69 FLRA No. 57

UNITED STATES
DEPARTMENT OF THE NAVY
NAVAL SURFACE WARFARE CENTER
CRANE DIVISION
CRANE, INDIANA
(Agency)

and

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
AFL-CIO
(Labor Organization/Petitioner)

CH-RP-15-0013

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ORDER GRANTING
APPLICATION FOR REVIEW
AND REMANDING TO THE REGIONAL DIRECTOR

May 26, 2016

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Before the Authority: Carol Waller Pope, Chairman, and Ernest DuBester and Patrick Pizzella, Members

I. Statement of the Case

The American Federation of Government Employees (AFGE), AFL-CIO (Union) filed an application for review of a decision of Federal Labor Relations Authority Regional Director Sandra LeBold (RD). The Union petitioned the RD, under § 7111(b) of the Federal Service Labor-Management Relations Statute (the Statute),[1] to include – through the Authority's accretion doctrine – approximately 430 non-professional Demonstration Project (Demo Project) employees (the Demo Project employees) at the Agency in an existing bargaining unit (unit) represented by AFGE, Local 1415. Absent a finding of accretion, the Union requested that the RD clarify the unit and amend the unit certification based on the Assistant Secretary for Labor-Management Relations' (Assistant Secretary's) decision in *Department of the Air Force, Aeronautical Systems Division, Air Force Systems Command, Wright-Patterson Air Force Base, Ohio* (*Wright-Patterson*).[2]

In her decision, the RD found that the hiring of non-professional Demo Project employees did not constitute a change in the Agency's organization or operations, as required to apply the accretion doctrine. The Union does not challenge that finding. Addressing the Union's alternative argument, the RD found that *Wright-Patterson* did not apply because it preceded the Authority's adoption of the accretion doctrine.

Accordingly, the RD then dismissed the Union's petition. There are two substantive questions before us.

The first question is whether the RD committed prejudicial procedural error by allegedly refusing to consider the Union's *Wright-Patterson* argument. Because the Union does not establish that the RD refused to consider its argument, the answer is no.

The second question is whether the RD failed to apply established law by finding that *Wright-Patterson* was superseded by the Authority's accretion doctrine, and as a result, by failing to apply *Wright-Patterson* to the case before her. Because we find that *Wright-Patterson* is not an accretion case, and it has not been superseded or overruled by Authority regulations or decisions, the answer is yes.

Accordingly, as discussed in more detail below, we grant the Union's application for review, and we remand the petition to the RD for further findings.

II. Background and RD's Decision

The RD detailed the circumstances of this dispute in her decision. Therefore, this order discusses only those aspects of the case that are pertinent to the Union's application for review.

For many years, AFGE, Local 1415 has been certified as the exclusive representative of the following Agency employees:

Included:	All wage[-]grade [(WG)] and general [-]schedule [(GS)] employees of the [Agency].
Excluded:	Management officials, supervisors, professional employees, employees with temporary appointments of less than one year[,] and employees described in . . . [§] 7112(b)(2), (3), (4), (6)[,] and (7) [of the Statute].[3]

[1] 5 U.S.C. § 7111(b).
[2] 5 A/SLMR 734 (1975).
[3] RD's Decision at 2.

In 1998, the Agency implemented the Demo Project "to establish a more flexible human[-]resources management system to obtain, develop, utilize[,] and retain high[-]performing employees at [the Agency]."[4] As relevant here, the Demo Project sought to achieve its purposes through the use of pay bands. In contrast to the Agency's existing WG- and GS-pay systems, pay bands under the Demo Project allow the Agency – when hiring or promoting employees – to set their initial pay within a broad band "consistent with the special qualifications of the individual and the unique requirements of the position."[5]

Initially, only fourteen unit employees converted to the Demo Project, which was primarily composed of professional employees whom the Union does not seek to represent. Over time, however, the Agency began filling many higher-paid non-professional positions under the Demo Project instead of through the GS-pay system. Between 1998 and 2015, the Agency hired or promoted about 430 non-professional employees into the Demo Project.

