

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

PART 2420—PURPOSE AND SCOPE

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

§ 2420.1 Purpose and scope.

The regulations contained in this subchapter are designed to implement the provisions of chapter 71 of title 5 and, where applicable, section 431 of title 3 of the United States Code. They prescribe the procedures, basic principles or criteria under which the Federal Labor Relations Authority or the General Counsel of the Federal Labor Relations Authority, as applicable, will:

(a) Determine the appropriateness of units for labor organization representation under 5 U.S.C. 7112;

(b) Supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit and otherwise administer the provisions of 5 U.S.C. 7111 relating to the according of exclusive recognition to labor organizations;

(c) Resolve issues relating to the granting of national consultation rights under 5 U.S.C. 7113;

(d) Resolve issues relating to determining compelling need for agency rules and regulations under 5 U.S.C. 7117(b);

(e) Resolve issues relating to the duty to bargain in good faith under 5 U.S.C. 7117(c);

(f) Resolve issues relating to the granting of consultation rights with respect to conditions of employment under 5 U.S.C. 7117(d);

(g) Conduct hearings and resolve complaints of unfair labor practices under 5 U.S.C. 7118;

(h) Resolve exceptions to arbitrators' awards under 5 U.S.C. 7122; and

(i) Take such other actions as are necessary and appropriate effectively

to administer the provisions of chapter 71 of title 5 of the United States Code.

[45 FR 3497, Jan. 17, 1980, as amended at 63 FR 46158, Aug. 31, 1998]

PART 2421—MEANING OF TERMS AS USED IN THIS SUBCHAPTER

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

SOURCE: 45 FR 3497, Jan. 17, 1980, unless otherwise noted.

§ 2421.1 Federal Service Labor-Management Relations Statute.

The term *Federal Service Labor-Management Relations Statute* means chapter 71 of title 5 of the United States Code.

§ 2421.2 Terms defined in 5 U.S.C. 7103(a); General Counsel; Assistant Secretary.

(a) The terms *person*, *employee*, *agency*, *labor organization*, *dues*, *Authority*, *Panel*, *collective bargaining agreement*, *grievance*, *supervisor*, *management official*, *collective bargaining*, *confidential*

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employee, conditions of employment, professional employee, exclusive representative, firefighter, and United States, as used in this subchapter shall have the meanings set forth in 5 U.S.C. 7103(a). The terms covered employee, employee, employing office, and agency, when used in connection with the Presidential and Executive Office Accountability Act, 3 U.S.C. 401 et seq., shall have the meaning set out in 3 U.S.C. 401(b), and 431(b) and (d)(2). Employees who are employed in the eight offices listed in 3 U.S.C. 431(d)(2) shall be excluded from coverage if the Authority determines that such exclusion is required because of a conflict of interest, an appearance of a conflict of interest, or the President's or Vice President's constitutional responsibilities, in addition to the exemptions currently set forth in 5 U.S.C. 7103(a).

(b) The term *General Counsel* means the General Counsel of the Authority.

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

[45 FR 3497, Jan. 17, 1980, as amended at 63 FR 46158, Aug. 31, 1998]

§ 2421.3 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.

(a) *National consultation rights* has the meaning as set forth in 5 U.S.C. 7113;

(b) *Consultation rights on Government-wide rules or regulations* has the meaning as set forth in 5 U.S.C. 7117(d);

(c) *Exclusive recognition* has the meaning as set forth in 5 U.S.C. 7111; and

(d) *Unfair labor practices* has the meaning as set forth in 5 U.S.C. 7116.

§ 2421.4 Activity.

Activity means any facility, organizational entity, or geographical subdivision or combination thereof, of any agency.

§ 2421.5 Primary national subdivision.

Primary national subdivision of an agency means a first-level organizational segment which has functions national in scope that are implemented in field activities.

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§ 2421.6 Regional Director.

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

§ 2421.7 Executive Director.

Executive Director means the Executive Director of the Authority.

§ 2421.8 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.

§ 2421.9 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 5 U.S.C. 7116, and such other matters as may be assigned.

§ 2421.10 Chief Administrative Law Judge.

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

§ 2421.11 Party.

Party means:

(a) Any labor organization, employing agency or activity or individual filing a charge, petition, or request;

(b) Any labor organization or agency or activity

(1) Named as

(i) A charged party in a charge,

(ii) A respondent in a complaint, or

(iii) An employing agency or activity or an incumbent labor organization in a petition;

(2) Whose intervention in a proceeding has been permitted or directed by the Authority; or

(3) Who participated as a party

(i) In a matter that was decided by an agency head under 5 U.S.C. 7117, or

(ii) In a matter where the award of an arbitrator was issued; and

(c) The General Counsel, or the General Counsel's designated representative, in appropriate proceedings.

[60 FR 67291, Dec. 29, 1995]