

51550N

**Supplemental Digest and Index of
Published Decisions of the Assistant
Secretary of Labor for Labor-Management
Relations Pursuant to Executive Order
11491, As Amended, July 1, 1975
through June 30, 1976**



U.S. Department of Labor
Labor-Management Services Administration

Supplemental Digest and Index of Published Decisions of the Assistant Secretary of Labor for Labor-Management Relations Pursuant to Executive Order 11491, As Amended, July 1, 1975 through June 30, 1976

U.S. Department of Labor
W. J. Usery, Jr., Secretary

Labor-Management Services Administration
Bernard E. DeLury
Assistant Secretary of Labor for Labor-Management Relations

Office of Federal Labor-Management Relations
Louis S. Wallerstein, Director

This edition covers the period of July 1, 1975-June 30, 1976.
It supplements two editions of the Digest and Index covering
the period of January 1, 1970-June 30, 1975.

This edition contains a Table of Contents and
Tables of Decisions and Reports on Rulings, each covering
the period of July 1, 1975-June 30, 1976.

1976



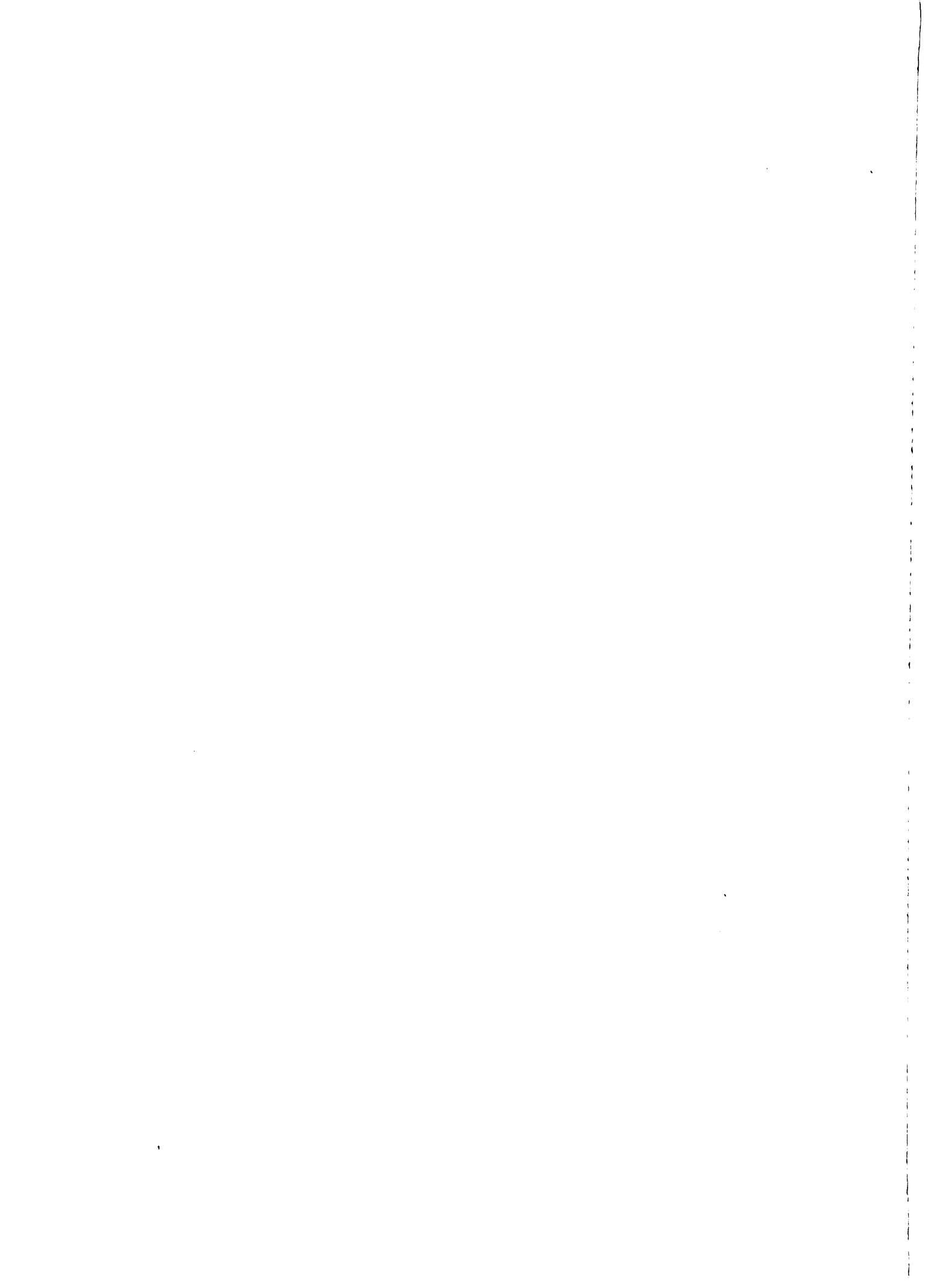


TABLE OF CONTENTS

	<u>Page</u>
<u>PREFACE</u>	xi
<u>TABLE OF ABBREVIATIONS</u>	xiii
 <u>DIGEST</u>	
05 00 00 <u>GENERAL PROVISIONS</u>	1
05 04 00 Definitions	1
05 08 00 Coverage of Executive Order	1
05 12 00 Evidence	2
05 12 04 Request for LMSA Documents and LMSA Personnel at Hearings	2
05 12 08 Admissibility at Hearings	3
05 16 00 Advisory Opinions	3
05 20 00 Concurrent Related Cases	3
05 24 00 Role of NLRB Decisions	3
05 28 00 Service	3
05 32 00 Transitional Problems	3
05 36 00 Official Time	3
 10 00 00 <u>REPRESENTATION CASES: PRELIMINARY STAGES</u>	 6
10 04 00 Types of Petitions: Procedure	6
10 04 04 Representation, Filed by Labor Organization (RO)	6
10 04 08 Agency Doubt as to Representative Status (RA)	6
10 04 12 Decertification of Representative, Filed by Employee(s) (DR)	8
10 04 16 Clarification of Unit (CU)	8
10 04 20 Amendment of Recognition or Certification (AC)	10
10 04 24 National Consultation Rights	12
10 08 00 Posting of Notice of Petition	12
10 12 00 Intervention	12
10 16 00 Showing of Interest	12
10 20 00 Labor Organization Status	13
10 24 00 Timeliness of Petition	13
10 24 04 Election Bar	13
10 24 08 Certification Bar	13
10 24 12 Agreement Bar	13

10 00 00 REPRESENTATION CASES: PRELIMINARY STAGES (Cont'd)

Page

10 28 00	Status of Petitioner	16
10 32 00	Qualifications to Represent Specified Categories of Employees	16
10 36 00	Request for Review Rights	16
10 40 00	Area Administrator's Action	16
10 44 00	Defunctness	16
15 00 00	<u>REPRESENTATION HEARING PROCEDURE</u>	19
15 04 00	Role of Hearing Officer	19
15 08 00	Motions	19
	15 08 04 General	19
	15 08 08 Amendment of Petition	19
15 12 00	Evidence and Burden of Proof	19
15 16 00	Unfair Labor Practice Allegations	19
15 20 00	Obligation of Parties	20
15 24 00	Post-Hearing Submissions	20
15 28 00	Remand	20
20 00 00	<u>REPRESENTATION UNIT DETERMINATIONS</u>	23
20 04 00	Criteria	23
	20 04 04 Community of Interest	23
	20 04 08 Effective Dealings	25
	20 04 12 Efficiency of Operations	27
	20 04 16 Agency Regulations and Parties' Stipulations Not Binding on Assistant Secretary	28
	20 04 20 Previous Certification	29
20 08 00	Geographic Scope	29
	20 08 04 World-wide	29
	20 08 08 Nation-wide	29
	20 08 12 State-wide	29
	20 08 16 City-wide	29
20 12 00	Organizational Scope	29
	20 12 04 Agency-wide	29
	20 12 08 Activity-wide	30
	20 12 12 Directorate-wide	30
	20 12 16 Command-wide	31
	20 12 20 Headquarters-wide	31

20 12 00	Organizational Scope (Cont'd)	
20 12 24	Field-wide	32
20 12 28	Region-wide	32
20 12 32	Division-wide	33
20 12 36	Area-wide	33
20 12 40	District-wide	34
20 12 44	Branch-wide	34
20 12 48	Base-wide	34
20 12 52	Section-wide	35
20 12 56	Multi-Installation	35
20 12 60	Single Installation	35
20 12 64	Occupational Classification	35
20 16 00	Special Situations	36
20 16 04	Severance	36
20 16 08	Accretion	36
20 16 12	Eligibility	38
20 16 16	Residual Employees	38
20 16 20	Self-Determination	39
20 16 24	Supervisory Unit	39
20 16 28	Reorganization	39
20 20 00	Employee Categories and Classifications	41
20 24 00	Post-Decisional Intervention, Showing of Interest and Withdrawal	54
20 24 04	Posting of Notice of Unit Determination	54
20 24 08	Showing of Interest	55
20 24 12	Opportunity to Withdraw	55
25 00 00	<u>REPRESENTATION ELECTION AND POST ELECTION STAGES</u>	56
25 04 00	Voting Procedure	56
25 04 04	Professionals	56
25 04 08	Self-Determination	56
25 04 12	Role of Observers	56
25 04 16	Severance	56
25 08 00	Objections	56
25 08 04	Under EO 10988	56
25 08 08	Procedure	56
25 08 12	Timing of Objectionable Conduct ...	57
25 08 16	Agency Rules on Campaigning	57
25 08 20	Campaign Communications	57
25 08 24	Promises of Benefit	57
25 08 28	Conduct of Election	57
25 08 32	Agency Neutrality	57

25 00 00	<u>REPRESENTATION ELECTION AND POST ELECTION STAGES</u> <u>(Cont'd)</u>	
		<u>Page</u>
25 12 00	Challenges	57
	25 12 04 Eligibility of Employees	57
	25 12 08 Questions Concerning Ballot	58
	25 12 12 Timing of Challenge	58
25 16 00	Certification	58
25 20 00	Clarification of Unit	58
25 24 00	Amendment of Recognition or Certification	61
30 00 00	<u>UNFAIR LABOR PRACTICES: PROCEDURE</u>	64
30 04 00	Requisites for Charges and Complaints	64
30 08 00	Complaint Proceedings: Investigation Stage ...	64
30 12 00	Hearing	64
	30 12 04 Rulings of ALJs	64
	30 12 08 Untimely Amendments to Complaints ...	65
	30 12 12 Failure to Appear	65
	30 12 16 Prejudicial Evidence	65
	30 12 20 Technical Deficiencies	65
	30 12 24 Evidence and Burden of Proof	65
	30 12 28 Lack of Cooperation	65
30 16 00	Post-Hearing	65
30 20 00	Stipulated Record	65
30 24 00	Employee Status: Effect on Unfair Labor Practices	66
30 28 00	Effect of Other Proceedings or Forums	66
30 32 00	Major Policy Issue Raised	66
35 00 00	<u>UNFAIR LABOR PRACTICES: AGENCY</u>	68
35 04 00	General	68
	35 04 04 Guidance or Directives of Civil Service Commission or Agency	68
	35 04 08 Waiver of Rights Granted by Executive Order	68
	35 04 12 Management Rights	68
35 08 00	Section 19(a)(1)	68
	35 08 04 Interference	68
	35 08 08 Distribution of Literature	79
	35 08 12 Solicitation	79
35 12 00	Section 19(a)(2)	79
35 16 00	Section 19(a)(3)	82

35 00 00	<u>UNFAIR LABOR PRACTICES: AGENCY (Cont'd)</u>	<u>Page</u>
35 20 00	Section 19(a)(4)	83
35 24 00	Section 19(a)(5)	84
35 28 00	Section 19(a)(6)	87
	35 28 04 Response to Bargaining Request	87
	35 28 08 Failure to Meet and Confer Generally	87
	35 28 12 Failure to Meet and Confer on Impact or Procedures	90
	35 28 16 Refusal to Allow Formal Dis- cussion Representation	91
	35 28 20 Uncompromising Attitude	93
	35 28 24 Dilatory and Evasive Tactics	94
	35 28 28 Unilateral Changes in Terms and Conditions of Employment	94
	35 28 32 Bypassing Exclusive Representa- tive	98
	35 28 36 Refusal to Furnish Information	99
35 32 00	Section 19(d)	100
40 00 00	<u>UNFAIR LABOR PRACTICES: LABOR ORGANIZATION</u>	103
40 04 00	General	103
40 08 00	Section 19(b)(1)	103
40 12 00	Section 19(b)(2)	103
40 16 00	Section 19(b)(3)	103
40 20 00	Section 19(b)(4)	103
40 24 00	Section 19(b)(5)	103
40 28 00	Section 19(b)(6)	103
40 32 00	Section 19(c)	103
45 00 00	<u>REMEDIAL ORDERS AGAINST AGENCIES: UNFAIR LABOR PRACTICES</u>	105
45 04 00	Notification and Dissemination of Remedies	105
45 08 00	Advice of Compliance	105
45 10 00	Modifications to Orders	105
45 12 00	Remedies for Improper Rules, Regulations and Orders	105
45 16 00	Remedies for Improper Conduct	105
	45 16 04 Interference, Solicitation or Distribution of Literature	105
	45 16 08 Discrimination	106
	45 16 12 Assisting a Labor Organization	106
	45 16 16 Refusal to Accord Appropriate Recognition	106

45 00 00	<u>REMEDIAL ORDERS AGAINST AGENCIES: UNFAIR LABOR PRACTICES (Cont'd)</u>	
		<u>Page</u>
45 16 00	<u>Remedies for Improper Conduct (Cont'd)</u>	
45 16 20	Failure to Consult, Confer or Negotiate	107
45 16 24	Failure to Cooperate	109
45 20 00	Jurisdictional Questions	109
50 00 00	<u>REMEDIAL ORDERS AGAINST LABOR ORGANIZATIONS: UNFAIR LABOR PRACTICES</u>	111
50 04 00	Notification and Dissemination of Remedies	111
50 08 00	Advice of Compliance	111
50 12 00	Remedies for Improper Rules, Regulations and Orders	111
50 16 00	Remedies for Improper Conduct	111
50 16 04	Interference	111
50 16 08	Harassment of Employee in Performance of Duties	111
50 16 12	Inducing Management to Coerce an Employee	111
50 16 16	Strike Activity	111
50 16 20	Discrimination	111
50 16 24	Failure to Consult, Confer or Negotiate	111
50 16 28	Denial of Membership.....	111
55 00 00	<u>STANDARDS OF CONDUCT</u>	113
55 04 00	Effect on Representation and Unfair Labor Practice Cases	113
55 08 00	Procedure	113
55 08 04	Jurisdiction	113
55 08 08	Bill of Rights	113
55 08 12	Elections	113
55 12 00	Bill of Rights	114
55 12 04	Equal Rights	114
55 12 08	Freedom of Speech	114
55 12 12	Dues, Initiation Fees and Assessments	114
55 12 16	Protection of the Right to Sue	114
55 12 20	Safeguards against Improper Disciplinary Action	114

	<u>Page</u>
60 00 00 GRIEVABILITY AND ARBITRABILITY	116
60 04 00 General	116
60 08 00 13(a)	116
60 12 00 13(b)	116
60 16 00 13(d)	116
TABLE OF DECISIONS - ALPHABETICAL LISTING	118
TABLE OF DECISIONS - NUMERICAL LISTING, DATES OF ISSUANCE AND SECTIONS OF DIGEST INVOLVED	133
TABLE OF REPORTS ON RULINGS, DATES OF ISSUANCE AND SECTIONS OF DIGEST INVOLVED	***
INDEX	151

*** During this period, no Reports on Rulings of the Assistant Secretary were issued.

PREFACE

This edition of the Supplemental Digest and Index (SDI) contains digests of all published decisions of the Assistant Secretary of Labor for Labor-Management Relations (A/S) pursuant to Executive Order 11491, from July 1, 1975 to June 30, 1976. Published decisions from January 1, 1970 to June 30, 1975, are contained in two previously published editions of the Digest and Index (DI).

The Digest section summarizes significant decisional material and is arranged in a functional classification under major headings and subheadings, listed in the Table of Contents. It covers: (1) decisions after formal hearing or stipulated record; (2) Reports on Rulings of the A/S on requests for review of field-level actions; and (3) those rulings of the Federal Labor Relations Council which remanded cases to the A/S or modified his decisions.

Executive Order 11491 was amended, effective May 7, 1975, and the Regulations of the A/S were revised, effective May 7, 1975. Accordingly, careful attention should be given to the possible impact of the changes in the Order or the Regulations on decisional material in cases filed prior to such changes.

The full text of A/S decisions has been published in bound volumes entitled "Decisions and Reports on Rulings of the Assistant Secretary of Labor for Labor-Management Relations Pursuant to Executive Order 11491, as Amended." Past decisions may also be read at any Area Office of the Labor-Management Services Administration of the U.S. Department of Labor.

The SDI is intended as a guide to material in the A/S's published decisions but should not be used as a substitute for the full text of such decisions, nor should its contents be construed as official pronouncements or interpretations of the A/S.



TABLE OF ABBREVIATIONS

AA	Area Administrator, Labor-Management Services Administration, U.S. Department of Labor (formerly Area Director, Labor-Management Services Administration)
AC Petition	Amendment of Recognition or Certification Petition
AD	Area Director, Labor-Management Services Administration; now referred to as Area Administrator, Labor-Management Services Administration
ALJ	Administrative Law Judge (formerly Hearing Examiner)
AO	Area Office, Labor-Management Services Administration
ARD	Assistant Regional Director for Labor-Management Services; now referred to as Regional Administrator, Labor-Management Services Administration
A/S	Assistant Secretary of Labor for Labor-Management Relations
A/SLMR No.	Assistant Secretary for Labor-Management Relations Decision Number
CU Petition	Clarification of Unit Petition
DI	Digest and Index of Published Decisions of the Assistant Secretary of Labor for Labor-Management Relations
EO	Executive Order 10988 where indicated; otherwise references are to Executive Order 11491 in cases filed prior to 11-24-71, and to Executive Order 11491, as amended, subsequent thereto
FLRC	Federal Labor Relations Council
FLRC No.	Federal Labor Relations Council Decision Number
GS	General Schedule
HE	Hearing Examiner (Title changed to Administrative Law Judge)
HO	Hearing Officer

LMSA	Labor-Management Services Administration
LMWP	Office of Labor-Management and Welfare-Pension Reports
NE	No entry for period covered
OFLMR	Office of Federal Labor-Management Relations, Labor-Management Services Administration
RA	Regional Administrator, Labor-Management Services Administration (formerly Assistant Regional Director for Labor-Management Services)
RA Petition	Agency Doubt as to Representative's Status Petition
R A/S No.	Report on Ruling of the Assistant Secretary Number
Regs	Regulations of the Assistant Secretary of Labor for Labor-Management Relations
SDI	Supplemental Digest and Index of Published Decisions of the Assistant Secretary of Labor for Labor-Management Relations
Sec.	Section
ULP	Unfair Labor Practice
WB	Wage Board

05 00 00 GENERAL PROVISIONS05 04 00 Definitions (Alphabetically Listed)
(See also: 20 20 00, "Employees Categories and Classifications")

Agency Management. A/S found Civil Service Commission not to be "Agency Management" within the meaning of Section 2(f) of the EO with respect to an Activity's employees while it was conducting an evaluation of those employees pursuant to law and EO (CSC, Washington, D.C., A/SLMR No. 640; CSC, and IRS, Washington, D.C., A/SLMR No. 642)

05 08 00 Coverage of Executive Order

A working condition potentially affecting 50 out of 425 employees is sufficiently "general" to be included within the meaning of Sec. 10(e). (Navy, Norfolk Naval Shipyard, A/SLMR No. 548)

Pursuant to FLRC No. 74A-54, A/S revised certain portions of the remedial order in A/SLMR No. 400 which were inconsistent with FLRC finding that (1) Sec. 10(e) does not impose upon a labor organization holding exclusive recognition an obligation to represent a bargaining unit employee in an adverse action proceeding until such time as the employee indicates a desire to choose his own representative; and (2) an agency's failure to recognize a labor organization's status as an employee's representative in an adverse action proceeding, until the employee designates another representative, does not constitute an unfair labor practice. (Naval Ordnance Sta., Louisville, Ky., A/SLMR No. 588)

Due to lack of evidence, no finding made with respect to Activity's contention that employees located outside United States should be exempt from the provisions of the EO. (Army, Criminal Investigation Command, Third Region, Ft. Gillem, Forest Park, Ga., A/SLMR No. 626)

No finding made with respect to Activity's contention that employees should be exempt from the provisions of the EO based on Section 3(b)(3) and (4), where requisite statement from head of agency not submitted. (Army, Criminal Investigation Command, Third Region, Ft. Gillem, Forest Park, Ga., A/SLMR No. 626)

05 08 00 Coverage of Executive Order (Cont'd)

Disposition by A/S was pursuant to Section 6(a) (4) of EO, ULP procedure, and should not be construed as a determination of rights of access under the Freedom of Information Act. (CSC, Washington, D.C., A/SLMR No. 640)

Agency head's determination to exclude investigatory employees of the Office of Investigation and the auditors in the Office of Audit from coverage of EO pursuant to Section 3(b)(4) on grounds that EO could not be applied to such employees in manner consistent with internal security of Agency was not arbitrary or capricious. (Dept. of Agric., Off. of Investigation and Off. of Audit, A/SLMR No. 643)

Agency head's determination to exclude investigatory employees from coverage of EO pursuant to Section 3(b)(4) on grounds that EO could not be applied to such employees in manner consistent with internal security of Agency was not arbitrary or capricious and accordingly, representation petition covering requested employees dismissed. (Dept. of Agric., Off. of Investigation, Temple, Tex., A/SLMR No. 644)

A/S found that Activity did not meet the definition of "Agency" as defined in Section 2(a) of the Order inasmuch as it could not be found to be a "Government Corporation" and, therefore, does not come within the jurisdiction of the EO. (Orange-Chatham Comprehensive Health Services, Inc., A/SLMR No. 650)

A/S adopted ALJ finding that the A/S did not have jurisdiction to consider alleged Sec. 19(a)(1) and (6) violation because Respondent's mere announced intention to impose a change in duty hours could not be equated with an actual implementation thereof within the meaning of Section 11(d) of the EO. Proper resolution of such a negotiability issue is through the Sec. 11(c)(2) and (4) procedures of the EO. Complaint dismissed. (Dept. of Agric., Grain Div. Field Off., New Orleans, La., A/SLMR No. 666)

05 12 00 Evidence

05 12 04 Request for LMSA Documents and LMSA Personnel at Hearings

No Entries

05 12 00 Evidence (Cont'd)05 12 08 Admissibility at Hearings

No Entries

05 16 00 Advisory Opinions

No Entries

05 20 00 Concurrent Related Cases

Complainant filed ULP's against both the Civil Service Commission and the Internal Revenue Service alleging that it was denied the right to be present during interviews conducted among unit employees because the CSC used IRS personnel as part of the CSC team conducting the personnel evaluation. The A/S found no violation by either Respondent as the CSC was not "Agency Management" within the meaning of Sec. 2(f) of the Order while conducting the evaluation pursuant to law and EO and the IRS personnel on the CSC team was under CSC supervision. (CSC, and IRS, Washington, D.C., A/SLMR No. 642)

05 24 00 Role of NLRB Decisions

No Entries

05 28 00 Service

No Entries

05 32 00 Transitional Problems

No Entries

05 36 00 Official Time

Allowing employees to make judgments for themselves as to whether they are necessary witnesses pursuant to Section 206.7 of the Regs would be disruptive of the orderly processes required to implement

05 36 00 Official Time (Cont'd)

properly the EO, even if some of those judgments ultimately were vindicated. The A/S noted that the purposes of the EO would be better served if the parties adhered to the implicit mandate of Section 206.7 that prior approval of a "Request for Appearance of Witnesses" be obtained before any employee is granted such official time and expenses as are described in Sec. 206.7(g) of the Regs. (Bellingham Flight Service Sta., FAA, Northwest Region, DOT, Bellingham, Wash. A/SLMR No. 597)

10 00 00 REPRESENTATION CASES: PRELIMINARY STAGES

10 04 00 Types of Positions: Procedure (For substantive matters on petitions see: 20 00 00, "Representation Unit Determination"; 25 20 00, "Certification of Unit"; and 25 24 00, "Amendment of Recognition or Certification")

10 04 04 Representation, Filed by Labor Organization (RO)

Petitioner sought an election in a unit of all nonprofessional employees of the Activity. Unit sought was found not appropriate for the purpose of exclusive recognition because the claimed employees did not possess a clear and identifiable community of interest separate and distinct from the other Division employees. It was noted particularly that (1) all of the Branches operate under the centralized control of the Division Director; (2) all Division employees operate under the same uniform personnel procedures; and (3) the operation of the Branches of the Divisions is highly integrated. (Dept. of Agric., Agric. Research Service, Budget and Finance Division, Accounting Services Branch, New Orleans, La., A/SLMR No. 579)

10 04 08 Agency Doubt as to Representative's Status (RA)

RA petition dismissed even though claimed unit is co-extensive with the community of interest among employees at an activity which added the functions, physical facilities, and some employees (exclusively represented by the NAGE) of another activity which had been deactivated. Election pursuant to the RA petition not appropriate because employees exclusively represented by the NAGE at the deactivated activity are not now substantially identifiable with any pre-existing units; these employees had been integrated into a different activity wherein employees had not been previously represented in an exclusively recognized unit. (U.S. Coast Guard Air Sta., Non-Appropriated Fund Activity, Cape Cod, Mass., A/SLMR No. 561)

10 04 08 Agency Doubt as to Representative's
Status (RA) (Cont'd)

RA petition dismissed due to untimely filing. Even if the RA petition had been timely filed, it was not supported by evidence sufficient to establish that the NFFE no longer continued to represent a majority of the employees in its unit where (1) the NFFE had represented and continued to represent employees in the unit; and (2) a significant number of employees continued on dues withholding. (Nat'l. Park Service, A/SLMR No. 589)

In view of his decision that the units involved continued to exist after the reorganization, the A/S determined that treating the petitions as CU petitions would not require a contrary result, as suggested by the Activity-Petitioners. (Naval Aerospace and Regional Medical Cntr., Pensacola Fla. and Naval Aerospace Medical Research Lab., Pensacola, Fla. and Naval Aerospace Medical Inst., Pensacola, Fla., A/SLMR No. 603)

A/S found that an Agency reorganization brought about a substantial change in the character and scope of the unit of the Activity which supports a good faith doubt as to the appropriateness. As a result of the above, and the fact that it was possible to trace a connection to the new unit from previously existing certified unit and that the newly formed unit was appropriate for the purpose of exclusive recognition, the A/S directed an election in such unit. (Dept. of Interior, Bureau of Reclamation, Arizona Projects Off., Phoenix, Ariz., A/SLMR No. 614)

RA petition filed because ECOM, Ft. Monmouth, New Jersey, claimed that after closure and reductions-in-force actions there existed a good faith doubt as to whether AFGE continued to represent all nonprofessional, nonsupervisory employees at a Philadelphia operation of the Activity. A/S adopted findings of ALJ, who found that the AFGE unit in Philadelphia ceased to exist as a distinct, separate and

10 04 08 Agency Doubt as to Representative's
Status (RA) (Cont'd)

identifiable unit when it was merged with ECOM, Ft. Monmouth. RA petition dismissed. (DOT, U.S. ECOM, Ft. Monmouth, A/SLMR No. 617)

Activity-wide unit found appropriate and election directed where the Activity was, in effect, a new organizational entity which included all or part of the employee complement of a number of previously recognized units whose scope and character had been changed by the creation of the Activity. (Navy Public Works Cntr., San Francisco Bay, A/SLMR No. 628)

RA petition dismissed where recognized unit was no longer appropriate due to substantial changes in both the scope and character of said unit as the result of a reorganization, thus freeing the Activity from the obligation of recognizing the exclusive representative involved. (Defense Contract Audit Agency, A/SLMR No. 657)

10 04 12 Decertification of Representative, Filed by
Employee(s) (DR)

No Entries

10 04 16 Clarification of Unit (CU)

Petition for clarification of unit dismissed inasmuch as the purpose of a CU petition is to clarify an existing, exclusively recognized unit, while the employees in the unit claimed in this CU petition are not currently represented in an exclusively recognized unit. Unit claimed contained employees who had been represented by the NAGE previous to the deactivation of the activity and the addition of its physical facilities, functions, and some of its employees to another activity, but the A/S found that these employees do not constitute a recognizable and viable unit by themselves at this other activity, wherein employees had not been

10 04 16 Clarification of Unit (CU) (Cont'd)

previously represented in an exclusively recognized unit. (U.S. Coast Guard Air Sta., Non-Appropriated Fund Activity, Cape Cod, Mass., A/SLMR No. 561)

Activity's AC petition treated as CU and AC petition, and NFFE's CU and AC petition dismissed where A/S amended and clarified the NFFE's unit to indicate (1) that some of its employees had accreted to an IBPAT unit; (2) that one subdivision of the Activity had been abolished; and (3) that the name of the Activity had been changed. (Nat'l. Park Service, A/SLMR No. 589)

CU petition held appropriate in seeking to change the unit description of a unit of all nonsupervisory Wage Board (WB) employees to include approximately 26 General Schedule Engineering Technicians who were at one time WB employees but, as a result of a competitive merit promotion action, had become General Schedule (GS) employees. (Air Force, Aeronautical Systems Division, Air Force Systems Command, Wright-Patterson AFB, Ohio, A/SLMR No. 590)

As a result of reorganization and abolishment of DCASD, Activity-Petitioner sought to clarify status of approximately twenty-five employees who were physically and functionally transferred to another DCASD, to show that they had become intermingled and essentially indistinguishable from the bargaining unit employees of the new DCASD and, therefore, should be included in the exclusively recognized unit. (Defense Contract Administration Services Region (DCASR), Philadelphia, A/SLMR No. 609)

Petition seeking to include in a certified unit all professional and nonprofessional employees of a newly established office was dismissed inasmuch as the employment of 70 individuals needed to fulfill projected staffing requirements was speculative. Conse-

10 04 16 Clarification of Unit (CU) (Cont'd)

quently, the A/S found that it would not effectuate the purposes and policies of the Order to amend a certification and clarify a unit where, as here, the employees sought to be added to the certified unit had not, in fact, been hired. (HEW, Social and Rehabilitation Service, Central Off., Washington, D.C., A/SLMR No. 632)

Reorganization which occurred was primarily administrative and did not so thoroughly combine and integrate two separate units so as to require a finding that one unit had lost its independent identity. On this basis, and in light of the fact that a disclaimer of interest was filed for one of the units, the CU petition was ordered dismissed and it was concluded that the employees in the disclaimed unit were presently unrepresented. (Ft. McPherson, Ga., A/SLMR No. 655)

10 04 20 Amendment of Recognition or Certification (AC)

Activity's AC petition treated as CU and AC petition, and NFFE's CU and AC petition dismissed where A/S amended and clarified the NFFE's unit to indicate (1) that some of its employees had accreted to an IBPAT unit; (2) that one subdivision of the Activity had been abolished; and (3) that the name of the Activity had been changed. (Nat'l. Park Service, A/SLMR No. 589)

A/C petition seeking to designate a change in organizational title of Activity was granted where parties had stipulated to the change in organizational title and where there was no evidence to indicate that such stipulation was improper. (Air Force, Aeronautical Systems Division, Air Force Systems Command, Wright-Patterson AFB, Ohio, A/SLMR No. 590)

A/C petition, seeking to amend recognition of unit to include administratively trans-

10 04 20 Amendment of Recognition or Certification
(AC) (Cont'd)

ferred employees, granted where it was held that the disputed employees continued to share a clear and identifiable community of interest with other unit employees represented by the Petitioner. (AAFES, Ft. Benning Exchange, Ft. Benning, Ga., A/SLMR No. 592)

A/S dismissed AC petition as being inappropriately filed, as he found that a question concerning the appropriateness of the unit existed. (Dept. of Interior, Bureau of Reclamation, Arizona Projects Off., Phoenix, Ariz., A/SLMR No. 614)

AC petitions dismissed where one unit involved had been transferred entirely to a new organizational entity and no longer existed as a separate viable unit, while the other unit, from which only certain employees had been transferred to the new organizational entity, although diminished in scope, continued to exist as a viable unit whose designation had not changed. (Navy Public Works Cntr., San Francisco Bay, A/SLMR No. 628)