The Union petitioned the RD to accrete the Demo Project employees into the unit, arguing that the increased hiring of non-professional Demo Project employees was a "triggering event"[6] under the Authority's accretion caselaw.[7] Alternatively, the Union asked the RD to clarify the unit to include the Demo Project employees under *Wright-Patterson*. The Agency opposed the petition, arguing that "employees should not be added to the bargaining unit . . . without an election" because there was "no triggering event, or change in the Agency's organization or operations" to "justify a finding that an accretion has occurred."[8]

The RD found that "most [GS] and [Demo Project] employees stayed in the same job functions within . . . three large [Agency] departments and kept the same duties, even if they transitioned from the [GS-] to the [Demo Project-]" pay system.[9] She also found that the Demo Project employees and unit employees are "integrated . . . and often work alongside one another performing similar duties."[10] The RD also noted that, with few exceptions, all Agency employees are subject to the same personnel policies and are serviced by the same human-resources department, regardless of their classification as GS, WG, or Demo Project employees.

Addressing the Union's accretion argument, the RD found that "the increase in the hiring of non-professional [Demo Project] employees . . . d[id] not constitute a change in [the Agency's] organization or operations affecting the appropriate unit criteria."[11] Accordingly, the RD concluded that accretion was not warranted. The Union does not challenge that conclusion.

The RD also rejected the Union's *Wright-Patterson* argument in a footnote. The RD found that *Wright-Patterson* "preceded the establishment of the Authority's accretion doctrine, which [she found] . . . applicable here."[12] The RD then dismissed the Union's petition.

The Union filed an application for review of the RD's decision. The Agency did not file an opposition to the Union's application for review.

III. Analysis and Conclusions

A. The RD did not commit a prejudicial procedural error.

The Union claims that the RD committed a prejudicial procedural error "by refusing to consider [the Union's] unit[-]clarification argument[, based on] . . . *Wright-Patterson*."[13] The Authority has found that an RD's refusal to consider an argument raised by a party may constitute a prejudicial procedural error under certain circumstances.[14]

Here, the RD considered, and rejected, the Union's *Wright-Patterson* argument by finding that *Wright-Patterson* had been superseded by the Authority's accretion caselaw.[15] Thus, the Union does not establish that the RD committed a prejudicial procedural error.

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[4] *Id.* at 3.
[5] *Id.*
[6] *Id.* at 4.
[7] *See U.S. Dep't of the Interior, Bureau of Reclamation, Columbia-Cascades Area Office, Yakima, Wash.*, 65 FLRA 491, 493 (2011) (*Columbia-Cascades*).
[8] RD's Decision at 4.
[9] *Id.* at 3-4.
[10] *Id.* at 4.
[11] *Id.* at 5.
[12] *Id.* n.2.
[13] Application at 12; *see also* 5 C.F.R. § 2422.31(c)(3)(ii) ("The Authority may grant an application for review . . . when . . . [t]here is a genuine issue over whether the [RD] has . . . [c]ommitted a prejudicial procedural error.")
[14] *E.g., U.S. Dep't of VA, VA Med. Ctr., Hampton, Va.*, 63 FLRA, 593, 595-96 (2009) (finding that RD committed a prejudicial procedural error by refusing to consider agency's argument solely because agency raised this argument for the first time in its post-hearing brief); *Nat'l Mediation Bd.*, 54 FLRA 1474, 1481-82 (1998) (finding that RD committed prejudicial procedural error by failing to address union's argument solely because this issue was first raised in a response to an order to show cause).
[15] RD's Decision at 5 n.2.

B. The RD failed to apply established law.

The Union claims that the RD failed to apply established law by "refus[ing] to consider *Wright-Patterson*," when she concluded that "*Wright-Patterson* was superseded by the Authority's accretion doctrine."[16] Section 7135(b) of the Statute provides, as relevant here, that "decisions issued under Executive Order[] 11491 . . . shall remain in full force and effect . . . unless superseded by . . . regulations or decisions issued pursuant to" the Statute.[17] Because *Wright-Patterson* was issued pursuant to Executive Order 11491, as amended,[18] we must decide whether *Wright-Patterson* has been superseded by the Authority's accretion caselaw.

In *Wright-Patterson*, as relevant here, the union represented a bargaining unit of all "non-supervisory wage[-]board [(WB)] personnel."[19] The agency promoted a group of WB employees to GS positions, and then abolished the newly promoted employees' WB positions.[20] The union petitioned the Assistant Secretary to clarify the status of the promoted employees.[21]

In deciding whether to clarify the unit to include the promoted employees, the Assistant Secretary did not conduct an accretion analysis.[22] Rather, the Assistant Secretary based his decision on his findings that (1) "despite the change in the designation and method of compensation," the promoted employees "[we]re performing essentially the same duties that they performed as WB employees"; (2) the promoted employees "continued to work at the same physical location . . . and . . . continue[d] . . . to work closely with WB employees"; and (3) the promoted employees "continue[d] to share a clear and identifiable community of interest with the WB employees."[23] Based on these findings, the Assistant Secretary clarified the existing bargaining unit to include the promoted employees.[24]

