

## Federal Labor Relations Authority

## § 2421.21

### § 2421.12 Intervenor.

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

### § 2421.13 Certification.

*Certification* means the determination by the Authority, its agents or representatives, of the results of an election, or the results of a petition to consolidate existing exclusively recognized units.

### § 2421.14 Appropriate unit.

*Appropriate unit* means that grouping of employees found to be appropriate for purposes of exclusive recognition under 5 U.S.C. 7111, and for purposes of allotments to representatives under 5 U.S.C. 7115(c), and consistent with the provisions of 5 U.S.C. 7112. In determining an appropriate unit in a proceeding under part 2422 of this Chapter, for the eight offices listed in 3 U.S.C. 431(d)(2), employees shall be excluded from the unit if it is determined that such exclusion is required because of a conflict of interest or appearance of a conflict of interest or because of the President's or Vice President's constitutional responsibilities, in addition to the standards set out in 5 U.S.C. 7112.

[63 FR 46158, Aug. 31, 1998]

### § 2421.15 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.

### § 2421.16 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; an 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; employees' signed and dated petitions or cards indicating a desire that an election be held on a proposed consolidation of units; or other evidence approved by the Authority.

### § 2421.17 Regular and substantially equivalent employment.

*Regular and substantially equivalent employment* means employment that entails substantially the same amount of work, rate of pay, hours, working conditions, location of work, kind of work, and seniority rights, if any, of an employee prior to the cessation of employment in an agency because of any unfair labor practice under 5 U.S.C. 7116.

### § 2421.18 Petitioner.

*Petitioner* means the party filing a petition under part 2422 of this subchapter.

[60 FR 67291, Dec. 29, 1995]

### § 2421.19 Eligibility period.

*Eligibility period* means the payroll period during which an employee must be in an employment status with an agency or activity in order to be eligible to vote in a representation election under part 2422 of this subchapter.

[60 FR 67291, Dec. 29, 1995]

### § 2421.20 Election agreement.

*Election agreement* means an agreement under part 2422 of this subchapter signed by all the parties, and approved by the Regional Director, concerning the details and procedures of a representation election in an appropriate unit.

[60 FR 67291, Dec. 29, 1995]

### § 2421.21 Affected by issues raised.

The phrase *affected by issues raised*, as used in part 2422, should be construed broadly to include parties and other

## § 2421.22

labor organizations, or agencies or activities that have a connection to employees affected by, or questions presented in, a proceeding.

[60 FR 67291, Dec. 29, 1995]

### § 2421.22 Determinative challenged ballots.

*Determinative challenged ballots* are challenges that are unresolved prior to the tally and sufficient in number after the tally to affect the results of the election.

[60 FR 67291, Dec. 29, 1995]

## PART 2422—REPRESENTATION PROCEEDINGS

Sec.

- 2422.1 Purposes of a petition.
- 2422.2 Standing to file a petition.
- 2422.3 Contents of a petition.
- 2422.4 Service requirements.
- 2422.5 Filing petitions.
- 2422.6 Notification of filing.
- 2422.7 Posting notice of filing of a petition.
- 2422.8 Intervention and cross-petitions.
- 2422.9 Adequacy of showing of interest.
- 2422.10 Validity of showing of interest.
- 2422.11 Challenge to the status of a labor organization.
- 2422.12 Timeliness of petitions seeking an election.
- 2422.13 Resolution of issues raised by a petition.
- 2422.14 Effect of withdrawal/dismissal.
- 2422.15 Duty to furnish information and cooperate.
- 2422.16 Election agreements or directed elections.
- 2422.17 Notice of hearing and prehearing conference.
- 2422.18 Hearing procedures.
- 2422.19 Motions.
- 2422.20 Rights of parties at a hearing.
- 2422.21 Duties and powers of the Hearing Officer.
- 2422.22 Objections to the conduct of the hearing.
- 2422.23 Election procedures.
- 2422.24 Challenged ballots.
- 2422.25 Tally of ballots.
- 2422.26 Objections to the election.
- 2422.27 Determinative challenged ballots and objections.
- 2422.28 Runoff elections.
- 2422.29 Inconclusive elections.
- 2422.30 Regional Director investigations, notices of hearings, actions, and Decisions and Orders.
- 2422.31 Application for review of a Regional Director Decision and Order.
- 2422.32 Certifications and revocations.

## 5 CFR Ch. XIV (1–1–10 Edition)

2422.33 Relief obtainable under part 2423.

2422.34 Rights and obligations during the pendency of representation proceedings.

AUTHORITY: 3 U.S.C. 431; 5 U.S.C. 7134.

SOURCE: 60 FR 67291, Dec. 29, 1995, unless otherwise noted.

### § 2422.1 Purposes of a petition.

A petition may be filed for the following purposes:

(a) *Elections or Eligibility for dues allotment.* To request:

(1)(i) An election to determine if employees in an appropriate unit wish to be represented for the purpose of collective bargaining by an exclusive representative, and/or

(ii) A determination of eligibility for dues allotment in an appropriate unit without an exclusive representative; or

(2) an election to determine if employees in a unit no longer wish to be represented for the purpose of collective bargaining by an exclusive representative.

(3) Petitions under this subsection must be accompanied by an appropriate showing of interest.

(b) *Clarification or Amendment.* To clarify, and/or amend:

(1) A recognition or certification then in effect; and/or

(2) Any other matter relating to representation.

(c) *Consolidation.* To consolidate two or more units, with or without an election, in an agency and for which a labor organization is the exclusive representative.

### § 2422.2 Standing to file a petition.

A representation petition may be filed by: an individual; a labor organization; two or more labor organizations acting as a joint-petitioner; an individual acting on behalf of any employee(s); an agency or activity; or a combination of the above: *Provided, however,* that

(a) Only a labor organization has standing to file a petition pursuant to section 2422.1(a)(1);

(b) Only an individual has standing to file a petition pursuant to section 2422.1(a)(2); and

(c) Only an agency or a labor organization may file a petition pursuant to section 2422.1(b) or (c).