

**72 FLRA No. 100**

DEPARTMENT OF THE NAVY  
 COMMANDER, NAVY REGION MID-ATLANTIC  
 (Agency/Petitioner)

and

INTERNATIONAL ASSOCIATION OF FIRE  
 FIGHTERS  
 (Labor Organization)

and

INTERNATIONAL ASSOCIATION OF FIRE  
 FIGHTERS, LOCAL F-37  
 (Labor Organization)

and

INTERNATIONAL ASSOCIATION OF FIRE  
 FIGHTERS, LOCAL F-61  
 (Labor Organization)

and

INTERNATIONAL ASSOCIATION OF FIRE  
 FIGHTERS, LOCAL F-100  
 (Labor Organization)

and

INTERNATIONAL ASSOCIATION OF FIRE  
 FIGHTERS, LOCAL F-123  
 (Labor Organization)

and

INTERNATIONAL ASSOCIATION OF FIRE  
 FIGHTERS, LOCAL F-144  
 (Labor Organization)

WA-RP-21-0003

ORDER GRANTING  
 APPLICATION FOR REVIEW  
 AND REMANDING  
 TO THE REGIONAL DIRECTOR

November 22, 2021

Before the Authority: Ernest DuBester, Chairman, and  
 Colleen Duffy Kiko and James T. Abbott, Members  
 (Chairman DuBester dissenting)

Decision by Member Abbott for the Authority

**I. Statement of the Case**

In the attached decision and order (decision), Federal Labor Relations Authority Regional Director Jessica S. Bartlett (the RD) dismissed the Agency's petition to consolidate seven bargaining units into one unit represented by the national International Association of Fire Fighters (IAFF). Specifically, the RD found that a consolidation of the seven bargaining units was not appropriate under § 7112(d) of the Federal Service Labor-Management Relations Statute (the Statute)<sup>1</sup> because the national IAFF was not the exclusive representative for all seven bargaining units and consolidation would not promote effective dealings under § 7112(a) of the Statute.<sup>2</sup> The Agency filed an application for review of the RD's decision (application), arguing that there is a genuine issue over whether the RD failed to apply established law.

The Agency argues that the RD failed to correctly apply § 7112(a) of the Statute and that the RD misapplied Authority precedent. According to the Agency, the seven bargaining units are appropriate for consolidation because the national IAFF is a labor organization within the meaning of § 7103(a)(4) of the Statute and it either represents—or is the parent union of the local that represents—all the units to be consolidated. Because the Authority has previously granted consolidation where some units were exclusively represented by various union locals and other units were exclusively represented by those locals' national organization, the application raises a genuine issue about whether the RD failed to apply established law. Therefore, we grant the application and remand the decision to the RD for further findings consistent with this decision.

**II. Background and RD's Decision**

In October 2020, the Agency filed a petition to consolidate seven bargaining units into a single unit. The Agency filed the instant petition because it maintained that a consolidated unit would be appropriate under § 7112(a) of the Statute and that consolidation would decrease unit fragmentation. The seven bargaining units at issue comprise fire fighters who are employed by the Agency at various locations within the Mid-Atlantic region to provide various firefighting and other emergency support services. The national IAFF is the exclusive representative of two of the units, and various local IAFF affiliates are

<sup>1</sup> See 5 U.S.C. § 7112(d).

<sup>2</sup> *Id.* § 7112(a).

the exclusive representatives of the remaining five units. However, the five local affiliates designated the national IAFF as their representative for the instant petition.

After the national IAFF filed its initial statement, it filed a supplemental statement, arguing that the petition is not appropriate because the national IAFF is not the exclusive representative for five of the units at issue and it does not agree to serve as the exclusive representative of the proposed consolidated unit. Thereafter, the Washington Region issued an Order to Show Cause and directed the Agency to set forth the reasons why its petition should not be dismissed based on the national IAFF's supplemental statement. In response, the Agency maintained that the petition is appropriate because an agency may petition to consolidate bargaining units—even over a union's objection—as long as the resulting unit is appropriate.