The Assistant Secretary's failure to apply an accretion analysis in *Wright-Patterson* was not because the accretion doctrine had yet to be developed. Indeed, the Assistant Secretary applied a form of accretion in one of the first decisions issued after he assumed responsibility for overseeing a portion of the federal-sector labor-management-relations program,[25] and he applied the accretion doctrine in cases decided at the same time as *Wright-Patterson*.[26] Additionally, the National Labor Relations Board (NLRB) had applied the accretion doctrine for many years before the Assistant Secretary decided *Wright-Patterson*.[27]

Further, NLRB precedent supports the view that *Wright-Patterson* is not an accretion case. The NLRB has held that "[o]nce it is established that a new [employee] classification is performing the same basic functions as a unit classification historically had performed, the new classification is properly viewed as belonging in the unit *rather than being added to the unit by accretion*."[28]

Therefore, in light of the foregoing, we find that the RD erred when she concluded that *Wright-Patterson* was superseded by the accretion doctrine.

The Union "requests that the Authority overturn the [RD's] decision and remand the case . . . to the [RD] for further consideration of this issue."[29] The Authority will remand a petition if it cannot make the determinations necessary to resolve the petition.[30] Here, although the RD made a number of findings that are relevant to the *Wright-Patterson* analysis, she did not conduct that analysis, nor did she consider whether inclusion of the Demo Project employees would render the unit inappropriate. Further, we cannot make the determinations necessary to resolve the petition.

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[16] Application at 12; *see also* 5 C.F.R. § 2422.31(c)(3)(i) ("The Authority may grant an application for review . . . when . . . [t]here is a genuine issue over whether the [RD] has . . . [f]ailed to apply established law.")
[17] 5 U.S.C. § 7135(b).
[18] *Wright-Patterson*, 5 A/SLMR at 735.
[19] *Id.* n.1.
[20] *Id.* at 735.
[21] *Id.*
[22] *Compare Wright-Patterson*, 5 A/SLMR at 735-36, *with Columbia-Cascades*, 65 FLRA at 493, *and Aberdeen Proving Ground Command, Dep't of the Army*, 3 A/SLMR 323, 324-35 (1973) (*Aberdeen*).
[23] *Wright-Patterson*, 5 A/SLMR at 736 (citing *Dep't of the Navy, Norfolk Naval Shipyard*, 5 A/SLMR 549 (1975); *Dep't of the Navy, Charleston Naval Shipyard*, 5 A/SLMR 505 (1975)).
[24] *Id.*
[25] *U.S. Army Corps of Eng'rs, Mobile Dist.*, 1 A/SLMR 58 (1971); *see also, e.g., Aberdeen*, 3 A/SLMR at 324-35; *U.S. Dep't of the A.F., 434th S.O.W., A.F. Reserve, Grissom A.F. Base, Peru, Ind.*, 2 A/SLMR 216, 217-19 (1972).
[26] *Nat'l Park Serv.*, 5 A/SLMR 731, 732-33 (1975) (decided on same day as *Wright-Patterson*); *Dep't of the Navy, Phila. Naval Reg'l Med. Ctr.*, 5 A/SLMR 597, 598-99 (1975) (decided approximately two months before *Wright-Patterson*); *Veterans Admin. Hosp., Tampa, Fla.*, 5 A/SLMR 568 (1975) (same).
[27] *E.g., Borg-Warner Corp.*, 113 NLRB 152 (1955).
[28] *Developmental Disabilities Inst.*, 334 NLRB 1166, 1168 (2001) (citing *Premcor, Inc.*, 333 NLRB 1365, 1366 (2001)) (emphasis added).
[29] Application at 3.
[30] *U.S. Dep't of the Interior, Bureau of Ocean Energy Mgmt. & U.S. Dep't of the Interior, Bureau of Safety & Envtl. Enf't, New Orleans, La.*, 67 FLRA 98, 100 (2012) (citations omitted).

Accordingly, we remand the petition to the RD. On remand, the RD should apply *Wright-Patterson*, and consider whether the employees in question: (1) are performing substantially similar duties to unit employees; (2) work in the same physical location as unit employees, under substantially similar working conditions; and (3) work closely with unit employees.[31] If the RD concludes that the Demo Project employees satisfy *Wright-Patterson*'s requirements, she should then assess whether the unit will continue to be appropriate if the Demo Project employees are included.

