



UNITED STATES DEPARTMENT OF LABOR
ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS
PETITION

INSTRUCTIONS. File an original and 4 copies of this Petition with the Area Director, Labor-Management Services Administration, and a statement of any relevant facts not contained in this Petition along with a copy of all correspondence relating to the matters raised by the Petition. Upon filing the Petition, serve a copy of the Petition and of the accompanying material referred to above on each known interested party. If more space is required for any item, attach additional sheets, numbered according to the item to which they pertain. The showing of interest and an alphabetical list of names constituting such showing, as required by the Regulations of the Assistant Secretary, shall be filed with the original of the Petition, but shall not be furnished to any other party or person.

DO NOT WRITE IN THIS SPACE
CASE NO.
DATE FILED

The Petitioner, if a labor organization, states it has complied with Section 7(b) of Executive Order 11491, as amended.

A list (including names and addresses) of those upon whom service has been made should accompany the Petition.

1. PURPOSE OF THIS PETITION (Check one)

- RO - CERTIFICATION OF REPRESENTATIVE (Labor Organization Petition) - A substantial number of Federal employees wish to be represented for purposes of exclusive recognition by Petitioner and Petitioner desires to be certified as exclusive representative of employees.
 - RA - REPRESENTATIVE STATUS (Agency Petition) - The Agency has a good faith doubt that the currently recognized or certified labor organization represents a majority of the employees in the existing unit or that, because of a substantial change in the character and scope of the unit, it has a good faith doubt that such unit is now appropriate. Attach statement containing detailed explanation of the reasons supporting the good faith doubt.
 - DR - DECERTIFICATION OF EXCLUSIVE REPRESENTATIVE (Employee Petition) - A substantial number of Federal employees assert that the currently recognized or certified labor organization no longer represents a majority of the employees in the unit.
 - CU - CLARIFICATION OF UNIT (Agency or Labor Organization Petition) - Petitioner seeks clarification of an existing appropriate unit: (Check one) Previously recognized Previously certified in Case No. _____
 - AC - AMENDMENT OF RECOGNITION OR CERTIFICATION (Agency or Labor Organization Petition) - Petitioner seeks amendment of recognition or certification: (Check one) Previously recognized Previously certified in Case No. _____
- Attach statement describing the specific amendment sought and the reasons for the request.

2. INFORMATION CONCERNING ACTIVITY AND/OR AGENCY INVOLVED

A. NAME OF ACTIVITY AND/OR AGENCY
Department of Energy, Bonneville Power Administration

B. ADDRESS (Street and Number, City, State and ZIP Code)
P. O. Box 3621, Portland, Oregon 97208

C. PERSON TO CONTACT, TITLE
Richard A. Woodson, Labor Relations Officer

D. PHONE NO.
429-4853

E. IF PETITION INVOLVES AN ACTIVITY, NAME THE AGENCY OF WHICH THE ACTIVITY IS A PART
DOE, Bonneville Power Administration (DOE)

DESCRIPTION OF THE UNIT CLAIMED TO BE APPROPRIATE FOR THE PURPOSE OF EXCLUSIVE RECOGNITION (In CU Petition, describe PRESENT unit and attach description of proposed clarification and reasons for the request)

INCLUDED Activity-wide, Blue Collar

EXCLUDED GS and Professionals

4. A. APPROXIMATE NUMBER OF EMPLOYEES IN THE UNIT CLAIMED TO BE APPROPRIATE
PRESENT 1226
PROPOSED BY CU/AC 1226

4. B. IS THIS PETITION SUPPORTED BY 30% OR MORE OF THE EMPLOYEES IN THE UNIT?
 YES NO
*NOT APPLICABLE IN RA, CU AND AC

RECOGNIZED OR CERTIFIED LABOR ORGANIZATION (If unknown, or there is none, so state)

A. NAME (Local name and number, and national or international)
Columbia Power Trades Council

B. AFFILIATION, IF ANY
AFL-CIO

C. PHONE NO.

D. ADDRESS (Street and Number, City, State and ZIP Code)

E. DATE OF RECOGNITION OR CERTIFICATION
March 21, 1945

DATE OF EXPIRATION OF CURRENT AGREEMENT, IF ANY (Show month, day and year) (If unknown, or there is none, so state)
Indefinite Duration

LABOR ORGANIZATIONS OTHER THAN PETITIONER (and other than named in Item 5) WHICH HAVE SHOWN AN INTEREST IN REPRESENTING ANY OF THE EMPLOYEES IN THE UNIT SET FORTH IN ITEM 3 ABOVE (If unknown, or there is none, so state)

A. NAME (Local name and number, and national or international)	B. AFFILIATION, IF ANY	C. ADDRESS (Street and Number, City, State and ZIP Code)	D. PHONE NO.



UNITED STATES DEPARTMENT OF LABOR
ASSISTANT SECRETARY FOR LABOR MANAGEMENT RELATIONS
PETITION

INSTRUCTIONS: File an original and 4 copies of this Petition with the Area Director, Labor-Management Services Administration, and a statement of any relevant facts not contained in this Petition...

