

38 Scope of unit (including residual units, add-ons, expanding and contracting units)

When applying the three appropriate unit criteria, section 7112(a) of the Statute also requires that the Authority will determine the scope of the proposed unit, that is, whether:

...the appropriate unit should be established on an agency, plant, installation, functional or other basis.

The scope of a unit involves a variety of appropriateness of unit issues. For instance, scope of unit questions may arise following reorganizations or when a union seeks exclusive recognition for a group of the agency's unrepresented employees. Scope of unit questions may also arise in petitions involving add-on elections to existing units, residual units, units of employees specifically excluded from existing units and expanding and contracting units.

In general, the relevant information in a case involving the scope of a unit is identical to that at issue in any case involving unit appropriateness. *See RCL 1 and HOG 37 - Appropriate Unit Determinations, Representation Outline I.*

Relevant Information:

- 1) Relevant information in a case turning on size or functional grouping includes the basic evidence necessary to make a determination of appropriateness of unit. *See section 37 - Appropriate Unit Determinations; Representation Outline I.* In addition, prior to a hearing on a petition for a unit limited to a functional grouping, the Hearing Officer researches all Authority decisions addressing that particular function, to determine the specific factors relied upon and to ensure that evidence concerning such factors is included in the record.
- 2) Information required in a case involving a residual unit includes information related to:
 - the location and description of all existing bargaining units within the Agency or Activity;
 - the organizational location, numbers types and grades of all remaining employees who are eligible for representation but are not represented.

The unrepresented employees are the employees that comprise the residual bargaining unit.

- 3) The appropriate unit criteria is analyzed in a unit the petitioner seeks to add-on to an existing unit to ensure that: 1) the petitioned-for unit is appropriate as a stand alone unit and 2) when combined with the existing unit, the overall unit is appropriate.
- 4) In any case involving an expanding unit, detailed information concerning the exact classifications and staffing levels anticipated is entered into the record, including any documentation or testimony as to management's timetable for hiring and goals for establishing a full complement of employees. The relevant factors include:
 - a) whether the job classifications were filled or substantially filled and representative;
 - b) whether the proposed successor was in substantially normal production at the time of the hearing;
 - c) the size of the complement on the date of normal production;
 - d) the time expected to elapse before a substantially larger complement will be at work; and
 - e) the relative certainty of the employer's expected expansion.
- 5) In any case involving a contracting unit, detailed information is obtained concerning management's plans to eliminate employees from the unit. In particular, the record includes evidence as to planned timetables for letting employees go and whether there are plans to reassign or rehire the employees in another classification.

For detailed guidance on this topic see RCL 2.