IV. Order

We grant the Union's application for review and remand the petition to the RD for further action consistent with this order.

[31] *See Wright-Patterson*, 5 A/SLMR at 756.

FEDERAL LABOR RELATIONS AUTHORITY
CHICAGO REGION

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DEPARTMENT OF THE NAVY
NAVAL SURFACE WARFARE CENTER
CRANE DIVISION
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AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO
(Labor Organization/Petitioner)

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CH-RP-15-0013

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DECISION AND ORDER

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I. Statement of the Case

This proceeding is before the Region based on a petition filed on February 9, 2015 by the American Federation of Government Employees, AFL-CIO (AFGE or Petitioner) under section 7111(b) of the Federal Service Labor-Management Relations Statute (Statute). The petition was amended by AFGE on May 7, 2015 and seeks to include, through the Authority's doctrine of accretion, approximately 430 non-professional Demonstration Project employees of the Naval Surface Warfare Center, Crane, Indiana, (Agency or NSWC Crane) into a bargaining unit currently represented by AFGE Local 1415.

A Hearing Officer of the Authority held a hearing on November 18, 2015 at Crane, Indiana, where the Petitioner and Agency had the opportunity to present evidence, examine witnesses and make arguments. I have carefully considered the posthearing briefs filed by the Petitioner and the Agency, along with the hearing transcript and record evidence. For the reasons that follow, I am dismissing the petition because the record does not demonstrate a change in Agency operations or organization, as required by the Authority's narrowly applied doctrine of accretion.

II. Findings

The NSWC Crane is one of eleven warfare centers operated by the U.S. Naval Sea Systems Command (NAVSEA). Naval Support Activity, Crane, Indiana (NSA Crane) manages the installation on which NSWC Crane is the largest tenant organization. Other NSA Crane tenant organizations include the Crane Army Ammunition Activity and the Navy Facilities Engineering Command's Navy Crane Center. The installation was established in 1941 and currently resides on 100 square miles. It is the third largest Navy installation in the world.

The mission of NSWC Crane is to provide acquisition engineering, in-service engineering and technical support for sensors, electronics, electronic warfare and special warfare weapons. NSWC Crane also works to apply component and system-level product and industrial engineering to surface sensors, strategic systems, special warfare devices and electronic warfare systems, as well as to execute other responsibilities as assigned by the NSWC Crane Commander.

In support of its mission, NSWC Crane specializes in six technical capabilities: electronic warfare, strategic systems programs, special warfare and expeditionary systems, sensors and surveillance, advanced electronics and energy systems, and infrared countermeasures and pyrotechnics. Of these technical capabilities, the three that comprise the most work for NSWC Crane employees are electronic warfare, strategic systems programs, and special warfare and expeditionary systems.

Since well before the time period relevant to the instant petition, the American Federation of Government Employees, Local 1415 (AFGE Local 1415) has been recognized as the exclusive representative of the following unit of employees at NSWC Crane:

Included:	All wage grade and general schedule employees of the Naval Surface Warfare Center, Crane Division, Crane, Indiana.
Excluded:	Management officials, supervisors, professional employees, employees with temporary appointments of less than one year and employees described in 5 U.S.C. 7112(b)(2), (3), (4), (6) and (7).

The National Defense Authorization Act of 1995 authorized the Secretary of Defense, with Office of Personnel Management (OPM) approval, to conduct a Personnel Demonstration Project at certain laboratories focused on science and technology. On December 3, 1997, the OPM issued a notice in the Federal Register that authorized the Department of Defense to implement the Demonstration Project at certain warfare centers, including NSWC Crane, beginning on March 3, 1998.[1] *See* Science and Technology Reinvention Laboratory Personnel Demonstration Project at the Naval Sea Systems Command Warfare Centers, 62 Fed. Reg. 64,050 (1997). NSWC Crane implemented the Demonstration Project later in 1998.

The purpose of the Demonstration Project is to establish a more flexible human resources management system to obtain, develop, utilize and retain high performing employees at the various warfare centers, including NSWC Crane. The main difference between the General Schedule and Wage Grade systems and the Demonstration Project system is the establishment of pay bands, which allows the Agency to hire and promote within a broader range of pay. The Demonstration Project system allows the Agency, upon initial appointment of an individual, to set the individual's pay anywhere within the band level consistent with the special qualifications of the individual and the unique requirements of the position.

