

Understanding Who's In the Bargaining Unit

Who is eligible to join a labor organization?

Most civilian employees are eligible to join a labor organization within DoD. However, under the Federal Service Labor-Management Relations Statute (Chapter 71 of Title 5), incumbents of the following positions are excluded from joining a labor organization:

- *Supervisors*
- *Management officials*
- *Confidential employees* [with regular access to confidential labor relations material]
- *Employees engaged in personnel work*
- *Employees engaged in national security work*
- *Employees involved in internal audit functions*
- *Professional employees* unless specifically provided for in the certification of representative issued by the Federal Labor Relations Authority (FLRA)

May an employee decline to join a labor organization?

During an election, an employee may vote against representation by a specific labor organization or against representation at all.

However, if a simple majority (51%) of the voting eligible employees, from a predefined group, vote in favor of a specific labor organization, the FLRA will issue a certification of representative. This certifies the labor organization as the exclusive representative of the entire predefined group of employees, including those who did not vote or who voted against representation.

Unit employees may elect to (or decline to) become dues paying members.

How do I know if one of my subordinate employees is in the bargaining unit?

Review the Bargaining Unit Status (BUS) code. The BUS code can be found in block 37 of the employee's most recent sf-50. The BUS codes are as follows

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| <i>7777</i> | <i>Eligible to join (but not in a bargaining unit)</i> |
| <i>8888</i> | <i>Ineligible to join a bargaining unit</i> |
| <i>Bargaining Unit Specific Code</i> | <i>In a bargaining unit</i> |

How are BUS code determinations made?

The Labor and Management Employee Relations (LMER) Division and/or Classification Division review the current duties of the position and determine whether the position falls within the definition of the bargaining unit. The definition of the bargaining unit is prescribed by the certification of representative.

Where can I go for additional assistance?

If you have questions regarding labor relations matters, please contact the WHS LMER Division at 703-699-1824.