Petition seeking to include in a certified unit all professional and nonprofessional employees of a newly established office was dismissed inasmuch as the employment of 70 individuals needed to fulfill projected staffing requirements was speculative. Consequently, the A/S found that it would not effectuate the purposes and policies of the Order to amend a certification and clarify a unit where, as here, the employees sought to be added to the certified unit had not, in fact, been hired. (HEW, Social and Rehabilitation Service, Central Off., Washington, D.C., A/SLMR No. 632)

AC petition is not appropriate vehicle to reflect a redelegation of authority from the Commander, Fifth U.S. Army to all United States Army Reserve Command Commanders, who were further ordered to designate a servicing Civil-

10 04 20 Amendment of Recognition or Certification
(AC) (Cont'd)

ian Personnel Office to act for them in carrying out the civilian personnel program. (Army, Ft. McCoy, Sparta, Wisc., A/SLMR No. 638)

10 04 24 National Consultation Rights

Petition filed seeking National Consultation Rights dismissed where the ALJ found, contrary to Petitioner, that the Department of the Navy was not an "Agency" within the meaning of the EO and concluded that a component of the Navy was neither an agency nor a primary national subdivision of an agency within the meaning of Sec. 2(a) of the EO and part 2412 of the Council's Rules and Regulations. (Navy, Military Sealift Command, A/SLMR No. 576)

10 08 00 Posting of Notice of Petition
(See 20 24 00 for Post-Decisional Items)

No Entries

10 12 00 Intervention
(See 20 24 00 for Post-Decisional Items)

Noting that a nationwide unit petition was filed untimely with respect to petitions pending in several less comprehensive units within the nationwide unit sought, the A/S denied intervention with regard to the employees in those units and excluded them from any election held in the unit found appropriate. (FAA and FAA, Eastern Region, A/SLMR No. 600)

Intervenor, although served with Notice of Hearing, failed to appear at hearing. Status as intervenor denied by A/S in accordance with Sec. 202.5(a) of the Regs, as amended May 7, 1975. (FAA, Nat'l. Cntr., Aviation Facilities Experimental Cntr., Atlantic City, N.J., A/SLMR No. 606)

10 16 00 Showing of Interest
(See 20 24 00 for Post-Decisional Items)

ARD's prior determination with respect to showing of

10 16 00 Showing of Interest (Cont'd)

interest not subject to attack at representation hearing. (VA Cntr., Bath, N.Y., A/SLMR No. 605)

Had investigation of challenge to validity been conducted and ruling made pursuant to Sec. 202.2 (f)(2) of the Regs, no election would have been conducted. Therefore, Report No. 58 does not preclude consideration of objectionable conduct occurring before petition was filed under circumstances of this case, and election results are set aside. (Navy, Navy Commissary Store Complex, Oakland, A/SLMR No. 654)

10 20 00 Labor Organization Status

No Entries

10 24 00 Timeliness of Petition10 24 04 Election Bar

No Entries

10 24 08 Certification Bar

No Entries

10 24 12 Agreement Bar
(See also 10 44 00, "Defunctness")

An RA petition based on a good faith doubt as to the continued majority status of an incumbent exclusive representative in an existing unit is subject to the timeliness requirements of Sec. 202.3 of the Regs. Thus, an RA petition of this kind, which was filed within the insulated 90 day period provided by Section 202.3(d) of the Regs, was found to be untimely. (Denver Airway Facilities Hub Sector, FAA, Rocky Mountain Region, DOT, Aurora, Colo., A/SLMR No. 535)

Agreement covering all GS employees bars election for unit of civilian firefighters where (1) evidence indicates that at least a small number of civilian firefighters was employed by the Activity a number of months or years prior to the execution of the current agree-

10 24 12 Agreement Bar (cont'd)

ment and the filing of the petition; (2) civilian firefighters are serviced by the same civilian personnel office as are other unit employees; and (3) no evidence was presented that the parties to the agreement sought or intended, at any time during their bargaining history, to exclude the civilian firefighter classification from the base-wide unit. (Air Force, 31st Combat Support Group, Homestead AFB, Homestead, Fla., A/SLMR No. 549)

Petitioner's assertion that negotiated agreement could not act as a bar to its petition because it was negotiated and signed by a supervisor who was also the incumbent's president and chief negotiator rejected by A/S because (1) such supervisory involvement was alleged to have occurred more than six months prior to the filing of the petition in the case; and (2) the negotiated agreement involved was otherwise valid on its face. (HEW, Public Health Service Indian Hosp., Claremore, Okla., A/SLMR No. 568)

RA petition alleging a good faith doubt that the NFFE continued to represent a majority of the employees in its unit dismissed where (1) such petition was not filed during the "open period" established by Section 202.3 (c)(1) of the Regs; (2) NFFE not defunct inasmuch as there had been at least one officer of the NFFE at all times since its certification; (3) the NFFE national office had taken affirmative action to represent unit employees; and (4) there had been 58 members on continuing dues withholding. (Nat'l. Park Service, A/SLMR No. 589)

Petition filed untimely as employees in claimed unit remained in exclusively recognized unit after employees relocated to another base some seven miles away. (Arizona Air Nat'l. Guard, Phoenix, Ariz., A/SLMR No. 593)

Agreement initialed prior to filing of petition is an agreement bar where evidence established that (1) parties initialing had authority to negotiate and execute a binding

10 24 12 Agreement Bar (Cont'd)

agreement; (2) the initialed articles contained substantial and finalized terms and conditions of employment sufficient to stabilize bargaining relationship; and (3) the affixing of the parties' signatures after the filing of the petition constituted a mere formal execution of the previously agreed upon provisions. (Navy, Navy Exchange, Miramar, Cal., A/SLMR No. 602)

A/S found that no agreement bar existed where, following reorganization, a new organizational entity was created which was separate and distinct from Headquarters, Fort Sam Houston, or Headquarters, Fifth U.S. Army, and employees were no longer part of any existing unit. (U.S. Army Communications Command Agency, Ft. Sam Houston, Tex., A/SLMR No. 604)

A/S found that Activity-Petitioner's RA petition was not barred by the negotiated agreement between the Activity and the labor organization because the RA petition questioned the continued appropriateness of the unit for which the labor organization was certified. (Dept. of Interior, Bureau of Reclamation, Arizona Projects Off., Phoenix, Ariz., A/SLMR No. 614)

A/S found no agreement bar to representation petition where signatory to negotiated agreement found to be defunct. (Navy, U.S. Naval Sta. and Naval Amphibious Base, San Diego, Cal. and Coronado, Cal., A/SLMR No. 627)

Petition found timely and neither an agreement renewed on September 17, 1972 between the Activity and Intervenor, nor a three-year agreement executed on June 5, 1974 constituted an agreement bar. A/S found that as the renewed agreement did not comply with Sec. 13 of the Order it could not serve as a bar to a petition but such agreement, if otherwise valid, would be binding on the parties thereto. (VA Hosp., New Orleans, A/SLMR No. 637)

10 28 00 Status of Petitioner

Subsequent to a petition for a nation-wide unit of all Airway Facilities Division employees, from which this unit was excluded because of a contract bar, the petition for this unit was timely filed. At the time of the hearing, a decision regarding the nation-wide unit had not been issued. Petitioner and Activity sought to add-on this unit to nation-wide unit. A/S noted that, although a decision regarding nation-wide unit had been issued in A/SLMR No. 600, it would be inappropriate to include these employees in the nation-wide unit by an added-on election as no certification of representative had been issued in that matter. (Federal Aviation Adm., Airway Facilities Sector 37, Tampa, Fla., A/SLMR No. 647)

Election results are set aside and petition dismissed where evidence indicated that had investigation of challenge to validity of showing of interest been conducted, the Petitioner would have lost its status and no election would have been held. (Navy, Navy Commissary Store Complex, Oakland, A/SLMR No. 654)

10 32 00 Qualifications to Represent Specified Categories of Employees

No Entries

10 36 00 Request for Review Rights

A/S determination, in the context of an administrative review of an action taken by the ARD, of timeliness of petition not subject to attack at representation hearing. (VA Cntr., Bath, N.Y., A/SLMR No. 605)

10 40 00 Area Administrator's Action (Area Director)

No Entries

10 44 00 Defunctness
(See also: 10 24 12, "Agreement Bar")

Exclusive representative not defunct where (1) national representative, a signatory to the parties' negotiated agreement, appointed the local's secretary/treasurer to be acting president of the local;

10 44 00 Defunctness (Cont'd)

and (2) acting president continued to receive the local's mail and have possession and control over the local's funds, all in spite of local president's attempt, by letter to the Activity, to disclaim, in the name of the local, interest in representing the unit employees. (HEW, Public Health Service Indian Hosp., Claremore, Okla., A/SLMR No. 568)

RA petition alleging a good faith doubt that the NFFE continued to represent a majority of the employees in its unit dismissed where (1) such petition was not filed during the "open period" established by Sec. 202.3(c)(1) of the Regs; (2) NFFE not defunct inasmuch as there had been at least one officer of the NFFE at all times since its certification; (3) the NFFE national office had taken affirmative action to represent unit employees; and (4) there had been 58 members on continuing dues withholding. (Nat'l. Park Service, A/SLMR No. 589)

Union found to be defunct with respect to two units where units had no dues paying members and no local officers, and where union declined to appear at hearing and disclaimed interest in representing the employees in its exclusively recognized units. (Navy, U.S. Naval Sta. and Naval Amphibious Base, San Diego, Cal., and Coronado, Cal., A/SLMR No. 627)

15 00 00 REPRESENTATION HEARING PROCEDURE15 04 00 Role of Hearing Officer

No Entries

15 08 00 Motions15 08 04 General

HO ruled that Activity's contention that the union could not promote effective dealings because it was without an elected president for more than a year and the local was unable to obtain quorum for election of officers had no bearing on the appropriateness of the bargaining unit. (AAFES, Ft. Benning Exchange, Ft. Benning, Ga., A/SLMR No. 592)

A/S found no merit to Intervenor's claim, at the hearing and in its post-hearing brief to the A/S, that it was given adequate notice of the matters to be addressed at the hearing inasmuch as Intervenor admitted on the record that it had refused to sign a stipulation limiting the scope of the hearing. (VA Cntr., Bath, N.Y., A/SLMR No. 605)

15 08 08 Amendment of Petition

Petition, as amended at hearing, was timely filed as amendment did not significantly alter the character or scope of the unit originally sought but constituted a minor addition to conform the petitioned for unit to the certified unit already in existence. (GSA, Region 4, A/SLMR No. 661)

15 12 00 Evidence and Burden of Proof

Exhibits, rejected on the basis of their alleged irrelevancy by HO, found to be relevant and received into the record. (Defense Mapping Agency Aerospace Cntr., St. Louis, Mo., A/SLMR No. 569)

15 16 00 Unfair Labor Practice Allegations

Petitioner's assertion that negotiated agreement could not act as a bar to its petition because it was negoti-

15 16 00 Unfair Labor Practice Allegations (Cont'd)

ated and signed by a supervisor who was also the incumbent's president and chief negotiator rejected by A/S because (1) such supervisory involvement was alleged to have occurred more than six months prior to the filing of the petition in the case; and (2) the negotiated agreement involved was otherwise valid on its face. (HEW, Public Health Service Indian Hosp., Claremore, Okla., A/SLMR No. 568)

A/S found HO properly had rejected attempts by the Intervenor to raise issues at representation hearing which had been the subject of previously filed unfair labor practice complaints against the Activity or were related to issues decided previously by the ARD or by the A/S, such as (1) allegation that soliciation of signatures in support of petition was conducted during work hours and in work areas in violation of Sec. 20 of the EO; and (2) allegation that petition was "tainted" because Petitioner's president, who signed petition and participated in collection of showing of interest, is supervisor. (VA Cntr., Bath, N.Y., A/SLMR No. 605)

15 20 00 Obligation of Parties

No Entries

15 24 00 Post-Hearing Submissions

That portion of an "Errata" which substantively amended or added to the Petitioner's post-hearing brief was not considered by the A/S as it was filed untimely. (FAA, Airway Facilities Division, Alaskan Region, A/SLMR No. 599)

That portion of an "Errata", filed by the Petitioner, which substantively amended or added to its post-hearing brief was not considered by the A/S as it was filed untimely. (FAA and FAA, Eastern Region, A/SLMR No. 600)

15 28 00 Remand

Case remanded for further hearings where record failed to provide adequate basis on which to determine the clarification action sought by the Petitioner. (Army, Ft. McPherson, Ga., A/SLMR No. 586)

15 28 00 Remand (Cont'd)

Case remanded for further hearing when evidence failed to provide sufficient evidence with respect to appropriateness of unit. (Army, Criminal Investigation Command, Third Region, Ft. Gillem, Forest Park, Ga., A/SLMR No. 626)



20 00 00 REPRESENTATION UNIT DETERMINATIONS20 04 00 Criteria20 04 04 Community of Interest

Unit of one post exchange which was a component of a larger post exchange held not appropriate where claimed employees did not share a clear and identifiable community of interest which was separate and distinct from excluded employees. (AAFES, Post Exchange, Defense Depot Memphis, A/SLMR No. 545)

Position of Activity that petitioned for unit of nonprofessionals is inappropriate because professionals and nonprofessionals have a community of interest together rejected by A/S as EO, Sec. 10(b)(4), requires that professional employees be given a self-determination election. Therefore, separate findings of appropriateness would have been required even if a mixed unit had been petitioned for. (Defense Mapping Agency Aerospace Cntr., St. Louis, Mo., A/SLMR No. 569)

RO petition, seeking a Branch-wide unit, dismissed inasmuch as claimed employees did not possess clear and identifiable community of interest separate and distinct from the other Division employees. It was noted particularly that (1) all Branches operate under centralized control of Division Director; (2) all Division employees operate under the same uniform personnel procedures; and (3) operation of the Branches of the Division is highly integrated. (Dept. of Agric., Agric. Research Service, Budget and Finance Division, Accounting Services Branch, New Orleans, La., A/SLMR No. 579)

Contrary to the position taken by the Activity, the employees in the division located at the regional headquarters share a community of interest with the employees in the division assigned to the field. Thus, all employees of the division share common overall supervision, mission, job classifications, working conditions, similar areas of consideration for promotions and reductions-in-force, and all work under the same technical standards. (FAA, Airways Facilities Division, Alaskan Region, A/SLMR No. 599)

20 04 04 Community of Interest (cont'd)

A nationwide unit of all nonprofessional Airway Facilities Division employees, including those assigned to and located at the various regional headquarters, was found appropriate by A/S where they share a community of interest which is separate and distinct from other employees of the Federal Aviation Administration and where all employees of the division share (1) a common mission, (2) common overall supervision, (3) similar personnel policies and practices, and (4) essentially similar job classifications, duties, and working conditions; and where interchange and transfer across regional boundaries is common. (FAA and FAA, Eastern Region, A/SLMR No. 600)

Claimed unit composed of two functional activities is not appropriate where included employees have little, if any, direct work contact and do not share a community of interest with each other which is separate and distinct from other employees of the Activity. (FAA, Nat'l. Aviation Facilities Experimental Cntr., Atlantic City, N. J., A/SLMR No. 606)

Unit limited to switchboard operators at one switchboard in area inappropriate where (1) all switchboards in area share common supervision from area manager; (2) employees are subject to uniform personnel policies, possess similar skills, and use standard operating procedures; and (3) interchange among switchboards has occurred. (GSA, Region 3, A/SLMR No. 616)

Proposed unit of guards who make up one branch of Security Division held inappropriate where (1) all employees in the division share a common mission, supervision, and areas of consideration; and (2) division has an integrated operation with a common divisional career ladder. (Navy, Naval Electronics Lab. Cntr., San Diego, Cal., A/SLMR No. 622)

Claimed units are appropriate where, among other factors, included employees share clear and identifiable communities of interest which are separate and distinct from other employees. (Navy, U. S. Naval Sta. and Naval Amphibious Base, San Diego, Cal. and Coronado, Cal., A/SLMR No. 627)

20 04 04 Community of Interest (cont'd)

Proposed unit of guards, police, and detectives petitioned for by Teamsters found appropriate where petitioned for unit was a residual unit and constituted a functionally distinct grouping of employees who shared a community of interest separate and distinct from other employees of the Activity. (Navy, Naval Support Activity, Long Beach, Cal., A/SLMR No. 629)

Claimed unit not appropriate where included employees do not share a clear and identifiable community of interest which is separate and distinct from excluded employees. (Army, Hq., WAMTMC, Oakland, Cal., A/SLMR No. 591; Army, U. S. Army Reserves, 425th Transportation Command, Forest Park, Ill., A/SLMR No. 636)

Proposed unit held appropriate where, among other factors, included employees share a clear and identifiable community of interest which is separate and distinct from excluded employees, particularly in view of past history of exclusive recognition covering same unit without impairment of effective dealings or agency operations. (GSA, Region 4, A/SLMR No. 661)

20 04 08 Effective Dealings
(See 20 04 12, "Efficiency of Operations")

Unit of one post exchange which was a component of a larger post exchange held not appropriate where, among other factors, it would result in fragmented units which could not reasonably be expected to promote effective dealings and efficiency of operations. (AAFES, Post Exchange, Defense Depot Memphis, A/SLMR No. 545)

The unit found appropriate would promote effective dealings as such unit organizationally included individuals most concerned with labor-management relations, fiscal matters, and the direction of operations. Unit found appropriate and would promote effective dealings even though it does not include all employees directly under area or regional head. Order intended to encourage negotiations at local level since the particular employees are most closely involved. (DSA. DCASR, San Francisco, Cal., A/SLMR No. 559)

Overall unit comprising all professional and nonprofessional employees of a National Forest and Job Corps Civilian Conservation Center held appropriate under all circumstances, particularly in view of the fact that the parties are in essential agreement that an overall unit would promote effective dealings and efficiency of operations. (Dept. of Agric., Wolf Creek Job Corps Civilian Conservation Cntr., Ore., A/SLMR No. 567)

A/C petition, seeking to amend recognition of unit to include administratively transferred employees, granted where it was held that (1) the disputed employees continued, as before, to share a clear and identifiable community of interest with other unit employees represented by the Petitioner; and (2) such action would promote effective dealings and efficiency of operations. (AAFES, Ft. Benning Exchange, Ft. Benning, Ga., A/SLMR No. 592)

Unit found appropriate will promote effective dealings because, among other things, it is consistent with the agency's delegation of its negotiation authority and with the level at which the agency has provided a specialized labor relations staff. (FAA, Airways Facilities Division, Alaskan Region, A/SLMR No. 599)

The nationwide unit found appropriate will promote effective dealings as, among other things, it is at the level at which overall personnel and labor relations policies are initiated and as it will reduce fragmentation. (FAA, and FAA, Eastern Region, A/SLMR No. 600)

Claimed unit is not appropriate where, among other factors, it would result in fragmented units which could not reasonably be expected to promote effective dealings and efficiency of operations. (GSA, Region 3, A/SLMR No. 616; Navy, Naval Electronics Lab. Cntr., San Diego, Cal., A/SLMR No. 622; Army, U. S. Army Reserves, 425th Transportation Command, Forest Park, Ill., A/SLMR No. 636)

Units of guards, police, and detectives are appropriate where no evidence was presented to show a lack of effective dealings experienced with prior units of security personnel. (Navy, U. S. Naval Sta. and Naval Amphibious Base, San Diego, Cal. and Coronado, Cal., A/SLMR No. 627)

20 04 08 Effective Dealings (cont'd)

Proposed unit of guards, police, and detectives petitioned for by Teamsters found to promote effective dealings where petitioned for unit was, in effect, a residual unit and constituted a functionally distinct grouping of employees. (Navy, Naval Support Activity, Long Beach, Cal., A/SLMR No. 629)

Proposed unit held appropriate where, among other factors, included employees share a clear and identifiable community of interest which is separate and distinct from excluded employees, particularly in view of past history of exclusive recognition covering same unit without impairment of effective dealings or agency operations. (GSA, Region 4, A/SLMR No. 661)

20 04 12 Efficiency of Operations

(See also 20 04 08, "Effective Dealings")

Unit of one post exchange which was a component of a larger post exchange held not appropriate where, among other factors, it would result in fragmented units which could not reasonably be expected to promote effective dealings and efficiency of operations. (AAFES, Post Exchange, Defense Depot Memphis, A/SLMR No. 545)

A/S concluded that less than region-wide unit would promote efficiency of agency operations and could, in his opinion, result in actual economic savings and increased productivity due to the homogeneity of its composition. (DSA, DCASR, San Francisco, Cal., A/SLMR No. 559)

Overall unit comprising all professional and nonprofessional employees of a National Forest and Job Corps Civilian Conservation Center held appropriate under all circumstances, particularly in view of the fact that the parties are in essential agreement that an overall unit would promote effective dealings and efficiency of operations. (Dept. of Agric., Wolf Creek Job Corps Civilian Conservation Cntr., Ore., A/SLMR No. 567)

Unit found appropriate will promote efficiency as it will, among other things, reduce unit fragmentation by including several less comprehensive units and certain unrepresented employees in one unit. (FAA, Airways Facilities Division, Alaskan Region, A/SLMR No. 599)

20 04 12 Efficiency of Operations (cont'd)

The nationwide unit found appropriate will promote efficiency where, among other things, it will reduce fragmentation and is at the level at which personnel and labor relations policies are initiated. (FAA, and FAA, Eastern Region, A/SLMR No. 600)

Claimed unit is not appropriate where, among other factors, it would result in fragmented units which could not reasonably be expected to promote effective dealings and efficiency of operations. (GSA, Region 3, A/SLMR No. 616; Navy, Naval Electronics Lab. Cntr., San Diego, Cal., A/SLMR No. 622; Army, U.S. Army Reserves, 425th Transportation Command, Forest Park, Ill., A/SLMR No. 636)

No evidence that units of security personnel would impair efficiency of agency operations. (Navy, U. S. Naval Sta. and Naval Amphibious Base, San Diego, Cal. and Coronado, Cal., A/SLMR No. 627)

Proposed unit of guards, police, and detectives petitioned for by Teamsters found to promote efficiency of operations where petitioned for unit was, in effect, a residual unit and constituted a functionally distinct grouping of employees. (Navy, Naval Support Activity, Long Beach, Cal., A/SLMR No. 629)

Proposed unit held appropriate where, among other factors, included employees share a clear and identifiable community of interest which is separate and distinct from excluded employees, particularly in view of past history of exclusive recognition covering same unit without impairment of effective dealings or agency operations. (GSA, Region 4, A/SLMR No. 661)

20 04 16 Agency Regulations and Parties' Stipulations Not Binding on Assistant Secretary
(See also: 25 12 04, "Challenges, Eligibility of Employees", for Stipulations of Parties Related to Challenges.)

A/C petition seeking to designate a change in organizational title of Activity is granted where parties had stipulated to the change in organizational title and where there was no evidence to indicate that such stipulation was improper.

20 04 16 Agency Regulations and Parties' Stipulations
Not Binding on Assistant Secretary (cont'd)

(Air Force, Aeronautical Systems Division, Air Force Systems Command, Wright-Patterson AFB, Ohio, A/SLMR No. 590)

20 04 20 Previous Certification

A self-determination election was ordered in a unit at the regional level in which the region-wide Co-Petitioner sought to include in one unit the employees currently represented in two units under one negotiated agreement by the nationwide Co-Petitioner. (FAA and FAA, Eastern Region, A/SLMR No. 600)

20 08 00 Geographic Scope

20 08 04 World-wide

No Entries

20 08 08 Nation-wide

No Entries

20 08 12 State-wide

No Entries

20 08 16 City-wide

No Entries

20 12 00 Organizational Scope

20 12 04 Agency-wide

A/S found that an agency-wide unit of all professional and nonprofessional employees of the Federal Energy Administration was appropriate as the record established that the employees have a clear and identifiable community of interest in that they share a common mission and common overall supervision, they are employed under uniform personnel policies and practices and they enjoy essentially similar job description and duties. The A/S also noted that such a unit would promote effective dealings and efficiency of agency operations in that the level of recognition would occur at the same level where labor relations policies and personnel policies and practices are formulated. (Fed. Energy Adm., A/SLMR No. 611)

20 12 00 Organizational Scope (cont'd)20 12 08 Activity-wide

Overall unit comprising all professional and nonprofessional employees of the UMPQUA National Forest, Roseburg, Oregon (Forest) and the Wolf Creek Job Corps Civilian Conservation Center (Center) may, if the professionals so vote, constitute an appropriate unit. (Dept. of Agric., Wolf Creek Job Corps Civilian Conservation Cntr., Ore., A/SLMR No. 567)

Activity-wide unit of nonprofessionals held appropriate even where Activity argued professionals should be included because separate findings of appropriateness would have been required under Sec. 10(b)(4) of the Order even if a mixed unit had been petitioned for. (Defense Mapping Agency Aerospace Cntr., St. Louis, Mo., A/SLMR No. 569)

Unit of all professional and nonprofessional employees at Veterans Administration Center found appropriate pending self-determination election of professionals pursuant to Sec. 10(b)(4) of EO. With exception of cemetery employees and employees working for canteen service, Activity's employees operate under same supervisory hierarchy and are subject to common personnel policies and practices promulgated by the Activity. Canteen employees included because of consensus among the parties and historical inclusion in existing exclusively recognized unit. However, cemetery employees excluded from recognized unit because they no longer shared a clear and identifiable community of interest with employees of the Activity as a result of a reorganization. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

20 12 12 Directorate-wide

Unit limited to all nonprofessional General Schedule employees within Directorate of Personal Property at Activity found inappropriate because, among other things, employees in proposed unit did not share a separate and distinct community of interest apart from other unrepresented Activity employees. (Army, Hq., WAMTMC, Oakland, Cal., A/SLMR No. 591)

20 12 00 Organizational Scope (cont'd)20 12 16 Command-wide

Residual command-wide unit of all Army Reserve Technicians of the 425th Transportation Command, U. S. Army Reserves (excluding Technicians assigned to duty stations in states of Iowa and Minnesota) found appropriate, but petition dismissed for insufficient showing of interest. (Army, U. S. Army Reserves, 425th Transportation Command, Forest Park, Ill., A/SLMR No. 636)

20 12 20 Headquarters-wide

A/S found broad unit of both Headquarters and five field offices and a residency office appropriate based on (1) reassignments between Headquarters and the six offices; (2) employee contact between Headquarters and the six offices with training sessions for employees located in six offices held at Headquarters; and (3) clear and identifiable community of interest among employees in comprehensive unit, where such unit will promote effective dealings and efficiency of agency operations. (DSA, DCASR, San Francisco, Cal., A/SLMR No. 559)

Unit of all professional and nonprofessional employees at Regional Office, but excluding field employees, is appropriate. (GSA, Regional Off., Region 4, A/SLMR No. 575)

Unit of all professional and nonprofessional employees employed in headquarters unit is appropriate. (Dept. of Interior, Bureau of Indian Affairs, Fairbanks Agency Off., Fairbanks, Alas., A/SLMR No. 607)

A/S found a unit of all professional and non-professional employees of the Federal Energy Administration Headquarters was appropriate as the employees enjoy separate immediate supervision; are concerned primarily with the formulation of policy, as opposed to the implementation of policy; have little or no job related contact with the field employees; have limited interchange and transfer with field employees and enjoy common job functions, working conditions and location. The A/S also noted that labor relations policies and personnel policies and practices are formulated at the National Headquarters level. (Fed. Energy Adm., A/SLMR No. 611)

20 12 00 Organizational Scope (cont'd)20 12 24 Field-wide

No Entries

20 12 28 Region-wide

Region-wide unit of all eligible employees held inappropriate (DSA, DCASR, San Francisco, Cal.; DCASD, Seattle, Wash., A/SLMR No. 564)

A/S found that a unit of all professional and nonprofessional employees of the Southeast Regional Office of the Regional Commissioner of the Internal Revenue Service was appropriate for the purpose of exclusive recognition and would promote effective dealings and efficiency of agency operations. (IRS, A/SLMR No. 565)

A region-wide unit, coextensive with two existing certified units presently under one agreement, was found appropriate, even though the petitioned for unit was not coextensive, because (1) the petition sought essentially the same employees; and (2) the Petitioner's intention to represent these employees in one unit was clear. A self-determination election was ordered also as the incumbent exclusive representative was a Co-Petitioner who sought to include these employees in a nationwide unit. (FAA and FAA, Eastern Region, A/SLMR No. 600)

A/S found separate region-wide units were appropriate as the employees assigned to Federal Energy Administration Regions I, II and V separately shared a clear and identifiable community of interest separate and distinct from each other and from other Federal Energy Administration employees. The A/S noted that (1) the employees in each region enjoy common supervision and working conditions; (2) they generally perform their work only within the geographic boundaries of their own region; (3) there is limited work integration or interchange of personnel between regions, or between the region and the National Headquarters; and (4) each region has its own basic concentration and focus of program resulting from the particular circumstances existing within the geographical location of the region involved. The A/S further noted the position of the Federal Energy Administration with respect to the appropriateness of region-wide units, and the fact that the

20 12 00 Organizational Scope (cont'd)20 12 28 Region-wide (cont'd)

RA has been delegated authority and responsibility within the region with respect to hiring, employee discipline, the transfer of employees, handling of grievances, as well as the authority to negotiate collective bargaining agreements. (Fed. Energy Adm., A/SLMR No. 611)

20 12 32 Division-wide

RO petition seeking a branch-wide unit dismissed inasmuch as claimed employees do not possess clear and identifiable community of interest separate and distinct from the other Division employees. It was noted particularly that (1) all Branches operate under centralized control of Division Director; (2) all Division employees operate under the same uniform personnel procedures; and (3) operation of the Branches of the Division is highly integrated. (Dept. of Agric., Agric. Research Service, Budget and Finance Division, Accounting Services Branch, New Orleans, La., A/SLMR No. 579)

Unit of all Airways Facilities Division employees in Alaskan Region of the Federal Aviation Administration found appropriate by the A/S. (FAA, Airways Facilities Division, Alaskan Region, A/SLMR No. 599)

Residual nationwide unit of all employees in one division of the FAA found in the regions found appropriate by the A/S. (FAA and FAA, Eastern Region, A/SLMR No. 600)

20 12 36 Area-wide

Unit limited to one switchboard in an area inappropriate where (1) all switchboards share common day-to-day supervision from area manager; (2) operators are subject to common personnel policies, possess similar skills, and use standard operating procedures; and (3) interchange among switchboards has occurred. (GSA, Region 3, A/SLMR No. 616)

20 12 00 Organizational Scope (cont'd)20 12 40 District-wide

As a result of reorganization and abolishment of DCASD, Activity-Petitioner sought to clarify status of approximately twenty-five employees who were physically and functionally transferred to another DCASD, to show that they had become intermingled and essentially indistinguishable from the bargaining unit employees of the new DCASD and, therefore, should be included in the exclusively recognized unit. (Defense Contract Administration Services Region (DCASR), Philadelphia, A/SLMR No. 609)

20 12 44 Branch-wide

RO petition, seeking a branch-wide unit, dismissed inasmuch as claimed employees do not possess clear and identifiable community of interest separate and distinct from the other Division employees. It was noted particularly that (1) all Branches operate under centralized control of Division Director; (2) all Division employees operate under the same uniform personnel procedures; and (3) operation of the Branches of the Division is highly integrated. (Dept. of Agric., Agric. Research Service, Budget and Finance Division, Accounting Services Branch, New Orleans, La., A/SLMR No. 579)

Branch-wide unit held inappropriate where, among other factors, claimed employees shared a community of interest at the divisional level, and unit would fragment operations. (Navy, Naval Electronics Lab. Cntr., San Diego, Cal., A/SLMR No. 622)

20 12 48 Base-wide

A/C petition, seeking to amend recognition of unit to include administratively transferred employees, granted where it was held that (1) the disputed employees continued, as before, to share a clear and identifiable community of interest with other unit employees represented by the Petitioner and (2) such action would promote effective dealings and efficiency of operations (AAFES, Ft. Benning Exchange, Ft. Benning, Ga., A/SLMR No. 592)

20 12 00 Organizational Scope (cont'd)20 12 52 Section-wide

No Entries

20 12 56 Multi-Installation

Unit of all eligible employees of Activity's Defense Contract Administration Services, Seattle District, found appropriate. (DSA, DCASR, San Francisco, Cal.; DCASD, Seattle, Washington, A/SLMR No. 564)

20 12 60 Single Installation

Unit of one post exchange which was a component of a larger post exchange held not appropriate. (AAFES, Post Exchange, Defense Depot Memphis, A/SLMR No. 545)