DO NOT WRITE IN THIS SPACE
CASE NO.
DATE FILED

The Petitioner, if a labor organization, states it has complied with Section 7(b) of Executive Order 11491, as amended.

A list (including names and addresses) of those upon whom service has been made should accompany the Petition.

1. PURPOSE OF THIS PETITION (Check one)

- RO - CERTIFICATION OF REPRESENTATIVE (Labor Organization Petition)
RA - REPRESENTATIVE STATUS (Agency Petition)
DR - DECERTIFICATION OF EXCLUSIVE REPRESENTATIVE (Employee Petition)
CU - CLARIFICATION OF UNIT (Agency or Labor Organization Petition)
AC - AMENDMENT OF RECOGNITION OR CERTIFICATION (Agency or Labor Organization Petition)

2. INFORMATION CONCERNING ACTIVITY AND/OR AGENCY INVOLVED

A. NAME OF ACTIVITY AND/OR AGENCY: Department of Energy, Bonneville Power Administration
B. ADDRESS: P. O. Box 3621, Portland, Oregon 97208
C. PERSON TO CONTACT, TITLE: Richard A. Woodson, Labor Relations Officer
D. PHONE NO.: 429-4853
E. IF PETITION INVOLVES AN ACTIVITY, NAME THE AGENCY OF WHICH THE ACTIVITY IS A PART: DOJ, Bonneville Power Administration (DOE)

3. DESCRIPTION OF THE UNIT CLAIMED TO BE APPROPRIATE FOR THE PURPOSE OF EXCLUSIVE RECOGNITION
INCLUDED: Activity-wide, Blue Collar
EXCLUDED: GS and Professionals

4. A. APPROXIMATE NUMBER OF EMPLOYEES IN THE UNIT CLAIMED TO BE APPROPRIATE
PRESENT: 1226
PROPOSED BY CU/AC: 1226
4. B. IS THIS PETITION SUPPORTED BY 30% OR MORE OF THE EMPLOYEES IN THE UNIT?
YES NO
*NOT APPLICABLE IN RA, CU AND AC

5. RECOGNIZED OR CERTIFIED LABOR ORGANIZATION (If unknown, or there is none, so state)

A. NAME: Columbia Power Trades Council
B. AFFILIATION, IF ANY: AFL-CIO
C. PHONE NO.
D. ADDRESS:
E. DATE OF RECOGNITION OR CERTIFICATION: March 21, 1945

6. DATE OF EXPIRATION OF CURRENT AGREEMENT, IF ANY (Show month, day and year) (If unknown, or there is none, so state)

Indefinite Duration

7. LABOR ORGANIZATIONS OTHER THAN PETITIONER (and other than named in Item 5) WHICH HAVE SHOWN AN INTEREST IN REPRESENTING ANY OF THE EMPLOYEES IN THE UNIT SET FORTH IN ITEM 3 ABOVE (If unknown, or there is none, so state)

Table with 4 columns: A. NAME, B. AFFILIATION, IF ANY, C. ADDRESS, D. PHONE NO. Row 1: None

8. FULL NAME OF PETITIONER (If labor organization, give local name and number, national or international, and affiliation, if any)

Raymond W. Gunter
ADDRESS: P. O. Box 3621, Portland, Oregon 97208
PHONE NO.: 429-4861

I DO CLAIM THAT I HAVE READ THE ABOVE PETITION AND THAT THE STATEMENTS THEREIN ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. WILLFULLY FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001).

BY (Type or print below the name of the representative or person filing the Petition)

Raymond W. Gunter
SIGNATURE: [Handwritten Signature]

ADDRESS: P. O. Box 3621, Portland, Oregon 97208

TITLE: Chief, Branch of Personnel Management
PHONE NO.: 429-4861
DATE: March 31, 1978

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL LABOR RELATIONS AUTHORITY
WASHINGTON, D.C.

Department of Energy,
Bonneville Power Administration,
Portland, Oregon

Activity-Petitioner

and

Assistant Secretary
Case No. 71-4770(AC)

Columbia Power Trades
Council, AFL-CIO

Labor Organization

DECISION AND ORDER AMENDING RECOGNITION

Upon a petition for amendment of recognition duly filed under section 6 of Executive Order 11491, as amended, a hearing was held before Hearing Officer Daniel P. Kraus on December 1, 1978. Thereafter, on July 19, 1979, the hearing was reconvened before Hearing Officer Robert G. Mayberry.

The functions of the Assistant Secretary of Labor for Labor-Management Relations under Executive Order 11491, as amended, in a matter such as here involved, were transferred to the Authority under section 304 of Reorganization Plan No. 2 of 1978 (43 F.R. 36040), which transfer of functions is implemented by section 2400.2 of the Authority's rules and regulations (45 F.R. 3482, January 17, 1980). The Authority continues to be responsible for the performance of these functions as provided in section 7135(b) of the Federal Service Labor-Management Relations Statute (92 Stat. 1215).

