

**SUBSTANTIVE ISSUES**  
**RCL 1 through RCL 14**

**1      *Appropriate unit determinations***

Appropriate unit issues arise in almost every representation case, including those involving elections, amendments and clarifications, dues allotment, consolidation and any other matter related to representation. Any case that concerns a question of representation requires an appropriate unit determination prior to proceeding to other issues. Section 7112(a) of the Statute sets out the criteria for determining whether a unit is an appropriate unit for exclusive recognition:

The Authority shall determine the appropriateness of any unit. The Authority shall determine in each case whether, in order to ensure employees the fullest freedom in exercising the rights guaranteed under [the Statute], the appropriate unit should be established on an agency, plant, installation, functional or other basis and shall determine any unit to be an appropriate unit only if the determination ***will ensure a clear and identifiable community of interest among the employees in the unit and will promote effective dealings with and efficiency of the operations of the agency involved.***

**A.      **Standard:**** The Authority will not find any unit to be appropriate for exclusive recognition unless the unit meets all three of the criteria set out in section 7112(a). In order for a unit to be found appropriate the evidence must show that:

- a)      the employees in the unit share a clear and identifiable community of interest;
- b)      the unit promotes effective dealings with the agency; ***and***
- c)      the unit promotes efficiency of the operations of the agency.

*See United States Department of the Navy, Fleet and Industrial Supply Center, Norfolk, Virginia, (FISC, Norfolk), 52 FLRA 950 (1997) citing Defense Mapping Agency, Aerospace Center, St. Louis, Missouri, 46 FLRA 502 (1992).*

**B. An Appropriate Unit:** Parties often succumb to the fallacy that there is a "most appropriate" unit. There is nothing in the Statute which requires a unit proposed for exclusive recognition to be the only appropriate unit or the most appropriate unit. The proposed unit meets the requirements of the Statute if it is an appropriate unit. See *American Federation of Government Employees, Local 2004*, 47 FLRA 969, 973 (1993) and *FISC, Norfolk*, 52 FLRA at 959, n.5. The Statute has no preference for any particular size or configuration of units. (For background information on the history of Federal sector bargaining units, see the Study Committee Report which led to the issuance of Executive Order 11491 in 1969, and as amended in 1975.)

**C. Overview:**

- < In making determinations under section 7112(a), the Authority examines the factors presented on a case-by-case basis. See *U.S. Department of the Air Force, Air Force Materiel Command, Wright-Patterson Air Force Base (Wright-Patterson AFB)*, 47 FLRA 602 (1993).
- < In order to be included in a separate appropriate unit, the evidence must demonstrate that the employees at issue have significant employment concerns or personnel issues that are different or unique from those of other employees in the gaining organization. The evidence must also demonstrate that the disputed employees have not been so integrated, either physically or functionally, with other organizational components that the establishment of a separate unit would cause undue unit fragmentation resulting in operational inefficiency and confusion in dealings between labor and management. *FISC, Norfolk*, 52 FLRA at 960.
- < A unit may be appropriate despite its small size or limited scope. The Authority may conclude that a small unit is appropriate where the employees are physically and operationally isolated and, thus, share a clear and identifiable community of interest separate and apart from other agency employees. *Defense Logistics Agency, Defense Contract Management Command, Defense Contract Management District, North Central, Defense Plant Representative Office-Thiokol, Brigham City, Utah (DPRO-Thiokol)*, 41 FLRA 316 (1991). (Authority found that disputed employees constituted a separate appropriate unit where: employees had specific local concerns that might result in grievances or bargaining issues unique to the facility; the facility commander had authority to address such grievances and bargaining matters; and the facility commander had responsibility for its day-to-day operations). See also *U.S. Department of Defense, Dependents Schools and Overseas Education Association*,

*NEA*, 48 FLRA 1076 (1993) and *General Services Administration, National Capital Region*, 5 FLRA 285 (1981).