A/S found that the separate units of nonprofessional employees of the Federal Energy Administration Los Angeles and San Diego Area Offices were not appropriate as the employees in the area office units do not enjoy an identifiable community of interest separate and distinct from each other, or from the other employees of Federal Energy Administration Region IX. A/S noted that both area offices are organizational components of Federal Energy Administration, Region IX, and are subject to the authority and responsibility of the RA; the job descriptions and duties of employees in the unit are essentially similar to those of other employees in the Region; the Area Managers are first line supervisors who have been delegated minimal authority with regard to personnel matters; and all employees in the Region enjoy common personnel policies and practices established by the RA and essentially similar working conditions. (Fed. Energy Adm., A/SLMR No. 611)

20 12 64 Occupational Classification

Unit of medical technologists, or in the alternative, a unit of medical technologists, chemists, and microbiologists, within the medical laboratory at Veterans Administration Hospital is inappropriate. (VA Wadsworth Hosp. Cntr., A/SLMR No. 546; VA Hosp., Palo Alto, Cal., A/SLMR No. 552; VA Hosp., San Francisco, Cal., A/SLMR No. 553)

20 12 00 Organizational Scope (cont'd)20 12 64 Occupational Classification (cont'd)

Unit limited to switchboard operators at one switchboard in area inappropriate where (1) all switchboards subject to common supervision from area manager; (2) operators are subject to uniform personnel policies, possess similar skills, and use standard operating procedures; and (3) interchange among the switchboards has occurred. (GSA, Region 3, A/SLMR No. 616)

Claimed unit of guards held inappropriate where, among other factors, guards shared community of interest at the divisional level, and unit would fragment operations (Navy, Naval Electronics Lab. Cntr., San Diego, Cal., A/SLMR No. 622)

Units of guards, police, and detectives found appropriate. (Navy, U. S. Naval Sta. and Naval Amphibious Base, San Diego, Cal. and Coronado, Cal., A/SLMR No. 627)

20 16 00 Special Situations20 16 04 Severence

Petition seeking to sever unit of civilian firefighters from existing base-wide unit found to have been filed untimely inasmuch as civilian firefighters were covered by current negotiated agreement. (Air Force, 31st Combat Support Group, Homestead AFB, Homestead, Fla., A/SLMR No. 549)

20 16 08 Accretion

Employees of Outpatient Clinic located in Orlando, Florida, did not constitute accretion or addition to existing exclusively recognized unit of employees at Veterans Administration Hospital, Tampa, Florida. (VA Hosp., Tampa, Fla., A/SLMR No. 551)

Activity's contention that employees at some thirteen dispensaries located at other facilities and now assigned administratively to the Regional Medical Center had accreted to existing unit at the Naval Hospital rejected since (1) the dispensary employees have remained at same location as prior to the reorganization,

20 16 00 Special Situations (cont'd)20 16 08 Accretion (cont'd)

performing the same work, under the same immediate supervision; and (2) the evidence failed to reveal any significant degree of interchange, transfer, or commingling between dispensary and hospital personnel. (Navy, Philadelphia Naval Regional Medical Cntr., A/SLMR No. 558)

Certain employees of a NFFE unit accreted to an IBPAT unit where the mission, functions, and personnel policies and practices of one of the parks of the Activity had been substantially affected by a reorganization so that its employees became thoroughly combined and integrated with the employees of the parks of a different Activity wherein IBPAT held exclusive recognition. (Nat'l. Park Service, A/SLMR No. 589)

A/C petition seeking to designate a change in organizational title of Activity is granted where parties had stipulated to the change in organizational title and where there was no evidence to indicate that such stipulation was improper. (Air Force, Aeronautical Systems Division, Air Force Systems Command, Wright-Patterson AFB, Ohio, A/SLMR No. 590)

As a result of reorganization and abolishment of DCASD, Activity-Petitioner sought to clarify status of approximately twenty-five employees who were physically and functionally transferred to another DCASD, to show that they had become intermingled and essentially indistinguishable from the bargaining unit employees of the new DCASD and, therefore, should be included in the exclusively recognized unit. (Defense Contract Administration Services Region (DCASR), Philadelphia, A/SLMR No. 609)

No accretion found to unit where Executive Order 11491, as amended by Executive Order 11838, no longer excluded guards from non-guard units considered otherwise appropriate. A/S found that the amended Order did not mandate that unrepresented guards be deemed to have accreted into existing exclusively recognized units. (Navy, Naval Support Activity, Long Beach, Cal., A/SLMR No. 629)

20 16 00 Special Situations (cont'd)20 16 08 Accretion (cont'd)

A/S dismissed AC/CU petition, finding that it would not effectuate the purposes and policies of the Order to amend a certification and clarify a unit where, as here, the employees sought to be added to the certified unit had not, in fact, been hired. (HEW, Social and Rehabilitation Service, Central Off., Washington, D. C., A/SLMR No. 632)

Reorganization which occurred was primarily administrative and did not so thoroughly combine and integrate two separate units as to require a finding that one unit had lost its independent identity. On this basis, and in light of the fact that a disclaimer of interest was filed for one of the units, the CU petition was ordered dismissed and it was concluded that the employees in the disclaimed unit were presently unrepresented. (Army, Ft. McPherson, Ga., A/SLMR No. 655)

20 16 12 Eligibility

A/S affirmed A/SLMR No. 212 that "seasonal supervisors" be included in unit during period when they are not supervising employees. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

20 16 16 Residual Employees

Residual, activity-wide unit of all nonprofessional employees found appropriate. (FAA, Nat'l. Aviation Facilities Experimental Cntr., Atlantic City, N.J., A/SLMR No. 606)

Proposed unit of guards, police, and detectives petitioned for by Teamsters found appropriate where petitioned for unit was, in effect, a residual unit and constituted a functionally distinct grouping of employees. (Navy, Naval Support Activity, Long Beach, Cal., A/SLMR No. 629)

20 16 00 Special Situations (cont'd)20 16 20 Self-Determination

Despite Activity's contention that only a mixed unit of professionals and nonprofessionals had a community of interest, petitioned for unit of nonprofessionals found appropriate because Sec. 10(b)(4) requires a self-determination election for professionals where they are included in a mixed unit, and, therefore, separate determinations of appropriateness for professionals and nonprofessional would have been included anyway. (Defense Mapping Agency Aerospace Cntr., St. Louis, Mo., A/SLMR No. 569)

Noting that the existence of a bargaining history in several less comprehensive units within the nationwide unit found appropriate and that, in fact, no party to the proceeding specifically argued their inappropriateness, the A/S ordered that self-determination elections be conducted. In addition, he ordered a self-determination election in a unit in which a consolidated petition was filed for a single unit to include the employees currently represented in two units with one agreement by the nationwide Petitioner. (FAA and FAA, Eastern Region, A/SLMR No. 600)

Self-determination election directed for professionals where professional and nonprofessional employees are sought in one unit. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Two separate existing units encompassed in a larger unit found appropriate but given a self-determination election to ascertain whether the employees desired to remain in their existing units. (FAA, Nat'l. Aviation Facilities Experimental Cntr., Atlantic City, N. J., A/SLMR No. 606)

20 16 24 Supervisory Unit

No Entries

20 16 28 Reorganization

RA petition dismissed even though claimed unit is co-extensive with the community of interest among employees at an activity which added the

20 16 00 Special Situations (cont'd)20 16 28 Reorganization (cont'd)

functions, physical facilities, and some employees (exclusively represented by NAGE) of another activity which had been deactivated. Election pursuant to the RA petition not appropriate because employees exclusively represented by the NAGE at the deactivated activity are not now substantially identifiable with any pre-existing units; the employees had been integrated into a different activity wherein employees had not been previously represented in an exclusively recognized unit. (U. S. Coast Guard Air Sta., Non-Appropriated Fund Activity, Cape Cod, Mass., A/SLMR No. 561)

A/S found that certified unit remained appropriate after reorganization inasmuch as reorganization did not result in any change in day-to-day terms and conditions of employment of the employees, including their physical locations, their job functions, and their immediate supervision. Further, the A/S found that altering the unit as proposed by the Petitioner-Activity, where a history of bargaining existed, would tend to promote fragmentation and inhibit effective dealings and efficiency of operations. (Naval Aerospace and Regional Medical Cntr., Pensacola, Fla. and Naval Aerospace Medical Research Lab., Pensacola, Fla. and Naval Aerospace Medical Inst., Pensacola, Fla., A/SLMR No. 603)

Following reorganization, a new organizational entity was created which was separate and distinct from Headquarters, Fort Sam Houston, or Headquarters, Fifth U. S. Army, and employees were no longer part of any existing unit. Claimed unit of all nonprofessional employees of the U. S. Army Communications Command Agency, Fort Sam Houston, Texas (USACC-FSH) found appropriate. (U. S. Army Communications Command Agency, Ft. Sam Houston, Tex., A/SLMR No. 604)

Two existing units encompassed in written petition for residual unit filed in the instant case found to be viable and appropriate as record did not reflect any change in the scope and character of the units since the prior decision in A/SLMR No. 482. Self-determination election

20 16 00 Special Situations (cont'd)20 16 28 Reorganization (cont'd)

ordered to ascertain whether or not these employees desired to remain in their existing units. (FAA, Nat'l. Aviation Facilities Experimental Cntr., Atlantic City, N. J., A/SLMR No. 606)

A reorganization which consolidated the public works functions of six DOD facilities within the San Francisco Bay area into a new organizational entity, the Navy Public Works Center, produced a new overall unit consisting of all nonsupervisory WG and GS employees of the Center. The A/S directed an election to determine whether any of the 8 exclusive representatives who represented employees in some 12 exclusively recognized units in the 6 releasing activities represented the employees in the new unit found appropriate. (Navy Public Works Cntr., San Francisco Bay, A/SLMR No. 628)

Reorganization which occurred was primarily administrative and did not so thoroughly combine and integrate two separate units as to require a finding that one unit had lost its independent identity. On this basis, and in light of the fact that a disclaimer of interest was filed for one of the units, the CU petition was ordered dismissed and it was concluded that the employees in the disclaimed unit were presently unrepresented. (Army, Ft. McPherson, Ga., A/SLMR No. 655)

20 20 00 Employee Categories and Classifications

Administrative Aide in District and Branch Office is confidential employee. (HEW, SSA, Bureau of Field Operations, Boston Region, District and Branch Offices, A/SLMR No. 562)

Administrative Assistant excluded from unit as confidential employee. (IRS, A/SLMR No. 565)

Administrative Assistant, Administrative Services and Resources, GS-9 is supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Administrative Clerk in District and Branch Office is confidential employee. (HEW, SSA, Bureau of Field Operations, Boston Region, District and Branch Offices, A/SLMR No. 562)

20 20 00 Employee Categories and Classifications (cont'd)

Administrative Coordinator for Nursing is supervisor.
(VA Cntr., Bath, N. Y., A/SLMR No. 605)

Administrative Intern excluded from unit as confidential employee. (IRS, A/SLMR No. 565)

Administrative Officer performs Federal personnel work in other than a purely clerical capacity. (HUD, FHA, Fargo Insuring Off., Fargo, N. Dak., A/SLMR No. 645)

Analysts in the Management and Resources Branch are not management officials but are resource persons whose recommendations are subject to extensive review before either acceptance or implementation and they are not individuals who actively participate in the ultimate determination of what policy, in fact, will be. (IRS, Nat'l. Off., Washington, D. C., A/SLMR No. 630)

Analysts in the Revenue Accounting and Processing Branch are not management officials but are resource persons whose recommendations are subject to extensive review before either acceptance or implementation and they are not individuals who actively participate in the ultimate determination of what policy, in fact, will be. (IRS, Nat'l. Off., Washington, D. C. A/SLMR No. 630)

Auditor-in-Charge is not supervisor. (Defense Contract Audit Agency, Chicago Region, Chicago, Ill., A/SLMR No. 610)

Budget Analyst is not management official. (IRS, A/SLMR No. 565; HEW, Off. of the Secretary, Hq., A/SLMR No. 596)

Budget and Accounting Officer, GS-12 is supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Canteen employees included in unit found appropriate because of consensus among the parties and historical inclusion in existing exclusively recognized unit, even though canteen employees operate under different supervisory hierarchy than Activity's employees and are not subject to common personnel policies and practices promulgated by the Activity. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

20 20 00 Employee Categories and Classifications (cont'd)

Cemetery employees excluded from unit found appropriate because they no longer shared a clear and identifiable community of interest with employees of the Activity as a result of a reorganization. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Chaplain is professional employee. (VA Cntr., Bath, N.Y., A/SLMR No. 605)

Chemist is not management official. (Energy Research and Development Adm., Hq., A/SLMR No. 634)

Civil Engineer, GS-11 is supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Clerk to Area Supervisor excluded from unit because, as the only clerical and administrative employee in an Area Office, the incumbent types and processes paperwork involving disciplinary actions, reductions-in-force, and matters relating to the Area Office Supervisor's responsibility for labor relations. (Dept. of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Washington, D. C., A/SLMR No. 538)

Clerk-Secretaries assigned to the Sector Manager and the Field Office Chiefs are confidential employees. (FAA, Airway Facilities Sector 37, Tampa, Fla., A/SLMR No. 647)

Clerk-Stenographer is confidential employee when serving in a confidential capacity to an individual involved in the formulation and effectuation of management policies in the field of labor relations. (HUD, FHA, Fargo Insuring Off., Fargo, N. Dak., A/SLMR No. 645)

Clerk-Typist excluded from unit as confidential employee. (IRS, A/SLMR No. 565)

Computer Systems Analysts are not management officials but are resource persons whose recommendations are subject to extensive review before either acceptance or implementation and they are not individuals who actively participate in the ultimate determination of what policy, in fact, will be. (IRS, Nat'l. Off., Washington, D. C., A/SLMR No. 630)

Confidential Employees

Administrative Aide in District and Branch Office is confidential employee. (HEW, SSA, Bureau of Field Operations, Boston Region, District and Branch Offices, A/SLMR No. 562)

20 20 00 Employee Categories and Classifications (cont'd)Confidential Employees (cont'd)

Administrative Assistant excluded from unit as confidential employee. (IRS, A/SLMR No. 565)

Administrative Clerk in District and Branch Office is confidential employee. (HEW, SSA, Bureau of Field Operations, Boston Region, District and Branch Offices, A/SLMR No. 562)

Administrative Intern excluded from unit as confidential employee. (IRS, A/SLMR No. 565)

Clerk to Area Supervisor excluded from unit because, as the only clerical and administrative employee in an Area Office, the incumbent types and processes paperwork involving disciplinary actions, reductions-in-force, and matters relating to the Area Office Supervisor's responsibility for labor relations. (Dept. of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Washington, D. C., A/SLMR No. 538)

Clerk-Secretaries assigned to the Sector Manager and the Field Office Chiefs are confidential employees. (FAA, Airway Facilities Sector 37, Tampa, Fla., A/SLMR No. 647)

Clerk-Stenographer is confidential employee when serving in a confidential capacity to an individual involved in the formulation and effectuation of management policies in the field of labor relations. (HUD, FHA, Fargo Insuring Off., Fargo, N. Dak., A/SLMR No. 645)

Clerk-Typist excluded from unit as confidential employee. (IRS, A/SLMR No. 565)

Operations Analysts are not confidential employees and do not serve in a confidential capacity to an individual or individuals involved in the formulation and effectuation of management policies in the field of labor relations. (HEW, SSA, District Off., Minneapolis, Minn., A/SLMR No. 621)

Personnel Assistant excluded from unit as confidential employee. (IRS, A/SLMR No. 565)

20 20 00 Employee Categories and Classifications (cont'd)Confidential Employees (cont'd)

Secretaries assigned to the Sector Manager and the Field Office Chiefs are confidential employees. (FAA, Airway Facilities Sector 37, Tampa, Fla., A/SLMR No. 647)

Secretary to Administrative Law Judge in Charge is confidential employee. (HEW, SSA, Bureau of Hearings and Appeals, A/SLMR No. 625)

Secretary Training Center Administrator excluded from unit as confidential employee. (IRS, A/SLMR No. 565)

Construction Analyst Supervisor is supervisor. (HUD, FHA, Fargo Insuring Off., Fargo, N. Dak., A/SLMR No. 645)

Construction (Cost) Analyst is not management official. (HUD, FHA, Fargo Insuring Off., Fargo, N. Dak., A/SLMR No. 645)

Construction Cost Examiner is not management official. (HUD, FHA, Fargo Insuring Off., Fargo, N. Dak., A/SLMR No. 645)

Course Developer-Instructors are not engaged in Federal personnel work within the meaning of Sec. 10(b)(2) of the Order. (IRS, Nat'l. Off., Washington, D.C. A/SLMR No. 630)

Course Developer-Instructors are not management officials but are resource persons whose recommendations are subject to extensive review before either acceptance or implementation and they are not individuals who actively participate in the ultimate determination of what policy, in fact, will be. (IRS, Nat'l. Off., Washington, D. C. A/SLMR No. 630)

Dentist is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

District Clerk GS-5 is not supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Employment Development Specialists excluded from unit as they are engaged in Federal personnel work in other than a purely clerical capacity. (IRS, A/SLMR No. 565)

Engineering Equipment Operator Foreman, WS-9 is supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

20 20 00 Employee Categories and Classifications (cont'd)Federal Personnel Work

Administrative Officer performs Federal personnel work in other than a purely clerical capacity. (HUD, FHA, Fargo Insuring Off., Fargo, N. Dak., A/SLMR No. 645)

Course-Developer-Instructors are not engaged in Federal personnel work within the meaning of Sec. 10(b)(2) of the Order. (IRS, Nat'l. Off., Washington, D. C., A/SLMR No. 630)

Employment Development Specialists excluded from unit as they are engaged in Federal personnel work in other than a purely clerical capacity. (IRS, A/SLMR No. 565)

Personnel Management Specialists excluded from unit as they are engaged in Federal personnel work in other than a purely clerical capacity. (IRS, A/SLMR No. 565)

Fiscal Analyst is not management official. (IRS, A/SLMR No. 565)

Forester, GS-9 is supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

General ScheduleUnit Appropriate

General Schedule Engineering Technicians may remain in WB unit despite merit promotion from WB to GS status. (Air Force, Aeronautical Systems Div., Air Force Systems Command, Wright-Patterson AFB, Ohio, A/SLMR No. 590)

Guards

(See also 10 32 00, "Qualifications to Represent Specified Categories of Employees")

Heavy Mobile Equipment Mechanic, WG-11 is not supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Industrial Engineer is not management official. (IRS, A/SLMR No. 565)

20 20 00 Employee Categories and Classifications (cont'd)

Loan Specialist (Realty) is not management official.
(HUD, FHA, Fargo Insuring Off., Fargo, N. Dak.,
A/SLMR No. 645)

Management Analyst is not management official. (IRS,
A/SLMR No. 565)

Management Official
(See also: 05 04 00, "Definitions")

Analysts in the Management and Resources Branch are not management officials but are resource persons whose recommendations are subject to extensive review before either acceptance or implementation and they are not individuals who actively participate in the ultimate determination of what policy, in fact, will be. (IRS, Nat'l. Off., Washington, D.C., A/SLMR No. 630)

Analysts in the Revenue Accounting and Processing Branch are not management officials but are resource persons whose recommendations are subject to extensive review before either acceptance or implementation and they are not individuals who actively participate in the ultimate determination of what policy, in fact, will be. (IRS, Nat'l. Off., Washington, D.C., A/SLMR No. 630)

Budget Analyst is not management official. (IRS, A/SLMR No. 565; HEW, Off. of the Secretary, Hq., A/SLMR No. 596)

Chemist is not management official. (Energy Research and Development Adm., Hq., A/SLMR No. 634)

Computer Systems Analysts are not management officials but are resource persons whose recommendations are subject to extensive review before either acceptance or implementation and they are not individuals who actively participate in the ultimate determination of what policy, in fact, will be. (IRS, Nat'l. Off., Washington, D. C., A/SLMR No. 630)

Construction (Cost) Analyst is not management official. (HUD, FHA, Fargo Insuring Off., Fargo, N. Dak., A/SLMR No. 645)

Construction Cost Examiner is not management official. (HUD, FHA, Fargo Insuring Off., Fargo, N. Dak., A/SLMR No. 645)

20 20 00 Employee Categories and Classifications (cont'd)Management Official (cont'd)

Course Developer-Instructors are not management officials but are resource persons whose recommendations are subject to extensive review before either acceptance or implementation and they are not individuals who actively participate in the determination of what policy, in fact, will be. (IRS, Nat'l. Off., Washington, D.C., A/SLMR No. 630)

Fiscal Analyst is not management official. (IRS, A/SLMR No. 565)

Industrial Engineer is not management official. (IRS, A/SLMR No. 565)

Loan Specialist (Realty) is not management official. (HUD, FHA, Fargo Insuring Off., Fargo, N. Dak., A/SLMR No. 645)

Management Analyst is not management official. (IRS, A/SLMR No. 565)

Operations Analysts are not management officials where they do not have the authority to make, or influence effectively, Activity policies with respect to personnel, procedures, or programs but rather serve as experts or resource persons rendering resource information or recommendations with respect to the implementation of existing policies. (HEW, SSA, District Off., Minneapolis, Minn., A/SLMR No. 621)

Regional Analyst is not management official. (IRS, A/SLMR No. 565)

Regional Analyst is management official. (IRS, A/SLMR No. 565)

Senior Management Analyst is not management official. (IRS, A/SLMR No. 565)

Senior Physicist is not management official. (Energy Research and Development Adm., Hq., A/SLMR No. 634)

Senior Regional Analyst is not management official. (IRS, A/SLMR No. 565)

20 20 00 Employee Categories and Classifications (cont'd)Management Official (cont'd)

Senior Regional Analyst is management official.
(IRS, A/SLMR No. 565)

Senior Regional Analyst Audit is not management official. (IRS, A/SLMR No. 565)

Senior Technical Assistant is not management official. (Energy Research and Development Adm., Hq., A/SLMR No. 634)

Medical Technologist is professional employee. (VA Wadsworth Hosp. Cntr., A/SLMR No. 546; VA Hosp., Palo Alto, Cal., A/SLMR No. 552; VA Hosp., San Francisco, Cal., A/SLMR No. 553)

Operations Analysts are not confidential employees and do not serve in a confidential capacity to an individual or individuals involved in the formulation and effectuation of management policies in the field of labor relations. (HEW, SSA, District Off., Minneapolis, Minn., A/SLMR No. 621)

Operations Analysts are not management officials where they do not have the authority to make, or influence effectively, Activity policies with respect to personnel, procedures, or programs but rather serve as experts or resource persons rendering resource information or recommendations with respect to the implementation of existing policies. (HEW, SSA, District Off., Minneapolis, Minn., A/SLMR No. 621)

Personnel Assistant excluded from unit as confidential employee. (IRS, A/SLMR No. 565)

Personnel Management Specialists excluded from unit as they are engaged in Federal personnel work in other than a purely clerical capacity. (IRS, A/SLMR No. 565)

Physician is professional employee. (VA Cntr., Bath, N.Y., A/SLMR No. 605)

Police
(See "Guards")

Production Controller, GS-12 is supervisor. (Navy, Supervisor of Shipbuilding, Conversion and Repair, Long Beach, Cal., A/SLMR No. 594)

20 20 00 Employee Categories and Classifications (cont'd)Professional and Non-Professional EmployeesUnit Appropriate

Unit of all nonprofessionals, as petitioned for, found to be appropriate, even though Activity argued that only a mixed unit was appropriate based on the community of interest of professionals and nonprofessionals, because Sec. 10(b)(4) requires a self-determination election for professionals which, in turn, requires separate determinations of appropriateness for professionals and nonprofessionals in the event professionals opt out. (Defense Mapping Agency Aerospace Cntr., St. Louis, Mo., A/SLMR No. 569)

Activity-wide unit of all professional and non-professional employees, including canteen employees but excluding cemetery employees, at Veterans Administration Center held appropriate. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Professional Employees, Occupations

Chaplain is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Dentist is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Medical Technologist is professional employee. (VA Wadsworth Hosp. Cntr., A/SLMR No. 546; VA Hosp., Palo Alto, Cal., A/SLMR No. 552; VA Hosp., San Francisco, Cal., A/SLMR No. 553)

Physician is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Psychologist is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Registered Nurse is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Social Psychologist is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Social Worker is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

20 20 00 Employee Categories and Classifications (cont'd)Professional Employees, Occupations (cont'd)

Speech Pathologist is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Vocational Rehabilitation Specialist is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Psychologist is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Regional Analyst is not management official. (IRS, A/SLMR No. 565)

Regional Analyst is management official. (IRS, A/SLMR No. 565)

Registered Nurse is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Seasonal Employees
(See: 20 20 00 "Temporary Employees")

Secretary
(See: 20 20 00 "Confidential Employees")

Secretaries assigned to the Sector Manager and the Field Office Chiefs are confidential employees. (Federal Aviation Adm., Airway Facilities Sector 37, Tampa, Fla., A/SLMR No. 647)

Secretary to Administrative Law Judge in Charge is confidential employee. (HEW, SSA, Bureau of Hearings and Appeals, A/SLMR No. 625)

Secretary Training Center Administrator excluded from unit as confidential employee. (IRS, A/SLMR No. 565)

Senior Management Analyst is not management official. (IRS, A/SLMR No. 565)

Senior Physicist is not management official. (Energy Research and Development Adm., Hq., A/SLMR No. 634)

Senior Regional Analyst is not management official. (IRS, A/SLMR No. 565)

Senior Regional Analyst is management official. (IRS, A/SLMR No. 565)

20 20 00 Employee Categories and Classifications (cont'd)

Senior Regional Analyst Audit is not management official.
(IRS, A/SLMR No. 565)

Senior Technical Assistant is not management official.
(Energy Research and Development Adm., Hq., A/SLMR No. 634)

Social Psychologist is professional employee. (VA Cntr.,
Bath, N. Y., A/SLMR No. 605)

Social Worker is professional employee. (VA Cntr., Bath,
N. Y., A/SLMR No. 605)

Soil Scientist, GS-11 is not supervisor. (U. S. Forest
Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Speech Pathologist is professional employee. (VA Cntr.,
Bath, N. Y., A/SLMR No. 605)

Supervisors

(See also: 05 04 00 "Definitions"; 20 20 00, "Firefighters",
"Management Officials", "Teachers" and "Nurses")

Administrative Assistant, Administrative Services
and Resources, GS-9 is supervisor. (U. S. Forest
Service, Salmon National Forest, Salmon, Ida.,
A/SLMR No. 556)

Administrative Coordinator for Nursing is super-
visor. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Auditor-in-Charge is not supervisor. (Defense
Contract Audit Agency, Chicago Region, Chicago,
Ill., A/SLMR No. 610)

Budget and Accounting Officer, GS-12 is super-
visor. (U. S. Forest Service, Salmon National
Forest, Salmon, Ida., A/SLMR No. 556)

Civil Engineer, GS-11 is supervisor. (U. S.
Forest Service, Salmon National Forest, Salmon,
Ida., A/SLMR No. 556)

Construction Analyst Supervisor is supervisor.
(HUD, FHA, Fargo Insuring Off., Fargo, N. Dak.,
A/SLMR No. 645)

District Clerk, GS-5 is not supervisor. (U. S.
Forest Service, Salmon National Forest, Salmon,
Ida., A/SLMR No. 556)

20 20 00 Employee Categories and Classifications (cont'd)Supervisors (cont'd)

Engineering Equipment Operator Foreman, WS-9 is supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Forester, GS-9 is supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Heavy Mobile Equipment Mechanic, WG-11 is not supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Production Controller, GS-12 is supervisor. (Navy, Supervisor of Shipbuilding, Conversion and Repair, Long Beach, Cal., A/SLMR No. 594)

Soil Scientist, GS-11 is not supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Supervisory Appraiser is supervisor. (HUD, FHA, Fargo Insuring Off., Fargo, N. Dak., A/SLMR No. 645)

Supervisory Clerk-Stenographer, GS-5 is not supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Supervisory Forest Technician, GS-7 is supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Theatre Specialist is not supervisor. (Army, Hq., Ft. Carson and Hq., Fourth Infantry Div. (Mechanical), A/SLMR No. 544)

Supervisory Appraiser is supervisor. (HUD, FHA, Fargo Insuring Off., Fargo, N. Dak., A/SLMR No. 645)

Supervisory Clerk-Stenographer, GS-5 is not supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

Supervisory Forest Technician, GS-7 is supervisor. (U. S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

20 20 00 Employee Categories and Classifications (cont'd)Temporary Employees

Temporary employees excluded from unit where it was found that they do not have a reasonable expectancy of continued employment. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Chaplain employed on part-time basis not to exceed 20 hours per week, whose duties are essentially the same as approximately 5 permanent full-time chaplains and 2 permanent part-time chaplains, and whose appointment is for 1-year periods subject to renewal at the end of each fiscal year, included in unit inasmuch as (1) position authorized as continuing position; (2) incumbent's appointment recently approved for another year; and thus (3) temporary part-time chaplain has reasonable expectancy of continued employment for a substantial period of time. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

Theatre Specialist is not supervisor. (Army, Hq., Ft. Carson and Hq., Fourth Infantry Div. (Mechanical), A/SLMR No. 544)

Vocational Rehabilitation Specialist is professional employee. (VA Cntr., Bath, N. Y., A/SLMR No. 605)

20 24 00 Post-Decisional Intervention, Showing of Interest and Withdrawal20 24 04 Posting of Notice of Unit Determination

Where unit found appropriate is substantially different from that sought, A/S directed posting of a Notice of Unit Determination in areas where notices are normally posted affecting employees eligible to vote, pursuant to which any labor organization may seek intervention, in accordance with Sec. 202.5 of Regs, for sole purpose of appearing on ballot. (FAA, and FAA, Eastern Region, A/SLMR No. 600)

20 24 00 Post-Decisional Intervention, Showing of Interest and Withdrawal (cont'd)

20 24 08 Showing of Interest

Where election is directed in unit larger than that sought, but record is unclear as to adequacy of Petitioner's showing of interest in unit found appropriate, before proceeding to election, AA is directed to reevaluate showing of interest, and if inadequate, petition is to be dismissed. (FAA and FAA, Eastern Region, A/SLMR No. 600)

20 24 12 Opportunity to Withdraw

No Entries

25 00 00 REPRESENTATION ELECTION AND POST ELECTION STAGES25 04 00 Voting Procedures25 04 04 Professionals

Where A/S made no findings concerning the professional status of certain employee classifications because of lack of record evidence, A/S indicated that the employees in such classifications could vote as professionals subject to challenge in the election he directed. (VA Cntr., Bath, N.Y., A/SLMR No. 605)

25 04 08 Self-Determination

Self-determination elections were granted where a bargaining history was in existence among less comprehensive units within nation-wide unit found appropriate. In addition, a self-determination election was granted at the regional level in which the Co-Petitioner at the regional level sought to represent in one unit the employees currently represented by the nation-wide Co-Petitioner in two units under one negotiated agreement. (FAA and FAA, Eastern Region, A/SLMR No. 600)

25 04 12 Role of Observers

No Entries

25 04 16 Severance

No Entries

25 08 00 Objections25 08 04 Under EO 10988

No Entries

25 08 08 Procedure

No Entries

25 08 00 Objections (Cont'd)

25 08 12 Timing of Objectionable Conduct

A/S found that leaflet distributed by Petitioner two days prior to the election contained gross misrepresentations of a material fact. However, based on ALJ's credibility findings and other record evidence, the A/S concluded that the Intervenor had ample time to prepare and distribute an effective reply. (Naval Air Rework Facility, Naval Air Sta., Jacksonville, Fla., A/SLMR No. 613)

Report No. 58 does not preclude consideration of conduct occurring before petition was filed under circumstances of this case as Sec. 19(a)(3) finding of improper assistance in obtaining the showing indicated that had investigation of challenge to validity of showing of interest been conducted, the election would have never been held. Therefore, election results were set aside and petition was dismissed. (Navy, Navy Commissary Store Complex, Oakland, A/SLMR No. 654)

25 08 16 Agency Rules on Campaigning

No Entries

25 08 20 Campaign Communications

No Entries

25 08 24 Promises of Benefit

No Entries

25 08 28 Conduct of Election

No Entries

25 08 32 Agency Neutrality

No Entries

25 12 00 Challenges

25 12 04 Eligibility of Employees
(See also: 20 20 00, "Employee Categories and Classifications")

No Entries

25 12 00 Challenges (Cont'd)25 12 08 Questions Concerning Ballot

No Entries

25 12 12 Timing of Challenge

No Entries

25 16 00 Certification

Decertification of the Complainant, exclusive representative, during pendency of ULP proceeding rendered moot the issues of the complaint. (Dept. of Agric., Forest Service, Pacific Southwest and Range Experiment Sta., Berkeley, Cal., A/SLMR No. 573)

25 20 00 Clarification of Unit

(See also: 10 04 16, "Types of Petitions: Procedure, CU").

