

Clarification of Unit in *INS*. Summaries of the cases follow. Copies of the Authority's complete decisions may be obtained by telephoning Gail D. Reinhart at the number listed above.

#### A. Background

##### 1. North Central Civilian Personnel Operations Center

American Federation of Government Employees, Local 15, AFL-CIO (Union), filed a petition seeking an election for representation of certain employees of the Department of the Army, North Central Civilian Personnel Operations Center (Activity), located at the Rock Island, Illinois Arsenal. The Activity provides staffing and classification services to Department of the Army (Agency) employees in the Agency's North Central region. During the processing of this petition, the Activity asserted that employees who performed personnel work for Agency employees outside the proposed bargaining unit should be excluded from the proposed unit under 5 U.S.C. 7112(b)(3), which excludes employees engaged in personnel work in other than a purely clerical capacity from bargaining units.

##### 2. *INS*

American Federation of Government Employees, Local 511, AFL-CIO (Union), filed a petition seeking to clarify the bargaining unit to include certain employees of the United States Department of Justice, Immigration and Naturalization Service, Washington, D.C. (Activity). During the processing of this petition, the Activity asserted that employees who performed personnel work for Activity employees outside the bargaining unit should be excluded from the bargaining unit under 5 U.S.C. 7112(b)(3).

#### B. The Regional Directors' Decisions

##### 1. North Central Civilian Personnel Operations Center

The Regional Director (RD) determined that the disputed positions were not excluded from the proposed unit under 5 U.S.C. 7112(b)(3) because these employees were not directly involved in performing personnel work affecting the proposed unit. Accordingly, the RD found that the inclusion of the disputed positions in the proposed unit would not create a conflict of interest between union representation and their job duties. Therefore, the RD concluded that the employees in the disputed positions are not engaged in personnel work within the meaning of 5 U.S.C. 7112(b)(3) and thus were not excluded from the proposed bargaining unit.

##### 2. *INS*

The RD determined that the disputed positions were excluded from the proposed unit under 5 U.S.C. 7122(b)(3). The RD found that the employees, who provide personnel services for Agency employees in bargaining units other than the unit in which the Union seeks to include them, perform internal personnel work that is directly related to the personnel operations of their Agency. Accordingly, the RD found that the inclusion of the disputed positions in the bargaining unit would create a conflict of interest between union representation and their job duties. Therefore, the RD concluded that the employees in the disputed positions are engaged in personnel work within the meaning of 5 U.S.C. 7112(b)(3) and thus were excluded from the bargaining unit.

#### C. The Applications for Review

##### 1. North Central Civilian Personnel Operations Center

The Agency filed the application for review, contending that review of the RD's decision is warranted under 5 CFR 2422.31(c), because the decision raises an issue for which there is an absence of precedent and there is a genuine issue over whether the RD failed to apply established precedent.

##### 2. *INS*

The Union filed the application for review, contending that review of the RD's decision is warranted under 5 CFR 2422.31(c), because the decision raises an issue for which there is an absence of precedent and there is a genuine issue over whether the RD failed to apply established precedent.

#### D. Questions on Which Briefs are Solicited

In each case, the Authority granted the application for review under 5 CFR 2422.31(c) and directed the parties to file briefs addressing the following questions:

Section 7112(b)(3) of the Statute provides that a bargaining unit is not appropriate if it includes "an employee engaged in personnel work in other than a purely clerical capacity." Does section 7112(b)(3) operate to exclude employees who perform personnel work concerning other employees of the same agency who are not included in the bargaining unit at issue? In this regard, does the term "personnel work" refer to personnel work of the agency or only to work that concerns other employees of the same bargaining unit?

Because this issue is likely to be of concern to the federal sector labor-management relations community in general, the Authority finds it appropriate to provide for the filing of

amicus briefs addressing these questions.

Dated: October 8, 2002.

For the Authority.

**Gail D. Reinhart,**

*Director, Case Control Office.*

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#### FEDERAL MARITIME COMMISSION

##### Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

*Agreement No.:* 011828.

*Title:* Yangming Marine Transport Corporation/Wan Hai Lines Ltd. (YM/WHL) Asia/U.S. Pacific Coast Slot Allocation & Sailing Agreement.

*Parties:* Yangming Marine Transport Corporation Wan Hai Lines Ltd.

*Synopsis:* The agreement authorizes Yangming to charter space to Wan Hai in the trade from ports on the U.S. West Coast, on the one hand, to ports in Asia, on the other hand. The parties request expedited review.

By Order of the Federal Maritime Commission.

Dated: October 8, 2002.

**Bryant L. VanBrakle,**

*Secretary.*

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#### FEDERAL RESERVE SYSTEM

##### Change in Bank Control Notices; Acquisition of Shares of Bank 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