§ 28.111 Scope.
The Board shall consider, decide and order corrective action (as appropriate) in cases arising from the determination of appropriate units of employment for collective bargaining and cases arising from elections and certifications of collective bargaining representatives. Board decisions in these matters will be made with due regard for relevant provisions of GAO Orders and with the objective of insuring that the GAO labor relations program is consistent with Chapter 71 of Title 5, United States Code, which prescribes the standards for the labor relations program in the executive branch.

§ 28.112 Who may file petitions.
(a) Representation petitions may be filed by:
(1) A labor organization which wishes to be designated as the exclusive bargaining representative for the GAO employees in an appropriate unit, or by a labor organization which desires to replace another currently having that status;
(2) An employee or a group of employees (or an individual on his, her or their behalf) desiring a new election to determine whether a labor organization has ceased to represent a majority of employees in a unit;
(3) The GAO if it has a good faith reason to doubt that a majority of employees in the bargaining unit wish to be represented by the labor organization which is currently the exclusive representative of those employees;
(4) The GAO or a labor organization currently recognized as an exclusive representative desiring the Board to clarify an earlier unit determination or certification;
(5) Any person seeking clarification of, or an amendment to, a certification then in effect or any other matter relating to representation.
(b) Notwithstanding the provisions of paragraph (a) of this section, no petition may be filed which seeks representation rights for employees in a unit—
(1) Where an election has been held within the previous 12 calendar months and in such election a majority of the employees voting chose a labor organization for certification as the unit’s exclusive representative, or
(2) Where an existing collective bargaining agreement having a term of more than three years is in effect, unless the petition for recognition is filed not more than 105 days and not less than 60 days before the third anniversary or any subsequent anniversary of the collective bargaining agreement.


§ 28.113 Contents of representation petitions.
(a) The contents of representation petitions filed under §28.112(a)(1) (by a labor organization seeking to be designated as or replace an exclusive bargaining representative) shall consist of:
(1) A detailed identification of the unit of employees to which the petition applies, and their geographical location within the GAO, the classifications of employees to be included and excluded, and the number of employees in a unit;
(2) Names, addresses and officers of any other labor organizations known by the petitioner to be interested in representing employees covered by the petition, including a labor organization which is party to a current collective bargaining agreement covering any employees in the unit;
(3) Name, address, affiliation, if any, and telephone number of the petitioning organization;
Government Accountability Office § 28.114

(4) A copy of the constitution and by-
laws of the organization, a roster of the organiza-
tion's officers and representa-
tives, and a statement of the organiza-
tion's objectives, together with a state-
ment that these documents have also 
been supplied to the GAO;

(5) A declaration by the signer of the 
petition, under penalties of the Crimi-
nal Code (18 U.S.C. 1101), that the peti-
tion's contents are true and correct, to 
the best of his or her knowledge and 
belief;

(6) The signature of the representa-
tive of the petitioneer, including title 
and telephone number; and

(7) Membership cards, dues records, 
or signed statements by employees in-
dicating their desire to support the pe-
tition of the labor organization, or 
similar evidence acceptable to the 
Board, showing that at least 30 percent 
of the employees in the proposed unit 
support the representation petition.

(b) The contents of petitions filed 
under §28.112(a)(2) (by an employee or 
group of employees seeking an election 
to determine if a labor organization 
still represents a majority of employ-
ees in a unit) shall conform to those 
provided for in paragraph (a) of this 
section, except that the information 
required by paragraphs (a)(4) and (a)(7) 
of this section need not be supplied. 
Additionally, a petition under 
§28.112(a)(2) shall include evidence satu-
factory to the Board that at least 30 
percent of the employees in the unit 
support the petition to determine 
whether the employees wish to con-
tinue to be represented by the labor or-
ganization currently having bargaining 
rights.

(c) The contents of petitions filed 
der §28.112(a)(3) shall conform to 
those provided in petitions under para-
graph (a) of this section except that 
the information required by paragraphs 
(a)(4) and (a)(7) of this section need not 
be supplied. Additionally, such a peti-
tion shall include a detailed statement 
giving the objective considerations 
which support the GAO's good faith 
reason for doubting the labor organiza-
tion's continued status as the exclusive 
representative.

(d) The contents of petitions filed 
der §28.112(a)(4) (by GAO or a labor 
organization seeking clarification of a 
certification) shall include the infor-
mation required under paragraph (a) of 
this section, with the exception of the 
information required by paragraphs 
(a)(4) and (a)(7) of this section. Also, in-
stead of the information required in 
paragraph (a)(1) of this section, the pe-
tition shall identify the existing unit 
and the date the organization was re-
ognized by the GAO or certified as the 
exclusive representative, and shall ex-
plain the changes desired in the unit 
and the reasons therefor.

(e) Petitions under §28.112(a)(5) (by 
any person seeking clarification or 
amendment of a certification, or rais-
ing any other representation matter) 
shall be filed on forms to be supplied by 
the Board upon request.

[58 FR 65992, Nov. 23, 1993, as amended at 68 
FR 69303, Dec. 12, 2003]

§ 28.114 Pre-investigation proceedings.

(a) Upon the filing of a valid petition, 
the General Counsel may request GAO 
to notify employees as to the existence 
of the petition by posting a notice for 
at least 10 days in locations appro-
priately selected to reach all employ-
ees in the unit covered by the petition. 
The notice shall include a request that 
the Board's General Counsel be notified 
of the existence of any other interested 
parties.

(b) GAO shall supply the General 
Counsel with any information in its 
possession concerning other poten-
tially interested labor organizations, 
copies of relevant correspondence, and 
copies of existing or recently expired 
agreements covering any employees in 
the unit. The GAO shall also provide a 
list of employees it believes should be 
included in the unit together with 
their classifications and the names and 
classifications of those employees it 
proposes to exclude from the unit.

(c) All interested parties shall meet 
as soon as possible after the expiration 
of the 10-day posting period and shall 
attempt to resolve any issues in con-
troversy.

(d) A labor organization may become 
an intervenor in any representation 
proceeding by submitting to the Gen-
eral Counsel, within the 10-day period, 
evidence that it represents at least 10 
percent of the employees in the pro-
posed unit or that it is the exclusive