

**9** ***Stipulations in lieu of hearings:*** Stipulations in lieu of hearings are permissible and encouraged in most representation matters. Section 2422.30(b) of the regulations states that when the Regional Director has reasonable cause to believe a question exists regarding unit appropriateness, the Regional Director issues a notice of hearing. In accordance with 5 U.S.C. 7111(g), the parties may waive a hearing by entering into a stipulation for the purpose of a consent election, i.e., enter into an election agreement. However, 5 U.S.C. 7111(g) is balanced against 5 U.S.C. 7112(a) which requires that the Authority determine the appropriateness of any unit.

Thus, in cases involving questions regarding unit appropriateness, a hearing may be waived by the parties upon their agreement to an election; however, the Regional Director may approve such agreement only if the unit meets the appropriate unit criteria set forth in 5 U.S.C. 7112(a). See *United States Army Safeguard Logistics Command, Huntsville, Alabama*, 2 A/SLMR 582 (1972); *Department of Transportation, National Highway Traffic Safety Administration*, 2 A/SLMR 433 (1972); citing *Army and Air Force Exchange Service, White Sands Missile Range Exchange, White Sands Missile Range, New Mexico*, 1 A/SLMR 147 (1971). See CHM 27. The OGC interprets 5 U.S.C. 7111(g) to permit the parties to enter into a stipulation addressing all appropriate unit issues in lieu of a hearing, so long as the stipulation includes a waiver of the parties' right to a hearing.

For information about preparing stipulations, see HOG 26.