Unit description clarified to include in unit exclusions the category "confidential employees", and unit itself clarified to exclude the Clerk to the Area Supervisor in 45 Area Offices because position falls within "confidential employees" category. (Dept. of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C., A/SLMR No. 538)

Unit clarified (1) by including Physical Science Technicians in WB unit who had previously been included in WB unit prior to change in job title and change in method of compensation; (2) by excluding a Supervisory Supply Technician and Supervisory Firefighters who exercise supervisory authority as set forth under Sec. 2(c) of the Order; and (3) by excluding employees operating, repairing, and maintaining cryptographic equipment who were excluded by Agency head under Sec. 3(b)(3) of the Order. (Navy, Norfolk Naval Shipyard, A/SLMR No. 547)

A/S affirmed Department of Interior, Bureau of Land Management, District Office, Lakeview, Oregon, A/SLMR No. 212, by clarifying unit to include "seasonal supervisors" during portion of year when they are not supervising seasonal employees, and exclude them while serving as supervisors during remaining portion of the year. (U.S. Forest Service, Salmon National Forest, Salmon, Ida., A/SLMR No. 556)

25 20 00 Clarification of Unit (Cont'd)

Petition for clarification of unit dismissed as employees at some thirteen dispensaries located at other facilities found not to accrete to unit at Naval Hospital. (Navy, Philadelphia Naval Regional Medical Cntr., A/SLMR No. 558)

Petition for clarification of unit dismissed inasmuch as the purpose of a CU petition is to clarify an existing, exclusively recognized unit, while the employees in the unit claimed in this CU petition are not currently represented in an exclusively recognized unit. Unit claimed contained employees who had been represented by the NAGE previous to the deactivation of the activity and the addition of its physical facilities, functions, and some of its employees to another activity, but the A/S found that these employees do not constitute a recognizable and viable unit by themselves at this other activity, wherein employees had not been previously represented in an exclusively recognized unit. (U.S. Coast Guard Air Sta., Non-Appropriated Fund Activity, Cape Cod, Mass., A/SLMR No. 561)

Unit clarified by excluding an employee classified as Administrative Aide or Administrative Clerk in each District and Branch Office. (HEW, SSA, Bureau of Field Operations, Boston Region, District and Branch Offices, A/SLMR No. 562)

A/C petition seeking to designate a change in organizational title of Activity is granted where parties had stipulated to the change in organizational title and where there was no evidence to indicate that such stipulation was improper. (Air Force, Aeronautical Systems Division, Air Force Systems Command, Wright-Patterson AFB, Ohio, A/SLMR No. 590)

Following transfer of function from one base to another, seven miles away, employees involved in the transfer continued to perform job functions similar to those previously performed, under similar working conditions. Established bargaining unit clarified to include transferred functional group. (Arizona Air Nat'l. Guard, Phoenix, Ariz., A/SLMR No. 593)

Unit clarified by including two budget analysts where their official duties did not warrant their design-

25 20 00 Clarification of Unit (Cont'd)

nation as management officials and where the presence of one budget analyst on the management negotiating team did not extend to active participation in the negotiating process. (HEW, Off. of the Secretary, Hq., A/SLMR No. 596)

Unit clarified, pursuant to CU Petition, by including employees designated as Secretary to the Administrative Law Judge In Charge in each of three Bureau of Hearings and Appeals (BHA) offices of the Activity in Puerto Rico. A/S found that the secretaries herein are confidential employees inasmuch as they act in a confidential capacity to an official who, in his capacity as head of a BHA Office, is involved in effectuating labor management relations. (HEW, SSA, Bureau of Hearings and Appeals, A/SLMR No. 625)

CU petition dismissed where A/S found no basis for concluding claimed employees (guards) had accreted into the IFPTE's existing unit from which they had been specifically excluded when the unit was certified. (Navy, Naval Support Activity, Long Beach, Cal., A/SLMR No. 629)

Course Developer-Instructors, Analysts and Computer Systems Analysts should be included in the exclusively recognized unit inasmuch as they are not management officials, but are resource persons who do not actively participate in the ultimate determination of what policy, in fact, will be. (IRS, Nat'l. Off., Washington, D.C., A/SLMR No. 630)

Petition seeking to include in a certified unit all professional and nonprofessional employees of a newly established office was dismissed inasmuch as the employment of 70 individuals needed to fulfill projected staffing requirements was speculative. Consequently, the A/S found that it would not effectuate the purposes and policies of the Order to amend a certification and clarify a unit where, as here, the employees sought to be added to the certified unit had not, in fact, been hired. (HEW, Social and Rehabilitation Service, Central Off., Washington, D.C., A/SLMR No. 632)

Unit clarified following reorganizations in June 1973 and August 1974 wherein employees of the Office of the Assistant Secretary of Health (OASH) no longer shared a community of interest with Office of Secretary

25 20 00 Clarification of Unit (Cont'd)

employees in the existing unit. Also, A/S found that the continued inclusion of OASH employees in the existing unit would not promote effective dealings and efficiency of agency operations. (HEW, Off. of Secretary, Hq., A/SLMR No. 648)

Reorganization which occurred was primarily administrative and did not so thoroughly combine and integrate two separate units as to require a finding that one unit had lost its independent identity. On this basis, and in light of the fact that a disclaimer of interest was filed for one of the units, the CU petition was ordered dismissed and it was concluded that the employees in the disclaimed unit were presently unrepresented. (Army, Ft. McPherson, Ga., A/SLMR No. 655)

25 24 00 Amendment of Recognition or Certification

Designation of Activity in prior certification is changed to reflect the deactivation of the Activity's operations at one of its two locations. (U.S. Coast Guard Air Sta., Non-Appropriated Fund Activity, Cape Cod, Mass., A/SLMR No. 561)

Evidence did not establish that there was an effective change of affiliation from certified local to another. Officers of certified local opposed to merger of two locals; there was no meeting of membership of certified local to consider issue of change of affiliation and no vote was taken on affiliation question. Petition was dismissed. (Navy, Supervisor of Shipbuilding, Conversion and Repair, 8th Naval District, New Orleans, La., A/SLMR No. 572)

Certification amended to reflect change in name of Activity and changes precipitated by reorganization. (Navy, Naval Undersea Cntr., San Diego, Cal., A/SLMR No. 584)

Petition seeking to include in a certified unit all professional and nonprofessional employees of a newly established office was dismissed inasmuch as the employment of 70 individuals needed to fulfill projected staffing requirements was speculative. Consequently, the A/S found that it would not effectuate the purposes and policies of the Order to amend a certification and clarify a unit where, as here, the employees sought to be added to the certified unit had not, in fact, been

25 24 00 Amendment of Recognition or Certification (Cont'd)

hired. (HEW, Social and Rehabilitation Service,
Central Off., Washington, D.C., A/SLMR No. 632)

AC petition is not appropriate vehicle to reflect a
redelegation of authority from the Commander, Fifth
U.S. Army to all United States Army Reserve Command
Commanders, who were further ordered to designate a
servicing Civilian Personnel Office to act for them
in carrying out the civilian personnel program.
(Army, Ft. McCoy, Sparta, Wisc., A/SLMR No. 638)



30 00 00 UNFAIR LABOR PRACTICES: PROCEDURE30 04 00 Requisites for Charges and Complaints

In agreement with ALJ, A/S dismissed complaint, finding that in order to present an issue of alleged violation of Order for determination, clearly separate and distinct causes of action must be separately and affirmatively alleged in the complaint.

A/S rejected argument of Complainant that pre-complaint charge should be read in conjunction with complaint so as to incorporate in complaint specific allegations contained in the charge. Noting that existing procedure of filing pre-complaint charges directly with party charged had its inception in the expressed policy of the Study Committee's Report and Recommendations, the A/S expressed the view that to construe a complaint as automatically containing the allegations contained in the pre-complaint charge would render the prescribed process of informal resolution meaningless. (Air Force, 380th Combat Support Group, Plattsburgh AFB, N.Y., A/SLMR No. 557)

ALJ dismissed as untimely alleged violation, first raised at the hearing, that occurred more than nine months prior to the filing of the complaint. (GSA, Region 3, PBS, Central Support Field Off., A/SLMR No. 583)

A/S adopted ALJ recommendation that events occurring after and more than nine months prior to the filing of the complaint not be considered as giving rise to a ULP under the complaint. (4392d Aerospace Support Group, Vandenberg AFB, Cal., A/SLMR No. 623)

A/S adopted ALJ's findings that the ULP complaint was timely filed and that the filing of the complaint in the Washington Area Office was reasonable as the issue may have involved a policy of the national office of the Respondent. (CSC, and IRS, Washington, D.C., A/SLMR No. 642)

30 08 00 Complaint Proceedings: Investigation Stage

No Entries

30 12 00 Hearing30 12 04 Rulings of ALJs

Allowing employees to make judgment for themselves as to whether they are necessary wit-

30 12 04 Rulings of ALJs (Cont'd)

nesses pursuant to Sec. 206.7 of the Regs would be disruptive of the orderly processes required to implement properly the EO, even if some of those judgments ultimately were to be vindicated. The A/S noted that the purposes of the EO would be served better if the parties adhered to the implicit mandate of Sec. 206.7 that prior approval of a "Request for Appearance of Witnesses" be obtained before any employee is granted such official time and expenses as are described in Sec. 206.7(g) of the Regs. (Bellingham Flight Service Sta., FAA, Northwest Region, DOT, Bellingham, Wash., A/SLMR No. 597)

30 12 08 Untimely Amendments to Complaints

No Entries

30 12 12 Failure to Appear

No Entries

30 12 16 Prejudicial Evidence

No Entries

30 12 20 Technical Deficiencies

No Entries

30 12 24 Evidence and Burden of Proof

No Entries

30 12 28 Lack of Cooperation

No Entries

30 16 00 Post-Hearing

No Entries

30 20 00 Stipulated Record

Pursuant to Sec. 206.5(b) of the Regs, ARD transferred case to the A/S for decision on the stipulations, exhibits and briefs. Provision was made in the Stipulation for the

30 20 00 Stipulated Record (Cont'd)

in camera submission of a document to the A/S, upon his request. The document was requested and received by the A/S. (CSC, Washington, D.C., A/SLMR No. 640)

30 24 00 Employee Status: Effect on Unfair Labor Practices

No Entries

30 28 00 Effect of Other Proceedings or Forums

A/S reaffirmed the policy stated in Report Number 55 that while awaiting the resolution of a petition in which an activity has raised a good faith doubt as to the appropriateness of an existing unit following a reorganization, there is no obligation on the part of the activity to negotiate with the exclusive representative. Although such a procedure existed at the time of the instant case, the Respondent failed to file a timely RA petition. (DSA, Defense Property Disposal Off., Aberdeen, Md., A/SLMR No. 615)

A/S found that alleged violations of a negotiated agreement which concern differing and arguable interpretations of such agreement, as distinguished from alleged actions which would constitute clear, unilateral breaches of the agreement, are not deemed to be violative of the Order and that, under the circumstances, the aggrieved party's remedy for such matters lies within the grievance machinery of the negotiated agreement, rather than through the unfair labor practice procedures. (Army, Watervliet Arsenal, Watervliet, N.Y., A/SLMR No. 624)

Allegation that Respondent violated Sec. 19(a)(1) and (6) of the Order by failing to meet and confer with the Complainant regarding the impact on unit employees of the contracting out of certain custodial services is rendered moot where, subsequent to the filing of the complaint, Complainant affirmatively disclaimed interest in representing unit employees and, following the filing of a representation petition, another labor organization was elected as exclusive representative. (U.S. Army Tank Automotive Command, Warren, Mich., A/SLMR No. 662)

30 32 00 Major Policy Issue Raised

No Entries



e

the
in
to
the
the
the
the
the

the
the
the

the
the
the
the
the

the (6)
the
the
the
the
the
the
the
the

35 00 00 UNFAIR LABOR PRACTICES: AGENCY35 04 00 General35 04 04 Guidance or Directives of Civil Service
Commission or Agency

No Entries

35 04 08 Waiver of Rights Granted by Executive Order

A/S adopted ALJ finding that neither past practice nor the negotiated agreement constituted a clear and unmistakable waiver of the exclusive representative's right to bargain about such a fundamental matter as changes in working conditions. (U. S. Army Finance and Accounting Cntr., Ft. Benjamin Harrison, Indianapolis, Ind., A/SLMR No. 651)

35 04 12 Management Rights

No Entries

35 08 00 Section 19(a)(1)

No Entries

35 08 04 Interference

At a meeting to discuss local union president's equal opportunity complaint, supervisor's statements, to the effect that some action should be taken by an arbitrator to stop her from filing charges, were not held to be violative of Sec. 19(a)(1) of the Order. (Air Force, 4392d Aerospace Support Group, Vandenberg AFB, Cal., A/SLMR No. 537)

Pursuant to FLRC No. 73A-59, A/S found that Activity's refusal to grant union representative, in connection with processing of an employee grievance, access to documents which reflected the evaluation panel's assessment of "Best Qualified" candidates violated Sec. 19(a)(1) and (6) of EO. (Dept. of Defense, State of New Jersey, A/SLMR No. 539)

35 08 04 Interference (cont'd)

Respondent violated Sec. 19(a)(1) of the Order by its unilateral change in the terms and conditions of employment, as an impasse had not been reached in bargaining negotiations. (San Antonio Air Logistics Cntr., San Antonio Air Materiel Area (AFLC), A/SLMR No. 540)

Supervisors' interrogation of employee at meeting with respect to how many and which employees had signed representation petition was improper interrogation and unwarranted intrusion into fellow employees' union activities. (Federal Energy Adm., Region IV, Atlanta, Ga., A/SLMR No. 541)

Activity's withdrawal of Complainant's recognition for certain employees following reorganization constituted violation of Sec. 19(a)(1) of the Order where, as a co-employer, it had an obligation to continue such recognition. (AAFES, South Texas Area Exchange, Lackland AFB, Tex., A/SLMR No. 542)

A/S found that Respondent's threat to suspend an employee in retaliation for that employee's involvement in the distribution of union literature, which the A/S found to be protected activity, violated Sec. 19(a)(1) for, although the Respondent did not carry out its threat, the threat of suspension had the effect of improperly interfering with, restraining, or coercing the employee in the exercise of activity protected by the Order. (Navy, Naval Air Rework Facility, A/SLMR No. 543)

Activity did not violate Sec. 19(a)(1) when it informed the representative of a probationary employee that, as a representative, he could remain at the meeting involved (found to be "formal" within the meaning of Sec. 10(e)) only as an "observer", because, in fact, the employee's representative did participate in the discussion when he wanted to and was not prevented from doing so by management. (Navy, Norfolk Naval Shipyard, A/SLMR No. 548)

35 08 04 Interference (cont'd)

Respondent did not violate Sec. 19(a)(1) by removing an employee who was promoted to a supervisory position from dues withholding without consultation with the exclusive representative. (U. S. Marine Corps Air Sta., El Toro, A/SLMR No. 560)

FLRC issued its Decision on Appeal, FLRC No. 74A-95, in which it held that the A/S finding of a violation of Sec. 19(a)(1) in A/SLMR No. 457, was inconsistent with the purposes of the Order. FLRC set aside A/S decision in A/SLMR No. 457 and remanded the case to him for appropriate action. A/S issued a Supplemental Decision and Order dismissing the case in its entirety. (NASA, Washington, D. C., and Lyndon B. Johnson Space Center (NASA), Houston, Tex., A/SLMR No. 566)

A/S found evidence insufficient to establish that (1) Activity's failure to assign overtime to an employee was motivated by anti-union considerations or (2) that it was based on the employee's filing of a complaint or giving testimony under the Order. (Navy, Mare Island Naval Shipyard, Vallejo, Cal., A/SLMR No. 570)

No violation of Sec. 19(a)(1) found where A/S advised administratively that Complainant had been decertified as the exclusive representative thus rendering moot the issues of the complaint. However, A/S did not adopt the rationale of the ALJ that the Complainant's request for evaluation records was substantially broader than that which the FLRC held that an activity would be required to produce, and that, therefore, the burden shifted to the Complainant, after the denial of the request in toto, to request the evaluation records in "sanitized" form. (Dept. of Agric., Forest Service, Pacific Southwest and Range Experiment Sta., Berkeley, Cal., A/SLMR No. 573)

35 08 04 Interference (cont'd)

Activity's refusal to enter into negotiations with incumbent exclusive representative for new agreement not violative of Sec. 19(a)(1) where valid QCR raised with respect to portion of existing unit by filing of petition by another union. (Air Force, Hq., 31st Combat Support Group, Homestead AFB, Homestead, Fla., A/SLMR No. 574)

Temporary suspension by Activity of the Plan of the Day (POD) was not violative where (1) the Activity did accommodate the union with respect to its concern over the listing of vacancy announcements by extending the listing of those which would have appeared in the POD during its suspension; and (2) publication was resumed without substantial change. (Navy, Naval Weapons Sta., Concord, Cal., A/SLMR No. 577)

Respondent did not violate Sections 19(a)(1) and (2) of the Order by suspending the NFFE local president for a safety violation where (1) safety was the only concern of the supervisor who proposed the suspension; (2) the Respondent had not penalized or reprimanded NFFE local officers for past labor relations activities; and (3) it did not appear that similar conduct of other employees had been or would be condoned or allowed by the Respondent. (Air Force, Hq., 31st Combat Support Group (TAC), Homestead AFB, Fla., A/SLMR No. 578)

Activity did not violate Sections 19(a)(1) and (2) of the Order by failing to promote the Complainant where (1) the subjective judgment of the official responsible for promotions determined who would be promoted; (2) animus or other discriminatory motive concerning the Complainant's union activities was not shown; (3) evidence was not adduced which could have afforded a comparison of the Activity's evaluation of the work performance of the Complainant and of the employees who were promoted; and (4) the evidence failed to establish that the Complainant had been subjected to disparate treatment. (Fed. Deposit. Insurance Corp., New York Region, A/SLMR No. 580)

35 08 04 Interference (cont'd)

A/S adopted ALJ's conclusion that complaint should be dismissed based on finding that testimony of witnesses in support of complaint was either hearsay or based on events well beyond the reach of the complaint, which alleged (1) that Activity repeatedly passed over for promotion an employee who was a past president and active member of the Complainant; and (2) that a supervisor remarked to another employee during a promotion evaluation period that the subject employee's union activities hurt him, not his work. (VA Domiciliary, White City, Ore., A/SLMR No. 581)

Activity violated Sec. 19(a)(1) of EO when its Group Superintendent, in a written decision under the grievance procedure, threatened discipline against the grievant and his representative for allegedly incorrectly invoking the negotiated agreement's grievance procedure, since such action could only have the consequence of chilling the assertion of contract rights by warning those who would use such procedure that it must be done without a flaw or else discipline could ensue. (Navy, Puget Sound Naval Shipyard, Bremerton, Wash., A/SLMR No. 582)

In remanding A/SLMR No. 432, the FLRC concluded that EO does not proscribe all communications with unit employees over matters relating to the collective bargaining relationship. Rather, only those communications which, for example, amount to an attempt by agency management to bypass the exclusive representative and negotiate directly with unit employees, or which urge employees to put pressure on the representative to take a certain course of action, or which threaten or promise benefits to employees are violative of EO. Content, intent and effect of posted January 16, 1973 letter could reasonably be equated with an attempt to bargain directly with unit employees and to urge them to put pressure on the union to take certain actions in violation of Sections 19(a)(1) and (6) of the Order. (Navy, Naval Air Sta., Fallon, Nev., A/SLMR No. 587)

35 08 04 Interference (cont'd)

Pursuant to FLRC No. 74A-54, A/S revised certain portions of the remedial order in A/SLMR No. 400 which were inconsistent with FLRC finding that (1) Sec. 10(e) does not impose upon a labor organization holding exclusive recognition an obligation to represent a bargaining unit employee in an adverse action proceeding until such time as the employee indicates a desire to choose his own representative; and (2) an agency's failure to recognize a labor organization's status as an employee's representative in an adverse action proceeding, until the employee designates another representative, does not constitute an unfair labor practice. (Naval Ordnance Sta., Louisville, Ky., A/SLMR No. 588)

Although the A/S found that, as a general rule, employees should receive prior approval before attempting to appear as witnesses pursuant to Sec. 206.7 of the Regs, he also found that, under the circumstances herein, (1) the decision by the Agency's representative not to take exception to the ALJ's ruling that the employee's appearance was necessary; (2) the Respondent's failure to abide by that ruling; and (3) the subsequent disciplining of the Complainant interfered with the employee's Sec. 1(a) rights in violation of the Order. (Bellingham Flight Service Sta., FAA, Northwest Region, DOT, Bellingham, Wash., A/SLMR No. 597)

When an Activity bargains with the exclusive representative regarding permissible subjects of bargaining, it is then bound by any agreement which incorporates such matters. (The Adjutant General, State of Illinois, Ill. Air Nat'l. Guard, A/SLMR No. 598)

When an Agency has sought specific changes in the first two versions of a negotiated agreement in its review of the agreement pursuant to Sec. 15 of the Order, it is required to perform the ministerial act of approving the agreement after the agreement has been brought into conformity with the specific changes enumerated by the Agency as necessary to bring the agreement into conformity with laws, regulations, and policies. (The Adjutant General, State of Illinois, Ill. Air Nat'l. Guard, A/SLMR No. 598)

35 08 04 Interference (cont'd)

Although the Activity may have acted in apparent good faith by negotiating with the exclusive representative in an effort to incorporate such changes as had been requested by the Agency in two separate reviews, pursuant to its Sec. 15 authority, of the agreement entered into by the parties at the local level, the Activity, nevertheless, violated Sections 19(a)(1) and (6) of the EO by failing to implement the revised agreement which had been brought into conformity with the changes sought by the Agency, at which time the agreement became valid and binding. (The Adjutant General, State of Illinois, Ill. Air Nat'l. Guard, A/SLMR No. 598)

A/S found that Agency violated Sec. 19(a)(1) by directing Activity to terminate differential pay, paid pursuant to arbitration awards. (Naval Air Rework Facility, Pensacola, Fla., A/SLMR No. 608)

Allegation that Respondent violated Sections 19(a)(1) and (6) of the Order when it failed to consult or negotiate with respect to impact of transfer of fifteen employees from Portland to Vancouver is dismissed where (1) obligation was discharged when another local was involved in management decision making process; and (2) no evidence was found that Complainant had requested such bargaining. (DOT, Federal Highway Adm., Vancouver, Wash., A/SLMR No. 612)

A/S, in agreement with ALJ, found that Respondent violated Sec. 19(a)(1) by the conduct of its Director of Personnel in physically removing the Complainant's president from a meeting at which he was representing a unit employee. (U. S. Small Business Adm., Central Off., Washington, D. C., A/SLMR No. 631)

A chief steward's right to represent employees not impeded where (1) in each case of alleged harassment the record revealed that valid grounds existed for the Respondent's actions; and (2) the Respondent's treatment of the chief steward's leave request was justified by her past use of emergency leave. (DSA, DCASR, Los Angeles, Cal., A/SLMR No. 633)

35 08 04 Interference (cont'd)

An offer of a supervisory position to a chief steward was adequately explained as essentially an administrative mistake, and not an attempt to "lure" her away from her union responsibilities. (DSA, DCASR, Los Angeles, Cal., A/SLMR No. 633)

Failure to allow the exclusive representative to be present during interviews conducted with unit employees is not violative where Civil Service Commission conducted interviews pursuant to law and EO and was not, therefore, "Agency Management" within the meaning of Sec. 2(f) of the EO with respect to the unit employees. (CSC, Washington, D. C., A/SLMR No. 640)

Based on certain credited testimony, it was found that the termination of the probationary employee involved was based on the employee's unsatisfactory work performance and was unrelated to his participation in union activities. (HUD, Des Moines Insuring Off., A/SLMR No. 641)

Denying the exclusive representative the right to be present during interviews conducted among unit employees found not violative where Civil Service Commission, which conducted the interviews pursuant to law and EO, was not "Agency Management" within the meaning of Sec. 2(f) of the Order and the Respondent-IRS's employee serving on the CSC evaluation team was under CSC supervision. (CSC, and IRS, Washington, D. C., A/SLMR No. 642)

Refusal to negotiate a new collective bargaining agreement during pendency of a representation petition for a portion of exclusively recognized unit not violative of Sec. 19(a)(1). (Dept. of Agric., Off. of Investigation and Off. of Audit, A/SLMR No. 643)

Statement of representative of Respondent made at a meeting to president of union council that he was not talking to him not violative of Sec. 19(a)(1) where statement should have been interpreted as merely informing president of council that conversation was between Respondent's representative and representative of a constituent local of the union council. (Navy, Mare Island Naval Shipyard, Vallejo, Cal., A/SLMR No. 646)

35 08 04 Interference (cont'd)

A/S found that the Complainant's second vice-president's rights were not interfered with under Sec. 1(a) of the Order when the Respondent questioned her about a complaint that she had written to her Congressman. The A/S found that she had acted as an individual in writing the letter and not as a representative of the Complainant. (Air Force, Lackland AFB, Headquarters Military Training Center (ATC), Tex., A/SLMR No. 652)

Pursuant to FLRC request that A/S reconsider and clarify his decision in A/SLMR No. 523 in light of FLRC's subsequent decision in Fallon (FLRC No. 74A-80); A/S reaffirmed his previous finding of a Sec. 19(a)(1) violation based on a supervisor's reading of a letter to employees which had previously been sent from the exclusive representative to the Respondent. Such action indicated to employees that their confidential dealings with their exclusive representative might not be kept confidential. Noted particularly by the A/S in his reaffirmation was the fact that the communication involved was judged independently, as required by Fallon, and a determination was made that such a breach of confidentiality would tend to dissuade employees from seeking union assistance. (VA, VA Data Processing Cntr., Austin, Tex., A/SLMR No. 663)

Pursuant to FLRC request that A/S reconsider and clarify his decision in A/SLMR No. 523, in light of FLRC's subsequent decision in Vandenberg (FLRC No. 74A-77), A/S reaffirmed his previous finding of a Sec. 19(a)(1) violation based on a discriminatory reporting requirement placed on a union official by Respondent's supervisor. In his reaffirmation, the A/S noted particularly the fact that (1) the conduct was not isolated, as the supervisor was involved in other ULP violations and allegations; (2) such a clear violation of a Sec. 1(a) right is not de minimis in nature; and (3) a remedial order was necessary to act as a deterrent to future similar occurrences. (VA, VA Data Processing Cntr., Austin, Tex., A/SLMR No. 663)

35 08 04 Interference (cont'd)

Pursuant to FLRC request that A/S reconsider and clarify his decision in A/SLMR No. 523, in light of FLRC's subsequent decision in Vandenberg (FLRC No. 74A-77), A/S reaffirmed his previous finding of a Sec. 19(a)(1) violation based on the failure of the Respondent to take adequate measures to disassociate itself from the implication that it was lending support to a decertification effort by allowing the use of its internal mail service for the return of signed decertification leaflets. In his reaffirmation, A/S noted particularly that (1) each decertification leaflet had an internal mail routing number alongside each employee's name appearing on the leaflet; (2) one of the employees whose name appeared on the leaflet as a sponsor was found to be a supervisor; (3) at least some of the leaflets were returned through the internal mail system; and (4) while some of those whose names appeared on the leaflet were admonished, none of those who used the internal mail system to return a signed leaflet were so admonished. (VA, VA Data Processing Cntr., Austin, Tex., A/SLMR No. 663)

Pursuant to FLRC request that A/S reconsider and clarify his decision in A/SLMR No. 523, in light of FLRC's subsequent decision in Fallon (FLRC No. 74A-80), A/S reversed his previous finding of Sec. 19(a)(1) and (6) violations based on a supervisor's circulation among certain employees of a memorandum pertaining to the status of the agreement between the exclusive representative and the Respondent. Thus, under the FLRC's clarification in Fallon, not all direct communications pertaining to the collective bargaining relationship of the parties is deemed violative of the Order, and each communication must be judged independently and a determination made as to whether that communication is violative. Under this clarified standard, the A/S reversed his previous finding of a violation, noting particularly that the memorandum was an accurate reflection of the parties' positions regarding the negotiated agreement's status. (VA, VA Data Processing Cntr., Austin, Tex., A/SLMR No. 663)

35 08 04 Interference (cont'd)

The A/S found that the Complainant failed to sustain the burden of proof in support of its allegations that its vice-president was discriminated against because of union considerations. (Dept. of Defense, Air Nat'l Guard, 147th Fighter Group, Austin, Tex., A/SLMR No. 667)

A/S found Sec. 19(a)(1) violation where, by discontinuing dues deductions from maintenance employees and later withholding dues payments from the Complainant, the Respondent interfered with the obligation of the Activity to honor the terms and conditions of the existing agreement and to accord appropriate recognition to the Complainant. (Army and Air Force Exchange Service, South Texas Area Exchange, Lackland, AFB, Tex., A/SLMR No. 669)

Agency and Activity violated Sec. 19(a)(1) by their 1974 professional appraisal of employee where such appraisal included criticism of the employee because he filed a grievance with respect to comments about his handling of cases and because he filed a grievance with respect to the assignment of compliance responsibilities to him in another proceeding. (National Labor Relations Board, Region 17, and National Labor Relations Board, A/SLMR No. 671)

The A/S found, contrary to the ALJ, that the Agency and Activity violated Sec. 19(a)(1) by comments included in 1974 professional appraisal of employee which were directed at employee's handling of his own unfair labor practice case against the Agency and Activity, since such case had no connection with the employee's work related duties as an attorney and could inhibit such employee in the exercise of his rights to file and process unfair labor practice complaints and, therefore, could not be properly included in the appraisal. (National Labor Relations Board, Region 17, and National Labor Relations Board, A/SLMR No. 671)

35 08 04 Interference (cont'd)

A/S adopted ALJ's finding that the unilateral cancellation of a meeting room which had previously been approved by an official of management was a violation of Sec. 19(a)(1) as it necessarily discredited the exclusive representative and thereby interfered with employee rights assured by EO. (DOT, Off. of the Secretary, A/SLMR No. 672)

A/S adopted ALJ's finding that Activity did not violate Sec. 19(a)(1) when its supervisor suggested that a union official alter his existing practice and comply with the terms of the negotiated agreement with regard to reporting his absences. (DOT, Off. of the Secretary, A/SLMR No. 672)

35 08 08 Distribution of Literature

A/S found, in agreement with ALJ, that (1) distribution by the union stewards of the "Caution flyer" was a protected activity; and (2) the Respondent's oral warning to the stewards based on their conduct in distributing such literature violated Sec. 19(a)(1) of the Order. (Navy, Naval Air Rework Facility, A/SLMR No. 543)

35 08 12 Solicitation

Rule limiting employee solicitation on behalf of union to nonworking time and in nonworking area was improper since, in the absence of unusual circumstances, such solicitation was permissible on agency property, including work areas, during nonworking time. (Federal Energy Adm., Region IV, Atlanta, Ga., A/SLMR No. 541)

35 12 00 Section 19(a)(2)

Alleged violation of Sec. 19(a)(2) dismissed where ALJ found that work performance, not union animus, was motivating factor in union president's job reassignment. (Air Force, 4392d Aerospace Support Group, Vandenberg AFB, Cal., A/SLMR No. 537)

35 12 00 Section 19(a)(2) (cont'd)

Complaint dismissed where any discrimination involved was with regard to employee's status as probationary employee, and was not based on, or motivated by, membership activity or sympathy with regard to labor organization. (Navy, Norfolk Naval Shipyard, A/SLMR No. 548)

Respondent did not violate Sec. 19(a)(2) by removing an employee who was promoted to a supervisory position from dues withholding without consultation with the exclusive representative. (U. S. Marine Corps Air Sta., El Toro, A/SLMR No. 560)

A/S adopted ALJ's finding that Activity's denial of promotion to certain employees was based on their lack of expertise and not on their participation in union activities, and ordered complaint dismissed. (Bureau of District Office Operations, SSA, HEW, Boston, Mass., A/SLMR No. 563)

A/S found evidence insufficient to establish that Activity's failure to assign overtime to an employee was motivated by anti-union considerations or was based on the employee's filing of a complaint or giving testimony under the Order. (Navy, Mare Island Naval Shipyard, Vallejo, Cal., A/SLMR No. 570)

Respondent did not violate Sections 19(a)(1) and (2) of the Order by suspending the NFFE local president for a safety violation where (1) safety was the only concern of the supervisor who proposed the suspension; (2) the Respondent had not penalized or reprimanded NFFE local officers for past labor relations activities; and (3) it did not appear that similar conduct of other employees had been or would be condoned or allowed by the Respondent. (Air Force, Hq., 31st Combat Support Group (TAC), Homestead AFB, Fla., A/SLMR No. 578)

