

56 ***Employees engaged in personnel work***

Section 7112(b)(3) of the Statute excludes from an appropriate units "an employee engaged in personnel work in other than a purely clerical capacity." Employees are considered "personnelists" under section 7112(b)(3) if their inclusion in the unit would result in a conflict of interest between work duties and union membership.

For detailed guidance on this topic, see RCL 20.

Relevant information:

- 1) Documentation, such as organizational charts, of the activity, locating where the alleged federal personnelist is found on the chart.
- 2) Evidence and documentation as to the actual duties of the employee, focusing especially upon the employee's assigned tasks that result in the employee being involved in federal personnel work. Obtain copies of the employee's position description and performance standards.
- 3) Describe the nature of the involvement by this person in the preparation and processing of personnel actions including hiring, adverse actions, promotions, pay increases, transfers, demotions, awards, performance appraisals, and training. The party(ies) focus the employee's testimony on the extent of independent judgment exercised by that employee in the performance of these duties.
 - a) What does this employee do to initiate these forms? How independently is this person functioning in this process?
 - b) What does the employee do in the review of these forms? Is this person reviewing these forms prior to their issuance, for accuracy?
 - c) What is this employee's involvement in the filing or distribution of completed forms.
- 4) Describe the nature of the employee's involvement in the creation of personnel policies or activity policies.

- a) Copies of any such policies are helpful, as is a description of the individual's participation in their formulation.
- 5) Describe the records and information about unit employees to which the employee has access and for what purpose?
- 6) Describe how the employee advises supervisors and managers in personnel matters, such as disciplinary matters, responding to grievances, etc.
- a) Copies of personnel actions, grievance responses, or other documents which reflect this involvement are helpful, as is a description of the employee's participation in their formulation.
 - b) Copies of any personnel or staffing studies conducted by the employees is entered in the record, along with testimony of the employee's participation in the studies.
- 7) Does the individual counsel employees on personnel matters, such as retirement benefits, insurance benefits, etc.
- a) Copies of documents which reflect this assistance to employees are helpful, as is a description of the individual's work in these matters.
 - b) The employee explains any independent judgment s/he exercises in this counseling on the record.
- 8) What is this employee's involvement in the development or implementation of Equal Employment Opportunity programs at the activity?
- a) Describe any EEO studies conducted by the employee in these matters, studies in which contain recommendations as to the attainment of EEO goals are of particular importance.
 - b) Describe this employee's participation in the establishment of EEO hiring, educational or promotion goals for the activity?

- c) What is the extent of this person's involvement in the EEO counseling process?
- d) What is the extent of this person's involvement in the EEO investigative process?
- e) What is the extent of this person's involvement in the EEO adjudicatory or settlement process?