Approximately 3,228 employees currently work at NSWC Crane. Of these, approximately 1,093 are non-professional Wage Grade and General Schedule employees represented in the above bargaining unit in which AFGE Local 1415 is the exclusive representative. The remaining 2,135 employees at NSWC Crane are Demonstration Project employees, including approximately 430 non-professional Demonstration Project employees who the Union seeks to accrete into its bargaining unit.

Of the current 430 non-professional Demonstration Project employees, about 14 employees converted to the Demonstration Project at the time NSWC Crane implemented the program in 1998. The remaining employees applied for these positions during the period from 1998 to 2015. While the Demonstration Project was predominately composed of professional employees during much of that period, over the past several years a larger number of non-professional technicians and logisticians were hired as Demonstration Project employees as opposed to General Schedule employees. This was due to a focus on recruiting technically skilled employees to work with electronic warfare, strategic systems programs, and special warfare and expeditionary systems. NSWC Crane often filled the higher paid positions performing this work with Demonstration Project employees rather than General Schedule employees. As the Demonstration Project employees are not General Schedule or Wage Grade employees, they have been treated as excluded from the Union's bargaining unit since 1998.

Since the establishment of the Demonstration Project in 1998, NSWC Crane has regularly modified its organization structure. But throughout these changes NSWC Crane has maintained three large departments where most NSWC Crane employees work and its mission and operations have remained largely the same. Each department has approximately 800-900 employees. During 1997-2007, the Agency named these three departments the Ordinance Engineering department, the Electronics Development department and the Microwave Systems department. Beginning in 2007, NSWC Crane changed the names of these three departments to what are now called the Special Warfare and Expeditionary Systems, Global Deterrence and Defense and the Spectrum Warfare Systems departments. The record reflects that notwithstanding the changes in names and related reorganizations over the past seventeen years, most General Schedule and Demonstration Project employees stayed in the same job functions within these three large departments and kept the same duties, even if they transitioned from the General Schedule to the Demonstration Project.

The Demonstration Project employees and the General Schedule and Wage Grade bargaining unit employees at NSWC Crane are integrated throughout the organization and often work alongside one another performing similar duties. However, the Agency has a policy that it will not employ General Schedule employees and Demonstration Project employees who are in the same job series and hold the same pay level. All employees at NSWC Crane, whether classified as Demonstration Project, Wage Grade, or General Schedule, are serviced by the same human resources office and are subject to the same personnel policies, with the exception of the pay system and certain performance management and reduction-in-force procedures.

[1] In authorizing the implementation of Demonstration Projects, OPM provided that "Demonstration Project will be implemented in bargaining units when those units so request and a negotiated agreement is reached." Science and Technology Reinvention Laboratory Personnel Demonstration Project at the Naval Sea Systems Command Warfare Centers, 62 Fed. Reg. 64,050, 64,053 (1997). It further stated, "[t]he Project will be implemented in bargaining units only after there is full agreement through the collective bargaining process." *Id*. at 64,054.

III. Positions of the Parties

The Petitioner contends that non-professional Demonstration Project employees should be accreted into the bargaining unit represented by AFGE Local 1415. The Petitioner asserts that NSWC Crane has "changed the scope and operation of the Demonstration Project" by filling non-supervisory, non-professional positions with Demonstration Project employees rather than bargaining unit employees, and that this constitutes a triggering event for accretion purposes. In addition, the Petitioner asserts that AFGE Local 1415's bargaining unit would remain an appropriate unit following the addition of the non-professional Demonstration Project employees. In the alternative, the Petitioner contends that the Region should – even absent a finding of accretion – amend the certification of the bargaining unit to include Demonstration Project non-professionals pursuant to the Assistant Secretary of Labor's decision in *Dep't of the Air Force, Aeronautical Sys. Div., Air Force Sys. Command, Wright-Patterson Air Force Base, Ohio*, 5 A/SLMR 734 (1975).

The Agency contends that non-professional Demonstration Project employees should not be added to the bargaining unit represented by AFGE Local 1415 without an election. The Agency maintains that there has been no triggering event, or change in the Agency's organization or operations warranting the inclusion of the non-professional Demonstration Project employees within the bargaining unit represented by AFGE Local 1415. While the Agency acknowledges that the number of Demonstration Project employees has increased since 1998, it argues that such an increase does not justify a finding that an accretion has occurred since there have not been meaningful changes in the Demonstration Project employees' duties, functions or job circumstances.