In the decision, the RD noted that § 7112(d) of the Statute provides that

[t]wo or more units which are in an agency and for which a labor organization is the exclusive representative may, upon petition by the agency or labor organization, be consolidated with or without an election into a single larger unit if the Authority considers the larger unit to be appropriate.<sup>3</sup>

The RD also found that “[c]onsolidation can be granted over the objection of the union, as long as the petitioned-for unit is appropriate and a single union represents all of the units to be consolidated.”<sup>4</sup>

The RD discussed the fact that § 7103(a)(16)(A) of the Statute defines an “exclusive representative” as a labor organization “certified as the exclusive representative of employees in an appropriate unit.”<sup>5</sup> Therefore, the RD found that the consolidation was not appropriate because the national “IAFF is not already the exclusive representative of all of the units the Agency petitioned to consolidate.”<sup>6</sup> Additionally, the RD found that the national IAFF's refusal to represent the proposed

consolidated unit meant that consolidation would not promote effective dealings under § 7112(a) of the Statute.<sup>7</sup> Consequently, the RD concluded that the petitioned-for consolidated unit was not appropriate and dismissed the petition.

On September 23, 2021, the Agency filed an application for review of the RD's decision. The national IAFF filed an opposition on September 30, 2021.

### III. Analysis and Conclusion: The RD failed to apply established law.

The Agency argues that the RD failed to correctly apply § 7112(a) of the Statute and that the RD misapplied Authority precedent.<sup>8</sup> The Agency argues that a consolidated unit would be appropriate because the national IAFF is a labor organization within the meaning of the Statute and is the parent organization to all of the unions representing the bargaining units to be consolidated.<sup>9</sup> Additionally, the Agency asserts that the national IAFF's refusal to serve as the consolidated unit's exclusive representative is immaterial because consolidation can be granted over the objection of the union as long as the petitioned-for unit is appropriate.<sup>10</sup> Under § 2422.31(c)(3)(i) of the Authority's Regulations, the Authority may grant an application for review if the application demonstrates that there is a genuine issue over whether the RD failed to apply established law.<sup>11</sup>

Here, the RD concluded that consolidation was not appropriate because the national IAFF “is not already the exclusive representative of *all* of the units” to be consolidated.<sup>12</sup> However, Authority precedent contradicts that conclusion. Rather, the Authority has granted consolidation where some units were exclusively represented by various union locals, and other units were exclusively represented by those locals' national organization.<sup>13</sup> In those cases, all units were considered represented by the same “labor organization”—the

<sup>3</sup> *Id.* § 7112(d).

<sup>4</sup> RD's Decision at 4 (citing *U.S. Dep't of Transp., FAA*, 63 FLRA 356 (2009) (*FAA*); *U.S. Dep't of the Navy, Commander, Navy Region Se., Jacksonville, Fla.*, 62 FLRA 11 (2007) (*Navy Region Se.*)).

<sup>5</sup> *See id.* (citing 5 U.S.C. § 7103(a)(16)(A)).

<sup>6</sup> *Id.* at 5.

<sup>7</sup> *Id.* (citing *Sheppard Air Force Base, Wichita Falls, Tex.*, 57 FLRA 148, 149-50 (2001)).

<sup>8</sup> *See* Application at 3.

<sup>9</sup> *Id.* at 14.

<sup>10</sup> *Id.* at 16-18.

<sup>11</sup> 5 C.F.R. § 2422.31(c)(3)(i).

<sup>12</sup> RD's Decision at 5 (emphasis added).