- < Decisions regarding unit determinations are required to reflect the conditions of employment that exist at the time of the hearing rather than what may exist at the time in the future unless there are definite and imminent changes planned by the agency. *DPRO-Thiokol*, 41 FLRA at 327.
- < In applying the criteria of section 7112(a), the Authority may find that a small unit is not appropriate for exclusive recognition. For example, in *Department of Transportation, Federal Aviation Administration, New England Region (FAA)*, 20 FLRA 224 (1985), the Authority found that a proposed regional unit was not appropriate because the agency's overriding mission of air safety clearly demonstrated a community of interest equally shared by all air traffic control specialists nationwide.
- < There may be more than one unit configuration within an agency which would meet the statutory test set out in section 7112(a). In some instances, a self-determination election may be warranted, in which the employees vote on the unit, as well as exclusive representation. See *Department of Defense Dependents Schools*, 6 FLRA 297 (1981) and *Department of Defense, Department of the Army, 193<sup>rd</sup> Infantry Brigade Panama et al*, 17 FLRA 471 (1981).

#### **D. Community of Interest:**

Community of interest involves a commonality or sharing of interests between the employees in a unit. Its fundamental premise is to ensure that it is possible for the employees to deal collectively with management as a group. *FISC, Norfolk*, 52 FLRA at 960 citing *Department of Transportation, Federal Aviation Administration, Southwest Region, Tulsa Airway Facilities Sector (Tulsa AFS)*, 3 FLRC 235, 237 (1975), citing a task force report to President Kennedy, *A Policy for Employee-Management Cooperation in the Federal Sector*, November 30, 1961. Many different considerations may enter into a finding of community of interest.

- < The Authority has not specified the individual factors or the number of such factors necessary to establish that a clear and identifiable community of interest exists. Rather, the Authority examines the totality of the circumstances on a case-by-case basis. See *Department of Health and Human Services, Region II, New York, New York, et al, (DHHS)*, 43 FLRA

1245 (1992); *U.S. Department of Justice, Executive Office for Immigration Review, Office of the Chief Immigration Judge, Chicago, Illinois (OCIJ Chicago)*, 48 FLRA 620 (1993).

< In examining community of interest issues, the Authority looks at whether the employees in the proposed unit:

- are part of the same organizational component of the agency;
- support the same mission and are subject to the same chain of command;
- have similar or related duties, job titles and work assignments;
- are subject to the same general working conditions; and
- are governed by the same personnel and labor relations policies that are administered by the same personnel office. *FISC, Norfolk*, 52 FLRA at 961.

In addition, such factors as:

- geographic proximity;
- unique conditions of employment;
- distinct local concerns;
- degree of interchange between other organizational components; and
- functional or operational separation

may bear upon whether employees in the unit share a community of interest. See *U.S. Department of the Air Force, Air Force Material Command, Wright-Patterson Air Force Base (AFMC), Ohio*, 47 FLRA 602 (1993).

< In addition to examining where the proposed unit fits within the agency's operations, the Authority also determines the level at which various types of management authority is exercised in assessing whether employees share a clear and identifiable community of interest. See *OCIJ Chicago*, 48 FLRA 620 (employees of a field office shared community of interest where authority for day-to-day operations in almost all matters was at the field office level and agency field offices were geographically separate and served distinct geographic areas) and *FAA*, 20 FLRA 224 (1985) (employees in a proposed regional unit did not share identifiable community of interest separate and apart from employees nationwide where agency had centralized control of operations and uniform establishment and application of work requirements and personnel policies on a national basis).

## **E. Effective Dealings and Efficiency of Operations:**

Effective dealings and efficiency of operations factors are considered and decided as separate factors in any case which raises appropriate unit issues. The Authority requires that each of the appropriate unit criteria be given equal weight in order to foster the goal of a more effective and efficient government. Moreover, as first clarified by the Federal Labor Relations Council (FLRC), the Authority must affirmatively determine that any proposed unit of exclusive recognition satisfies each of the three criteria before that unit can properly found to be appropriate. *Department of Transportation, Federal Aviation Administration, Southwest Region, Tulsa Airway Facilities Sector (Tulsa AFS)*, 3 FLRC 235, (1975) and *FISC, Norfolk*, 52 FLRA at 961, n. 6.

