

**FEDERAL LABOR RELATIONS AUTHORITY
WASHINGTON, D.C.**

**MAINE ARMY NATIONAL GUARD
CAMP KEYES, AUGUSTA, MAINE
(Activity)**

and

**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
AFL-CIO, LOCAL 3012
(Intervenor)**

and

**ASSOCIATION OF CIVILIAN TECHNICIANS
(Petitioner)**

1-RO-80003

INTERIM ORDER

DECEMBER 27, 1988

By Acting Chairman McKee.

Section 7105(a)(2)(A) and (B) of the Federal Service Labor-Management Relations Statute, 5 U.S.C. § 7105(a)(2)(A) and (B), provides that the Federal Labor Relations Authority is responsible for determining the appropriateness of bargaining units for labor organization representation and supervising or conducting representation elections. Section 7105(e) of the Statute provides that the Authority may delegate to Regional Directors its authority to (1) determine whether a group of employees is an appropriate bargaining unit, (2) conduct investigations and provide hearings, (3) determine whether a question of representation exists and direct elections, and (4) supervise or conduct secret ballot elections and certify the results of those elections. Pursuant to section 7105(e), the Authority has delegated its authority in these matters to Regional Directors. Appendix B to 5 C.F.R. chapter XIV.

Section 7105(f) of the Statute provides that the Authority may review a Regional Director's action if an application for review is filed by an interested person within 60 days after the date of the action. The Authority may affirm, modify, or reverse any action taken by a Regional Director. 5 U.S.C. § 7105(f). Section 7105(f) further provides that if the Authority does not grant review of the action within 60 days of the filing of the application for review, the Regional Director's decision becomes the action of the Authority. Id.; 5 C.F.R. § 2422.17(f)(2).

The Regional Director issued his Decision and Order and Direction of Election in this case on August 31, 1988. The Intervenor filed a timely application for review of the Regional Director's decision. The Petitioner filed an opposition to the application for review.

As Acting Chairman of the Authority, I am responsible for managing the processing of Authority cases in a manner which is consistent with the Authority's statutory responsibilities and, as pertinent here, the parties' rights to Authority review of the Regional Director's decision. At the present time, two vacancies exist in the membership of the Authority. In this extraordinary circumstance and consistent with my role as Acting Chairman, I am directing that consideration of the application for review be deferred until further notice. This action assures the preservation of the parties' rights under the Statute to Authority consideration of the Regional Director's decision. In light of this interim procedural order, the Regional Director's decision has not become the action of the Authority.