35 12 00 Section 19(a)(2) (cont'd)

Activity did not violate Sections 19(a)(1) and (2) of the Order by failing to promote the Complainant where (1) the subjective judgment of the official responsible for promotions determined who would be promoted; (2) animus or other discriminatory motive concerning the Complainant's union activities was not shown; (3) evidence was not adduced which could have afforded a comparison of the Activity's evaluation of the work performance of the Complainant and of the employees who were promoted; and (4) the evidence failed to establish that the Complainant had been subjected to disparate treatment. (Fed. Deposit Insurance Corp., New York Region, A/SLMR No. 580)

A/S adopted ALJ's conclusion that complaint should be dismissed based on finding that testimony of witnesses in support of complaint was either hearsay or based on events well beyond reach of complaint, which alleged (1) that Activity repeatedly passed over for promotion an employee who was a past president and active member of the Complainant; and (2) that a supervisor remarked to another employee during a promotion evaluation period that the subject employee's union activities hurt him, not his work. (VA Domiciliary, White City, Ore., A/SLMR No. 581)

Section 19(a)(2) complaint dismissed where evidence did not establish that warnings to Complainant's representative regarding tardiness resulted from union activities, and where evidence did not support an allegation that Complainant's representative was accused of breaking and entering. (DOT, FAA, Eastern Region, A/SLMR No. 585)

Activity found not to have violated Sec. 19(a)(2) by placing on AWOL status, and then suspending, Complainant for refusing to move duty station. (Dept. of Agric., Forest Service, Regional Off., Juneau, Alas., A/SLMR No. 595)

35 12 00 Section 19(a)(2) (cont'd)

A/S found, in concurrence with ALJ, that there was insufficient evidence to show that the failure to re-employ an employee constituted discrimination that discouraged membership in the union or that such failure discouraged membership in the union by means of discrimination. (Norfolk Naval Shipyard, Portsmouth, Va., A/SLMR No. 618)

Sec. 19(a)(2) allegation dismissed where Complainant failed to meet burden of proof that supervisor informed an employee that she was denied promotion because of her union activities. (SSA, Mid-America Program Cntr., BRSI, Kansas City, Mo., A/SLMR No. 619)

An offer of a supervisory position to a chief steward was adequately explained as essentially an administrative mistake, and not an attempt to "lure" her away from her union responsibilities. (DSA, DCASR, Los Angeles, Cal., A/SLMR No. 633)

Based on a certain credited testimony, it was found that the termination of the probationary employee involved was based on the employee's unsatisfactory work performance and was unrelated to his participation in union activities. (HUD, Des Moines Insuring Off., A/SLMR No. 641)

The A/S found that the Complainant failed to sustain the burden of proof in support of its allegations that its vice-president was discriminated against because of union considerations. (Dept. of Defense, Air Nat'l. Guard, 147th Fighter Group, Austin, Tex., A/SLMR No. 667)

35 16 00 Section 19(a)(3)

No violation found of Sec. 19(a)(3) when Respondent complied with a status quo policy of maintaining dues withholding services for ECOM, Philadelphia employees transferred to ECOM, Ft. Monmouth, pending disposition of a representation matter. A/S also adopted ALJ finding that the situation of ECOM, Philadelphia employees who were transferred with their function to Ft. Monmouth, and might thereby constitute an existing unit, was different from employees who chose

35 16 00 Section 19(a)(3) (cont'd)

to transfer out of their unit in Ft. Monmouth as part of a reorganization. Consequently, no disparate treatment existed insofar as the latter (but not the former) had their dues withholding services stopped. (DOT, U. S. ECOM, Ft. Monmouth, A/SLMR No. 617)

A/S adopted ALJ's finding of violation where Activity gave improper assistance to outside union in obtaining showing of interest. (Navy, Navy Commissary Store Complex, Oakland, A/SLMR No. 654)

35 20 00 Section 19(a)(4)

A/S found evidence insufficient to establish that Activity's failure to assign overtime to an employee was motivated by anti-union considerations or was based on the employee's filing of a complaint or giving testimony under the Order. (Navy, Mare Island Naval Shipyard, Vallejo, Cal., A/SLMR No. 570)

Although the A/S found that, as a general rule, employees should receive prior approval before attempting to appear as witnesses pursuant to Sec. 206.7 of the Regs, he also found that, under the circumstances herein, (1) the decision by the Agency's representative not to take exception to the ALJ's ruling that the employee's appearance was necessary; (2) the Respondent's failure to abide by that ruling; and (3) the subsequent disciplining of the Complainant were in violation of Sec. 19(a)(4). (Bellingham Flight Service Sta., FAA, Northwest Region, DOT, Bellingham, Wash., A/SLMR No. 597)

Agency and Activity did not violate Sections 19(a)(1) and (4) by their 1972 professional appraisal of employee, since the employee's engagement in protected activities played no part in such appraisal. (National Labor Relations Board, Region 17, and National Labor Relations Board, A/SLMR No. 664)

35 20 00 Section 19(a)(4) (cont'd)

Agency and Activity did not violate Sections 19(a)(1) and (4) by their 1973 professional appraisal of employee, since the employee's engagement in protected activities played no part in such appraisal. (National Labor Relations Board, Region 17, and National Labor Relations Board, A/SLMR No. 670)

Agency and Activity violated Sections 19(a)(1) and (4) by their 1974 professional appraisal of employee where such appraisal included criticism of the employee because he gave notice of his intentions to file a ULP complaint before his supervisor deemed it to be appropriate. (National Labor Relations Board, Region 17, and National Labor Relations Board, A/SLMR No. 671)

35 24 00 Section 19(a)(5)

Where employees continued to remain in the exclusively recognized unit, Respondent, as a co-employer of employees, was obligated to continue to accord recognition to the labor organization, which includes the obligation to continue to honor any existing negotiated agreement between the labor organization and the previous activity. Where agreement pertained to transferred employees, improper withdrawal of recognition in derogation of its obligation "to accord recognition to a labor organization qualified for such recognition" violated Sec. 19(a)(5). (AAFES, South Texas Area Exchange, Lackland AFB, Tex., A/SLMR No. 542)

Allegation that Activity violated Sec. 19(a)(5) by wrongfully conducting bargaining relationship was not proper inasmuch as that provision relates to the granting of appropriate recognition. (Navy, Norfolk Naval Shipyard, A/SLMR No. 548)

Activity's refusal to enter into negotiations with incumbent exclusive representative for new agreement not violative of Sec. 19(a)(5) where valid QCR raised with respect to portion of existing unit by filing of petition by another union. (Air Force, Hq., 31st Combat Support Group, Homestead AFB, Homestead, Fla., A/SLMR No. 574)

35 24 00 Section 19(a)(5) (cont'd)

In remanding A/SLMR No. 360, the Council, in FLRC No. 74A-22, rejected the co-employer doctrine as fashioned and applied by the A/S with regard to the reorganization in question noting that, although both the Respondent and the Army are components of the Department of Defense, the Respondent and the Army have separate missions, functions, regulations, administrations and commands and that neither the Respondent nor the Army, before or after the reorganization, shared any common control over those employees transferred to the Respondent or the remaining employees in the Army's bargaining unit. Accordingly, the Council found that the Respondent and Army retained their separate employing identities over their respective employees before and after the reorganization and that each component thus remained a separate employing "agency" for the purpose of according exclusive recognition to the labor organization representing its employees under Sec. 10 of the Order. Further, noting particularly that the reorganization involved the transfer to the gaining employer of only a small segment of those employees in the existing exclusively recognized unit, the A/S found that the recognized unit had not been transferred substantially intact to the gaining employer to meet the Council's successor requirements. Accordingly, as Respondent was neither a co-employer nor a successor employer, A/S concluded that it was under no obligation to accord Complainant recognition with respect to DPDO employees and dismissed the complaint. (DSA, Defense Property Disposal Off., Aberdeen, Md., A/SLMR No. 615)

A/S, in agreement with ALJ, found that Respondents did not violate Sections 19(a)(1), (5) and (6) of the Order by terminating their collective bargaining agreement as the Respondents were not seeking to withdraw recognition of the union nor were they attempting to avoid bargaining with the union but rather, the Respondents, in terminating the collective bargaining agreement, which they did in compliance with the

35 24 00 Section 19(a)(5) (cont'd)

"termination" section of the agreement, were employing a legitimate maneuver to ensure that the parties would have to bargain for an agreement which would conform in all respects to the EO. (Dept. of Commerce, U. S. Merchant Marine Academy, Kings Point, N. Y., A/SLMR No. 620)

Refusal to negotiate a new collective bargaining agreement as long as a representation petition filed by another labor organization is pending is not violative of Sec. 19(a)(5). (Dept. of Agric., Off. of Investigation and Off. of Audit, A/SLMR No. 643)

Agency head's determination to exclude investigatory and audit employees from coverage of EO pursuant to Sec. 3(b)(4) on grounds that EO could not be applied to such employees in manner consistent with internal security of Agency was not arbitrary or capricious and accordingly, the withdrawal, in effect, of Complainant's exclusive recognition covering those employees was not violative of Sec. 19(a)(5). (Dept. of Agric., Off. of Investigation and Off. of Audit, A/SLMR No. 643)

Statement of representative of Respondent made at a meeting to president of union council that he was not talking to him not violative of Sec. 19(a)(5) where statement should have been interpreted as merely informing president of council that conversation was between Respondent's representative and representative of a constituent local of the union council. (Navy, Mare Island Naval Shipyard, Vallejo, Cal., A/SLMR No. 646)

Pursuant to FLRC request, FLRC No. 75A-93, the A/S further considered and clarified his decision in A/SLMR No. 542 in light of the principles set forth in Defense Supply Agency, Defense Property Disposal Office, Aberdeen Proving Ground, Aberdeen, Md., FLRC No. 74A-22. A/S found, consistent with FLRC's rationale, that Respondent did not violate Sec. 19(a)(5) of EO by withdrawing recognition from Complainant since Respondent was neither a co-employer nor a

35 24 00 Section 19(a)(5) (cont'd)

successor employer and was, therefore, under no obligation to accord the Complainant recognition. (Army and Air Force Exchange Service, South Texas Area Exchange, Lackland AFB, Tex., A/SLMR No. 669)

35 28 00 Section 19(a)(6)35 28 04 Response to Bargaining Request

Pursuant to FLRC No. 74A-77, and rationale therein, A/S reversed holding in A/SLMR No. 435, in which he had found Respondent's conduct to be violative of Sec. 19(a)(6), and ordered that the complaint be dismissed in its entirety. (Vandenberg AFB, 4392d Aerospace Support Group, Vandenberg AFB, Cal., A/SLMR No. 554)

Activity's refusal to enter into negotiations with incumbent exclusive representative for new agreement not violative of Sec. 19(a)(6) where valid QCR raised with respect to portion of incumbent's exclusively recognized unit by filing of petition by another union. (Air Force, Hq., 31st Combat Support Group, Homestead AFB, Homestead, Fla., A/SLMR No. 574)

Refusal to negotiate a new collective bargaining agreement as long as a representation petition filed by another labor organization for certain employees in the unit is pending not violative of Sec. 19(a)(6). (Dept. of Agric., Off. of Investigation and Off. of Audit, A/SLMR No. 643)

35 28 08 Failure to Meet and Confer Generally

A/S found that an RA petition, based on a good faith doubt as to the continued majority status of an incumbent exclusive representative, is subject to the timeliness requirements of Sec. 202.3(d) of the Regs and, therefore, he concluded, in effect, that the RA petition was filed untimely, as it was filed within the insulated 90 day period provided by Sec. 202.3(d) of the Regs. A/S noted that both he and the

35 28 08. Failure to Meet and Confer Generally (cont'd)

FLRC have indicated that when an RA petition is filed in good faith, the petitioning agency should be permitted to remain neutral during the pendency of such petition and be given a reasonable opportunity to comply with the consequences which flow from any representation decision by the A/S before incurring the risk of an unfair labor practice finding, thus concluding that the complaint should be dismissed. (Denver Airway Facilities Hub Sector, FAA, Rocky Mountain Region, DOT, Aurora, Colo., A/SLMR No. 535)

Pursuant to FLRC No. 74A-77, and rationale therein, A/S reversed holding in A/SLMR No. 435, in which he had found Respondent's conduct to be violative of Sec. 19(a)(6), and ordered that the complaint be dismissed in its entirety. (Vandenberg AFB, 4392d Aerospace Support Group, Vandenberg AFB, Cal., A/SLMR No. 554)

Respondent did not violate Sec. 19(a)(6) by removing an employee who was promoted to a supervisory position from dues withholding without consultation with the exclusive representative. (U. S. Marine Corps Air Sta., El Toro, A/SLMR No. 560)

Activity violated Sec. 19(a)(6) where steward was notified as an affected employee of unilateral change in Activity's past practice of permitting unrestricted employee parking. (GSA, Region 3, PBS, Central Support Field Off., A/SLMR No. 583)

Activity not obligated to meet and confer with Complainant, who was acting as an individual rather than on behalf of the exclusive representative. The obligation to meet and confer set forth in Sec. 11(a) of the Order is owed by an agency or activity to the labor organization which is the exclusive representative of employees in the unit, and not to any individual. (Dept. of Agric., Forest Service, Regional Off., Juneau, Alas., A/SLMR No. 595)

35 28 08 Failure to Meet and Confer Generally (cont'd)

Although the Activity may have acted in apparent good faith by negotiating with the exclusive representative in an effort to incorporate such changes as had been requested by the Agency in two separate reviews, pursuant to its Sec. 15 authority, of the agreement entered into by the parties at the local level, the Activity nevertheless violated Sec. 19(a)(1) and (6) of the EO by failing to implement the revised agreement which had been brought into conformity with the changes sought by the Agency, at which time the agreement became valid and binding. (The Adjutant General, State of Illinois, Ill. Air Nat'l. Guard, A/SLMR No. 598)

Activity did not violate its duty to bargain in good faith by cancelling a "negotiation" session in order to hold a "consultation" meeting, inasmuch as the Activity fulfilled its obligation, under the circumstances, to engage in good faith bargaining regardless of the designation of the meeting. (4392d Aerospace Support Group, Vandenberg AFB, Cal., A/SLMR No. 623)

Respondent violated Sections 19(a)(1) and (6) by failing to notify Complainant prior to Respondent's final determination or decision to change the work hours of certain unit employees. Further, Respondent was obligated, upon request, to meet and confer in good faith with Complainant concerning the proposed change in work hours. Regardless of whether or not, under the circumstances, the scheduling of work hours was within the ambit of Sec. 11(b), the parties made the scheduling of work hours a negotiable matter by the terms of their negotiated agreement. (Southeast Exchange Region of the AAFES, Rosewood Warehouse, Columbia, S. C., A/SLMR No. 656)

A/S adopted ALJ finding that the A/S did not have jurisdiction to consider alleged Sec. 19 (a)(1) and (6) violation because Respondent's mere announced intention to impose a change in duty hours could not be equated with an actual implementation thereof within the meaning of Sec. 11(d) of the EO. Proper resolution of such a negotiability issue is through the Sec. 11(c)(2) and (4) procedures of the EO. Complaint dismissed. (Dept. of Agric., Grain Div. Field Off., New Orleans, La., A/SLMR No. 666)

35 28 12 Failure to Meet and Confer on Impact
or Procedures

Activity did not violate Order with respect to failure to bargain over implementation and impact of new travel regulations where evidence failed to establish that travel regulations were applied in such a way as to change any of the travel provisions of collective bargaining agreements between Respondent and Complainant. (Dept. of Treasury, IRS, A/SLMR No. 550)

Agencies and activities obligated to afford exclusive representative a reasonable opportunity to meet and confer concerning impact and implementation of decisions made with respect to subject within the ambit of Sec. 11(b) of the Order. Although agencies and activities are not obligated to negotiate on such matters, FLRC has held that the parties may negotiate on such subjects and reach binding agreements thereon. (U. S. Air Force Electronics Systems Division (AFSC), Hanscom AFB, A/SLMR No. 571)

Allegation that Respondent failed to confer or consult with Complainant with respect to impact on employees of relocation of a particular facility is dismissed because decision to move or relocate had not been finalized; no obligation was imposed, therefore, upon Respondent under Sec. 11(b) of the Order. Complainant had ample opportunity prior to contemplated relocation to request bargaining on impact but failed to do so. (U. S. Air Force Electronics Systems Division (AFSC), Hanscom AFB, A/SLMR No. 571)

Allegation that Respondent violated Sections 19(a)(1) and (6) of the Order when it failed to consult or negotiate with respect to impact of transfer of fifteen employees from Portland to Vancouver is dismissed where (1) obligation was discharged when another local was involved in management decision making process; and (2) no evidence was found that Complainant had requested such bargaining. (DOT, Federal Highway Adm., Vancouver, Wash., A/SLMR No. 612)

35 28 12 Failure to Meet and Confer on Impact
or Procedures (cont'd)

Contrary to the ALJ, the A/S found that Respondent did not violate Sections 19(a)(1) and (6) inasmuch as, under the circumstances, Complainant did not lack sufficient notice of a change of work hours of certain unit employees so as to afford it a reasonable opportunity to seek to meet and confer on impact and implementation. (Southeast Exchange Region of the AAFES, Rosewood Warehouse, Columbia, S. C., A/SLMR No. 656)

Activity did not violate obligation to consult, confer or negotiate with respect to impact of its decision to establish a new tour of duty for certain employees in the bargaining unit inasmuch as exclusive representative had ample notice and opportunity to request bargaining on impact and implementation, but failed to do so. (Alabama Nat'l. Guard, A/SLMR No. 660)

Activity did not violate obligation to negotiate with the Complainant over the promulgation of "Attachment 10" of the Respondent's Affirmative Action Plan since the disputed upward mobility positions in "Attachment 10" were not the product of the Agency Upward Mobility Program but were identified and filled prior to the promulgation of this Program. "Attachment 10" did not encompass matters involving the impact of and the procedures to be used in implementing the Respondent's Upward Mobility Program. (Environmental Protection Agency, Region VII, Kansas City, Mo., A/SLMR No. 668)

35 28 16 Refusal to Allow Formal Discussion Representation

Alleged refusal to allow union representative to represent an employee facing possible suspension, in discussions with Activity concerning suspension, not violative of Sec. 19(a)(6) where (1) meeting was not a "formal discussion"; (2) union representative did, in fact, ultimately participate in substantial manner in discussion at meeting; and (3) the position of Respondent's representative concerning role of union representative reflected essentially his good faith interpretation of negotiated agreement, as distinguished from clear unilateral breach of agreement. (FAA, Muskegon Air Traffic Control Tower, A/SLMR No. 534)

35 28 16 Refusal to Allow Formal Discussion Representation
(cont'd)

FLRC issued its Decision on Appeal, FLRC No. 74A-95, in which it held that the A/S finding of a violation of Sec. 19(a)(1), in A/SLMR No. 457, was inconsistent with the purposes of the Order. FLRC set aside A/S decision in A/SLMR No. 457 and remanded the case to him for appropriate action. A/S issued a Supplemental Decision and Order dismissing the case in its entirety. (NASA, Washington, D. C., and Lyndon B. Johnson Space Center (NASA), Houston, Tex., A/SLMR No. 566)

A chief steward's right to represent employees not impeded where (1) in each case of alleged harassment the record revealed that valid grounds existed for the Respondent's actions; and (2) the Respondent's treatment of the chief steward's leave request was justified by her past use of emergency leave. (DSA, DCASR, Los Angeles, Cal., A/SLMR No. 633)

Failure to allow the exclusive representative to be present during interviews conducted with unit employees is not violative where Civil Service Commission conducted interviews pursuant to law and EO and was not, therefore, "Agency Management" within the meaning of Sec. 2(f) of the EO with respect to the unit employees. (CSC, Washington, D. C., A/SLMR No. 640)

Denying the exclusive representative the right to be present during interviews conducted among unit employees was not violative where (1) Respondent-Civil Service Commission was not "Agency Management" within the meaning of Sec. 2(f) of the Order while performing its evaluative function pursuant to law and EO and, therefore, had no bargaining obligation to the exclusive representative; and (2) where Respondent-IRS's employee serving on the CSC team was under CSC supervision while conducting the evaluation. (CSC, and IRS, Washington, D.C., A/SLMR No. 642)

35 28 16 Refusal to Allow Formal Discussion Representation
(cont'd)

Complaint alleging that the Respondent failed to give notice to the Complainant regarding a meeting with an employee on a grievance which she had filed and to afford the Complainant an opportunity to be present at such meeting is dismissed and no violation of Sec. 19(a)(6) is found to have occurred inasmuch as the Complainant's president was afforded an opportunity to be present prior to the discussion with the grievant and that this offer was declined. (IRS, Dept. of the Treasury, Hartford District Off., A/SLMR No. 649)

The A/S adopted ALJ's finding that the failure of the Respondent to allow the Complainant to be represented at investigatory interviews of unit employees by the Respondent's representatives was not violative of Sec. 19(a)(6) of the Order as such meetings were not "formal discussions" within the meaning of Sec. 10(e) of the Order. (Air Force, Lackland AFB, Headquarters Military Training Center (ATC), Tex., A/SLMR No. 652)

35 28 20 Uncompromising Attitude

A/S reaffirmed the policy stated in Report Number 55 that while awaiting the resolution of a petition in which an activity has raised a good faith doubt as to the appropriateness of an existing unit following a reorganization, there is no obligation on the part of the activity to negotiate with the exclusive representative. Although such a procedure existed at the time of the instant case, the Respondent failed to file a timely RA petition. (DSA, Defense Property Disposal Off., Aberdeen, Md., A/SLMR No. 615)

Activity did not violate its duty to bargain in good faith by insisting that negotiations proceed along an agreed upon approach. (4392d Aerospace Support Group, Vandenberg AFB, Cal., A/SLMR No. 623)

35 28 24 Dilatory and Evasive Tactics

A/S, in agreement with ALJ, found that the Respondents did not engage in dilatory tactics and did not refuse to negotiate and confer in good faith with the union in violation of Sections 19(a)(1) and (6) of the Order as the record disclosed that the Respondents were willing to meet and did, in fact, meet at reasonable times with representatives of the union, and although the Respondents were engaged in hard bargaining with the union, they did make a good faith effort to resolve their differences. (Dept. of Commerce, U. S. Merchant Marine Academy, Kings Point, N. Y., A/SLMR No. 620)

Activity did not violate its duty to bargain in good faith by allegedly offering proposals during negotiations it "knew" would be unacceptable to the Complainant labor organization, inasmuch as evidence revealed that

- Activity did not adhere to any of these proposals to the point of impasse. (4392d Aerospace Support Group, Vandenberg AFB, Cal., A/SLMR No. 623)

35 28 28 Unilateral Changes in Terms and Conditions of Employment

A/S adopted ALJ's finding that if parties reach an impasse following good faith negotiations an employer may unilaterally impose changes in working conditions which do not exceed the offers or proposals made in the prior negotiations. A/S found that parties had not reached an impasse on a negotiable issue, and that a unilateral change in terms and conditions of employment by the Activity was violative of Sec. 19(a)(6). (San Antonio Air Logistics Cntr., San Antonio Air Materiel Area (AFLC), A/SLMR No. 540)

Respondent's failure (1) to provide the labor organization with appropriate notice of its intentions to withdraw recognition of the labor organization; and (2) to afford labor organization an opportunity to meet and confer with regard thereto did not violate Sec. 19(a)(6)

35 28 28 Unilateral Changes in Terms and Conditions
of Employment (cont'd)

because matters related to an improper refusal to accord appropriate recognition are inseparable from the theory of violation of Sections 19(a)(1) and (5) as previously stated in DSA, Defense Property Disposal Office. Aberdeen, Md., A/SLMR No. 360. (AAFES, South Texas Area Exchange, Lackland AFB, Tex., A/SLMR No. 542)

Activity violated Sec. 19(a)(6) by implementing unilateral changes in promotion and appointment practices without first affording exclusive representative opportunity to meet and confer on such changes. (Dept. of Agric., and Off. of Investigation, A/SLMR No. 555)

Temporary suspension of the Plan of the Day (POD) was not found to be a unilateral change where (1) the Activity did accommodate the union with respect to its concern over the listing of vacancy announcements in the POD by extending the listing of those which would have appeared while the POD was suspended; and (2) publication was resumed in a little over a week without substantial change. (Navy, Naval Weapons Sta., Concord, Cal., A/SLMR No. 577)

A/S found that Activity, by direction of Agency, violated Sections 19(a)(1) and (6) by terminating differential pay, paid pursuant to arbitration awards. (Naval Air Rework Facility, Pensacola, Fla., A/SLMR No. 608)

Upon remand by Council in A/SLMR No. 360 and based on its rationale, A/S found Respondent was under no obligation to accord Complainant recognition with respect to DPDO employees. (DSA, Defense Property Disposal Off., Aberdeen, Md., A/SLMR No. 615)

A/S found that alleged violations of a negotiated agreement which concern differing and arguable interpretations of such agreement, as distinguished from alleged actions which would constitute clear, unilateral breaches of the agreement, are not deemed to be violative of the Order and that, under the circumstances,

35 28 28 Unilateral Changes in Terms and Conditions
of Employment (cont'd)

the aggrieved party's remedy for such matters lies within the grievance machinery of the negotiated agreement, rather than through the unfair labor practice procedures. (Army, Watervliet Arsenal, Watervliet, N. Y., A/SLMR No. 624)

Activity violated Sections 19(a)(1) and (6) when it changed unilaterally (1) the penalties required for an employee who is absent without official leave (AWOL); (2) the practice of permitting tardy employees to take annual leave or to make up the time by working during break periods; (3) when an employee is considered at his/her work; (4) when employees may engage in personal conversations in the work area during non-break periods; (5) when employees may put on coats and overshoes at the end of the tour of duty; and (6) the amount of clean up time permitted. (U. S. Army Finance and Accounting Cntr., Ft. Benjamin Harrison, Indianapolis, Ind., A/SLMR No. 651)

Activity violated Sections 19(a)(1) and (6) of the Order by unilaterally issuing memorandum announcing a vehicle registration program which supplemented the requirements of a prior Army Regulation dealing with vehicle registration, which A/S held was an appropriate subject for bargaining under Sec. 11(a) of the Order. (Army Electronics Command, Ft. Monmouth, N.J., A/SLMR No. 653)

A/S adopted ALJ's finding that the Activity did not violate Sections 19(a)(1) and (6) of EO by its decision to establish and implement a second shift among its maintenance employees. The A/S noted that he was advised administratively that, subsequent to the filing of the complaint, a representation petition was filed and the Complainant affirmatively disclaimed interest in representing the employees in its unit. A/S, under the circumstances, found issues raised by complaint to be rendered moot. (Tank Automotive Command, Warren, Mich., A/SLMR No. 659)

35 28 28 Unilateral Changes in Terms and Conditions
of Employment (cont'd)

Respondent's failure to bargain with Complainant before promulgating "Attachment 10" of the Respondent's Regional Affirmative Action Plan not violative of Sections 19(a)(1) and (6) since Complainant was, in effect, seeking to modify an upward mobility program promulgated by the Respondent and A/S concluded that the policing and enforcing of the Respondent's Upward Mobility Program were not matters for review under Sec. 19(a) of the Order. (Environmental Protection Agency, Region VII, Kansas City, Mo., A/SLMR No. 668)

Generally, agency management violates its obligation to meet and confer under the Order when it unilaterally changes those terms or conditions of employment which are included within the ambit of Sec. 11(a) of the Order. However, when they have bargained to an impasse, that is, after good faith negotiations have exhausted the prospects of concluding an agreement, agency management may unilaterally impose changes in the terms and conditions of employment which do not exceed the scope of its proposals made in the prior negotiations, so long as appropriate notice is given to the exclusive representative as to when the changes are intended to be put into effect in order to afford the exclusive representative ample opportunity to invoke the services of the FSIP at a time prior to the implementation of the changes. However, should one of the parties involved in an impasse exercise the option available under Sec. 17 of the Order and request the services of the FSIP, the parties must, in the absence of an overriding exigency, maintain the status quo and permit the processes of the FSIP to run their course before a unilateral change may be effectuated. (U. S. Army Corps of Engineers, Philadelphia District, A/SLMR No. 673)

35 28 32 Bypassing Exclusive Representative

FLRC issued its Decision on Appeal, FLRC No. 74A-95, in which it held that the A/S finding of a violation of Sec. 19(a)(1), in A/SLMR No. 457, was inconsistent with the purposes of the Order. FLRC set aside A/S decision in A/SLMR No. 457 and remanded the case to him for appropriate action. A/S issued a Supplemental Decision and Order dismissing the case in its entirety. (NASA, Washington, D.C., and Lyndon B. Johnson Space Center (NASA), Houston, Tex., A/SLMR No. 566)

In remanding A/SLMR No. 432, the FLRC concluded that EO does not proscribe all communications with unit employees over matters relating to the collective bargaining relationship. Rather, only those communications which, for example, amount to an attempt by agency management to bypass the exclusive representative and negotiate directly with unit employees, or which urge employees to put pressure on the representative to take a certain course of action, or which threaten or promise benefits to employees are violative of EO. Content, intent and effect of posted January 16, 1973 letter could reasonably be equated with an attempt to bargain directly with unit employees and to urge them to put pressure on the union to take certain actions in violation of Sections 19(a)(1) and (6) of the Order. (Navy, Naval Air Sta., Fallon, Nev., A/SLMR No. 587)

Pursuant to FLRC No. 74A-54, A/S revised certain portions of the remedial order in A/SLMR No. 400 which were inconsistent with FLRC finding that (1) Sec. 10(e) does not impose upon a labor organization holding exclusive recognition an obligation to represent a bargaining unit employee in an adverse action proceeding until such time as the employee indicates a desire to choose his own representative; and (2) an agency's failure to recognize a labor organization's status as an employee's representative in an adverse action proceeding, until the employee designates another representative, does not constitute an unfair labor practice. (Naval Ordnance Sta., Louisville, Ky., A/SLMR No. 588)

35 28 32 Bypassing Exclusive Representative (cont'd)

Statement of representative of Respondent made at a meeting to president of union council that he was not talking to him not violative of Sec. 19(a)(6) where statement should have been interpreted as merely informing president of council that conversation was between Respondent's representative and representative of a constituent local of the union council. (Navy, Mare Island Naval Shipyard, Vallejo, Cal., A/SLMR No. 646)

Pursuant to FLRC request that A/S reconsider and clarify his decision in A/SLMR No. 523, in light of FLRC's subsequent decision in Fallon (FLRC No. 74A-80), A/S reversed his previous finding of Sections 19(a)(1) and (6) violations based on a supervisor's circulation among certain employees of a memorandum pertaining to the status of the agreement between the exclusive representative and the Respondent. Thus, under the FLRC's clarification in Fallon, not all direct communications pertaining to the collective bargaining relationship of the parties are deemed violative of the Order, and each communication must be judged independently and a determination made as to whether that communication is violative. Under this clarified standard, the A/S reversed his previous finding of a violation, noting particularly that the memorandum was an accurate reflection of the parties' positions regarding the negotiated agreement's status. (VA, VA Data Processing Cntr., Austin, Tex., A/SLMR No. 663)

35 28 36 Refusal to Furnish Information

Pursuant to FLRC No. 73A-59, A/S found that Activity's refusal to grant union representative, in connection with processing of an employee grievance, access to documents which reflected the evaluation panel's assessment of "Best Qualified" candidates violated Sections 19(a)(1) and (6) of EO. (Dept. of Defense, State of New Jersey, A/SLMR No. 539)

35 28 36 Refusal to Furnish Information (cont'd)

No violation of Sec. 19(a)(6) found where A/S was advised administratively that Complainant had been decertified as the exclusive representative, thus rendering moot the issues of the complaint. However, A/S did not adopt the rationale of the ALJ that the Complainant's request for evaluation records was substantially broader than that which the FLRC held an activity would be required to produce, and that, therefore, the burden shifted to the Complainant, after an in toto denial of the records, to request them in "sanitized" form. (Dept. of Agric., Forest Service, Pacific Southwest and Range Experiment Sta. Berkeley, Cal., A/SLMR No. 573)

Activity's refusal to furnish chart of performance appraisals in connection with the processing of a grievance did not constitute violation of Sec. 19(a)(6) where request was made a month after the presentation of the grievance at an advisory arbitration hearing. However, A/S rejected ALJ's dicta that if Complainant had requested the subject chart in a timely manner, the Complainant's failure to request the chart in "sanitized" form would warrant Respondent's denial of request. (SSA, Mid-America Program Cntr., BRSI, Kansas City, Mo., A/SLMR No. 619)

