

Section 2422.4—This section consolidates service requirements and applies to all documents unless the regulations specifically provide otherwise. The section includes 2 options concerning the service of supporting documentation. Under Option 1, supporting documentation, with the exception of showings of interest, would be served on all affected parties. Under Option 2, supporting documentation, with the exception of showings of interest, challenges to showings of interest, other challenges, and objections, would be served.

Section 2422.5—This section identifies the method for filing the new petition, including where to file, the number of copies to file, and the date of filing. The petitioner would have to file an original and 2 copies of the petition, rather than the current original and 4 copies.

Section 2422.6—This is a new section that ensures service of the petition on all entities that may have an interest in a proceeding. It provides that a Regional Director will notify interested parties identified in a petition and any other interested parties known to the Regional Director. This section does not alter the petitioner's service requirements contained in section 2422.4.

Section 2422.7—Under this section, as under current regulation, a Regional Director will direct an activity or agency to post a notice for 10 days advising affected employees and interested parties about a petition. However, as discussed in more detail in connection with section 2422.8, the posting of the notice no longer will establish the time period for filing intervention requests, challenges to the showing of interest, or other challenges to the proceeding.

Section 2422.8—This section would significantly change the current requirements for requesting intervention and filing cross-petitions. Timeliness for filing requests for intervention and cross-petitions is no longer subject to the 10-day posting period. Rather, the requests and filings are timely if filed either: (1) prior to the close of a hearing; or (2) if no hearing is held, prior to the approval of an election agreement or issuance of a Decision and Order. The section expands the criteria to qualify as an intervenor to allow all parties who are affected by issues raised in the petition to participate in a proceeding. Similarly, activities and agencies may qualify as intervenors if they employ any employees affected by issues raised in a petition.

Section 2422.9—This section defines the "adequacy of a showing of interest." This term is not defined in the current regulations. The section clarifies that

Regional Director decisions holding that a showing of interest is adequate are final and binding.

Section 2422.10—This section clarifies that Regional Director decisions holding that a showing of interest is valid are final and binding decisions. Time limits for filing challenges to the validity of a showing of interest are no longer tied to the 10-day posting period. Rather, challenges are timely if filed: (1) prior to the close of a hearing; or (2) if no hearing is held, prior to the approval of an election agreement or issuance of a Decision and Order.

Section 2422.11—Time limits for filing challenges to the status of a labor organization are no longer tied to the 10-day posting period. Rather, status challenges are timely if filed: (1) prior to the close of a hearing; or (2) if no hearing is held, prior to the approval of an election agreement or issuance of a Decision and Order. The section also clearly states the current requirement that the only basis on which such a status challenge may be made is alleged non-compliance with 5 U.S.C. 7103(a)(4).

Section 2422.12—This section lists the timeliness requirements for filing a petition seeking an election. There are no substantive changes in the election bar in subsection (a), the certification bar in subsection (b) or the bar rules in subsections (d) through (f). A new subsection (c) has been added to track case law concerning the filing of a petition during the time for agency head review under 5 U.S.C. 7114(c). See *Kansas Army National Guard, Topeka, Kansas*, 47 FLRA 937 (1993); *Fort Bragg Association of Teachers and U.S. Department of the Army, Fort Bragg Schools, Fort Bragg, North Carolina*, 44 FLRA 852 (1992); *U.S. Department of Defense, Defense Contract Audit Agency, Central Region and American Federation of Government Employees, Local 3529*, 37 FLRA 1218 (1990). Also, a new subsection (h) has been added to track case law concerning the requirements that a contract must meet to serve as a bar. See *U.S. Department of the Interior, Redwood National Park, Crescent City, California*, 48 FLRA 666 (1993); *U.S. Department of Health and Human Services, Social Security Administration*, 44 FLRA 230 (1992); *Florida (Air) National Guard, St. Augustine, Florida*, 43 FLRA 1475 (1992); *U.S. Department of Housing and Urban Development, Newark Office, Newark, New Jersey*, 37 FLRA 1122 (1990); *Department of the Army, U.S. Army Concord District Recruiting Command, Concord, New Hampshire*, 14 FLRA 73 (1984). These changes place in one section all requirements

concerning a contract as a bar to a petition seeking an election.

Section 2422.13—This is a new section highlighting the importance of discussions among the parties to narrow and resolve issues raised in a representation matter and the role of personnel in the Regional Offices in assisting parties in these discussions, both before and after the filing of a petition. Subsection (a) encourages all parties to meet prior to the filing of a petition to discuss and narrow the issues. If requested by all parties, Regional Office personnel also will participate in these meetings. Subsection (b) allows a Regional Director to require all affected parties to meet to attempt to narrow and resolve issues after a petition has been filed.

Section 2422.14—This section states the consequences of a withdrawal or dismissal of a petition seeking an election less than 60 days before the expiration of a contract covering the employees affected or anytime after the expiration of the agreement. The section now applies to all contracts, not just those having a term of 3 years or less. This section makes no substantive changes in the current regulations concerning consequences of withdrawal or dismissal of a petition seeking an election less than 60 days before the expiration of a collective bargaining agreement (subsection (a)); or such consequences when a petition seeking an election is withdrawn by the petitioner less than 3 days prior to a hearing, or after a Regional Director has approved an election agreement or directed an election (subsection (b)). However, in a departure from current regulation, a new subsection (c) bars an incumbent from seeking an election in a unit for which it has disclaimed interest within the previous 6 months.

Section 2422.15—This section requires all parties to furnish information concerning issues raised in a petition and to cooperate fully in an investigation, subject to dismissal of a petition or a request to intervene.

Section 2422.16—This section discusses election agreements and elections directed by a Regional Director. The section does not change the existing requirement that parties will be provided an opportunity for a hearing on other than procedural matters before a Regional Director directs an election.

However, the section reflects a significant change: after a hearing, if there are no questions regarding unit appropriateness, a Regional Director may issue a Direction of Election without issuing a Decision and Order. Thus, elections may be conducted