<sup>13</sup> *Navy Region Se.*, 62 FLRA at 14; *see also IRS, Wash., D.C.*, 6 FLRC 288, 288-92 (1978) (*IRS*) (finding consolidation of thirteen units appropriate where NTEU national represented some units, and local NTEU chapters represented others, and further holding that even if the local chapters alone held exclusive recognition, an agreement between the local chapters and the national was not required for consolidation).

national organization—for purposes of consolidation under § 7112(d) of the Statute.<sup>14</sup>

Although the RD relied on *Sheppard Air Force Base, Wichita Falls, Texas (Sheppard)*,<sup>15</sup> in that case there was “no apparent, or asserted, bargaining representative for the consolidated unit.”<sup>16</sup> The Authority held that without an “identified labor organization” to serve as the exclusive representative, consolidation would not promote effective dealings.<sup>17</sup> But here, the national IAFF has been identified in the Agency’s petition as a labor organization that could serve as the exclusive representative for all the consolidated units because it already represents some of the units at issue and is the national “parent organization to the other IAFF locals’ affiliates.”<sup>18</sup> Thus, *Sheppard* is not applicable to the instant case, and Authority precedent<sup>19</sup> compels the conclusion that the units are all represented by the same “labor organization.”<sup>20</sup>

Moreover, the RD also failed to apply established law by concluding that consolidation would not promote effective dealings.<sup>21</sup> Where a single union represents all of the units to be consolidated, consolidation can be granted over the objection of the union as long as the petitioned-for unit is appropriate.<sup>22</sup> This establishes that the objection of the exclusive representative cannot singlehandedly defeat the appropriateness of a unit.<sup>23</sup>

In assessing whether a proposed unit would promote effective dealings, the Authority examines such factors as: the past collective-bargaining experience of the parties; the locus and scope of authority of the responsible personnel office administering personnel policies covering employees in the proposed unit; the limitations, if any, on the negotiation of matters of critical concern to employees in the proposed unit; and the level at which labor relations is set in the agency.<sup>24</sup> Rather than examining these factors, the RD relied solely on *Sheppard* and the national IAFF’s refusal to represent the consolidated unit.<sup>25</sup>

Because *Sheppard* is inapplicable, and because the national IAFF’s objection, standing alone, is not dispositive of whether consolidation would promote effective dealings, the RD failed to apply established law.<sup>26</sup>

Consequently, we remand the decision to the RD for a full examination of the effective dealings criterion and, if necessary, the remaining statutory criteria for determining whether a consolidated unit is appropriate.<sup>27</sup> In this regard, we reiterate that “in determining whether the proposed unit’s employees share a clear and identifiable community of interest, the interests and concerns of the employees should not be ignored.”<sup>28</sup> This is so because employees’ right to self-determination is an “essential tenet” of the Statute.<sup>29</sup>

<sup>14</sup> *Navy Region Se.*, 62 FLRA at 14. Although in *U.S. Department of the Navy, Commander, Navy Region Southeast, Jacksonville, Florida*, unlike here, the national union supported consolidation, the Authority’s analysis did not expressly rely on that fact. *See id.*; *see also U.S. Dep’t of the Air Force, Travis Air Force Base, Cal.*, 64 FLRA 1, 5 (2009) (denying review of RD’s ruling that parent organization and constituent local should be treated as the same union for purposes of § 7112(d)).

<sup>15</sup> 57 FLRA 148.

<sup>16</sup> *Id.* at 150.

<sup>17</sup> *Id.* (emphasis added); *see also id.* (finding that the national union “was not a party below”). Here, the national IAFF is indisputably a party to the proceedings.

<sup>18</sup> RD’s Decision at 5.

<sup>19</sup> *Navy Region Se.*, 62 FLRA at 14; *IRS*, 6 FLRC at 289-92.

<sup>20</sup> 5 U.S.C. § 7112(d).

<sup>21</sup> RD’s Decision at 5.

<sup>22</sup> *FAA*, 63 FLRA at 359; *Navy Region Se.*, 62 FLRA 11.

<sup>23</sup> *See, e.g., U.S. Dep’t of the Navy, Naval Facilities Eng’g Command Mid-Atl., Norfolk, Va.*, 70 FLRA 263, 267 (2017) (union’s “partial disclaimer of interest – in which it state[d] that it object[ed] solely to representing the transferred employees – [did] not call into question” either the accretion of those employees into the unit or the RD’s finding that the resulting unit would be appropriate); *FAA*, 63 FLRA at 356-60 (upholding RD’s consolidation of units represented by a single union over the objection of that union).