These factors, therefore, are not dependent on the community of interest criteria, but often assess the same evidence on the record from a different perspective(s). See *Department of the Navy, Naval Computer and Telecommunications Area, Master Station-Atlantic, Base Level Communications Department, Regional Operations Division, Norfolk, Virginia, Base Communications Office -Mechanicsburg*, 56 FLRA 228 (2000) (the Authority found that the Regional Director did not separately evaluate and make explicit findings with respect to each of the criteria).

Application of these two factors requires consideration of the evidence in light of both management's and employee's interests. For instance, a finding that a proposed unit is appropriate also determines the extent of unit fragmentation within the Agency and establishes the level of recognition (the level at which bargaining must take place). See *CHM 28.14.2*. Evidence on these issues is frequently obtained through testimony related to effective dealings and efficiency of operations. Until recently, guidance on applying the second and third criteria for finding a unit appropriate was found primarily in Executive Order cases. The guidance in those cases was adopted by the Authority in *FISC, Norfolk*, 52 FLRA 950. Like community of interest issues, the Authority has not specified the precise factors or number of factors to consider in determining effective dealings/efficiency of operations issues.

### **Effective Dealings**

Effective dealings pertains to the relationship between management and the exclusive representative selected by unit employees in an appropriate bargaining unit. In assessing this requirement the Authority examines such factors as:

- < the efficient use of resources which might be derived from inclusion in other units;
- < the past collective bargaining experience of the parties;
- < the locus and scope of authority of the responsible personnel office administering personnel policies covering employees in the proposed unit;
- < the limitations, if any, on the negotiation of matters of critical concern to employees in the proposed unit; and
- < the level at which labor relations policy is set in the agency. *See Department of Transportation, Washington, D.C. (DOT)*, 5 FLRA 646 (1981); *Defense Supply Agency, Defense Contract Administration Services Region (DCASR), San Francisco, California, et al.*, 4 FLRC 669 (1976); *Department of State, Passport Office, Chicago Passport Agency, Chicago, Illinois (Chicago Passport Agency)*, 8 A/SLMR 946 (1978).

### **Efficiency of Operations**

Efficiency of operations concerns the benefits to be derived from a unit structure bearing a rational relationship to the operations and organizational structure of the agency. *FISC, Norfolk*, 52 FLRA at 961 *citing DCASR*, 4 FLRC 669 (1976). Factors examine the effect of the proposed unit on agency operations in terms of cost, productivity and use of resources. In *FISC, Norfolk* at 961, the Authority stated that: "a unit that bears a rational relationship to an agency's operational and organizational structure could result in economic savings and increased productivity to the agency." *See also Local No. 3, International Federation of Professional and Technical Engineers, AFL-CIO-CLC*, 7 FLRA 626, 627 (1982); *DOT*, 5 FLRA at 653; *Chicago Passport Agency*, 8 A/SLMR at 947- 948.

- < Where employees had specific local concerns which may result in grievances or bargaining matters unique to the facility, the facility commander had authority to address such grievances and bargaining matters as well as responsibility for day-to-day operations, and the agency was already engaged in labor relations dealings within another local level bargaining unit, the Authority held that there was nothing to prevent effective labor-management relations. *DPRO-Thiokol*, 41 FLRA 316.
- < The proposed field office unit was not so functionally integrated with other components of the agency that the establishment of a separate unit would

result in unwarranted fragmentation of units leading to operational inefficiency and confused labor relations dealings. *OCIJ Chicago*, 48 FLRA 620.

