allow the association to represent them even if they are not dues paying members. However, if the local association fails to provide written evidence of representing fifty percent (50%) plus one (1) of the professional employees, then the Board could indicate that the association has yet to meet the required condition to start negotiations.