<sup>24</sup> *U.S. Dep’t of the Interior, Nat’l Park Serv., Ne. Region*, 69 FLRA 89, 96-97 (2015); *U.S. Dep’t of the Air Force, 82nd Training Wing, 361st Training Squadron, Aberdeen Proving Ground, Md.*, 57 FLRA 154, 156 (2001).

<sup>25</sup> RD’s Decision at 4-6.

<sup>26</sup> *See Navy Region Se.*, 62 FLRA at 14 (where the locals representing certain of the units opposed consolidation, Authority upheld RD’s determination that *Sheppard* was distinguishable and that consolidation would promote effective dealings).

<sup>27</sup> 5 U.S.C. § 7112(a) (the Authority shall determine a unit to be appropriate only if the unit “will ensure a clear and identifiable community of interest among the employees in the unit and will promote effective dealings with, and efficiency of the operations of[,] the agency involved”).

<sup>28</sup> *Dep’t of the Navy, Portsmouth Naval Shipyard, Portsmouth, N.H.*, 70 FLRA 995, 1000 (2018) (then-Member DuBester dissenting).

<sup>29</sup> *U.S. Dep’t of the Army, Fort Wainwright Law Ctr., Fort Wainwright, Alaska*, 71 FLRA 471, 474 (2019) (then-Member DuBester concurring); *Exp.-Imp. Bank of the U.S.*, 70 FLRA 907, 909 (2018) (then-Member DuBester concurring); *see* 5 U.S.C. § 7101(a)(1) (stating that employees have the right “to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them” (emphasis added)). Member Abbott notes as he did in *U.S. Department of the Army, Fort Wainwright Law Center, Fort Wainwright, Alaska*, that RDs “are not free to simply ignore considerations established by the Authority in longstanding or recent precedent.” 71 FLRA at 474 n.37. Therefore, consideration of the viewpoint of bargaining-unit employees is a factor that is relevant and must be considered along with community of interest in any unit appropriateness determination. Member Abbott notes that the RD’s decision once again overlooks or ignores this important factor.

**IV. Order**

We grant the Agency's application for review and remand the petition to the RD.

**Chairman DuBester, dissenting:**

I disagree with the majority's decision to grant the Agency's application for review and to remand the decision to the Regional Director (RD). In reaching this conclusion, the majority finds that "Authority precedent contradicts" the RD's conclusion that consolidation was not appropriate.<sup>1</sup> And to support this assertion, the majority reasons that the Authority "has granted consolidation where some units were exclusively represented by various union locals, and other units were exclusively represented by those locals' national organizations."<sup>2</sup>

However, in the primary Authority decision upon which the majority relies for this rationale, the Authority explicitly premised its conclusion that consolidation was appropriate upon its finding that "there is no dispute that [the national labor organization] is the labor organization that holds exclusive recognition for all of the local units involved in this case."<sup>3</sup> In contrast, in the case before us the RD found that the International Association of Fire Fighters (IAFF) "only serves as the exclusive representative of two of the seven units at issue," and that "[f]or the remaining five units, IAFF is simply the parent organization of the IAFF locals who each serve as exclusive representative of the unit."<sup>4</sup> Deferring to these findings, which were not disputed, I believe that the RD properly applied Authority precedent – including our decision in *Sheppard Air Force Base, Wichita Falls, Texas*<sup>5</sup>– to deny the Agency's application.

Accordingly, I dissent.

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<sup>1</sup> Majority at 4.

<sup>2</sup> *Id.*

<sup>3</sup> *U.S. Dep't of the Navy, Commander, Navy Region Se., Jacksonville, Fla.*, 62 FLRA 11, 14 (2007).