- < The proposed regional office unit would hinder effective dealings and efficiency of operations where the evidence showed that the unique mission of the agency would be adversely affected by collective bargaining at the level proposed. The proposed unit was not appropriate. *FAA*, 20 FLRA 224 (1985).
- < The Authority does not place “undue emphasis” on centralized agency control of personnel and administrative matters when deciding effective dealings/efficiency of operations issues. A certain centralization of personnel and administrative considerations is inherent in government service and is frequently found within agencies. The Authority has specifically cautioned against finding that a local unit would inhibit effective dealings and impede efficiency of operations merely because of centralized administrative and personnel matters within the parent agency. *DPRO-Thiokol*, 41 FLRA 316.
- < The Authority found a unit of all medical interns, residents and fellows employed by the Activity and paid by the Agency appropriate for exclusive recognition at the Activity level. The Authority found the employees shared a clear and identifiable community of interest and that the unit promoted effective dealings and efficiency of operations. The Authority noted that the Activity had the authority and capacity to conduct effective labor relations at the level of recognition and the unit conformed to the organizational and operational structure of the Activity. *Veterans Administration Medical Center, Brooklyn, New York*, 8 FLRA 289, 294 (1982).

#### **F. Impact of the Concept of Fragmentation on Unit Determinations:**

When considering the three criteria in making appropriate unit determinations, the Authority decides appropriate unit questions consistent with the policy of preventing further fragmentation of bargaining units and reducing existing fragmentation, thereby promoting a more comprehensive bargaining unit structure. *DCASR*, 4 FLRC at 677 and *Army and Air Force Exchange Service, Dallas, Texas (AAFES)*, 5 FLRA 657, 661-662 (1981) (Authority found proposed consolidated unit appropriate).

In *DCASR*, 4 FLRC 668 (1976), the FLRC elaborated on the principles enunciated in *Tulsa AFS* and considered the issue of fragmentation when deciding the appropriateness of units. In summarizing the responsibilities of the Assistant Secretary which flowed from section 10(b) of the Order, the FLRC stated at *DCASR* at 677:

Finally, and most importantly, the Assistant Secretary must make the necessary affirmative determinations that a unit clearly, convincingly and equally satisfies each of the 10(b) criteria in recognition of and in a manner fully consistent with the purposes of the Order, including the dual objectives of preventing further fragmentation of bargaining units as well as reducing existing fragmentation, thereby promoting a more comprehensive bargaining unit structure.

The legislative history of the Statute does not reflect that Congress intended to change the appropriate unit criteria or the analytical framework for deciding appropriateness unit issues in new or existing units affected by a reorganization. Decisions considered by the Authority have continued to carry over the principles and procedures for considering unit issues. *FISC, Norfolk* at 960. When applying the criteria enunciated in *FISC, Norfolk* to the facts of that case, the Authority stated that: “[i]n addition, we find that separating the employees of the Yorktown and Charleston Detachments into two very small units of exclusive recognition would result in the artificial and unwarranted fragmentation of an integrated organizational structure, thereby hindering the efficiency of the Activity’s operations.”

#### **G. Relevant Information:**

The information needed to make appropriate unit determinations is addressed in the **attached outline (also in HOG 37 which provides guidance about this topic at hearing)**. This outline is available at Figure 37.1 on the n:\figures subdirectory.

***NOTE: In a Decision and Order involving an appropriate unit question in an election petition, the Regional Director decides only whether the unit petitioned for in an election case or any alternative unit the petitioner has agreed to is appropriate. The Regional Director does not decide whether there is a more appropriate unit or whether the***

***Activity's proposed unit is appropriate if s/he finds that the petitioner's unit(s) are not appropriate. See Department of Transportation, Federal Aviation Administration, New England Region (FAA), 20 FLRA 224 (1985). See HOG 33.9.***

***Recent reference:***

*Securities and Exchange Commission, 56 FLRA 312 (2000).*



**REPRESENTATION OUTLINE I**  
(INFORMATION REQUIRED IN CASES INVOLVING  
APPROPRIATE UNIT QUESTIONS )

**1. BASIC REQUIREMENTS**

**A. Evidence**

1. **Standards.** Assertions by the parties are not evidence. Evidence is established through the testimony of witnesses, stipulations and exhibits admitted into the record.
2. **Necessity.** At the prehearing conference and during the hearing, the Hearing Officer will determine the necessity of the testimony of proposed witnesses and proposed exhibits and will identify additional witnesses whose testimony is required and additional exhibits necessary to a complete record.