Refusal to provide the Complainant with a copy of the evaluation report concerning personnel policies and practices among the employees represented by the Complainant is not violative where CSC conducted evaluation pursuant to law and EO and was not, therefore, "Agency Management" within the meaning of Sec. 2(f) of the Order. (CSC, Washington, D.C., A/SLMR No. 640)

35 32 00 Section 19(d)

Untimely filed grievance did not in any real sense invoke grievance procedure and, therefore, Sec. 19(d) did not preclude consideration of matter under unfair labor practice procedures of EO. (FAA, Muskegon Air Traffic Control Tower, A/SLMR No. 534)

35 32 00 Section 19(d) (cont'd)

Sec. 19(d) precluded consideration by A/S of aspect of unfair labor practice complaint where (1) previously filed grievance raised same issue; (2) response to grievance made no mention of this aspect of grievance; and (3) Complainant did not choose to pursue its grievance appeal rights in this regard or seek specific response from Respondent. (FAA, Muskegon Air Traffic Control Tower, A/SLMR No. 534)

A/S affirmed ALJ finding that issue raised in ULP complaint had been raised previously in a negotiated grievance procedure, which precluded Complainant from raising issue before the A/S. (Navy, Mare Island Naval Shipyard, Vallejo, Cal., A/SLMR No. 570)

A/S found, contrary to ALJ, that the Respondent did in fact raise as a defense that a Sec. 19(a)(2) allegation was the subject of an appeals procedure which had been invoked. Therefore, the A/S, while agreeing that the case could be dismissed on the merits, found that dismissal based on Sec. 19(d) was also warranted. (Dept. of Agric., Forest Service, Regional Off., Juneau, Alas., A/SLMR No. 595)

Sec. 19(d) did not preclude entertainment of complaint where refusal to provide chart of performance appraisals was not subject of grievance procedure. (SSA, Mid-America Program Cntr., BRSI, Kansas City, Mo., A/SLMR No. 619)

A/S adopted ALJ's finding that grievance procedure was not invoked and, therefore, Sec. 19(d) did not preclude further processing of the ULP. (CSC, and IRS, Washington, D. C., A/SLMR No. 642)

40 00 00 UNFAIR LABOR PRACTICES: LABOR ORGANIZATION40 04 00 General

No Entries

40 08 00 Section 19(b)(1)

No Entries

40 12 00 Section 19(b)(2)

No Entries

40 16 00 Section 19(b)(3)

No Entries

40 20 00 Section 19(b)(4)

Respondent engaged in conduct violative of Sec. 19(b)(4) of EO in that it engaged in "informational" picketing of Complainant's installation while the language of Sec. 19(b)(4) of EO prohibits all picketing in a labor-management dispute. (IRS, A/SLMR No. 536)

40 24 00 Section 19(b)(5)

No Entries

40 28 00 Section 19(b)(6)

No Entries

40 32 00 Section 19(c)

Although the dues provisions of the Respondent's constitution were ambiguous, the uncontroverted testimony was that the Respondent's dues requirements were uniformly enforced. Nothing precludes a labor organization from requiring membership in the state and national labor organizations with which it is affiliated as a condition of membership. (Quantico Education Assoc., A/SLMR No. 601)

45 00 00 REMEDIAL ORDERS AGAINST AGENCIES: UNFAIR LABOR PRACTICES45 04 00 Notification and Dissemination of Remedies

In the event that the Rosewood Warehouse, where the unit employees are located, is closed, then the remedial notice to employees should be mailed by the Commanding Officer to the former unit employees who were employed as of the time the unfair labor practices found by the A/S occurred. (Southeast Exchange Region of the AAFES, Rosewood Warehouse, Columbia, S.C., A/SLMR No. 656)

45 08 00 Advice of Compliance

No Entries

45 10 00 Modification to Orders

Pursuant to a FLRC request that the A/S reconsider and clarify his decision in A/SLMR No. 523, in light of subsequent FLRC decisions, the A/S modified order, pursuant to conclusions reached in reconsideration of case, and also dismissed one of the complaints in consolidated proceeding. (VA, VA Data Processing Cntr., Austin, Tex., A/SLMR No. 663)

45 12 00 Remedies for Improper Rules, Regulations and Orders

No Entries

45 16 00 Remedies for Improper Conduct45 16 04 Interference, Solicitation or Distribution of Literature

Pursuant to FLRC No. 74A-54, A/S revised certain portions of the remedial order in A/SLMR No. 400. (Naval Ordnance Sta., Louisville, Ky., A/SLMR No. 588)

Activity ordered to cease and desist from ejecting from meetings or otherwise refusing to meet with agents of the Complainant. (U.S. Small Business Adm., Central Off., Washington, D.C., A/SLMR No. 631)

Respondent ordered to cease and desist from interfering with, restraining, or coercing unit employees at the Activity by interfering with the Activity's obligation to accord appropriate

45 16 00 Remedies for Improper Conduct (Cont'd)45 16 04 Interference, Solicitation or Distribution of Literature (Cont'd)

recognition to its employees' exclusive representative and to honor its existing negotiated agreement with the labor organization. (Army and Air Force Exchange Service, South Texas Area Exchange, Lackland AFB, Tex., A/SLMR No. 669)

Activity ordered to cease and desist from unilaterally cancelling meeting rooms which previously have been approved for use by the exclusive representative. (Dept. of Transportation, Off. of the Secretary, A/SLMR No. 672)

45 16 08 Discrimination

No Entries

45 16 12 Assisting a Labor Organization

Election results set aside, petition dismissed, and Respondent ordered to cease and desist from improper assistance to union which is not the exclusive representative in consolidated ULP/RO hearing. A/S noted, with respect to setting election aside, that had investigation been conducted with respect to challenge to validity of Petitioner's showing of interest, based on ULP finding, election would never have been held. A/S also noted application of Sec. 202.3(d) with respect to the filing of any new petition. (Navy, Navy Commissary Store Complex, Oakland, A/SLMR No. 654)

45 16 16 Refusal to Accord Appropriate Recognition

Activity ordered to cease and desist from refusing to accord exclusive recognition to Complainant labor organization by withdrawal of exclusive recognition and refusal to honor and enforce the negotiated agreement with Complainant. Activity further ordered, upon request, to accord exclusive recognition to Complainant labor organization in the unit in which it had previously enjoyed recognition and honor all terms of the existing negotiated agreement. (AAFES, South Texas Area Exchange, Lackland AFB, Tex., A/SLMR No. 542)

45 16 00 Remedies for Improper Conduct (Cont'd)45 16 16 Refusal to Accord Appropriate Recognition (Cont'd)

In remanding A/SLMR No. 360, the Council, in FLRC No. 74A-22, rejected the co-employer doctrine as fashioned and applied by the A/S with regard to the reorganization in question noting that although both the Respondent and the Army are components of the Department of Defense, the Respondent and the Army have separate missions, functions, regulations, administrations and commands and that neither the Respondent nor the Army, before or after the reorganization, shared any common control over those employees transferred to the Respondent or the remaining employees in the Army's bargaining unit. Accordingly, the Council found that the Respondent and Army retained their separate employing identities over their respective employees before and after the reorganization and that each component thus remained a separate employing "agency" for the purpose of according exclusive recognition to the labor organization representing its employees under Sec. 10 of the Order. Further, noting particularly that the reorganization involved the transfer to the gaining employer of only a small segment of those employees in the existing exclusively recognized unit, the A/S found that the recognized unit had not been transferred substantially intact to the gaining employer to meet the Council's successor requirements. Accordingly, as Respondent was neither a co-employer nor a successor employer, A/S concluded that it was under no obligation to accord Complainant recognition with respect to DPDO employees and dismissed the complaint. (DSA, Defense Property Disposal Off., Aberdeen, Md., A/SLMR No. 615)

45 16 20 Failure to Consult, Confer or Negotiate

Pending an A/S Decision with respect to Acting Agency Head's Determination under Sec. 3(b)(4) that the EO cannot be applied to the Agency's investigative employees and, therefore, whether the Complainant is the current exclusive representative of the investigative employees, the

45 16 00 Remedies for Improper Conduct (Cont'd)45 16 20 Failure to Consult, Confer or Negotiate (Cont'd)

Agency will reestablish all promotion and appointment practices in effect prior to a certain date and will, upon request, meet and confer with the Complainant with respect to any proposed changes in promotion or appointment practices. Agency ordered to cease and desist from implementing unilaterally any changes in promotion or appointment practices without first affording any exclusive representative of the investigative employees the opportunity to meet and confer on such. (Dept. of Agric. and Off. of Investigation, A/SLMR No. 555)

Activity ordered to cease and desist from unilaterally changing policy of permitting unrestricted employee parking and to meet and confer with exclusive representative with respect to changes in policy of permitting unrestricted employee parking. (GSA, Region 3, PBS. Central Support Field Off., A/SLMR No. 583)

Pursuant to FLRC No. 74A-54, A/S revised certain portions of the remedial order in A/SLMR No. 400. (Naval Ordnance Sta., Louisville, Ky., A/SLMR No. 588)

The A/S ordered that the Agency approve, and the Activity implement thereafter, the negotiated agreement which incorporated the specific changes previously sought by the Agency pursuant to its Sec. 15 review authority. (The Adjutant General, State of Illinois, Ill. Air Nat'l. Guard, A/SLMR No. 598)

Activity ordered to (1) cease and desist from changing unilaterally the terms and conditions of employment of unit employees; (2) rescind and revoke the unilaterally instituted existing terms and conditions of employment; (3) make whole any employee adversely affected by the unilaterally instituted existing terms and conditions of employment; and (4) upon request, meet and confer with the exclusive representative with respect to any proposed changes in the terms and conditions of employment of unit employees. (U.S. Army Finance and Accounting Cntr., Ft. Benjamin Harrison, Indianapolis, Ind., A/SLMR No. 651)

45 16 00 Remedies for Improper Conduct (Cont'd)45 16 20 Failure to Consult, Confer or Negotiate (Cont'd)

Activity ordered to cease and desist from instituting a motor vehicle registration program without consulting, conferring or negotiating with the exclusive representative of unit employees.

Activity further ordered to meet and confer with exclusive representative with respect to the registration of civilian employees' motor vehicles. (Army Electronics Command, Ft. Monmouth, N.J., A/SLMR No. 653)

Activity ordered to cease and desist from failing to notify the exclusive representative concerning changes in the work hours of certain unit employees and from failing to afford such representative the opportunity to meet and confer on the decision to effectuate such changes. (Southeast Eschange Region of the AAFES, Rosewood Warehouse, Columbia, S.C., A/SLMR No. 656)

Activity ordered to cease and desist from changing any term or condition of employment which is the subject of collective bargaining negotiations when an impasse in such negotiations has been reached without notifying the exclusive representative so as to afford it ample opportunity to invoke the services of the FSIP at a time prior to the implementation of such changes. (U.S. Army Corps of Engineers, Philadelphia District, A/SLMR No. 673)

45 16 24 Failure to Cooperate

No Entries

45 20 00 Jurisdictional Questions

Due to the pendency of the issue of whether an Agency Head's Sec. 3(b)(4) determination, in another case, was arbitrary or capricious, the A/S found that the issuance of a bargaining order in this matter running to the Complainant would be inappropriate until such time as the question of whether the Complainant is currently the exclusive representative of the employees involved is resolved. (Dept. of Agric. and Off. of Investigation, A/SLMR No. 555)

50 00 00 REMEDIAL ORDERS AGAINST LABOR ORGANIZATIONS: UNFAIR
LABOR PRACTICES

50 04 00 Notification and Dissemination of Remedies

No Entries

50 08 00 Advice of Compliance

No Entries

50 12 00 Remedies for Improper Rules, Regulations and Orders

No Entries

50 16 00 Remedies for Improper Conduct

50 16 04 Interference

No Entries

50 16 08 Harassment of Employee in Performance of
Duties

No Entries

50 16 12 Inducing Management to Coerce an Employee

No Entries

50 16 16 Strike Activity

No Entries

50 16 20 Discrimination

No Entries

50 16 24 Failure to Consult, Confer or Negotiate

No Entries

50 16 28 Denial of Membership

No Entries



55 00 00 STANDARDS OF CONDUCT55 04 00 Effect on Representation and Unfair Labor Practice Cases

No Entries

55 08 00 Procedure55 08 04 Jurisdiction

No Entries

55 08 08 Bill of Rights

No Entries

55 08 12 Elections

A labor organization violated the EO and the Regs in the way its mail ballot election was conducted in that it (1) failed to provide adequate safeguards to insure a fair election by allowing persons other than those named as election tellers, pursuant to the labor organization's constitution and by-laws, to retain custody of used and unused ballots and to receive cast ballots; (2) failed to establish a system to verify voter eligibility; (3) failed to establish adequate security for the ballots prior to the time they were tallied; (4) failed to make an accurate accounting of the ballots at any stage of the election; and (5) failed to provide a method whereby a member who did not receive a ballot in the mail could receive another ballot. An additional violation involved the use of union funds to support the candidacy of the incumbent president whose signature appeared at the bottom of each ballot beneath a message imploring members to participate in the election. The A/S noted that such improper conduct violated Sec. 18 of the EO and Part 204 of the Regs and that such improper conduct may have had an effect on the outcome of said election. The A/S ordered that the mail ballot election be declared null and void with respect to all the contested offices and that a new election be conducted

55 08 12 Election (Cont'd)

under the supervision of the Director, LMSE, in accordance with Sec. 204.29 of the Regs. (NTEU, Chapter 034 and Acting Director, Off. of Labor-Management Standards Enforcement, Dept. of Labor, A/SLMR No. 658)

55 12 00 Bill of Rights

55 12 04 Equal Rights

No Entries

55 12 08 Freedom of Speech

No Entries

55 12 12 Dues, Initiation Fees and Assessments

No Entries

55 12 16 Protection of the Right to Sue

No Entries

55 12 20 Safeguards against Improper Disciplinary Action

No Entries

60 00 00 GRIEVABILITY AND ARBITRABILITY60 04 00 General

The A/S agreed with the ALJ that the Application for Decision on Grievability or Arbitrability should be dismissed as moot. Subsequent to the hearing in this case, the Activity had entertained the grievance and decided it on the merits. (Dept. of Justice, Immigration and Naturalization Service, Border Patrol, El Paso, Tex., A/SLMR No. 639)

60 08 00 13(a)

The A/S agreed with the ALJ that the grievances in this case, involving the Activity's failure to adhere to the principle and the spirit of the promotion system, as expressed in the Division Merit Promotion Plan, in filling a vacant position at the Activity and in filling another position by lateral transfer, were not grievable under the parties' negotiated agreement as they did not involve matters which were subject to the parties' negotiated grievance procedure. (Dept. of Commerce, Bureau of the Census, Data Preparation Div., Jeffersonville, Ind., A/SLMR No. 665)

60 12 00 13(b)

No Entries

60 16 00 13(d)

Grievance over Activity's failure to consult with union concerning selection of individual to fill position of Deputy EEO Officer found not grievable where nothing in agreement granted union right to be consulted about selection of employee to fill this position. (Navy, Naval Avionics Facility, Indianapolis, Ind., A/SLMR No. 635)

The A/S agreed with the ALJ that the grievances in this case, involving the Activity's failure to adhere to the principle and the spirit of the promotion system, as expressed in the Division Merit Promotion Plan, in filling a vacant position at the Activity and in filling another position by a lateral transfer, were not grievable under the parties' negotiated agreement as they did not involve matters which were subject to the parties' negotiated grievance procedure. (Dept. of Commerce, Bureau of the Census, Data Preparation Div., Jeffersonville, Ind., A/SLMR No. 665)

is
is
is

is
is

11

11

11

ALPHABETICAL TABLE OF DECISIONS
OF THE ASSISTANT SECRETARY OF LABOR
FOR LABOR-MANAGEMENT RELATIONS
JULY 1, 1975 - JUNE 30, 1976



TABLE OF DECISIONS OF THE ASSISTANT SECRETARY

ALPHABETICAL LISTING 1/

TITLE	A/SLMR No(s). <u>2/</u>
Agriculture, Department of	
-- Agricultural Research Service, Budget and Finance Division, Accounting Services Branch, New Orleans, La.	579
-- Department of Agriculture and Office of Investigation	555
-- Department of Agriculture and Office of Investigation and Office of Audit	643
-- Forest Service	
-- Pacific Southwest and Range Experiment Station, Berkeley, Cal.	573
-- Regional Office, Juneau, Alas.	595
-- Salmon National Forest, Salmon, Ida.	556
-- Wolf Creek Job Corps Civilian Conservation Center and Umpqua National Forest, Roseburg, Ore.	567
-- Grain Division Field Office, New Orleans, La.	666
-- Office of Investigation, Temple, Tex.	644
Air Force, Department of	
-- Aeronautical Systems Division, Air Force Systems Command, Wright-Patterson Air Force Base, Ohio	590

1/ To facilitate reference, listings in this Table contain only key words in the case title. For complete official case captions, see Numerical Table of Cases.

2/ During the period covered by this Supplement, where the FLRC modified or remanded an A/S decision, the case number of the original A/S decision (A/SLMR No., or, in the event of an unpublished Request for Review action, the Area Office (AO) case number) is enclosed in parentheses, followed by the FLRC No. and by the A/SLMR No. of any subsequent A/S decision.

Air Force, Department of (cont.)

-- Electronics Systems Division (AFSC), Hanscom Air Force Base	571
-- Lackland Air Force Base, Headquarters Military Training Center (ATC), Lackland Air Force Base, Tex.	652
-- San Antonio Air Logistics Center, San Antonio Air Materiel Area (AFLC), Kelly Air Force Base, Tex.	540
-- Vandenberg Air Force Base, 4392d Aerospace Support Group Vandenberg Air Force Base, Cal.	(435, FLRC No. 74A-77, 554)
-- 31st Combat Support Group Homestead Air Force Base, Fla.	549, 574, 578
-- 380th Combat Support Group, Plattsburgh Air Force Base, N.Y.	557
-- 4392d Aerospace Support Group, Vandenberg Air Force Base, Cal.	537, 623
Alabama National Guard	660
Arizona Air National Guard, Phoenix, Ariz.	593
Army, Department of	
-- Communications Command Agency Ft. Sam Houston, Tex.	604
-- Corps of Engineers, Philadelphia District	673
-- Criminal Investigation Command Third Region, Ft. Gillem, Forest Park, Ga.	626
-- Electronics Command, Ft. Monmouth, N.J.	617, 653
-- Finance and Accounting Center, Ft. Benjamin Harrison, Indianapolis, Ind.	651
-- Fort	
-- Benjamin Harrison, Finance and Accounting Center, Indianapolis, Ind.	651

Army, Department of (cont.)

-- Fort (cont.)

-- Carson, Hq. and Fourth Infantry Division, Hq.	544
-- Gillem, Criminal Investigation Command, Third Region, Forest Park, Ga.	626
-- McCoy, Sparta, Wisc.	638
-- McPherson, Ga.	586, 655
-- Monmouth, Electronics Command, N.J.	617, 653
-- Sam Houston, Communications Command Agency, Tex.	604
-- Reserves, 425th Transportation Command, Forest Park, Ill.	636
-- Tank Automotive Command, Warren, Mich.	659, 662
-- Watervliet Arsenal, Watervliet, N.Y.	624
-- Western Area Military Traffic Management Command, Hq. Directorate of Personal Property Oakland Army Base, Oakland, Cal.	591

Army and Air Force Exchange Service

-- Ft. Benning Exchange, Ft. Benning, Ga.	592
-- Post Exchange, Defense Depot, Memphis	545
-- South Texas Area Exchange, Lackland Air Force Base, Tex.	(542, FLRC No. 75A-93, 669)
-- Southeast Exchange Region, Rosewood Warehouse, Columbia, S.C.	656

Bellingham Flight Service Station (See:
Federal Aviation Administration)

Bureau of Alcohol, Tobacco and Firearms (See:
Treasury, Department of)

Civil Service Commission

- Civil Service Commission and
Internal Revenue Service
Washington, D.C. 642
- Washington, D.C. 640

Coast Guard Air Station
Non-Appropriated Fund Activity
Cape Cod, Mass. 561

Commerce, Department of

- Bureau of the Census,
Data Preparation Division,
Jeffersonville, Ind. 665
- Merchant Marine Academy,
Kings Point, N.Y. 620

Communications Command Agency, Army,
Ft. Sam Houston, Tex. 604

Criminal Investigation Command, Third Region,
Ft. Gillem, Forest Park, Ga. 626

Defense, Department of

- Air Force, Department of (See: Air Force)
- Air National Guard, 147th Fighter Group,
Texas Air National Guard,
Austin, Tex. 667
- Army, Department of (See: Army)
- Army and Air Force Exchange Service (See:
Army and Air Force)
- Defense Contract Administration
Services Region, Philadelphia 609
- Defense Contract Audit Agency 657
- Defense Contract Audit Agency,
Chicago Region, Ill. 610

Defense, Department of (cont.)

-- Defense Supply Agency

-- Defense Contract Administration
Services Region,
Los Angeles, Cal.

633

-- Defense Contract Administration
Services Region, San Francisco

559

-- Defense Contract Administration
Services Region, San Francisco,
Defense Contract Administration
Services District, Seattle, Wash.

564

-- Defense Property Disposal Office,
Aberdeen Proving Ground,
Aberdeen, Md.

(360, FLRC No. 74A-22, 615)

-- Navy, Department of (See: Navy)

-- State of New Jersey

(323, FLRC No. 73A-59, 539)

Defense Mapping Agency Aerospace Center,
St. Louis, Mo.

569

Defense Supply Agency (See: Defense, Department of)

Denver Airway Facilities Hub Sector,
Transportation, Rocky Mountain Region,
Aurora, Colo.

535

Electronics Command, Army,
Ft. Monmouth, N.J.

617, 653

Electronics Systems Division (AFSC),
Air Force, Hanscom Air Force Base

571

Energy Research and Development Administration, Hq.

634

Environmental Protection Agency,
Region VII, Kansas City, Mo.

668

Federal Aviation Administration (See:
Transportation, Department of)

Federal Deposit Insurance Corp.,
New York Region

580

TITLE	A/SLMR No(s).
Federal Energy Administration	
-- Region IV, Atlanta, Ga.	541
-- Washington, D.C.	611
Finance and Accounting Center, Army, Ft. Benjamin Harrison, Indianapolis, Ind.	651
Forest Service (See: Agriculture, Department of)	
Fort (See: Army, and Army and Air Force)	
General Services Administration	
-- Region 3	616
-- Region 3, Public Buildings Service, Central Support Field Office	583
-- Region 4	661
-- Regional Office, Region 4	575
Health, Education and Welfare, Department of	
-- Office of the Secretary, Hq., Washington, D.C.	596, 648
-- Public Health Service Indian Hospital, Claremore, Okla.	568
-- Social and Rehabilitation Service, Central Office, Washington, D.C.	632
-- Social Security Administration	
-- Bureau of District Office Operations, Boston, Mass.	563
-- Bureau of Field Operations, Boston Region, District and Branch Offices	562
-- Bureau of Field Operations, District Office, Minneapolis, Minn.	621

Health, Education and Welfare, Department of (cont.)

-- Social Security Administration (cont.)

-- Bureau of Hearings and Appeals,
Puerto Rico 625

-- Mid-America Program Center, BRSI,
Kansas City, Mo. 619

Housing and Urban Development, Department of

-- Des Moines Insuring Office 641

-- Federal Housing Administration,
Fargo Insuring Office,
Fargo, N. Dak. 645

Illinois Air National Guard
The Adjutant General, Ill. 598

Interior, Department of

-- Bureau of Indian Affairs,
Fairbanks Agency Office, Alas. 607

-- Bureau of Reclamation,
Arizona Projects Office,
Phoenix, Ariz. 614

Internal Revenue Service (See: Treasury, Department of)

Justice, Department of

-- Immigration and Naturalization Service,
Border Patrol, El Paso, Tex. 639

Labor, Department of

-- Labor-Management Standards Enforcement, Office of,
and National Treasury Employees Union, Ch. 034 658

Lackland Air Force Base,
Military Training Center (ATC), Hq.
Lackland Air Force Base, Tex. 652

Lyndon B. Johnson Space Center, Houston, Tex. and
National Aeronautics and Space Administration,
Washington, D.C.

(457, FLRC No. 74A-95, 566)

TITLE	A/SLMR No(s).
Mare Island Naval Shipyard, Navy, Vallejo, Cal.	546, 570
Marine Corps Air Station, El Toro	560
Military Sealift Command, Navy	576
National Aeronautics and Space Administration, Washington, D.C. and Lyndon B. Johnson Space Center, Houston, Tex.	(457, FLRC No. 74A-95, 566)
National Guard	
-- Adjutant General Illinois Air National Guard	598
-- Alabama National Guard	660
-- Arizona Air National Guard, Phoenix, Ariz.	593
-- Texas Air National Guard, Austin, Tex.	667
National Labor Relations Board, Region 17 and National Labor Relations Board	664, 670, 671
National Park Service	589
National Treasury Employees Union, Ch. 034 and Acting Director, Office of Labor-Management Standards Enforcement, Department of Labor	658
Navy, Department of	
-- Commissary Store Complex, Oakland	654
-- Exchange, Miramar, Cal.	602
-- Mare Island Naval Shipyard, Vallejo, Cal.	570, 646
-- Marine Corps Air Station, El Toro	560
-- Military Sealift Command	576
-- Naval Aerospace and Regional Medical Center, and Naval Aerospace Medical Research Laboratory, and Naval Aerospace Medical Institute, Pensacola, Fla.	603

TITLE

A/SLMR No(s).

Navy, Department of (cont.)

-- Naval Air Rework Facility	543
-- Naval Air Rework Facility	
-- Naval Air Station, Jacksonville, Fla.	613
-- Pensacola, Fla.	608
-- Naval Air Station Fallon, Nev.	(432, FLRC No. 74A-80, 587)
-- Naval Avionics Facility, Indianapolis, Ind.	635
-- Naval Electronics Laboratory Center, San Diego, Cal.	622
-- Naval Ordnance Station, Louisville, Ky.	(400, FLRC No. 74A-54, 588)
-- Naval Station and Naval Amphibious Base, San Diego, Cal., and Coronado, Cal.	627
-- Naval Support Activity, Long Beach, Cal.	629
-- Naval Undersea Center, San Diego, Cal.	584
-- Naval Weapons Station, Concord, Cal.	577
-- Norfolk Naval Shipyard	547, 548
-- Norfolk Naval Shipyard, Portsmouth, Va.	618
-- Philadelphia Naval Regional Medical Center	558
-- Public Works Center, San Francisco Bay	628
-- Puget Sound Naval Shipyard, Bremerton, Wash.	582
-- Supervisor of Shipbuilding, Conversion and Repair, USN	
-- Long Beach, Cal.	594
-- 8th Naval District, New Orleans, La.	572

TITLE	A/SLMR No(s).
Orange-Chatham Comprehensive Health Services, Inc.	650
Philadelphia Naval Regional Medical Center, Navy	558
Public Works Center, Navy, San Francisco Bay	628
Puget Sound Naval Shipyard, Navy, Bremerton, Wash.	582
Quantico Education Association	601
Reserves, Army, 425th Transportation Command Forest Park, Ill.	636
San Antonio Air Logistics Center, San Antonio Air Materiel Area (AFLC) Kelly Air Force Base, Tex.	540
Small Business Administration, Central Office, Washington, D.C.	631
Social Security Administration (See: Health, Education and Welfare, Department of)	
Supervisor of Shipbuilding, Conversion and Repair, Navy	
-- 8th Naval District New Orleans, La.	572
-- Long Beach, Cal.	594
Tank Automotive Command, Warren, Mich.	659, 662
Transportation, Department of	
-- Coast Guard Air Station, Non-Appropriated Fund Activity, Cape Cod, Mass.	561
-- Federal Aviation Administration	
-- Airway Facilities Sector 37, Tampa, Fla.	647
-- Airways Facilities Division, Alaskan Region	599
-- Bellingham Flight Service Station, Bellingham, Wash.	597

Transportation, Department of (cont).

- Federal Aviation Administration (cont).
- Denver Airway Facilities Hub Sector,
Rocky Mountain Region,
Aurora, Colo. 535
- Eastern Region 585
- Federal Aviation Administration
and Federal Aviation Administration,
Eastern Region 600
- Muskegon Air Traffic Control Tower 534
- National Aviation Facilities
Experimental Center,
Atlantic City, N.J. 606
- Federal Highway Administration,
Office of Federal Highway Projects,
Vancouver, Wash. 612
- Office of the Secretary 672

Treasury, Department of

- Bureau of Alcohol, Tobacco and Firearms
Washington, D.C. 538
- Internal Revenue Service 536, 550
- Internal Revenue Service
 - Hartford District Office 649
 - Internal Revenue Service
and Civil Service Commission 642
 - National Office, Washington, D.C. 630
 - Office of the Regional Commissioner,
Southeast Region 565

Vandenberg Air Force Base, Cal.

- 4392d Aerospace Support Group 537, 554, 623

TITLE

A/SLMR No(s).

Veterans Administration

-- Center	
-- Bath, N.Y.	605
-- Wadsworth Hospital	546
-- Data Processing Center, Austin, Tex.	(523, FLRC No. 75A-80, 663)
-- Domiciliary, White City, Ore.	581
-- Hospital	
-- New Orleans, La.	637
-- Palo Alto, Cal.	552
-- San Francisco, Cal.	553
-- Tampa, Fla.	551
Watervliet Arsenal, Army, Watervliet, N.Y.	624

NUMERICAL TABLE OF DECISIONS
OF THE ASSISTANT SECRETARY OF LABOR
FOR LABOR-MANAGEMENT RELATIONS
JULY 1, 1975 - JUNE 30, 1976

TABLE OF DECISIONS OF THE ASSISTANT SECRETARY

NUMERICAL LISTING, DATES OF ISSUANCE AND SECTIONS OF DIGEST INVOLVED

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u> <u>1/</u>
534. Federal Aviation Administration, Muskegon Air Traffic Control Tower (7-29-75)	35 28 16; 35 32 00
535. Denver Airway Facilities Hub Sector FAA, Rocky Mountain Region, DOT Aurora, Colorado (7-29-75)	10 24 12; 35 28 08
536. Internal Revenue Service (7-29-75)	40 20 00
537. Department of the Air Force, 4392d Aerospace Support Group, Vandenberg Air Force Base, California (7-30-75)	35 08 04, 35 12 00
538. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. (7-30-75)	25 20 00
539. Department of Defense, State of New Jersey (7-30-75)	35 08 04; 35 28 36
540. San Antonio Air Logistics Center, San Antonio Air Materiel Area (AFLC), Kelly Air Force Base, Texas (7-30-75)	35 08 04; 35 28 28
541. Federal Energy Administration, Region IV, Atlanta, Georgia (7-31-75)	35 08 04; 35 08 12
542. Army and Air Force Exchange Service, South Texas Area Exchange, Lackland Air Force Base, Texas (7-31-75)	35 08 04; 35 24 00; 35 28 28; 45 16 16

1/ Listing includes all Sections involved except Section 20 20 00, "Employee Categories and Classifications," in which entries are listed alphabetically. In this connection, it should be noted that those decisions which reflect no digest entries are, in fact, digested under Section 20 20 00.