<sup>4</sup> RD's Decision at 5 (further noting that "IAFF's role as exclusive representative for two units and its role as a parent organization to the other IAFF locals' affiliates are separate and distinct roles").

<sup>5</sup> 57 FLRA 148 (2001).

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL LABOR RELATIONS  
AUTHORITY  
WASHINGTON REGION**

DEPARTMENT OF THE NAVY  
COMMANDER, NAVY REGION MID-ATLANTIC  
(Agency/Petitioner)

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FIGHTERS, LOCAL F-144  
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WA-RP-21-0003

DECISION AND ORDER

**I. Statement of the Case**

On October 7, 2020, the Department of the Navy, Commander, Navy Region Mid-Atlantic (Agency or Petitioner) filed a petition in Case No. WA-RP-21-0003, seeking to consolidate seven bargaining units represented by five International Association of Fire Fighters (IAFF or Union) locals and two units represented by IAFF into one unit represented by IAFF. The bargaining units the Agency is seeking to consolidate are the units at the following locations:

IAFF<sup>1</sup> (Joint Expeditionary Base Little Creek Fort Story, Naval Air Station Oceana, Naval Air Station Dam Neck, Naval Station Norfolk, Navy Region Mid-Atlantic, Naval Station Hampton Roads, Naval Support Activity Hampton Roads Northwest Annex, Naval Weapons Station Yorktown, Norfolk Naval Shipyard)<sup>2</sup>;

IAFF<sup>3</sup> (Naval Submarine Base, New London Groton, Connecticut);

IAFF, Local F-37 (Naval Station Great Lakes, Great Lakes, Illinois);

IAFF, Local F-61 (Naval Support Activity Philadelphia, Philadelphia, Pennsylvania);

IAFF, Local F-100 (Naval Station Newport, Newport, Rhode Island);

IAFF, Local F-123 (Portsmouth Naval Shipyard, Kittery, Maine);

IAFF, Local F-147 (Naval Weapons Station Earle, Colts Neck, New Jersey).

After the filing of the petition, the five IAFF local units all designated IAFF as their representative for the pendency of this petition. On December 11, 2020, IAFF objected to the proposed consolidation, maintaining that the petitioned-for consolidated unit would not be appropriate.

On January 22, 2021, the Agency acknowledged that it was not taking the position that the various units no longer remain appropriate. Instead, the Agency seeks the consolidation of seven separate units into a single bargaining unit represented by IAFF. The Agency contends that a single bargaining unit represented by IAFF is also an appropriate unit.

On April 14, the Washington Region issued an Order to Show Cause. The Order directed the Union to set forth its reasons why the petition for consolidation should not be granted. On April 26, the Union submitted its

<sup>1</sup> IAFF holds the certification as exclusive representative of this unit, but the parties refer to union as "IAFF, Local 25."

<sup>2</sup> The unit location is also referred to as "Tidewater, Virginia."

<sup>3</sup> IAFF holds the certification as exclusive representative of this unit, but the parties refer to the union as "IAFF, Local 219."

response to the Order, restating that the petitioned-for unit was not appropriate.

On May 4, the Washington Region issued a Notice of Hearing for this case to determine whether the petitioned-for unit is appropriate. The hearing was set for June 29.

On June 8, IAFF submitted a supplemental statement arguing that the petitioned-for unit is not appropriate because IAFF does not agree to serve as the exclusive representative of the consolidated unit.

On June 11, the Washington Region issued a second Order to Show Cause. The Order directed the Agency to set forth the reasons why the Region should not dismiss the petition based on the IAFF's statement it would not agree to serve as exclusive representative for the consolidated unit. Also, on June 11, the Region indefinitely postponed the hearing previously scheduled to begin June 29.

On June 25, the Agency submitted its response to the Order maintaining the Region should not dismiss the petition, arguing that the petitioned-for unit was appropriate even though IAFF declined to serve as exclusive representative of the consolidated unit.