**B. Witnesses**

1. **Standards.** The parties present witnesses who can testify to and answer questions concerning all facts and issues raised by the petition(s).
2. **Necessity.** All participants deemed necessary by the Hearing Officer will receive official time under section 7131 of the Statute. Any disputes over necessity of participants will be decided by the Hearing Officer.
3. **Knowledge.** Witnesses testify to and answer questions about their personal knowledge of the facts. Second-hand, third-hand or lesser knowledge reduces the relevance of the testimony.
4. **Reference to record.** All testimony during the hearing refers to specific exhibits which have been introduced into the record.
5. **Stipulations.** All stipulations are based on fact and include information and exhibits, as necessary,

establishing the facts of the matter and/or referencing exhibits already received in the record which support the factual basis of the stipulation.

**C. Testimony**

1. **Standards.** Witnesses testify to and answer questions about their personal knowledge of the facts and documents relevant to the issues of the case. When testifying about documents, the witnesses are generally those who authored or initiated the documents.
2. **Availability.** If witnesses with personal knowledge are not readily available, the parties identify those with direct knowledge and also name additional witnesses whose personal knowledge most nearly approximates the direct testimony described above.
3. **Identification.** The parties name all of their respective witnesses and the subjects about which each witness will testify prior to the prehearing conference. This allows the Hearing Officer to determine the necessity of the proposed testimony of these witnesses.

**D. Documents**

1. **Standards.** Documents may be accepted into the hearing record by joint submission, by stipulation of the parties, or by one of the parties.
2. **Identification and authentication.** Any exhibit introduced by a party is identified by and testified to by a witness or witnesses who has\have first-hand knowledge of the authenticity of the exhibit, the content of the exhibit, and factual matters concerning the exhibit.
3. **Regulations.** If a party proposes to introduce excerpts from agency regulations, the excerpts are authenticated as true and correct copies. In addition, if only a portion from a regulation is submitted, a copy of the whole regulation is available for review by the parties.

4. **Joint exhibits.** If the parties jointly introduce exhibits, all such exhibits may be referred to by witnesses and/or in briefs.
5. **Objections.** Any party objecting to the introduction of evidence should state the basis for the objection on the record. The Hearing Officer then allows the party proposing introduction of the evidence an opportunity to state a position. The Hearing Officer then rules on admissibility. Exceptions to overruled objections are automatically a part of the record. Thus, there is no need for the parties to state such exceptions.
6. **Stipulations.** Stipulations concerning the introduction of exhibits includes information demonstrating the factual basis of the stipulation and the relevance of the document.

## 2. **MISSION AND FUNCTION STATEMENTS**

- A. **Mission.** Agency statement of its basic mission. Activities' statements of basic mission(s).
- B. **Function.** Description of how each Activity functions (as needed).
  1. **Differences.** If a proposed unit involves employees of a particular Activity but a party asserts that the unit is broader or narrower, basic mission statements of all entities is entered into the record and testified to.
  2. **Mission and function.** Testimony is required from witness(es) knowledgeable about the mission and function of each Agency and Activity and the interrelationships between them.
  3. **Exhibits.** Obtain for the record copies of the mission and function statements from all affected Agencies, Activities/organizational components.

