

NFFE Local 405 represented a unit of professional and nonprofessional employees at the former Aviation Troop Command (ATCOM), St. Louis, Missouri, from which 1,384 employees accepted transfer.

The issue is whether there is a question concerning representation regarding the former MICOM and ATCOM employees who have been transferred to AMCOM, or whether an election is unnecessary because of the relative number of employees in the respective former units, in which case all employees would be represented by the exclusive representative of the larger former unit.

B. The Regional Director's Decision

The Regional Director found that AMCOM's mission is a combination of the missions of ATCOM and MICOM. She found that separate units consisting of the former MICOM and ATCOM employees are no longer appropriate. The Regional Director further found that AMCOM is not a successor employer, and that the former ATCOM employees did not accrete to the unit represented by AFGE Local 1858.

The Regional Director directed an election among the former MICOM and ATCOM employees to determine whether they preferred to be represented by AFGE Local 1858, NFFE Local 405, or no labor organization. In directing the election, the Regional Director stated that the Authority has not defined when a group of employees represented by one labor organization will be "sufficiently predominant" over a number of employees in another unit so as to render unnecessary an election when the two groups are transferred to a new organization. The Regional Director then determined that in the circumstances, where AFGE Local 1858 represented 4,711 employees and NFFE Local 405 represented 1,384 employees, an election is necessary.

C. The Application for Review

AFGE Local 1858 filed the application for review, contending that review of the regional director's decision is warranted under 5 CFR 2422.31, because, among other things, there is an absence of precedent.

D. Questions on Which Briefs Are Solicited

The Authority granted the application for review under 5 CFR 2422.31(c). The Authority found that there is an absence of Authority precedent on two matters. First, it has not determined whether, in a situation where the possibility of accretion has not been recognized under Authority precedent because a

reorganization has rendered inappropriate separate, preexisting bargaining units represented by different unions, an election is always necessary to certify one of them as exclusive representative in the new, appropriate unit. Second, if the Authority were to develop such doctrine through application of the "sufficiently predominant" or some other test, it would be necessary to determine how to assess when one group is "sufficiently predominant" to render an election unnecessary.

The Authority directed the parties in the case to file briefs addressing the following questions:

1. Should the Authority's "successorship" and/or "accretion" doctrine be modified to apply to situations where more than one unit of employees represented by different exclusive collective bargaining representatives are transferred to (a) a *new entity* with a new mission or (b) a *new entity* with a mission that is a combination of the missions of previously existing organizations? If so, why, and what should the modification be?

2. Is a question concerning representation necessarily raised when more than one group of employees, represented by different labor organizations, are transferred to a newly established organization, and neither our current successorship doctrine nor our current accretion doctrine permits certification without an election? If not, is it consistent with the Statute and appropriate to apply the "sufficiently predominant" or some other doctrine to determine whether an election is not required?

3. If Authority doctrine is modified, what guidelines, numerical or otherwise, should the Authority use to determine whether a group represented by one labor organization is sufficiently predominant to render an election unnecessary?

As this matter is likely to be of concern to agencies, labor organizations, and other interested persons, the Authority finds it appropriate to provide for the filing of amicus briefs addressing these questions.

Dated: August 12, 1999.

For the Authority.

Peter Constantine,

Director of Case Control.

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FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 31, 1999.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Gregory W. Levenson*, Austin, Texas; to acquire voting shares of Las Vegas Bancorporation, Las Vegas, New Mexico, and thereby indirectly acquire voting shares of The Bank of Las Vegas, Las Vegas, New Mexico.

Board of Governors of the Federal Reserve System, August 11, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

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FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of