The Region conducted an investigation in this case. Based on the entire record, including the parties' previously submitted position statements and responses to the Orders to Show Cause, I find that the representation petition filed in this case by the Department of the Navy, Commander, Navy Region Mid-Atlantic should be dismissed.

## II. Findings

The petitioner is the Department of the Navy, Commander, Navy Region Mid-Atlantic (CNRMA). CNRMA supports operating forces promoting readiness through efficient operation of shore installations and effective, quality support to operational forces. The petitioner employs fire fighters at various Department of the Navy locations within the Mid-Atlantic Region through the CNRMA Fire & Emergency Services. Fire & Emergency Services mission is to provide structural, shipboard, and aircraft fire fighting; hazardous material; technical rescue; ambulance transport; hazardous condition standby; disaster support; emergency de-watering; fire risk management; courtesy support; and public education.

The seven IAFF units that the petitioner seeks to consolidate are the only IAFF bargaining units within the Mid-Atlantic Region. Of the seven bargaining units at issue in this petition, IAFF is the certified exclusive

representative of the bargaining unit employees in two of the units: (1) New London, Connecticut and (2) Tidewater, Virginia. Various local IAFF affiliates are the certified exclusive representatives of the remaining five units.

## III. Parties' Positions

### A. International Association of Fire Fighters

The Union's position is that the petitioned-for consolidated unit is not appropriate. The Union bases this position on the fact that it is not the certified exclusive representative of five of the seven at issue units, nor has it agreed to serve as the exclusive representative of a consolidated unit. The Union maintains that granting the consolidation would force it to serve as an exclusive representative to bargaining unit employees it has not agreed to represent.

### B. Department of the Navy, Commander, Navy Region Mid-Atlantic

The Agency's position is that the petition-for consolidation can and should be granted over IAFF's objections because, generally, consolidation may be granted when the petitioned-for unit is appropriate and a single union represents all of the units proposed to be consolidated. The Agency distinguishes the facts of this case from cases where consolidation was denied by noting that IAFF is a party to this case in that it serves as exclusive representative of two of the bargaining units and has been designated as the representative of the five remaining locals in this petition for which it does not serve as the exclusive representative. Further, the Agency maintains that granting the petition will reduce unit fragmentation and that, if consolidation can be granted over the objection of an agency, it should also be able to be granted over the objection of a labor organization.

## IV. Analysis and Conclusions

Section 7112(d) of the Statute provides for consolidation of bargaining units and notes that two or more units which are in an agency and for which a single labor organization is the exclusive representative may, upon petition by the agency or labor organization, be consolidated with or without an election into a single larger unit if the Authority considers the larger unit to be appropriate. Units are considered appropriate if they: (1) have a clear and identifiable community of interest; (2) promote effective dealings; and (3) promoted efficiency of operations. See *U.S. Dep't of the Navy, Fleet & Indus. Supply Ctr., Norfolk, Va.*, 52 FLRA 950 (1997).

Section 7103(a)(16) defines the "exclusive representative" as any labor organization which: (A) is

certified as the exclusive representative in an appropriate unit pursuant to section 7111 of this title: or (B) was recognized by an agency immediately before the effective date of this chapter as the exclusive representative of employees in an appropriate unit – (i) on the basis of an election or (ii) on any basis other than an election and continues to be so recognized in accordance with the provisions of this chapter.

Consolidation can be granted over the objection of the union, as long as the petitioned-for unit is appropriate and a single union represents all of the units to be consolidated. See *U.S. Dep't of Transp., FAA*, 63 FLRA 356 (2009) (*FAA*); *U.S. Dep't of the Navy, Commander, Navy Region S.E., Jacksonville, Fla.*, 62 FLRA 11 (2007) (*Navy Region S.E.*).

As part of the appropriate unit standard, proposed units must promote effective dealings with an agency. The requirement that the unit promote effective dealings concerns the relationship between management and the exclusive representative selected by unit employees. See *U.S. Dep't of the Air Force, 82nd Training Wing, 361st Training Squadron, Aberdeen Proving Ground, Md.*, 57 FLRA 154 (2001).