### 3. ORGANIZATION

- A. **Charts.** Organizational charts of Agency and Activity(ies), updated as necessary.
- B. **Identification.** Testimony concerning which Activity(ies) employ the employees involved in the petition and where in the organization the employees are located is crucial.
- C. **Commonality.** Testimony is required concerning shared mission and functions of organizations in which employees involved in the position are employed. Testimony specifically identifies where in those organizations the employees are located.
- D. **Geographic - Physical Location.**
1. **Organization.** What are the geographic locations in relation to the organization of the Activities? Do Activities have field organizations? Where?
  2. **Function.** Testimony matches the mission and function statements to the organizational charts, thereby showing each Activity's function and relationship to others. What is the organizational framework, beginning with the major organizational components and working down the chart? What does each component do? Similarities? Differences? Interrelationships?
  3. **Location.** Where are each of the employees involved in the petition physically located? How far are the separate locations from each other? Describe any interchange of work and employees between locations.
  4. **Numbers.** Obtain information concerning the numbers and types of employees at each agency / activity / organizational component. This can be established by having the Agency prepare an employee listing reflecting each employee's organizational placement, job title, series and grade, and unit eligibility.

#### 4. **DELEGATIONS OF AUTHORITY**

What authority has been delegated for bargaining, management, supervision, policy, procedure, regulation, administration, and personnel functions? At what level do these delegations exist? What is the effect of these delegations?

#### 5. **BARGAINING HISTORY**

- A. **Incumbents.** Obtain the complete name of each exclusive representative and description of each unit at each Activity.
- B. **Units.** Obtain copies of certifications/recognitions for each unit.
- C. **Contracts.** Obtain copies of the most recent collective bargaining agreements for each unit. What is the status of each such agreement, including the status of any negotiations?
- D. **Dealings.** What is the history of former or existing recognitions, including information as to elections, certifications and contracts. Obtain copies of all certifications, letters of recognition and contracts, for the proposed unit(s) and any other existing units of the agency. When were elections held, what groups of employees were involved and how many employees were affected? Did contracts automatically renew? At what level were negotiations held, both term negotiations and impact negotiations?

#### 6. **SUPERVISORY HIERARCHY**

- A. **Structure.** What is the supervisory structure at the Agency and at each Activity (as relevant) and the lines of supervisory authority within each Activity (and/or between Activities), using the organizational chart(s)?
- B. **Nature.** What is the extent and nature of supervisory duties and responsibilities within or between Activities? Who reports to whom? Who is responsible for specific supervisory functions within or between Activities?
- C. **Control.** Is supervision centrally or locally controlled within the organizational structure? Are there differences in the supervisory

controls between the Activities involved? Are supervisors responsible for common supervision over more than one work group?

## 7. JOB FUNCTIONS AND SKILLS

- A. **Positions.** Obtain copies of the position descriptions for the categories of employees involved in the petition.
- B. **Employees.** The Activity is required to compile listing(s) of all employees involved in the petition which show each employee's name, position title, classification, grade and location within the organization. Include a numerical table showing total numbers of employees by eligibility in each proposed unit.
- C. **Work.** Evidence includes the types of work performed by employees involved in the petition, including descriptions of job duties and actual work performed, the flow of work within and between Activities, and the qualifications and training necessary to perform the work.
- D. **Equipment.** Is special equipment needed to perform certain work? Where is this equipment located? Is training needed to operate the equipment? What is the availability of such training? Are opportunities for advancement and/or movement between positions affected by the availability of this equipment or training?
- E. **Differences.** How do work flow, job duties and/or necessary qualifications, equipment and training differ within and between Activities?

## 8. INTEGRATION OF OPERATION AND INTERCHANGE OF EMPLOYEES

- A. **Movement.** Testimony and documents showing personnel movement, policy and decision making flow, using organizational charts.
- B. **Commingling.** Whether and how employees and functions are commingled among different organizations within and between Activities.
- C. **Commonality.** Whether and in what ways components of the Activities have employees, supervisors and/or managers in

common, identifying the individuals involved using the organizational charts, employee listings, position descriptions, etc.

