

Contents of Petition

5 CONTENTS OF A PETITION: Section 2422.3 sets forth the contents of petitions. This section outlines general information that is required to be submitted with every petition and gives guidance on specific information that the petitioner also submits with petitions filed for different purposes. [CHM 20](#) includes guidance on opening procedures and general and specific checklists for determining the sufficiency of a petition.

5.1 What to file: A petition is submitted on a form prescribed by the Authority and contains an original signature.

a. Petitions filed pursuant to § 2422.1(a), (b) and (c) that seek:

- (i) an election for exclusive recognition; and/or
- (ii) a determination of eligibility for dues allotment; or
- (iii) an election to decertify an exclusive representative; or
- (iv) a clarification of, and/or amendment to, a recognition or certification in effect or any other matter relating to representation; or
- (v) a consolidation of existing units

are filed on [FLRA Form 21](#).

b. Petitions filed pursuant to 5 U.S.C. 7111(f)(1) are also filed on FLRA Form 21.

The contents of the petition reflect what the petitioner is seeking and dictate its requirements. See [CHM 5.3 through 5.6](#).

c. Petitions filed pursuant to § 2426.1 for national consultation rights are filed on FLRA Form 24.

d. Petitions filed pursuant to § 2426.11 for consultation rights on government-wide rules or regulations are filed on FLRA Form 26.

5.2 Basic information required on FLRA Form 21: In accordance with § 2422.3 there is certain information that is common to all types of petitions that is provided on the petition form. This information includes:

a. The name and mailing address, including street number, city, state and zip code, for each activity or agency affected by issues raised

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in the petition. If the activity or agency is affiliated with an executive *department*, the name of the executive department is provided. §2422.3(a)(1)

NOTE: Section 2421.21 defines the phrase “affected by issues raised” as follows:

The phrase “affected by issues raised,” as used in Part 2422, should be construed broadly to include parties and other labor organizations, or agencies or activities, that have a connection to employees affected by, or questions presented in, a proceeding.

- b. The name, mailing address and work telephone number of the contact person for each activity or agency affected by issues raised in the petition. § 2422.3(a)(2)
- c. The name and mailing address, including street number, city, state and zip code, for each labor organization affected by issues raised in the petition. If a labor organization is affiliated with a national organization, the local designation and the national affiliation are both included. If the labor organization is the exclusive representative of any of the employees affected by the issues raised in the petition, item #8A of the petition form includes the date of the recognition or certification, and item #8B includes the date that any collective bargaining agreement covering the unit will expire, or the date that the most recent agreement did expire, if known. § 2422.3(a)(3)
- d. The name, mailing address and work telephone number of the contact person for each labor organization affected by issues raised in the petition. § 2422.3(a)(4)
- e. The name and mailing address, including street number, city, state and zip code, for the petitioner. If a labor organization is the petitioner and is affiliated with a national organization, the local designation and the national affiliation are both included. § 2422.3(a)(5)
- f. A description of the unit(s) affected by issues raised in the petition. The description reflects the geographic locations and the classifications of the employees sought to be included in, and sought to be excluded from, the unit(s). § 2422.3(a)(6)

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“Unit affected by issues raised” usually applies to the currently certified or recognized unit. This is particularly relevant in petitions seeking an election in a unit for which a labor organization already holds exclusive recognition. However, petitioners that seek an election in an unrepresented unit or a clarification or amendment [§ 2422.1(b)] may interpret this provision to require a description of the proposed unit. Either way is acceptable as long as the unit description complies with § 2422.3(a)(6).