In this petition, I have determined that the petitioned-for consolidated unit is not appropriate because the petitioned-for unit does not meet the criteria of the appropriate unit test; namely, the proposed unit would not promote effective dealings with the Agency. I am, therefore, dismissing the petition on that basis.

The Agency specifically requested in its petition that the seven at issue units be consolidated into a single unit represented by IAFF. In response, IAFF has stated it will not serve as exclusive representative of the consolidated unit. IAFF's refusal to serve in that role renders the proposed unit inappropriate because it would not promote effective dealings with the Agency. The facts in the instant case are analogous to the facts in *Sheppard AFB, Wichita Falls, Tex.*, 57 FLRA 149 (2001) (*Sheppard AFB*). In *Sheppard AFB*, the agency requested the consolidation of two units in which local affiliates of AFGE held exclusive recognition. AFGE national was not a party to the case and had not agreed to serve as the exclusive representative of the consolidated unit. As a result of AFGE's declination, the Region dismissed the petition. On appeal to the Authority, the RD's decision was upheld. The Authority found that, because there was no basis on which to conclude that AFGE would serve as exclusive representative, it was not possible to find that the consolidated unit promoted effective dealings. *Id.*, at 150. Similarly, IAFF has affirmatively stated it will not agree to serve as exclusive representative of the proposed consolidated unit. As a result, the proposed unit fails to promote effective dealings and is not an appropriate unit.

The facts in the instant case are distinguishable from the facts presented in another consolidation case, *FAA*, 63 FLRA 356 (2009), where the consolidation of units took place over the union's objections. In *FAA*, AFSCME, Council 26 served as the exclusive representative of multiple bargaining units at the Agency. The Authority granted the consolidation over Council 26's objections because the unit was determined to be appropriate, including a determination that because Council 26 was already serving as the exclusive representative of all units at issue, consolidating the units promoted effective dealings with the agency. Unlike Council 26 in *FAA*, IAFF only serves as the exclusive representative of two of the seven units at issue. For the remaining five units, IAFF is simply the parent organization of the IAFF locals who each serve as exclusive representative of the unit. The Agency argues that IAFF meets the requirement of *FAA* as a single union representing all of the petitioned for units. However, IAFF's role as exclusive representative for two units and its role as a parent organization to the other IAFF locals' affiliates are separate and distinct roles. Specifically, serving as representative in a representation petition is vastly different from the role of exclusive representative outlined in Section 7103(a)(16) of the Statute. Because IAFF is not the exclusive representative for all the petitioned for units, the precedent announced in *FAA* is not relevant to the facts presented here.

Because IAFF has declined to serve as exclusive representative and IAFF is not already the exclusive representative of all of the units the Agency petitioned to consolidate, effective dealings between the Agency and the proposed exclusive representative do not exist. Without effective dealings, the petitioned for unit is not appropriate.

## V. Order

The petitioner's request to consolidate the seven individual units into a single unit represented by IAFF is hereby dismissed.

## VI. Right to Seek Review

Under section 7105(f) of the Statute and section 2422.31(a) of the Authority's Regulations, a party may file an application for review with the Authority within sixty days of this Decision. The application for review must be filed with the Authority by **September 27, 2021**, and addressed to the Chief, Office of Case Intake and Publication, Federal Labor Relations Authority, Docket Room, Suite 201, 1400 K Street, NW, Washington, DC 20424-0001. The parties are encouraged to file an application for review electronically through the

Authority's website, [www.flra.gov](http://www.flra.gov).<sup>4</sup>

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Jessica S. Bartlett  
Regional Director  
Federal Labor Relations Authority,  
Washington Regional Office  
1400 K Street, NW  
Washington, DC 20024

Dated: July 29, 2021

Attachments: Service Sheet

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<sup>4</sup> To file an application for review electronically, go to the Authority's website at [www.flra.gov](http://www.flra.gov), select **eFile** under the **Filing a Case** tab and follow the instructions.