- D. **Work flow.** What is the flow of work processes, duties and responsibilities in relation to the mission(s)? Is there interrelationship or interdependence between components in work flow, processes or responsibilities?
- E. **Integration.** In what ways are employees and their job functions integrated within and between Activities? Are there frequent transfers of work and/or personnel? How is this accomplished? How is the work coordinated within and between Activities? Are employees required to apply for openings to cross organizational lines?
- F. **Operations.** Is there employee contact between components in performing or transferring work? What is the relative isolation of components? Obtain a description of mobility and interchange of employees between components. What is the extent of telephone contact or inter-component visits? What for? By whom? How often? Where to and from? How many people involved? Clearance necessary from another component to perform certain work?
- G. **Interchange.** Who substitutes for employees' absences for vacation or illness? Over the prior year or so, what is the extent, purpose and duration of TDY assignments? What category/classification of employee(s) have gone on this travel and for what purpose? Within the past three years, how many permanent or temporary transfers were made laterally or by promotion? What category/classification of employee(s) were transferred and for what reason? Have the numbers of transfers increased or decreased? If so, why?

## 9. **PERSONNEL POLICIES AND PRACTICES**

- A. **Pay systems.** Description of the pay systems applicable to all of the employees involved (GS, WG, Excepted Service, NAF, etc.), including descriptions of the differences between pay systems.
- B. **Payroll office.** Location of servicing payroll office? Placement within the organizational structure?

**C. Administrative Services**

1. **Personnel services.** Location of servicing personnel office? How is the personnel office staffed? Placement within the organizational structure? Who handles personnel management? Where does personnel management fit within the organizational structure? If there is more than one personnel office, are there differences in authority between personnel offices?
2. **Personnel actions.** Are personnel actions done centrally or locally? Who decides on hiring, firing, promotion, transfer, layoff, and recall of employees? How are these actions accomplished and these actions processed? Where do the entities performing these functions fit within the organizational structure?
3. **Employment and classification authority.** Who has classification authority for the employees involved in the petition? Who decides to establish positions, to fill vacancies, and what skills or training are needed for a position? How are vacancies filled? What are the differences within or between Activities?
4. **Retention, promotion and RIF.** What are the areas of consideration? How were these established? How have they been applied recently? What are the differences within and between Activities?
5. **Disciplinary and adverse action.** Who has authority to propose and decide such action? What are the differences within or between Activities?
6. **Personnel policies and regulations.** Are personnel regulations promulgated centrally or locally? What are the differences within and between Activities? To what extent do local officials have any discretion with respect to implementing policies and regulations initiated centrally?

- D. Personnel changes.** How are personnel moved between non-supervisory positions? From non-supervisory to supervisory positions? What are the differences in the ways changes are

accomplished within and between Activities?

**E. Employee services.** At what level are programs administered for equal employment, employee assistance, upward mobility, disability and workers compensation benefits, individual development, retirement, and health and life insurance? What are the differences in these programs within and between Activities?

**F. Conditions of Employment**

1. **Hours.** What are the hours of work of employees affected by the petition? Alternative Work Schedules, including whether employees work flexible schedules and/or compressed work weeks? Compensatory time? Starting and quitting times? Core hours? Restrictions on days off? Lunch hours? Break times? How were these established? What are the differences within and between Activities or organizations within each Activity?
2. **Training.** What training is required and/or available for the employees involved in the petition? What are the differences in training within and between Activities?
3. **Personnel.** At what level is the authority for personnel policy, service, and/or action? At what level are employee service programs provided? What are the differences in programs, services, and levels of authority within and between Activities?
4. **Associations.** At what level do associations exist such as Credit Unions, athletic, health or wellness groups, blood drives, literacy projects, and/or public school sponsorship? What are the differences within and between Activities?
5. **Impact.** All parties state specific positions concerning impact of the possible unit findings. What impact on the Agency/Activity is there from the various possible unit findings? What is the impact on employees?
6. **Factors.** What are the areas of consideration for hiring, promotion and RIF? Who issues vacancy

announcements? Who has the authority to hire, fire, lay off, transfer or promote? Who determines the compensation and salary structure for vacancies? Where are the OPF's maintained? Who rates performance and writes appraisals? Who reviews and approves the appraisals? Who has the authority to initiate disciplinary or adverse action? Who has the authority to issue travel orders, direct training of employees, grant incentive and achievement awards? Who assigns parking, determines break and leave schedules, approves leave, overtime and compensatory time? Who initiates personnel actions, personnel management programs, standards for performance evaluation and/or standards of personal conduct? Who determines the budget or is responsible for meeting a budget? Who has authority to negotiate and execute a collective bargaining agreement?

