



UNIONIZATION RIGHTS UNDER THE FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS STATUTE

The Congressional Accountability Act of 1995 (CAA) applies the Federal Service Labor-Management Relations Statute (FSLMRS) to the House, providing unionization and collective bargaining rights to House employees.

Under the FSLMRS, House employees have the right to unionize and collectively bargain with their employer for the terms and conditions of their employment. These terms may include, but are not limited to, working hours, working conditions, benefits, and grievance procedures.

Wages and salaries are subject to collective bargaining for some federal employees, but not for others. For the House, factors such as an employer's discretion to set wages and salaries, as well as budget considerations, can affect the legal determination of whether wages and salaries are subject to collective bargaining for a House employer.

UNION VS. COLLECTIVE BARGAINING UNIT (CBU)

A **collective bargaining unit** (CBU) is a group of employees with a common interest who are recognized as part of a union. The CBU can consist of both member and nonmember employees covered by a collective bargaining agreement.

A **union** is a labor organization formed by workers to negotiate over their working conditions. The union advocates on behalf of the employees and will negotiate with the employers through collective bargaining, usually through elected representatives, which are elected through the union's internal democratic election mechanisms.

HOW DO HOUSE EMPLOYEES UNIONIZE?



The unionization process consists of multiple steps to have a union recognized as the exclusive representative of a bargaining unit.

- 1) The first step is for the employees to informally determine the level of interest among employees eligible to be in the CBU about having a union represent them.
- 2) The employees provide the union with a "showing of interest," i.e., signatures of at least 30% of the employees of a proposed CBU.
- 3) If there is at least 30% interest among eligible employees, the next step is the union may file a petition with OCWR to hold an election to determine if employees wish to be represented by a particular union for collective bargaining.*
- 4) If a majority of employees in the unit vote in favor of a union, OCWR will certify the union as the employees' exclusive representative. The employer is then required to bargain in good faith over the terms and conditions of employment.

*The CBU can also petition to form its own labor union.



WHO IS ELIGIBLE TO JOIN THE UNION?

Current employees of the House who do not hold a management or supervisory position and who do not substantially contribute to management and policy decisions are eligible to be part of a CBU. Former employees and applicants are not eligible.

The workers in a CBU must share similar supervision and terms and conditions of employment.

The FSLMRS includes definitions of "management official" and "supervisor." Factors to determine whether an employee is a supervisor or management official include responsibility for formulating and determining office policies, and responsibility or influence over personnel actions like hiring, promoting, disciplining and removing employees. This determination is made on a case-by-case basis.

PROTECTIONS FOR UNIONIZING EMPLOYEES

The FSLMRS states that employees may exercise the right to form, join, or assist any labor organization, freely and without fear of penalty or reprisal. In addition, Section 208 of the CAA states that it shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against any covered employee because the employee has engaged in protected activity, which may include attempting to organize.