

SUBCHAPTER C—FOREIGN SERVICE LABOR RELATIONS BOARD AND GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY

PART 1420—PURPOSE AND SCOPE

§ 1420.1 Purpose and scope.

The regulations contained in this subchapter are designed to implement the provisions of the Foreign Service Labor-Management Relations Statute. They prescribe the procedures and basic principles or criteria under which the Foreign Service Labor Relations Board or the General Counsel of the Federal Labor Relations Authority, as applicable, will:

(a) Supervise or conduct elections and determine whether a labor organization has been selected as an exclusive representative by a majority of the employees who cast valid ballots and otherwise administer the provisions of the Statute relating to the according of exclusive recognition to a labor organization;

(b) Resolve complaints of alleged unfair labor practices;

(c) Resolve issues relating to the obligation to bargain in good faith;

(d) Resolve disputes concerning the effects, the interpretation, or a claim of breach of collective bargaining agreement, in accord with 22 U.S.C. 4114; and

(e) Take any action considered necessary to administer effectively the provisions of the Foreign Service Labor-Management Relations Statute.

(Authority: 22 U.S.C. 4107(c))

[46 FR 45861, Sept. 15, 1981]

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AUTHORITY: 22 U.S.C. 4107(c).

SOURCE: 46 FR 45861, Sept. 15, 1981, unless otherwise noted.

§ 1421.1 Foreign Service Labor-Management Relations Statute.

The term *Foreign Service Labor-Management Relations Statute* means chapter 10 of title 1 of the Foreign Service Act of 1980, codified as chapter 41 of title 22 of United States Code.

§ 1421.2 Terms defined in section 1002 of the Foreign Service Act of 1980 (22 U.S.C. 4102).

(a) The terms *Authority*, *Board*, *collective bargaining*, *collective bargaining agreement conditions of employment*, *confidential employee*, *dues*, *exclusive representative*, *General Counsel*, *labor organization*, *management official*, *Panel*, and *person*, as used herein shall have the meaning set forth in 22 U.S.C. 4102.

(b) The term *Assistant Secretary* means the Assistant Secretary of Labor for Labor-Management Relations.

§ 1421.3 Exclusive recognition; Unfair labor practices.

(a) *Exclusive Recognition* has the meaning as set forth in 22 U.S.C. 4111; and

(b) *Unfair labor practices* has the meaning as set forth in 22 U.S.C. 4115.

§ 1421.4 Department.

Department means the Department of State, except that with reference to the exercise of functions under this Act

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with respect to another agency authorized by law to utilize the Foreign Service personnel system, such term means that other agency.

§ 1421.5 Regional Director.

Regional Director means the Director of a region of the Authority with geographical boundaries as fixed by the Authority.

§ 1421.6 Executive Director.

Executive Director means the Executive Director of the Authority.

§ 1421.7 Hearing Officer.

Hearing Officer means the individual designated to conduct a hearing involving a question concerning the appropriateness of a unit or such other matters as may be assigned.

§ 1421.8 Administrative law judge.

Administrative law judge means the Chief Administrative Law Judge or any administrative law judge designated by the Chief Administrative Law Judge to conduct a hearing in cases under 22 U.S.C. 4115, and such other matters as may be assigned.

§ 1421.9 Chief Administrative Law Judge.

Chief Administrative Law Judge means the Chief Administrative Law Judge of the Authority.

§ 1421.10 Secretary.

Secretary means the Secretary of State, except that (subject to 22 U.S.C. 3921) with reference to the exercise of functions under the Foreign Service Act of 1980 with respect to any agency authorized by law to utilize the Foreign Service personnel system, such term means the head of that agency.

§ 1421.11 Party.

Party means (a) any person: (1) Filing a charge, petition, or request; (2) named in a charge, complaint, petition, or request; (3) whose intervention in a proceeding has been permitted or directed by the Board; (4) who participated as a party (i) in a matter that was decided by an agency head under 22 U.S.C. 4105 or (ii) in a matter where action by the Grievance Board was taken; and (b) the General Counsel, or the

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General Counsel's designated representative, in appropriate proceedings.

§ 1421.12 Intervenor.

Intervenor means a party in a proceeding whose intervention has been permitted or directed by the Authority, its agents or representatives.

§ 1421.13 Certification.

Certification means the determination by the Board, its agents or representatives, of the results of an election.

§ 1421.14 Bargaining unit.

Bargaining unit has the meaning as set forth in 22 U.S.C. 4112 for the purpose of exclusive recognition under 22 U.S.C. 4111, and for purposes of allotments to representatives under 22 U.S.C. 4118.

§ 1421.15 Secret ballot.

Secret ballot means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§ 1421.16 Showing of interest.

Showing of interest means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions authorizing a labor organization to represent them for purposes of exclusive recognition; allotment of dues forms executed by an employee and the labor organization's authorized official; current dues records; and existing or recently expired agreement; current exclusive recognition or certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently recognized or certified labor organization; or other evidence approved by the Authority.