10. **EFFECTIVE DEALINGS**

Efficient use of resources derived from inclusion in existing units and negotiation in one unit rather than many units in segments of the activities.

- A. **History.** What is the history of collective bargaining dealings under the existing unit structure(s)? How have labor relations policy and labor relations authority been implemented and exercised respectively?
- B. **Grievances.** What are the formal, informal, negotiated and activity grievance procedures for employees involved in the petition? What is the past history of grievance processing?
- C. **Units.** In what way would the proposed units involved in the petition affect existing bargaining and grievance procedures? The parties are required to state their positions as to how the proposed units would promote effective dealings.
- D. **Authority.** What is the locus and scope of responsible personnel office(s)? Who handles the various personnel functions at present? How would the existence of the proposed units affect this authority? Are the employees involved special or unique because of job duties or work location in a manner which could affect the appropriateness of unit.

- E. **Limitations.** What is the extent of and who has authority to negotiate? What limitations are there on the authority of the petitioned-for Activity to negotiate? Are there any matters which could be negotiated if the unit were different from that proposed in the petition? Are there matters which could be negotiated only if the unit structure were different from that proposed? Why is this so?
- F. **Expertise.** What is the likelihood that personnel with greater labor relations experience will be available in the existing unit, the proposed unit or other possibly appropriate units? Who currently handles labor-management relations? Where in the organizational structure does this exist? At what level is labor relations consultation and support provided?
- G. **Policy.** At what level is labor relations policy set? How does the existence of multiple negotiated agreements, bargaining obligations, and grievance procedures affect labor relations dealings? Are employees performing essentially the same functions currently covered by different systems?
- H. **Training.** How and by whom are supervisors and managers trained in labor relations? Who decides on training requirements and those needing training? Where are the trainers located?

## 11. **EFFICIENCY OF AGENCY OPERATIONS**

Benefits to be derived from a unit structure bearing a rational relationship to the operational and organizational structure of the Activity.

- A. **Organization.** What, specifically, are the structure, chain of command, line of authority, and uniformity of personnel policy and practice considerations supporting the effectiveness of the various proposed units?
- B. **Structure.** What are the organizational structure, supervisory hierarchy, chain of command, authority over work functions, personnel and labor relations policies and dealings? Who reports to whom? What is the organizational structure of the personnel staff?
- C. **Authority.** Do personnel with operational authority also have labor relations authority? What are the differences within and between Activities?

- D. Benefits.** Why would any proposed unit be more beneficial than another proposed unit? How do the personnel policies and job benefits of employees differ within and between Activities?
- E. Resources.** How is the effective use of negotiation resources derived from the existing unit structure? How would the proposed units affect the use of these resources? What effect would the various proposed units have on cost of the labor-management program, hours spent administering the program, staffing requirements, etc.
- F. Impact.**
- 1. Views.** What are the parties' views of the impact of the proposed and/or other potentially appropriate units on efficiency of operations or the effectiveness of dealings?
  - 2. Agency operations.** What is the impact of the proposed unit structure on agency operations in terms of cost, productivity and use of resources?
    - a. Cost.** What savings or costs (in terms of labor relations personnel, productivity, etc.) result from the existing unit(s), proposed unit(s) or other possibly appropriate units? What effect would the proposed unit(s) have on the cost of the labor-management relations program, hours spent administering the program, staffing requirements, etc.?
    - b. Productivity.** What impact on productivity would result from the existing unit(s), proposed unit(s), other possibly appropriate unit(s), or the existence of one or several units. Productivity includes work performed by employees as it affects them if one unit were found appropriate versus several and work performed by the managerial, supervisory and labor-management staff.
- G. Fragmentation.** Would the proposed unit result in fragmentation? If so, how, and how would this affect agency operations?