- g. The approximate number of employees in the unit(s) which is affected by issues raised in the petition. § 2422.3(a)(7)
 - h. A clear and concise statement of the issues raised by the petition and the results which the petitioner seeks. § 2422.3(a)(8)
 - i. A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. § 1001), that the contents of the petition are true and correct to the best of the person's knowledge and belief. § 2422.3(a)(9)
 - j. The signature, title, mailing address and telephone number of the person filing the petition. § 2422.3(a)(10)
- < The petition requests the person signing the petition to name the party filing the petition also. As required in [CHM 5.2\(e\)](#) the petition must distinguish the party filing it from the representative who signs it, as required in [5.2\(j\)](#) (even though the person signing the petition may be the party filing the petition).
- < By signing the petition form, a labor organization/petitioner seeking exclusive recognition certifies that it has complied with 5 U.S.C. 7111(e) by submitting to the agency or activity and to the Department of Labor: 1) a roster of its officers and representatives, 2) a copy of its constitution and bylaws, and 3) a statement of its objectives.[See § 2422.3(b)]
- < By signing the petition form, a labor/organization/petitioner also certifies that it has served a copy of the petition on all parties known to be affected by issues raised in the petition (See § 2422.4).

NOTE: The requirement in § 2422.3(a)(8) to include a clear and concise statement of the issues raised by the petition and the results which a petitioner seeks dictate the purpose of the petition and thus, any other information that may be required. CHM 5.3 through 5.6 clarify additional information that is required for the particular petition being filed. These sections, which are repeated in CHM 20 expedite processing the petition. However, failure to provide this information does not prevent opening the petition, if the information that is provided

reasonably complies with § 2422.3. See [CHM 12](#) for “defective petitions” and [CHM 20](#) and [23](#) for “investigating petitions.”

5.3 Contents of petitions seeking a representation election: These petitions seek an election to determine if employees in an appropriate unit wish to be represented for the purpose of collective bargaining by an exclusive representative:

- a. As stated in [CHM 5.2\(f\)](#), the petitioner describes the unit claimed to be appropriate for the purposes of exclusive recognition. The unit description reflects generally the geographic locations and the classifications sought to be included and those to be excluded. See [CHM 28.13](#) for sample unit descriptions.
- b. The petition is accompanied by a showing of interest of not less than thirty percent (30%) of the employees in the unit claimed to be appropriate and estimate the number of employees in the unit.
- c. The showing of interest and an alphabetical list are attached to the petition.

See also [CHM 20.1.2](#) for a supplemental checklist.

5.4 Contents of petitions seeking a determination of eligibility for dues allotment: These petitions are filed for a determination of dues allotment in an appropriate unit without an exclusive representative.

- a. As stated [CHM 5.2\(f\)](#), the petitioner describes the unit claimed to be appropriate. The unit description reflects generally the geographic locations and the classifications sought to be included and those to be excluded. See [CHM 28.13](#) for sample unit descriptions.
- b. The petition is accompanied by a showing of membership of not less than ten percent (10%) of the employees in the unit claimed to be appropriate and estimate the number of employees in the unit.
- c. The showing of membership and an alphabetical list are attached to the petition.

See also [CHM 20.1.3](#) for a supplemental checklist.

5.5 Contents of petitions seeking an election to decertify the incumbent exclusive representative:

These petitions seek 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.

- a. As stated in [CHM 5.2\(f\)](#), the petitioner describes the current unit.
- b. The petition is accompanied by a showing of interest of not less than thirty percent (30%) of the employees in the unit reflecting that the employees no longer desire to be represented for the purposes of collective bargaining by the currently recognized or certified labor organization and estimate the number of employees in the unit.
- c. The showing of interest and alphabetical list are attached to the petition.

See also [CHM 20.1.4](#) for a supplemental checklist.

5.6 Contents of petitions to clarify, and/or amend (1) a certification in effect; and/or (2) any matter relating to representation: As described in [CHM 3.3.2](#), these petitions serve a variety of purposes.

- a. As stated in [CHM 5.2\(f\)](#), the petitioner describes the currently certified unit(s) affected by issues raised by the petition.
- b. The petitioner identifies all parties affected by issues raised by the petition, including all parties to any exclusive bargaining relationship(s) so that the affected parties receive proper notification of the petition.
- c. Section 2422.3(a)(8), as outlined in [CHM 5.2\(h\)](#) requires that the petition include a clear and concise statement of the issues raised by the petition and the results the petitioner seeks. Typical information includes, but is not restricted to, the following:
 - (1) Petitions requesting to clarify the bargaining unit status of certain employees/positions contains a description of the present unit and the date of recognition or certification; the proposed clarification; the title of the position(s) sought to be clarified, and the name(s) of the incumbent(s) currently occupying the positions. The petitioner provides a detailed explanation of the reasons supporting the request. There are certain exceptions to the rule that only positions which are occupied can be clarified. For additional information, see *RCL 15* and [HOG 51](#).