IV. Analysis and Conclusions

The issue here is whether filling NSWC Crane positions predominately with Demonstration Project employees rather than General Schedule employees over the course of the past several years constitutes a triggering event under the Authority's accretion doctrine.

Accretion involves the addition of a group of employees to an existing bargaining unit without an election, based on a "triggering event" or change in agency operations or organization. *United States Dep't of the Interior, Bureau of Reclamation, Columbia-Cascades Area Office, Yakima, Wash.*, 65 FLRA 491, 493 (2011); *United States Dep't of the Interior, Bureau of Reclamation, Pac. N.W. Region, Grand Coulee Power Office, Wash.*, 62 FLRA 522, 524 (2008). Because accretion precludes employee self-determination, the accretion doctrine is narrowly applied. *Id.* There is no accretion where there is no change in an agency's organization or operations affecting the appropriate unit criteria concerning an existing unit. *United States Dep't of the Interior, Bureau of Reclamation, Pac. N.W. Region, Grand Coulee Power Office, Wash.*, 62 FLRA at 524. When there has been no change in agency operations, the inclusion of additional employees in an existing unit is permitted only through a petition seeking a self-determination election. *Nat'l Ass'n of Gov't Emps./Service Emps. Intl'l Union, Local 5000, AFL-CIO-CLC*, 52 FLRA 1068, 1080 (1997).

The record evidence reflects that between 1997 and 2015, most of NSWC Crane's bargaining unit employees and Demonstration Project employees have worked within one of three large departments – presently called the Special Warfare and Expeditionary Systems, Global Deterrence and Defense, and the Spectrum Warfare Systems departments – even though the names and structures of these departments have periodically changed over the past two decades. During this period, the mission of NSWC Crane has basically remained the same. While the Agency may have focused more or less on different aspects of its work over the years, the work of NSWC Crane employees has remained substantially similar.

The Petitioner asserts that the triggering event here was not the various departmental reorganizations between 1997 and 2015, but rather the increase in the hiring of non-professional Demonstration Project employees, many of whom were hired from the bargaining unit represented by AFGE Local 1415. While the evidence shows a trend over the last several years of managers at NSWC Crane choosing to hire employees under the Demonstration Project, as opposed to the General Schedule pay system, such does not constitute a change in NSWC Crane's organization or operations affecting the appropriate unit criteria of AFGE Local 1415's bargaining unit. As such, and given the Authority's narrow application of its accretion doctrine, accretion of the approximately 430 individuals into the bargaining unit represented by AFGE Local 1415 is not warranted.[2]

[2] Alternatively, the Petitioner argues that the Region should modify AFGE Local 1415's certification based on the Assistant Secretary of Labor's determination in *Dep't of the Air Force, Aeronautical Sys. Div., Air Force Sys. Command, Wright-Patterson Air Force Base, Ohio*, 5 A/SLMR 734 (1975). But that case preceded the establishment of the Authority's accretion doctrine, which is applicable here. The Petitioner remains free to seek to represent the Demonstration Project employees by obtaining a showing of interest and filing an election petition.

V. Order

In view of the above findings and conclusions, it is ordered that the petition to accrete approximately 430 non-professional Demonstration Project employees into the bargaining unit represented by AFGE Local 1415 be dismissed.

VI. Right to File Application for Review

Under the provisions of section 2422.31 of the Authority's Regulations, a party may file an application for review of this Decision and Order with the Federal Labor Relations Authority within sixty (60) days. The contents of, and grounds for, an application for review are set forth in section 2422.31(b) and (c) of the Authority's Regulations.

The application for review must be filed on or before March 28, 2016 and must be filed with the Chief, Case Intake and Publication, Federal Labor Relations Authority, Docket Room, Suite 201, 1400 K Street, NW, Washington, DC 20424-0001. Documents hand-delivered for filing must be presented in the Docket Room not later than 5:00pm to be accepted for filing on that day. The application for review may be filed electronically through the Authority's website, **www.flra.gov.**[3]

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Sandra LeBold, Regional Director
Federal Labor Relations Authority
Chicago Regional Office
224 S. Michigan Ave., Ste. 445
Chicago, IL 60604-2505

Dated: January 27, 2016

[3] To file an application for review electronically, go to the Authority's website at www.flra.gov, select **eFile** under the **Filing a Case** tab and follow the detailed instructions.