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
543. Department of Navy, Naval Air Rework Facility (7-31-75)	35 08 04; 35 08 08
544. Department of the Army, Headquarters, Fort Carson and Headquarters, Fourth Infantry Division (Mechanized) (8-28-75)	
545. Army and Air Force Exchange Service, Post Exchange, Defense Depot Memphis (8-28-75)	20 04 04; 20 04 08; 20 04 12; 20 12 60
546. Veterans Administration, Wadsworth Hospital Center (8-28-75)	
547. Department of the Navy, Norfolk Naval Shipyard (8-28-75)	25 20 00
548. Department of the Navy, Norfolk Naval Shipyard (8-28-75)	05 08 00; 35 08 04; 35 12 00; 35 24 00
549. Department of the Air Force, 31st Combat Support Group, Homestead Air Force Base, Homestead, Florida (8-28-75)	10 24 12; 20 16 04
550. Department of the Treasury, Internal Revenue Service (8-28-75)	35 28 12
551. Veterans Administration Hospital, (8-29-75)	20 16 08
552. Veterans Administration Hospital, Palo Alto, California (8-29-75)	
553. Veterans Administration Hospital, San Francisco, California (8-29-75)	
554. Vandenberg AFB, 4392d Aerospace Support Group, Vandenberg AFB, California (8-29-75)	35 28 04; 35 28 08

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
555. Department of Agriculture and Office of Investigation (8-29-75)	35 28 28; 45 16 20; 45 20 00
556. United States Forest Service, Salmon National Forest, Salmon, Idaho (9-16-75)	20 16 12; 25 20 00
557. United States Air Force, 380th Combat Support Group, Plattsburgh Air Force Base, N.Y. (9-16-75)	30 04 00
558. Department of the Navy, Philadelphia Naval Regional Medical Center (9-16-75)	20 16 08; 25 20 00
559. Defense Supply Agency, Defense Contract Administration Services Region, San Francisco (9-16-75)	20 04 08; 20 04 12; 20 12 20
560. U.S. Marine Corps Air Station, El Toro (9-30-75)	35 08 04; 35 12 00; 35 28 08
561. United States Coast Guard Air Station, Non-Appropriated Fund Activity, Cape Cod, Massachusetts (9-30-75)	10 04 08; 10 04 16; 20 16 28; 25 20 00; 25 24 00
562. Department of Health, Education and Welfare, Social Security Administration Bureau of Field Operations, Boston Region, District and Branch Offices (9-30-75)	25 20 00
563. Bureau of District Office Operations, Social Security Administration, Department of Health, Education and Welfare, Boston, Massachusetts (9-30-75)	35 12 00

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
564. Defense Supply Agency, Defense Contract Administration Services Region (DCASR), San Francisco, Defense Contract Administration Services District (DCASD), Seattle, Washington (9-30-75)	20 12 28; 20 12 56
565. Internal Revenue Service, Office of the Regional Commissioner, Southeast Region (9-30-75)	20 12 28
566. National Aeronautics and Space Administration (NASA), Washington, D.C. and Lyndon B. Johnson Space Center (NASA), Houston, Texas (10-24-75)	35 08 04; 35 28 16; 35 28 32
567. United States Department of Agriculture, Forest Service, Wolf Creek Job Corps Civilian Conservation Center and United States Department of Agriculture, Forest Service, Umpqua National Forest, Roseburg, Oregon (10-24-75)	20 04 08; 20 04 12; 20 12 08
568. Department of Health, Education, and Welfare, Public Health Service Indian Hospital, Claremore, Oklahoma (10-24-75)	10 24 12; 10 44 00; 15 16 00
569. Defense Mapping Agency Aerospace Center, St. Louis, Missouri (10-24-75)	15 12 00; 20 04 04; 20 12 08; 20 16 20
570. Department of the Navy Mare Island Naval Shipyard, Vallejo, California (10-31-75)	35 08 04; 35 12 00; 35 20 00; 35 32 00
571. United States Air Force Electronics Systems Division (AFSC), Hanscom Air Force Base (10-31-75)	35 28 12

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>	
572. U.S. Department of Navy, Supervisor of Shipbuilding, Conversion and Repair, 8th Naval District, New Orleans, Louisiana (10-31-75)	25 24 00	
573. United States Department of Agriculture, Forest Service, Pacific Southwest and Range Experiment Station, Berkeley, California (10-31-75)	25 16 00; 35 28 36	35 08 04;
574. Department of the Air Force, Headquarters, 31st Combat Support Group, Homestead Air Force Base, Homestead, Florida (10-31-75)	35 08 04; 35 28 04	35 24 00;
575. General Services Administration, Regional Office, Region 4 (10-31-75)	20 12 20	
576. Department of Navy, Military Sealift Command (10-31-75)	10 04 24	
577. Department of the Navy, Naval Weapons Station, Concord, California (10-31-75)	35 08 04;	35 28 28
578. Department of the Air Force, Headquarters, 31st Combat Support Group (TAC), Homestead Air Force Base, Florida (11-26-75)	35 08 04;	35 12 00
579. U.S. Department of Agriculture, Agricultural Research Service, Budget and Finance Division, Accounting Services Branch, New Orleans, Louisiana (11-26-75)	10 04 04; 20 12 32;	20 04 04; 20 12 44
580. Federal Deposit Insurance Corporation, New York Region (11-26-75)	35 08 04;	35 12 00

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
581. Veterans Administration Domiciliary, White City, Oregon (11-26-75)	35 08 04; 35 12 00
582. Department of the Navy, Puget Sound Naval Shipyard, Bremerton, Washington (11-26-75)	35 08 04
583. General Services Administration, Region 9, Public Buildings Service, Central Support Field Office (11-26-75)	30 04 00; 35 28 08; 45 16 20
584. Department of the Navy, Naval Undersea Center, San Diego, California (11-26-75)	25 24 00
585. Department of Transportation, Federal Aviation Administration, Eastern Region (11-26-75)	35 12 00
586. Department of the Army, Fort McPherson, Georgia (11-26-75)	15 28 00
587. Department of the Navy, Naval Air Station, Fallon, Nevada (11-26-75)	35 08 04; 35 28 32
588. United States Department of the Navy, Naval Ordnance Station, Louisville, Kentucky (11-26-75)	05 08 00; 35 08 04; 35 28 32; 45 16 04; 45 16 20
589. National Park Service (12-10-75)	10 04 08; 10 04 16; 10 04 20; 10 24 12; 10 44 00; 20 16 08
590. Department of the Air Force, Aeronautical Systems Division, Air Force Systems Command, Wright-Patterson Air Force Base, Ohio (12-10-75)	10 04 16; 10 04 20; 20 04 16; 20 16 08; 25 20 00
591. Department of Army, Headquarters, Western Area Military Traffic Management Command, Directorate of Personal Property, Oakland Army Base, Oakland, California (12-10-75)	20 04 04; 20 12 12

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
592. Army and Air Force Exchange Service, Fort Benning Exchange, Fort Benning, Georgia (12-10-75)	10 04 20; 15 08 04; 20 04 08; 20 12 48
593. Arizona Air National Guard, Phoenix, Arizona (12-10-75)	10 24 12; 25 20 00
594. Department of the Navy, Supervisor of Shipbuilding, Conversion and Repair, USN, Long Beach, California (12-10-75)	
595. U.S. Department of Agriculture, Forest Service, Regional Office, Juneau, Alaska (12-10-75)	35 12 00; 35 28 00; 35 32 00
596. Department of Health, Education and Welfare, Office of the Secretary, Headquarters (12-10-75)	25 20 00
597. Bellingham Flight Service Station, Federal Aviation Administration- N.W. Region, Department of Transportation, Bellingham, Washington (12-10-75)	05 36 00; 30 12 04; 35 08 04; 35 20 00
598. The Adjutant General, State of Illinois, Illinois Air National Guard (12-16-75)	35 08 04; 35 28 08; 45 16 20
599. Federal Aviation Administration, Airways Facilities Division, Alaskan Region (12-18-75)	15 24 00; 20 04 04; 20 04 08; 20 04 12; 20 12 32
600. Federal Aviation Administration (FAA) and Federal Aviation Administration, Eastern Region (12-18-75)	10 12 00; 15 24 00; 20 04 04; 20 04 08; 20 04 12; 20 04 20; 20 12 28; 20 12 32; 20 16 20; 20 24 04; 20 24 08; 25 04 08

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
601. Quantico Education Association (1-5-76)	40 32 00
602. Department of the Navy, Navy Exchange, Miramar, California (1-5-76)	10 24 12
603. Naval Aerospace and Regional Medical Center, Pensacola, Florida and Naval Aerospace Medical Research Laboratory, Pensacola, Florida and Naval Aerospace Medical Institute, Pensacola, Florida (1-5-76)	10 04 08; 20 16 28
604. U.S. Army Communications Command Agency, Fort Sam Houston, Texas (1-5-76)	10 24 12; 20 16 28
605. Veterans Administration Center, Bath, New York (1-26-76)	10 16 00; 10 36 00; 15 08 04; 15 16 00; 20 12 08; 20 16 20; 25 04 04
606. Federal Aviation Administration, National Aviation Facilities Experimental Center, Atlantic City, New Jersey (1-26-76)	10 12 00; 20 04 04; 20 16 16; 20 16 20; 20 16 28
607. Department of Interior, Bureau of Indian Affairs, Fairbanks Agency Office, Fairbanks, Alaska (1-26-76)	20 12 20
608. Naval Air Rework Facility, Pensacola, Florida (1-26-76)	35 08 04; 35 28 28
609. Defense Contract Administration Services Region (DCASR), Philadelphia (1-26-76)	10 04 16; 20 12 40; 20 16 08

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
610. Defense Contract Audit Agency, Chicago Region, Chicago, Illinois (1-27-76)	
611. Federal Energy Administration, Washington, D.C. (1-27-76)	20 12 04; 20 12 20; 20 12 28; 20 12 60
612. U.S. Department of Transportation, Federal Highway Administration, Office of Federal Highway Projects, Vancouver, Washington (2-2-76)	35 08 04; 35 28 12
613. Naval Air Rework Facility, Naval Air Station, Jacksonville, Florida (2-2-76)	25 08 12
614. Department of Interior, Bureau of Reclamation, Arizona Projects Office, Phoenix, Arizona (2-10-76)	10 04 08; 10 04 20; 10 24 12
615. Defense Supply Agency, Defense Property Disposal Office, Aberdeen Proving Ground, Aberdeen, Maryland (2-17-76)	30 28 00; 35 24 00; 35 28 20; 35 28 28; 45 16 16
616. General Services Administration, Region 3 (2-17-76)	20 04 04; 20 04 08; 20 04 12; 20 12 36; 20 12 64
617. Department of the Army, U.S. Army Electronics Command, Fort Monmouth, New Jersey (2-17-76)	10 04 08; 35 16 00
618. Norfolk Naval Shipyard, Portsmouth, Virginia (2-17-76)	35 12 00
619. Social Security Administration, Mid-America Program Center, BRSI, Kansas City, Missouri (2-26-76)	35 12 00; 35 28 36; 35 32 00

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
620. U.S. Department of Commerce, U.S. Merchant Marine Academy, Kings Point, New York (2-26-76)	35 24 00; 35 28 24
621. Department of Health, Education and Welfare, Social Security Administration, Bureau of Field Operations, District Office, Minneapolis, Minnesota (2-26-76)	
622. Department of the Navy Naval Electronics Laboratory Center, San Diego, California (3-3-76)	20 04 04; 20 04 08; 20 04 12; 20 12 44; 20 12 64
623. Department of the Air Force, 4392d Aerospace Support Group, Vandenberg Air Force Base, California (3-3-76)	30 04 00; 35 28 08; 35 28 20; 35 28 24
624. Department of Army, Watervliet Arsenal, Watervliet, New York (3-23-76)	30 28 00; 35 28 28
625. Department of Health, Education and Welfare, Social Security Administration, Bureau of Hearings and Appeals, Puerto Rico (3-23-76)	25 20 00
626. United States Army, Criminal Investigation Command Third Region, Fort Gillem, Forest Park, Georgia (3-23-76)	05 08 00; 15 28 00
627. Department of the Navy, U.S. Naval Station and Naval Amphibious Base, San Diego, California, and Coronado, California (3-23-76)	10 24 12; 10 44 00; 20 04 04; 20 04 08; 20 04 12; 20 12 64

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
628. Navy Public Works Center, San Francisco Bay (3-26-76)	10 04 08; 10 04 20; 20 16 28
629. Department of the Navy, Naval Support Activity, Long Beach, California (3-26-76)	20 04 04; 20 04 08; 20 04 12; 20 16 08; 20 16 16; 25 20 00
630. Internal Revenue Service, National Office, Washington, D.C. (3-26-76)	25 20 00
631. U.S. Small Business Administration, Central Office, Washington, D.C. (3-26-76)	35 08 04; 45 16 04
632. Department of Health, Education and Welfare, Social and Rehabilitation Service, Central Office, Washington, D.C. (3-26-76)	10 04 16; 10 04 20; 20 16 08; 25 20 00; 25 24 00
633. Defense Supply Agency, Defense Contract Administration Services Region, Los Angeles, California (3-26-76)	35 08 04; 35 12 00; 35 28 16
634. Energy Research and Development Administration, Headquarters (3-30-76)	
635. Department of the Navy, Naval Avionics Facility, Indianapolis, Indiana (3-30-76)	60 16 00
636. Department of the Army, U.S. Army Reserves, 425th Transportation Command, Forest Park, Illinois (3-30-76)	20 04 04; 20 04 08; 20 04 12; 20 12 16

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
637. Veterans Administration Hospital, New Orleans, Louisiana (4-30-76)	10 24 12
638. Department of the Army, Fort Mc Coy, Sparta, Wisconsin (4-30-76)	10 04 20; 25 24 00
639. U.S. Department of Justice, Immigration and Naturalization Service, Border Patrol, El Paso, Texas (4-30-76)	60 04 00
640. U.S. Civil Service Commission, Washington, D.C. (4-30-76)	05 04 00; 05 08 00; 30 20 00; 35 08 04; 35 28 16; 35 28 36
641. Department of Housing and Urban Development, Des Moines Insuring Office, (4-30-76)	35 08 04; 35 12 00
642. U.S. Civil Service Commission and Internal Revenue Service, Washington, D.C. (4-30-76)	05 04 00; 05 20 00; 30 04 00; 35 08 04; 35 28 16; 35 32 00
643. U.S. Department of Agriculture and Office of Investigation and Office of Audit (5-11-76)	05 08 00; 35 08 04; 35 24 00; 35 28 04
644. U.S. Department of Agriculture, Office of Investigation, Temple, Texas (5-11-76)	05 08 00
645. Department of Housing and Urban Development, Federal Housing Administration, Fargo Insuring Office, Fargo, North Dakota (5-11-76)	

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
646. Department of the Navy, Mare Island Naval Shipyard, Vallejo, California (5-11-76)	35 08 04; 35 24 00; 35 28 32
647. Federal Aviation Administration, Airway Facilities Sector 37, Tampa, Florida (5-11-76)	10 28 00
648. Department of Health, Education and Welfare, Office of Secretary, Headquarters, Washington, D.C. (5-11-76)	25 20 00
649. Internal Revenue Service, Department of the Treasury, Hartford District Office (5-19-76)	35 28 16
650. Orange-Chatham Comprehensive Health Services, Incorporated (5-19-76)	05 08 00
651. U.S. Army Finance and Accounting Center, Fort Benjamin Harrison, Indianapolis, Indiana (5-19-76)	35 04 08; 35 28 28; 45 16 20
652. United States Air Force, Lackland Air Force Base, Headquarters Military Training Center (ATC), Lackland Air Force Base, Texas (5-19-76)	35 08 04; 35 28 16
653. U.S. Army Electronics Command, Fort Monmouth, New Jersey (5-25-76)	35 28 28; 45 16 20
654. Department of the Navy, Navy Commissary Store Complex, Oakland (5-28-76)	10 16 00; 10 28 00; 25 08 00; 35 16 00; 45 16 00

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
655. Department of the Army, Fort McPherson, Georgia (5-28-76)	10 04 16; 20 16 08; 20 16 28; 25 20 00
656. Southeast Exchange Region of the Army and Air Force Exchange Service, Rosewood Warehouse, Columbia, South Carolina (5-28-76)	35 28 08; 35 28 12; 45 04 00; 45 16 20
657. Defense Contract Audit Agency (6-4-76)	10 04 08
658. National Treasury Employees Union, Chapter 034 and Acting Director, Office of Labor-Management Standards Enforcement, U.S. Department of Labor (6-4-76)	55 08 12
659. United States Tank Automotive Command, Warren, Michigan (6-4-76)	35 28 28
660. Alabama National Guard (6-4-76)	35 28 12
661. General Services Administration, Region 4 (6-11-76)	15 08 08; 20 04 04; 20 04 08; 20 04 12
662. United States Army Tank Automotive Command, Warren, Michigan (6-11-76)	30 28 00
663. Veterans Administration, Veterans Administration Data Processing Center, Austin, Texas (6-15-76)	35 08 04; 35 28 32; 45 10 00
664. National Labor Relations Board, Region 17, and National Labor Relations Board (6-21-76)	35 20 00

<u>A/SLMR No., Case Name and Date Issued</u>	<u>Section(s) of Digest Involved</u>
665. United States Department of Commerce, Bureau of the Census, Data Preparation Division, Jeffersonville, Indiana (6-21-76)	60 08 00; 60 16 00
666. U.S. Department of Agriculture, Grain Division Field Office, New Orleans, Louisiana (6-22-76)	05 08 00; 35 28 08
667. Department of Defense, Air National Guard, 147th Fighter Group, Texas Air National Guard, Austin, Texas (6-22-76)	35 08 04; 35 12 00
668. Environmental Protection Agency, Region VII, Kansas City, Missouri (6-22-76)	35 28 12; 35 28 28
669. Army and Air Force Exchange Service, South Texas Area Exchange, Lackland Air Force Base, Texas (6-22-76)	35 08 04; 35 24 00; 45 16 04
670. National Labor Relations Board, Region 17, and National Labor Relations Board (6-22-76)	35 20 00
671. National Labor Relations Board, Region 17, and National Labor Relations Board (6-23-76)	35 08 04; 35 20 00
672. Department of Transportation, Office of the Secretary of Transportation (6-23-76)	35 08 04; 45 16 04
673. U.S. Army Corps of Engineers, Philadelphia District (6-23-76)	35 28 28; 45 16 20

INDEX^{1/}

- A -

ABUSE OF ADMINISTRATIVE PROCESS	10 28 00
AC PETITION	10 04 20
ACCESS TO WORK AREAS, CAMPAIGNING	25 08 16; 35 08 00
ACCRETION	20 16 08
ACTIVITY PETITION (RA)	10 04 08
ADDITIONS TO UNIT	20 16 08
ADEQUACY OF	
Record	15 28 00
Showing of Interest	10 16 00; 20 16 08
ADMISSIBILITY OF EVIDENCE AT HEARINGS	05 12 08
ADVICE, ERRONEOUS BY LMSA AGENTS	10 24 12
ADVISORY OPINIONS	05 16 00
AGENCY	
Authority to Exclude Emps from EO	05 08 00
Directives, ULP	35 04 04; 35 08 04
Facilities for Campaigning	25 08 16
Petition (RA)	10 04 08
Regulations Not Binding on A/S	10 04 16; 35 04 04; 25 08 16
Rules on Campaigning	25 08 16

1/ Specific employee classifications or categories, such as "Accountant" or "Temporary Employee," are indexed under "EMPLOYEE CATEGORIES AND CLASSIFICATIONS."

AGENT - PRINCIPAL	35 08 08
AGREEMENT	
Accretion	10 24 12
Approval Pending at Higher Agency Level	10 24 12
Bar to Petition	10 24 12
Bar, Unilateral Waiver of	10 24 12
Extension as ULP	35 08 04
Indefinite Duration	10 24 12
Interpretation	30 28 00
Premature Extension	10 24 12
Refusal to Sign	35 28 00
Terminable at Will	10 24 12
Unilateral Termination	35 28 00
AMENDMENT	
Certification	10 04 20
Complaint	30 08 00; 30 12 00; 30 16 00
Petition	15 08 08
Recognition	10 04 20
ANTI-UNION LITERATURE	35 08 04; 35 08 08
APPROPRIATE UNIT	20 04 00 to 20 12 00
Accretion	20 16 08
Activity-wide	20 12 08
Agency Regulations Not Binding on A/S	20 04 16

Agency-wide	20 12 04
Area-wide	20 12 36
Base-wide	20 12 48
Branch-wide	20 12 44
City-wide	20 08 16
Clarification	25 20 00
Command-wide	20 12 16
Community of Interest	20 04 04
Criteria	20 04 00
Directorate-wide	20 12 12
District-wide	20 12 40
Division-wide	20 12 32
Effective Dealings	20 04 08
Efficiency of Operations	20 04 12
Eligibility	20 16 12
Extent of Organization	20 04 04
Field-wide	20 12 24
Geographic Scope	20 08 00
Headquarters-wide	20 12 20
History of Bargaining	20 04 08; 20 12 00
Multi-Installation	20 12 56
Nation-wide	20 08 08
Occupational Classifications	20 12 64
One Employee	05 04 00
Organizational Scope	20 12 00

Pattern at Similar Activities	15 12 00	
Previous Certification	20 04 20	
Relevance of Units Elsewhere	15 12 00	
Region-wide	20 12 28	
Residual Employees	20 16 16	
^ Scope	20 08 00;	20 12 00;
	20 16 00	
Section-wide	20 12 52	
Self-Determination	20 16 20	
Severance	20 16 04	
Single Employee	05 04 00	
Single Installation	20 12 60	
State-wide	20 08 12	
Stipulations Not Binding on A/S	20 04 16	
Supervisors	10 32 00	
Supervisory Unit	20 16 24	
World-wide	20 08 04	
ARBITRATION		
Cancellation as ULP	35 08 04;	35 24 00;
	35 28 00	
Effect on ULP	30 28 00	
AREA ADMINISTRATOR (AREA DIRECTOR)		
Authority for Approval of Consent Agreement	10 40 00	
Withdrawal of Approval of Consent Agreement	10 40 00	

ASSISTANT SECRETARY

Advisory Opinions 05 16 00
Agents as Witnesses 05 12 04
Authority 05 08 00; 55 08 04
Documents at Hearings 05 12 04
Jurisdiction 05 08 00
Role of 05 08 00

ATTORNEYS

Conflict of Interest 10 32 00

AUTHORITY OF

Agency 05 08 00; 35 04 04
AA 10 40 00
A/S 05 08 00; 55 08 04
HO 15 04 00
ARD 10 40 00

AUTOMATIC RENEWAL CLAUSE

10 24 12

- B -

BAD FAITH NEGOTIATIONS

35 28 00

BALLOT

See: ELECTIONS

BARGAINING

See: NEGOTIATIONS

BARGAINING HISTORY

20 04 04

BARS TO PETITION

Agreement

10 24 12

BARS TO PETITION (cont.)

Certification 10 24 08

Election 10 24 04

BILL OF RIGHTS

Campaigning in Lab Org Officer
Election 55 12 08

Candidacy 55 08 12; 55 12 04;
55 12 08

Complaint Dismissal Criteria 55 08 08

Complaint Procedure 55 08 00

Conflict of Interest, Lab Org
Employee and Member 55 12 04; 55 12 08

Convention Delegates 55 08 12; 55 12 04

Convention Participation 55 12 04

Delegates, Convention 55 08 12; 55 12 04

Election, Certification of 55 08 12

Employee - Members of Lab Org 55 12 04; 55 12 08

Equal Rights 55 12 04

Exhaustion of Remedies 55 08 08

Free Speech and Assembly 55 12 08

Hearing Requisites 55 08 08

Lab Org Off Election

 Campaigning 55 12 08

 Candidacy 55 08 12; 55 12 04;
55 12 08

 Violations, Alleged 55 08 12

Membership Meetings 55 12 04

BILL OF RIGHTS (cont.)

Mootness 55 08 08

Officer, Lab Org 55 12 04

Procedure 55 08 08

BINDING AGREEMENTS 10 24 12

BURDEN OF PROOF

Internal Security Exclusions 15 12 00

Objections to Election 25 08 08

Rep Unit Determinations 15 12 00

ULP Cases 30 08 00; 30 12 24
35 12 00

- C -

CAMPAIGN

Lab Org Off Election 55 12 08

Rep Case

Literature 25 08 12; 25 08 16;
25 08 20; 35 08 08

Misrepresentation 25 08 20

Work Hours 25 08 16

CAMPAIGN LITERATURE 25 08 12; 25 08 16;
25 08 20; 35 08 08

CANDIDACY, LAB ORG OFFICER 55 08 12; 55 12 04;
55 12 08

"CARVE-OUT" 20 16 04

CATEGORIES OF EMPS 20 20 00

CEASE AND DESIST ORDERS 45 00 00; 50 00 00

CERTIFICATION

Amendment of	10 04 20
Bar to Petition	10 24 08
Revocation of	25 16 00

CHALLENGES TO

Ballot	25 12 08
Eligibility	25 12 12
Intervention	10 12 00
Showing of Interest	10 16 00
Status as Lab Org	10 20 00
Stipulations	20 12 04
Voter	20 20 00; 25 12 04

CHANGES, NAME OF ACTIVITY OR REPRESENTATIVE

10 04 20

CHARGE

30 04 00; 30 08 00

CHECKOFF REVOCATION BY ACTIVITY

35 24 00; 35 28 00;
45 04 00

CIVIL SERVICE COMMISSION

EO Sec. 25(a) Responsibilities	10 32 00
Federal Personnel Work	05 08 00; 20 12 00
Guidance	35 04 04

CLARIFICATION OF UNIT

Clarification Determinations	25 20 00
Procedure	10 04 16

CLASSIFICATIONS

See: EMP CATEGORIES AND CLASSIFICATIONS

COLLATERAL ISSUES

10 16 00

COLLECTIVE BARGAINING	See also: NEGOTIATIONS
History	20 04 08; 20 04 12; 20 16 04
COMMUNITY OF INTEREST	20 04 04
COMPANION CASES	05 20 00; 30 28 00
COMPLAINT	See also: UNFAIR LABOR PRACTICES; STANDARDS OF CONDUCT
Standards of Conduct	55 00 00
Procedure	55 08 00
ULP	30 00 00
Amendment	30 08 00; 30 12 00; 30 16 00
Investigation	30 08 00
Limited to Allegations	30 12 00
Motion to Dismiss	30 04 00
Pre-Complaint Requirements	30 08 00
Requisites	30 04 00
Rulings of ALJs	30 12 04
Timeliness	30 08 00
Violation Not Specifically Alleged	30 12 04
COMPLIANCE WITH DECISION AND ORDER	45 00 00; 50 00 00
COMPOSITION OF UNITS	20 08 00; 20 12 00; 20 16 00
CONCURRENT RELATED CASES	05 20 00; 30 28 00
CONDUCT OF ELECTION	25 08 08
CONFLICT OF INTEREST	
Attorneys	10 32 00

CONFLICT OF INTEREST (cont.)

Employee of Lab Org and Member 55 12 08
Mgt of Lab Org and Fed Employee 10 32 00
Mgt Off and Lab Org Role 10 32 00

CONSENT AGREEMENT

AA's Authority to Approve 10 40 00
AA's Withdrawal of Approval 10 40 00
Refusal to Sign 10 12 00

CONTINUANCE OF HEARING 15 04 00

CONTRACT BAR 10 24 12

CONVENTION

Delegates 55 08 12; 55 12 04
Participation 55 12 04

COOPERATION OF PARTIES 15 20 00

COVERAGE OF EO 05 08 00

CRAFT SEVERANCE 20 16 04

CROSS EXAMINATION, FAILURE TO ALLOW 15 12 00

CURRENT REPRESENTATIVE STATUS OF
PETITIONER 10 28 00

CU PETITION 10 04 16; 10 24 08

- D -

DECERTIFICATION 10 04 12

DEFINITIONS See also: EMP CATEGORIES
AND CLASSIFICATIONS

Defunctness 05 04 00

DEFINITIONS (cont.)

Lab Org	05 04 00
Management Official	05 04 00
Non-Employee	20 20 00 Vista Volunteers
Professional Employee	05 04 00
Supervisors	05 04 00
Unit	05 04 00
DEFUNCTNESS	05 04 00; 10 24 04; 10 24 12; 10 44 00
DELEGATES, CONVENTION	55 08 12; 55 12 04; 55 12 08
DETERMINATION OF APPROPRIATE UNIT	See: APPROPRIATE UNITS
DILATORY CONDUCT	35 08 04; 35 28 00
DISCLAIMER OF INTEREST	10 04 12
DISMISSAL	See: REP CASES; ULP; STANDARDS OF CONDUCT
DISQUALIFICATION AS LAB ORG	10 20 00
DISTRIBUTION OF LITERATURE	See: CAMPAIGN LITERATURE
DOCUMENTS AT HEARING, LMSA	05 12 04
DR PETITION	10 04 12
DUES CHECKOFF REVOCATION BY ACTIVITY	35 24 00; 35 28 00; 45 16 00
DUTY TO BARGAIN	See: NEGOTIATIONS

- E -

EFFECTIVE DEALINGS	20 04 08
EFFICIENCY OF OPERATIONS	20 04 12

ELECTION BAR TO PETITION

10 24 04

ELECTIONS

See also: CHALLENGES: AND
OBJECTIONS TO ELECTION

Lab Org Officers

Campaigning

55 12 08

Candidacy

55 08 12; 55 12 04;
55 12 08

Complaint Procedure

55 08 12

Representation

Ballot Markings

25 12 08

Campaigning

See: OBJECTIONS TO
ELECTION

Challenges

See: CHALLENGES

Craft Severance

20 16 04; 25 04 16

Decertification

10 04 12

Eligibility

20 16 12 (See also: EMP
CATEGORIES AND CLASSIFI-
CATIONS)

Exclusion from Ballot

10 32 00

Mail Ballot

25 08 08; 25 12 08

Position on Ballot

10 12 00

Procedure

25 04 00

Prof Emps

25 04 04

Role of Observers

25 04 12

Refusal to Sign Consent
Agreement

10 12 00

Rerun

25 16 00

ELECTIONS (cont.)

Representation (cont.)

Runoff	25 08 08
Self-Determination	25 08 08
Separate Voting Groups	25 04 00
Severance	20 16 04; 25 04 16
Tally	25 08 08
Tie Vote	25 16 00
Voter Intent	25 12 00
Voting Groups	25 04 00
Voting Procedures	25 04 04

ELIGIBILITY

See also: CHALLENGES; AND
EMP CATEGORIES AND CLASSIFI-
CATIONS

Seasonal Emps	20 16 12
---------------	----------

EMPLOYEE CATEGORIES AND
CLASSIFICATIONS

Administrative Aide	20 20 00 Conf Emps
Administrative Asst.	20 20 00 Conf Emps
Administrative Asst., Admin. Serv. and Resources	20 20 00 Supv
Administrative Clerk in District and Branch Off.	20 20 00 Conf Emps
Administrative Coordinator for Nursing	20 20 00 Supv
Administrative Intern	20 20 00 Conf Emps
Administrative Officer	20 20 00 Fed pers work
Analysts in the Management and Resources Branch	20 20 00 Mgt Off
Analysts in the Revenue Accounting and Processing Branch	20 20 00 Mgt Off

Auditor-in-Charge	20 20 00 Supv
Budget Analyst	20 20 00 Mgt Off
Budget and Accounting Off	20 20 00 Supv
Canteen Emps	20 20 00
Cemetery Emps	20 20 00
Chaplain	20 20 00 Prof Emps
Chemist	20 20 00 Mgt Off
Civil Engineer	20 20 00 Supv
Clerk to Area Supervisor	20 20 00 Conf Emps
Clerk-Secretaries assigned to Sector Mgr and Field Off. Chiefs	20 20 00 Conf Emps
Clerk-Stenographer	20 20 00 Conf Emps
Clerk-Typist	20 20 00 Conf Emps
Computer Systems Analysts	20 20 00 Mgt Off
Confidential Emps	20 20 00
Construction Analyst Supv	20 20 00 Supv
Construction (Cost) Analyst	20 20 00 Mgt Off
Construction Cost Examiner	20 20 00 Mgt Off
Course Developer-Instructors	20 20 00 Fed pers work, Mgt Off
Dentist	20 20 00 Prof Emps
District Clerk	20 20 00 Supv
Employment Development Spec	20 20 00 Fed pers work
Engineering Equip. Oper. Foreman	20 20 00 Supv
Fed pers work	20 20 00
Fiscal Analyst	20 20 00 Mgt Off
Forester	20 20 00 Supv
General Schedule	20 20 00

Guards	20 20 00; 10 32 00
Heavy Mobile Equipment Mech	20 20 00 Supv
Industrial Engineer	20 20 00 Mgt Off
Loan Specialist (Realty)	20 20 00 Mgt Off
Management Analyst	20 20 00 Mgt Off
Medical Technologist	20 20 00 Prof Emps
Non-Professional Emps	20 20 00 Prof Emps
Operations Analysts	20 20 00 Conf Emps, Mgt Off
Personnel Asst.	20 20 00 Conf Emps
Personnel Management Spec	20 20 00 Fed pers work
Physician	20 20 00 Prof Emps
Police	20 20 00 Guards
Production Controller	20 20 00 Supv
Prof Emps	05 04 00; 20 04 04; 20 20 00; 25 04 04
Psychologist	20 20 00 Prof Emps
Regional Analyst	20 20 00 Mgt Off
Registered Nurse	20 20 00 Prof Emps
Seasonal Emp	20 20 00 Temp Emp
Secretaries assigned to Sector Mgr and Field Off. Chiefs	20 20 00 Conf Emps
Secretary	20 20 00 Conf Emps
Secretary to ALJ in Charge	20 20 00 Conf Emps
Secretary Training Cntr. Admin.	20 20 00 Conf Emps
Sr Management Analyst	20 20 00 Mgt Off
Sr Physicist	20 20 00 Mgt Off

Sr Regional Analyst	20 20 00 Mgt Off
Sr Regional Analyst Audit	20 20 00 Mgt Off
Sr Technical Asst.	20 20 00 Mgt Off
Social Psychologist	20 20 00 Prof Emps
Social Worker	20 20 00 Prof Emps
Soil Scientist	20 20 00 Supv
Speech Pathologist	20 20 00 Prof Emps
Supervisors	20 20 00 Supv
Supervisory Appraiser	20 20 00 Supv
Supv Clerk-Stenographer	20 20 00 Supv
Supv Forest Technician	20 20 00 Supv
Temp Emps	20 20 00
Theatre Specialist	20 20 00 Supv
Vocational Rehabilitation Specialist	20 20 00 Prof Emps
EMPLOYEE ORGANIZATION	See: LABOR ORGANIZATION
EMPLOYEE RIGHTS	35 08 00
EMPLOYEE STATUS; EFFECT ON ULP	30 24 00
EQUAL RIGHTS IN LAB ORG	55 12 04
ERRONEOUS ADVICE BY LMSA AGENTS	10 24 12
EVIDENCE	
Adequacy of Record	15 28 00; 20 04 16
A/S Documents at Hearings	05 12 04; 30 12 00
A/S Pers as Witnesses	05 12 04
Burden of Proof	See: BURDEN OF PROOF
Documents of A/S	05 12 04

EVIDENCE (cont.)

