

Quick Start Summary on Electronic Authorization Cards for OPEIU Local Unions and Guilds

Background: The NLRB adopted a new rule to allow for the submission of electronic authorization cards, as well as, electronic signatures. In October 2015, the Office of the General Counsel provided detailed guidance on this matter, including samples, which can be viewed at www.nlr.gov. Find the Reports and Guidance tab and click on General Counsel Memos and look for GC 15-08.

Quick Start Summary:

Typically, the electronic authorization card will be a form submitted via a webpage set up for this purpose. However, other formats, such as via email may also be used.

- **What the authorization form should say:**

Just like a paper authorization card, the form needs to have the language to which the signer has agreed. For example: “By completing the form below and clicking “submit,” I am authorizing OPEIU Local XX to represent me for the purpose of collective bargaining with my employer. My right to submit this authorization is protected by Federal law.”

The form **must** also contain the following fields: the signer’s name; the signer’s email address or other known contact information (i.e. social media account) for verification; the signer’s telephone number; the date the electronic signature was submitted and the name of the employer.

The form may also include other information such as work location, classification, home address and additional phone numbers. It may *not* include personal identifiers such as birth dates, Social Security numbers or other sensitive personal information.

- **What constitutes “a signature”:**

The signature can be a simple electronic signature that is captured by an email exchange or it can be based on digital signature technology where public key infrastructure (PKI) is used.

- **How the form is verified by a “confirmation transmission”:**

Once the form has been submitted, an automatic confirmation transmission must be established to ensure the form is from the identified signer and to allow an employee, who receives the notification but did not actually intend to sign the document, to rescind the form.

- **What the confirmation response email should say:**

This email confirms that OPEIU Local XX received an electronic submission of authorization from you to represent you and other employees at XYZ company. The information you provided is listed below. Please reply to this email if there are any corrections to the information. If you did not submit this authorization, please reply to this email right away and let us know you did not submit the authorization. **If you submitted the information and it is correct, you do not need to do anything.** We will provide you with further information about next steps shortly.

- **How the signature is verified by the NLRB:**

Whether an electronic or digital signature is used, a declaration must be submitted to the NLRB by the union explaining how signatures were obtained. It could be in different forms. For example, it could be an email sent soliciting information and support to which the signer replied or it could be a copy of a webpage soliciting information along with a spreadsheet showing data received after the electronic signer clicked a “submit” button.

- **How the electronic “cards” are submitted to the NLRB:**

Like other showing of interest submissions, the documents can be e-filed. Since the documents do not have actual signatures (there are no original cards), further documents do not need to be submitted.

- **Other useful information:**

The electronic forms, just like authorization cards, are necessary to meet the NLRB’s showing of interest requirement. The petitioning party must provide evidence showing there is support of at least 30 percent of the bargaining unit before an election will be held. The authorization cards (or petitions) should be used to assess union support, therefore, avoid including language, such as the purpose of signing the card is to have an election. Generally, a showing of interest from at least 65 to 70 percent of the unit should be obtained.

For assistance in setting up an electronic authorization form, contact Victoria Tirado Roman at 212-675-3210 at OPEIU.