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- (2) Petitions requesting to amend a recognition or certification in effect also contain a description of the present unit(s) and the date(s) of recognition or certification (including the case number if known); the proposed amendment; and a statement of reasons in support of the proposed amendment.
- (3) Petitions requesting to clarify or amend any matter relating to representation attach:
 - (i) a description(s) of the present unit(s) for which the petitioner seeks clarification;
 - (ii) a detailed explanation of the reasons to support the party's(ies') questions relating to the continued appropriateness of an existing unit(s);
 - (iii) a statement outlining the issues raised, if known;
 - (iv) the proposed results, if known. If the petition is filed jointly, the parties may not agree on the proposed results. In this scenario, the petition reflects the parties' various positions.

See also [CHM 20.1.5](#) for a supplemental checklist.

5.7 Contents of petitions to consolidate existing units: These petitions seek to consolidate two or more units, with or without an election, in an agency and for which a labor organization is the exclusive representative.

- a. As stated in [CHM 5.2\(f\)](#), petitioner(s) seeking to consolidate existing units describe the unit claimed appropriate for exclusive representation and estimate the number of employees in the proposed consolidated unit;
- b. An attachment includes a description of each existing exclusively recognized unit encompassed by the petition, the dates of recognition or certification (including case number if known), the name(s) and address(es) of the exclusively recognized labor organization(s) involved, and the approximate number of employees in each unit;

See also [CHM 20.1.6](#) for a supplemental checklist.

- 5.8 Information requested on [FLRA Form 24](#), National Consultation Rights, and [FLRA Form 26](#), Consultation Rights on Government-Wide Rules and Regulations:** As noted at [CHM 3.5.2](#) of this manual, [CHM 57](#) has been set aside exclusively for a discussion of processing these petitions in accordance with Part 2426 of the regulations.
- 5.9 Letters seeking to disclaim interest:** Regional Offices may receive letters from labor organizations that seek to disclaim interest in representing employees in a unit for which they hold exclusive recognition. These letters are, in effect, a request by the exclusive representative to clarify an existing unit to reflect that it no longer represents the employees in a unit for which it was granted exclusive recognition. The Regional Office **may not** docket these letters as a case. The region contacts the labor organization seeking to disclaim representational interest and provides pre-filing assistance as discussed in [CHM 2.3](#), including assisting in drafting the petition.

In the event a disclaimer is filed properly on a petition form, see [CHM 20.1.7](#) for a supplemental checklist.

- 5.10 Contents of petitions seeking to decertify an incumbent labor organization based on claims that the labor organization is subject to corrupt influences pursuant to 5 U.S.C. 7111(f)(1):** The regulations do not expressly provide for this type of a petition. However, as the Authority's decision in *NYNG*, 53 FLRA 111 (1997) makes clear, the filing of a section 7111(f) petition requesting decertification is consistent with the Statute. In *USIA*, 53 FLRA 999 (1997), the Authority held that a bargaining unit member's petition for decertification pursuant to section 7111(f), unlike a decertification petition filed pursuant to section 7111(b)(1)(B), will be considered to have been properly filed without the need for a showing of interest. In all other respects, such a petition is processed according to the regulations concerning petitions which do not require an election. (*USIA* at 1004).

Follow [CHM 5.6](#) for contents of petitions seeking to decertify an incumbent exclusive representative pursuant to 5 U.S.C. 7111(f)(1). In addition to the information required on the petition form, the petitioner includes evidence that it has obtained an initial third party determination that establishes a reasonable cause to find corrupt and anti-democratic influences. See [CHM 20.1.8](#), [23.9.3](#), *RCL 10B* and *HOG 46B*.