Exclusion		25 08 08; 15 12 00
Improper Acceptance		30 12 00
Limitations		15 12 00
Materiality		15 12 00
Post-Hearing Submission		15 24 00
Record Sufficiency		20 04 16; 15 28 00
Rejection of Evidence		15 12 00; 15 24 00
Relevance of Evidence		15 12 00; 15 24 00
Reopening Record.		15 24 00
EXCLUSIONS FROM APPROPRIATE UNITS		20 20 00
EXCLUSIONS FROM EO COVERAGE		05 08 00
EXCLUSIVE RECOGNITION, WAIVER OF		10 28 00
EXCLUSIVE RECOGNITION UNDER EO 10988		05 08 00
EXCLUSIVE REPRESENTATIVE PETITIONER		10 28 00
EO 10988, TRANSITIONAL PROBLEMS		05 32 00
EO 11491, AND AS AMENDED		
Coverage		05 08 00
Sec. 1(b)	Emps Participation in Mgt of Lab Org	10 32 00; 35 08 04
2(b)	"Employee"	20 20 00 Vista Volunteers, Commissioned OffCorps, U.S. Public Health Service
2(c)	"Supervisor"	30 24 00
2(d)	"Guard"	20 04 16
2(e)	"Labor Organization:"	05 04 00
2(e)(2)	Status as Lab Org	40 20 00; 50 00 00
3(b)(3)	National Security	05 08 00

Sec. 3(b)(4)	Internal Agency Security	05 08 00; 15 12 00
3(d)	Unions of Lab Rel Pers.	10 32 00
10(b)	Criteria for Appropriate Unit	20 04 00 to 20 20 00
10 (b)(1)	"Management Official", "Supervisor"	20 20 00
10(b)(2)	Fed Pers Work	20 20 00; 05 08 00
10(b)(3)	Guards	10 32 00; 20 20 00; 20 16 04
10(b)(4)	Prof Emps	20 04 04; 20 20 00; 25 04 04; 25 12 08
10(c)	Non-Guard Union	10 32 00; 20 16 04
11(a)	Negotiability	35 28 00
11(b)	Negotiability	35 28 00
11(c)(4)	Negotiability	35 28 00
11(d)	Negotiability	05 08 00; 35 28 08
13(a)	Grievance Procedures	60 08 00
13(b)	Arbitration	60 12 00
13(d)	Question on Grievability or Arbitrability	60 16 00
19(a)(1)	Interference by Agency	35 04 04; 35 08 00
19(a)(2)	Discrimination by Agency	35 12 00
19(a)(3)	Improper Assistance	35 16 00
19(a)(4)	Discrimination for Complaint, Testimony	35 20 00
19(a)(5)	Refusal to Grant Recognition	35 24 00

EO 11491, AND AS AMENDED (cont.)

Sec. 19(a)(6)	Agency Refusal to Confer, Consult, Negotiate	35 28 00	
19(b)(1)	Interference by Lab Org	40 08 00	
19(b)(4)	Strike	40 20 00	
19(b)(6)	Union Refusal to Confer, Consult, Negotiate	40 28 00	
19(d)	Grievance or Appeals Procedure	35 32 00	
20	Use of Official Time	30 04 00;	35 28 00
24(2)	Units of Management Offi- cials or Supervisors	10 32 00	
25(a)	CSC Responsibilities	10 32 00	
EXHAUSTION OF REMEDIES, STANDARDS OF CONDUCT		55 08 08	
EXTENT OF ORGANIZATION		20 04 04	
<u>- F -</u>			
FAILURE TO COOPERATE		15 20 00;	30 12 28
FAILURE TO SERVE DOCUMENTS		05 28 00	
FED PERS WORK		05 08 00	
FIXED TERM AGREEMENT		10 24 12	
FORMAL HEARINGS		See:	HEARINGS
FRAGMENTATION OF UNIT		20 04 08;	20 04 12
FREE SPEECH			
Representation Election		25 08 16	
Lab Org Members		55 12 08	
<u>- G -</u>			
GOOD FAITH		35 28 00	

GRIEVABILITY AND ARBITRABILITY

General 64 04 00

GRIEVANCES

Effect on ULP 30 28 00

Unilateral Adjustment 35 08 04; 35 28 00

GUARDS

20 04 16; 20 16 04;
20 20 00; 10 32 00

Mgt of Non-Guard Lab Org 10 32 00

Qualifications of Lab Org
to Represent 10 32 00

- H -

HANDBILLING

See: CAMPAIGN LITERATURE

HEAD OF AGENCY AUTHORITY TO
EXCLUDE EMPS FROM EO

05 08 00

HE (ALJ) REPORT AND RECOMMENDATIONS
AND EXCEPTIONS

Credibility Resolutions 30 16 00

Objections 25 08 08

ULP 30 16 00

HEARINGS

Acceptance into Evidence 30 16 00

Adequacy of Record 15 28 00; 20 04 16

Admissibility of Evidence 05 12 08

A/S Documents at Hearings 05 12 04

A/S Pers as Witnesses 05 12 04

Authority of HO 15 04 00

Bar to Petition 10 24 00

Burden of Proof See: BURDEN OF PROOF

HEARINGS (cont.)

Collateral Issues	10 16 00
Continuance of Hearing	15 04 00
Cooperation of Parties	15 20 00
Cross Examination, Failure to Allow	15 12 00
Documents	15 12 00
Documents, LMSA	15 12 04
Evidence	See: EVIDENCE
Exclusion of Testimony	25 08 08
Failure to Cooperate	15 20 00; 30 12 28
HE (ALJ) Report, No Exceptions	30 16 00
Inadequate Record	15 28 00; 20 04 16
Location	15 08 04
Materiality	15 12 00
Motions	15 08 00
Non-Cooperation of Parties	15 20 00; 30 12 28
Official Time to Attend	05 08 00; 15 20 00; 35 08 04; 35 28 00
Post-Hearing Submissions	15 24 00
Postponement Motion	15 08 04
Record Sufficiency	15 24 00; 20 04 16
Refusal to Furnish Information to HO	15 20 00
Rejection of Evidence	15 12 00
Relevance of Evidence	15 12 00
Remand	15 28 00
Reopening of Record	15 24 00

HEARINGS (cont.)

Request for LMSA Documents	05 12 04
Request for LMSA Pers as Witnesses	05 12 04
Role of HO	15 04 00
Rulings of ALJs	30 12 04
Showing of Interest Challenge	10 16 00
Stipulated Record	30 20 00
Stipulations	20 04 16; 15 24 00
Submissions after Hearing	15 24 00
Supplemental Briefs	15 24 00
Testimony Exclusion	25 08 08
Time Allowed for Filing Supplemental Briefs	15 24 00
Transcript Correction	15 24 00
Witnesses	15 12 00
LMSA Staff	05 12 04
Official Time	05 08 00; 15 20 00; 35 08 04; 35 28 00
Written Opening Statement	15 12 00
HISTORY OF BARGAINING	10 24 12; 20 04 08

- I, J, K -

INADEQUATE SHOWING OF INTEREST	See: SHOWING OF INTEREST
INAPPROPRIATE UNIT	20 04 00 to 20 20 00
INCUMBENT LAB ORG PETITIONER	10 28 00
INSTRUCTORS, STATUS AND RIGHTS	30 24 00
INSUFFICIENT RECORD	15 28 00; 20 04 16

INSULATED PERIOD	10 24 12
INSURANCE AS CAMPAIGN BENEFIT	25 08 20; 25 08 24
INTEREST, SHOWING OF	10 16 00; 20 16 08
INTERFERENCE WITH EMPS RIGHTS	35 08 00; 25 08 00
INTERNAL SECURITY OF AGENCY	05 08 00; 15 12 00
INTERVENOR	See: INTERVENTION
INTERVENTION	
Challenge to	
Showing of Interest	10 16 00
Status as Lab Org	10 20 00
Dismissal	10 12 00
Incumbent Lab Org	10 12 00
Intervenor	10 12 00; 20 24 08; 20 24 12
Notification to Potential Intervenors	10 08 00
Opportunity to Withdraw	20 24 12
Post-Decisional Intervention	20 24 04
Showing of Interest	10 16 00; 20 24 08
Timeliness	10 12 00
INVESTIGATION, ULP COMPLAINTS	30 08 00
JOB CLASSIFICATIONS	See: EMP CATEGORIES AND CLASSIFICATIONS
JURISDICTION OF A/S	55 08 04; 05 08 00

LMSA

Agents

As Witnesses 05 12 04

Erroneous Advice 10 24 12

Documents at Hearing 05 12 04

LABOR ORGANIZATION

Bill of Rights See: BILL OF RIGHTS

Challenge to Status 10 20 00

Definition 05 04 00

Incumbent Lab Org Petitioner 10 28 00

Intervenor See: INTERVENTION

Legislative - Executive Branch
Representation 05 08 00

Management of 10 32 00

Meetings 55 12 04

Officer Elections See: ELECTIONS

Paid Employee-Members 55 12 04; 55 12 08

Qualifications to Represent
Specified Categories of Emps 10 32 00

Remedial Orders Against

Sec. 19(b)(1) 40 08 00

19(b)(4) 40 20 00

19(b)(6) 40 28 00

Standards of Conduct 05 08 00; 05 20 00;
10 20 00; 55 00 00

LABOR ORGANIZATION (cont.)

Status as	10 20 00
ULP	35 00 00; 40 00 00
LEGISLATIVE - EXECUTIVE BRANCH LAB ORG	05 08 00
LITERATURE	See: CAMPAIGN LITERATURE
<u>- M -</u>	
MGT OFF	05 04 00
Conflict of Interest	10 32 00
MARKINGS ON BALLOT	25 12 08
MEMBERSHIP IN A LAB ORG, DENIAL OF	40 32 00
MEMBERSHIP PINS, BUTTONS	35 08 04
MERGER AT ACTIVITY	10 04 08; 10 04 20; 20 16 08
MISREPRESENTATION IN CAMPAIGN	25 08 20
MOONLIGHTERS	20 20 00 Off-Duty Mil Emps
MOOTNESS	
Standards of Conduct	55 08 08
ULP	30 28 00; 35 20 00
MOTIONS	
Amendment of Petition	15 08 08
Dismissal of Petition	15 12 00
For Witnesses and/or Production of Documents	15 12 00
Post-Hearing Submissions	15 24 00

MOTIONS (cont.)

Postponement of Hearing	15 08 04
Reopening of Record	15 24 00
Rep Cases, General	15 08 04
ULP	30 12 00

- N -

NATIONAL GUARD, EO COVERAGE	05 08 00
NLRB DECISIONS, ROLE OF	05 24 00
NATIONAL SECURITY EMPS	05 08 00
NEGOTIABILITY	35 28 00
NEGOTIATIONS	35 28 00
NEW SHOWING OF INTEREST, POST-DECISIONAL	20 24 08
90-60 DAY "OPEN" PERIOD	10 24 12
NO-DISTRIBUTION RULE	35 08 08
NO-SOLICITATION RULE	35 08 12
NON-ACCESS TO WORK AREAS BY NON-EMPS	25 08 16; 35 08 04
NON-COOPERATION OF PARTIES	15 20 00; 30 12 28
NONWORK AREA CAMPAIGNING	35 08 08; 35 08 12
NONWORK TIME CAMPAIGNING	35 08 08; 35 08 12
NOTICES	
Compliance with ULP Decision and Order	45 00 00; 50 00 00
Mailing of ULP Notice	50 00 00
Notice of Petition	10 08 00

NOTICES (cont.)

Post-Hearing Notice of Unit Determination	20 24 04
ULP	45 00 00; 50 00 00
NOTIFICATION OF COMPLIANCE	10 08 00
NOTIFICATION TO POTENTIAL INTERVENORS	45 00 00; 50 00 00
NURSES	20 16 04
<u>- 0 -</u>	
OBJECTIONS TO REP ELECTION	25 08 00 (see also: UNFAIR LABOR PRACTICES)
Access to Employees	25 08 16
Activity Facilities	25 08 16
Activity Interference	25 08 16; 25 08 28
Agency Rules on Campaigning	25 08 16
Anti-Union Literature	35 08 04; 35 08 08
Burden of Proof	25 08 08
Campaign Misrepresentation	25 08 20
Challenges, Distinguished from	25 12 12
Conduct of Election	25 08 28
Electioneering	20 16 04
Free Speech	25 08 16
HE (ALJ) Report	25 08 08; 25 08 16
Impact on Election	25 08 12 to 25 08 20; 25 08 08; 25 08 24
Lack of Specificity	25 08 08
Mail Facilities of Activity	20 12 00

OBJECTIONS TO REP ELECTION (cont.)

Non-Employee Access to Activity Premises	25 08 16
Non-Intervening Union	25 08 16
Procedure	25 08 08
Promises of Benefit	25 08 24
Report on Objections, HE (ALJ)	25 08 08; 25 08 16
Runoff Election	25 08 08
Service	05 28 00
Side Agreements	25 08 08
Timeliness	25 08 08
Timing of Objectionable Conduct	25 08 12

OBLIGATIONS OF PARTIES

Availability of Witnesses	15 20 00; 30 08 00; 35 08 04; 35 12 00
Bargaining	See: NEGOTIATIONS
Burden of Proof	See: BURDEN OF PROOF
Cooperation in Proceedings	15 20 00
Furnishing Information	30 08 00
Official Time for Witnesses	15 20 00; 35 08 04; 35 12 00

OCCUPATIONAL HEALTH NURSE	25 04 04; 25 12 08
OFF-DUTY HOURS NEGOTIATIONS	35 28 00
OFF-DUTY MIL EMPS	20 04 16; 20 20 00
OFFICIAL TIME FOR WITNESSES	05 36 00; 15 20 00; 35 08 04; 35 12 00
"OPEN PERIOD"	10 24 12

"OPEN SEASON" 10 24 12

OPPORTUNITY TO WITHDRAW PETITION 20 16 12

- P, Q -

PERS WORK, FED 05 08 00

PETITIONER, STATUS OF 10 28 00

PETITIONS

AC: Amendment, Recognition
or Certification 10 04 20

Agency Doubt of Representative's
Status (RA) 10 04 08

Amendment 15 08 08

Clarification of Unit (CU) 10 04 16

Decertification (DR) 10 04 12

Dismissal 15 20 00; 20 16 08;
10 16 00; 10 24 00 to
10 36 00

DR: Decertification 10 04 12

Opportunity to Withdraw 20 24 12

Petitioner with Exclusive
Recognition 10 28 00

RA: Agency Doubt of Repre-
sentative's Status 10 04 08

Service 05 28 00

POSITION ON BALLOT 10 12 00

POST-DECISIONAL

Intervention 20 24 04

Notices 20 24 04

POST-DECISIONAL (cont.)

Showing of Interest	20 24 08
Withdrawal	20 24 12
POST-HEARING	15 24 00
Rep Cases	15 24 00
ULP	30 16 00
POSTING	See: NOTICES
PRE-COMPLAINT REQUIREMENTS	
Standards of Conduct	55 08 08
ULP	30 04 00; 30 08 00
PREMATURE EXTENSIONS OF AGREEMENT	10 24 12
PREREQUISITES	See: REQUIREMENTS FOR
PRINCIPAL-AGENT	35 08 08
PRIVATE SECTOR LAW, ROLE OF	05 24 00
PROCEDURE	See Specific Captions Such As: ELECTIONS; OBJECTIONS; REP CASES; ULP; STANDARDS OF CONDUCT
PROF EMPS	05 04 00; 25 04 04
PROMISES OF BENEFIT	25 08 24
PROPAGANDA	25 08 12 to 25 08 20; 35 08 08; 25 08 24
QUALIFICATIONS OF LAB ORG TO REPRESENT SPECIFIED CATEGORIES OF EMPS	10 32 00
QUESTIONS CONCERNING BALLOT	25 12 08
<u>- R -</u>	
RA PETITION	10 04 08

RECORD

See: HEARINGS

REFUSAL TO

Bargain	35 28 00
Cooperate	15 20 00; 30 08 00
Sign Consent Agreement	10 12 00

REGULATIONS

Agency Regulations Not Binding on A/S	20 04 16
---------------------------------------	----------

REGULATIONS OF A/S

Sec. 202.2(f) Showing of Interest	10 16 00
202.2(g) Status of Lab Org	10 20 00
202.3(b) Certification Bar	10 24 08
202.3(c) Timeliness of Petition	10 24 00
202.3(d) Insulated Period Following Withdrawal, Dismissal	10 24 12
202.3(e) Premature Contract Extension	10 24 12
202.4(b) Notice of Petition	10 08 00
202.4(f), (g) Response to Petition	15 08 04; 15 16 00
202.5 Intervention	20 24 04; 10 12 00
202.6(d) Request for Review Service	05 28 00
202.7(c) Position on Ballot	10 12 00
202.12(k) Continuance of Hearing	15 04 00
202.20(a) Objections: Filing	25 08 08
Service	05 28 00

REGULATIONS OF A/S (cont.)

Sec. 202.20(d)	Objections: Burden of Proof	25 08 08	
203.2	Requirements for Charge	30 04 00;	30 28 00
203.3(e)	Report of Investi- gation	30 08 00	
203.26	Compliance with A/S Order	45 04 00	
204.2(a)(1)	Equal Rights	55 12 04	
204.2(a)(2)	Free Speech and Assembly	55 12 08	
204.2(a)(5)	Disciplinary Action	55 08 08	
204.29	Election of Officers	55 08 12	
204.58	Dismissal of Standards Complaint	55 08 08	
204.63	Complaints, Election of Officers	55 08 12	
205.5(a)	Stipulated Record	30 20 00	
REJECTION OF EVIDENCE		15 12 00	
RELATED CASES, CONCURRENT		05 20 00	
RELEVANCE OF EVIDENCE		15 12 00	
REMAND		15 28 00	
REMEDY: ULP			
Against Agencies		45 00 00;	45 04 00
Against Lab Org		45 08 00	
REORGANIZATION OF ACTIVITY		10 04 08;	10 04 20;
		20 16 28	
REPORT OF INVESTIGATION, ULP		30 08 00	

REPRESENTATION CASES

	10 00 00 to 25 00 00
	See also Specific Topics
	Such As: APPROPRIATE
	UNIT; ELECTIONS; HEARINGS;
	OBJECTIONS TO ELECTIONS;
	Etc.
AC Petition	10 04 20
Accretion	20 16 08
Activity Refusal to Respond to Petition	15 16 00
Agency Petition (RA)	10 04 08
Agency Regulations Not Binding on A/S	20 04 16
Agreement Bar	10 24 12
Amendment	
Certification	10 08 20
Petition	15 08 08
Recognition	10 04 20
Appropriate Unit	See: APPROPRIATE UNIT.
AA's Action	10 40 00
Burden of Proof	15 12 00
Certification	25 16 00
Amendment	10 04 20
Bar	10 24 08
Challenges	See: CHALLENGES
Clarification of Unit (CU)	25 20 00; 10 04 16
Community of Interest	20 04 04
Concurrent Related Cases	05 20 00
CU Petition	10 04 16

REPRESENTATION CASES (cont.)

Current Representative Status of Petitioner	10 28 00
Decertification	10 04 12
DR Petition	10 04 12
Effective Dealings	20 04 08
Efficiency of Operations	20 04 12
Election Bar to Petition	10 24 04
Eligibility	20 16 12; 20 20 00; 25 12 00
Evidence	15 12 00
Hearing Officer Role	15 04 00
Intervention	20 24 04; 20 24 08; 10 12 00
Lab Org Status	10 20 00
Motions	15 08 00
Notice of	
Petition	20 24 04; 10 08 00
Unit Determination	20 24 04
Objections	See: OBJECTIONS
Obligations of Parties	15 20 00
Opportunity to Withdraw	20 24 12
Petitions, Inconsistent	10 44 00
Petitions, Types	10 04 00
Policy on Consent Agreements	10 40 00; 15 28 00
Post-Hearing Submissions	15 24 00

REPRESENTATION CASES (cont.)

Posting, Notice of

Petition	10 08 00; 20 24 04
Unit Determination	20 24 04
Procedure	
Elections	25 00 00
Hearings	15 00 00
Post-Election	25 00 00
Preliminary Stages	10 00 00
Qualifications to Represent Specified Categories of Employees	10 32 00
RA Petition	10 04 08
Remand	15 28 00
Request for Review Rights	10 36 00
Residual Employees	20 16 16
Self-Determination	20 16 20; 25 04 08
Service of Documents	05 28 00
Severance	20 16 04
Showing of Interest	10 16 00; 20 24 08
Standards of Conduct	05 20 00; 10 20 00
Stipulations of Parties Not Binding on A/S	20 04 16
Timeliness	10 24 00
ULP Allegations	15 16 00
Unit Determinations	20 00 00
Voting Procedures	25 04 00

REQUEST FOR

Appearance of Witnesses	15 20 00;	35 08 04
Documents	15 12 00	
LMSA Documents	05 12 04	
LMSA Pers as Witnesses	05 12 04	
Witnesses	05 12 00	

REQUEST FOR REVIEW

New Evidence	30 08 00	
Objections to Election	25 08 08	
Refusal to Dismiss Petition	10 36 00	
Service of	05 28 00	
Showing of Interest	10 16 00	
Status as Lab Org	10 20 00	

REQUIREMENTS FOR

Charge	30 04 00	
Complaint	30 04 00	
Consent Agreement	10 40 00	
Intervention	10 12 00	
Petition	10 24 00;	10 40 00;
	15 08 08;	10 08 00
Unit Determination Hearings	10 40 00	

RERUN ELECTION 25 16 00

RESIDUAL UNIT 20 16 16

RESPONSE TO PETITION 15 08 04

REVOCATION OF CERTIFICATION 25 16 00

ROLE OF

Agency Directives, ULP	35 04 04
Agency Head: Exclusion of Emps, EO Coverage	05 08 00
A/S	05 08 00
CSC Guidance	35 04 04
HO	15 04 00
NLRB Decisions	05 24 00
RUNOFF ELECTION	25 08 08

- S -

SECTIONS

EO	See: EXECUTIVE ORDER 11491, AND AS AMENDED
Regulations	See: REGULATIONS OF A/S
SECURITY EMPS	05 08 00
SELF-DETERMINATION ELECTION	
Unit Determination	20 16 20
Voting Procedure	25 04 08
SEPARATE VOTING	25 04 00
SERVICE OF DOCUMENTS	05 28 00; 25 08 08
SEVERANCE	20 16 04
SHAM STIPULATION	20 04 16; 25 12 04; 25 16 00
SHOWING OF INTEREST	
Adequacy	10 16 00; 20 24 08
Agency Mgt, Involvement In	10 16 00

SHOWING OF INTEREST (cont.)

Agreement Bar, Unilateral Waiver of	10 16 00
Challenge at Hearing	10 16 00
Challenge to Intervenor	10 16 00; 20 24 08
Challenge to Petitioner	10 16 00
Inadequate for Larger Unit Found Appropriate	20 24 08
Post-Decisional	20 24 08
Request for Review	10 16 00
Seasonal Industries	10 16 00; 20 24 08
Validity	10 16 00
SICK-OUT	40 20 00; 50 00 00
SIDE AGREEMENTS	
Elections	25 08 08
Negotiations	35 28 00
SINGLE EMPLOYEE UNIT	05 04 00
SOLICITATION OF MEMBERS	35 08 04; 35 08 12
STANDARDS OF CONDUCT	05 08 00; 05 20 00; 10 20 00; 55 00 00 See Also Specific Captions Such As: BILL OF RIGHTS; LAB ORG ELECTIONS; FREE SPEECH
Bill of Rights	55 08 08; 55 12 00
Elections	55 08 12; See Also: ELECTIONS; LAB ORG OFFICERS
Equal Rights	55 12 04
Free Speech and Assembly	55 12 08
Jurisdiction of A/S	55 08 04

STANDARDS OF CONDUCT (cont.)

Procedure	55 08 00
Rep Cases	05 20 00; 10 20 00
STATEMENT OF SERVICE OF DOCUMENTS	05 28 00
STATUS AS LAB ORG	10 20 00
STIPULATED RECORD	30 20 00
STIPULATIONS	30 20 00; 15 24 00
Of Parties Not Binding on A/S	20 04 16
Related to Challenges	25 12 04
Sham	20 04 16; 25 12 04; 25 16 00
STRIKE	40 20 00
SUBMISSIONS AFTER HEARING	15 24 00
SUPERVISORS	05 04 00
SUPERVISORS' UNIT	10 32 00
SUPPLEMENTAL BRIEFS	15 24 00
<u>- T -</u>	
TALLY OF BALLOTS	25 08 08
TELETYPISTS	20 20 00
TEMPORARY EMPS	20 04 16
TERMINAL DATE OF AGREEMENT	10 24 12
TESTIMONY	See: EVIDENCE
TIE VOTE ELECTION	25 16 00
TIMELINESS	
Allegation of ULP Complaint Deficiency	30 08 00

TIMELINESS (cont.)

Complaint

Standards of Conduct 55 08 08

ULP 30 08 00

Correction of Transcript 15 24 00

Intervention 20 24 04; 10 12 00

Motion to Dismiss ULP Complaint 30 04 00; 30 08 00

New Evidence in Request for Review 30 08 00

Objections to Rep Election 25 08 08

Petition 10 24 00

Showing of Interest 20 24 08; 10 12 00

Withdrawal 20 24 12

TRADE UNION See: LAB ORG

TRANSCRIPT See: HEARING

TRANSITIONAL PROBLEMS 05 32 00

- U -

UNDERMINING REPRESENTATIVE 35 28 00

UNFAIR LABOR PRACTICES 30 00 00 to 45 00 00;
See Also Specific Topics
Such As: COMPLAINT, ULP;
EVIDENCE; HEARINGS;
OBJECTIONS TO ELECTIONS

Agency

Access to Agency Facilities
by Non-Intervenor 35 08 12

Directives 35 04 04

ULP 35 00 00

UNFAIR LABOR PRACTICES (cont.)

Agreement		
Extension	35 08 04	
Negotiation	35 08 04	
Refusal to Sign	35 28 00	
Amendment of Complaint	30 12 00;	30 16 00
Anti-Union Literature	35 08 04;	35 08 08
Appropriate Unit	35 28 00	
Arbitration		
Award	30 28 00	
Cancellation	35 08 04;	35 24 00;
	35 28 00	
Effect of	30 28 00	
Assistant to Union	35 16 00	
Authority of Negotiator	35 24 00;	35 28 00
Bargaining Request	35 28 00	
Burden of Proof	30 08 00;	35 12 00
By-Passing Exclusive Representative	35 28 00	
Cease and Desist Orders	45 00 00;	50 00 00
Charge	30 04 00	
Checkoff Revocation	35 24 00;	35 28 00;
	45 04 00	
CSC Guidance	35 04 04	
Complainant's Obligations	30 04 00;	30 08 00;
	30 12 00	
Complaint	30 04 00;	30 16 00;
	See Also:	COMPLAINT

UNFAIR LABOR PRACTICES (cont.)

Compliance	45 00 00	
Counterproposals	35 28 00	
Credibility Resolutions by HE (ALJ)	30 16 00	
CSC Guidance	35 04 04	
Dilatory Negotiations	35 28 00	
Discriminatory Treatment	35 08 04	
Dismissal of Complaint	30 08 00	
Disparate Treatment	35 08 04	
Distribution of Literature	35 08 08	
Dues Allotments Revocation	35 24 00; 45 16 00	35 28 00;
Effect of Other Proceedings	05 20 00;	30 28 00
Emergency Action	35 28 00	
Employee Status, Effect on ULP	30 24 00	
Evidence	See: EVIDENCE	
Good Faith Negotiations	35 28 00	
Grievance	35 28 00	
Grievance or Appeals Procedure	35 32 00	
Grievance, Unilateral Adjustment	35 08 04;	35 28 00
"Ground Rules" in Negotiations	35 28 00	
HE (ALJ) Report, No Exceptions	30 16 00	
Hearings	30 12 00;	See Also: HEARINGS
Interference		
Agency	35 08 00	

UNFAIR LABOR PRACTICES (cont.)

Interference (cont.)

Union	40 08 00	
Interpretation of Agreement	30 28 00	
Investigation and Report	30 08 00	
Lab Org ULP	40 00 00	
Limited to Complaint Allegations	30 12 00	
"Make Whole" Order	35 20 00	
Mootness	30 28 00;	35 20 00
Motions	30 12 00	
Negotiability	35 28 00	
Negotiations	35 28 00	
Ground Rules	35 28 00	
Side Agreements	35 28 00	
No-Distribution Rule	35 08 08	
No-Solicitation Rule	35 08 12	
Non-Access to Work Areas	35 08 04	
Nonwork Area Campaigning	35 08 08;	35 08 12
Nonwork Time Campaigning	35 08 08;	35 08 12
Notification of Compliance	45 00 00;	50 00 00
Obligation to Consult, Confer or Negotiate	35 28 00	
Post-Hearing Procedure	30 16 00	
Procedure		
Hearing	30 16 00;	30 20 00;
	30 12 00	

UNFAIR LABOR PRACTICES (cont.)

Procedure (cont.)

Investigation	30 08 00
Recognition, Failure to Accord	35 08 04; 35 28 00
Refusal to Confer, Consult, Negotiate	:
Agency	35 28 00
Union	40 28 00
Refusal to Sign Agreement	35 28 00
Related Proceedings	05 20 00; 30 28 00
Remedial Orders	45 00 00; 50 00 00
Report of Investigation	30 08 00
Request for Bargaining	35 28 00
Requisites for Charges and Complaints	30 04 00
Responsibility for Acts of Individual	35 08 08
Revocation of Checkoff	35 24 00; 35 28 00; 45 04 00
Sections of EO	See: EO 11491, AND AS AMENDED
Solicitation for Membership	35 08 12
Stipulated Record	30 08 00
Strike	40 20 00
"Successorship" Doctrine	35 24 00
Terminating Agreement	35 28 00
Undermining Exclusive Representative	35 28 00

UNFAIR LABOR PRACTICES (cont.)

Unilateral Action	35 08 04; 35 28 00
Union ULP	40 00 00
Unit Appropriateness	35 28 00
Waiver of EO Rights	35 04 08
Work Stoppage	40 20 00
UNILATERAL ACTION	35 28 00
UNION	See: LAB ORG
UNIT	See: APPROPRIATE UNIT

- V-Z -

VALIDITY OF SHOWING OF INTEREST	10 16 00
VOTER	20 16 12
Eligibility	20 20 00; 25 12 00
Intent	25 12 08
Prof Emps	25 04 04
Self-Determination	25 04 08
VOTING GROUPS	25 04 00
WAIVER OF	
Agreement Bar Rule	10 24 12
Challenge to Intervention	25 08 08
EO Rights	35 04 08
Exclusive Recognition	10 28 00
WITHDRAWAL OPPORTUNITY	20 16 12

WITNESSES	15 12 00	
LMSA Pers	05 12 04	
Obligations of Parties	15 20 00; 30 08 00;	
	35 08 04; 35 28 00	
Official Time	05 08 00; 35 08 04	
Request for Appearance	15 20 00; 35 08 04	
Testimony	15 20 00	
WORK AREA CAMPAIGNING	35 08 08; 35 08 12	
WORK STOPPAGE	40 24 00	