Therefore, pursuant to section 2400.2 of the Authority's rules and regulations and section 7135(b) of the Statute, the Authority has reviewed the rulings of the Hearing Officers made at the hearings and finds that no prejudicial error was committed. The rulings are hereby affirmed.

Upon the entire record in this case, including a brief filed by the Department of Energy, Bonneville Power Administration (Activity), the Authority finds: 1/

The Activity filed an Amendment of Certification (AC) petition seeking to amend the recognition granted the Columbia Power Trades Council (Council) by changing the name of the Activity from Bonneville Power Administration, Department of Interior, to Bonneville Power Administration, Department of Energy. The current collective bargaining agreement between the Activity and the Council dates from 1945 and contains the Activity's recognition of the Council as the exclusive representative of the Activity's hourly employees. The Council's unit of exclusive recognition has not been certified under the procedures of Executive order 11491, as amended. The Council asserts that the AC petition and the hearings in this matter are in violation of the savings clauses contained in Executive Order 10988, 2/ Executive Order 11491, as amended, 3/ and the Statute 4/ which preserve the continuity of the parties' negotiated agreement and the recognition contained therein. The Council argues that no harm would

1/ In conformity with section 902(b) of the Civil Service Reform Act of 1978 (92 Stat. 1224), the present case is decided solely on the basis of E.O. 11491, as amended, and as if the new Federal Labor-Management Relations Statute (92 Stat. 1191) had not been enacted. The decision and order does not prejudice in any manner either the meaning or application of related provisions in the new Statute or the result which would be reached by the Authority if the case had arisen under the Statute rather than the Executive Order.

2/ Section 15 of Executive Order 10988 provided:

Nothing in this order shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any agency and any representative of its employees. Nor shall this order preclude any agency from continuing to consult or deal with any representative of its employees or other organization prior to the time that the status and representative rights of such representative or organization are determined in conformity with this order.

3/ Section 24 of Executive Order 11491, as amended, provides, in pertinent part:

This Order does not preclude -- (1) the renewal or continuation of a lawful agreement between an agency and a representative of its employees entered into before the effective date of Executive Order No. 10988. . . .

4/ Section 7135 of the Statute provides, in pertinent part:

(a) Nothing contained in this chapter shall preclude -- (1) the renewal or continuation of an exclusive recognition, certification of an exclusive representative, or a lawful agreement between an agency and an exclusive representative of its employees, which is entered into before the effective date of this chapter. . . .

ensue if the petition were denied, because the parties already have agreed to alter their negotiated agreement wherein the recognition is contained by including the name change, and because denial of the petition would maintain the existing collective bargaining relationship which is the purpose of the savings clauses.

The Activity was established by the Bonneville Project Act of 1937, as amended, 16 U.S.C. secs. 832, 832a, 832b-832l. Under that Act, the office of Administrator of the Activity was constituted an office in the Department of the Interior and was under the jurisdiction and control of the Secretary of the Interior. In accordance with the Act, the Administrator of the Activity was appointed by the Secretary of the Interior, and his functions under the Act could be exercised by the Secretary of the Interior.

When the Department of Energy was created in 1977, the Department of Energy Organization Act, 42 U.S.C. secs. 7101-7352, 7152, transferred to the Secretary of Energy all the functions of the Secretary of the Interior and officers and components of the Department of the Interior with respect to the Bonneville Power Administration. The Activity herein was preserved as a separate entity within the Department of Energy, headed by an Administrator appointed by the Secretary of Energy. This transfer has not effected any change in the function, purpose, or mission of the Activity. During the 1979 contract negotiations between the Activity and the Council, tentative agreement was reached to change references to "Department of the Interior" in the parties' collective bargaining agreement to "Department of Energy," where applicable.

At the hearing in this matter, the parties stipulated that the Council's unit continues to be appropriate, and that there is no question concerning representation currently pending. Further, the parties agree that granting the petition for amendment of recognition would not change the size or composition of the bargaining unit.

Under all of the foregoing circumstances, the Authority concludes that it is not precluded by the saving clauses of Executive Orders 10988 and 11491, as amended, or the Statute, from amending the recognition, as requested. Those provisions were intended to maintain the viability of provisions in an agreement entered into before January 17, 1962, which would otherwise be limited or proscribed by constraints subsequently imposed. 5/ An AC petition cannot alter the bargaining relationship between parties or the viability of provisions in their collective bargaining agreement. Rather, it is an appropriate vehicle to conform a recognition to existing circumstances resulting from such nominal or technical changes as a change in the name of the exclusive representative or a change in the name or location of the agency or activity.

Nor does the fact that the parties have agreed to alter their negotiated agreement by including the Activity's name change warrant dismissal of the AC petition. Amendment of recognition by mutual agreement of the parties is without legal significance if done apart from the policies, regulations, and procedures established by the Authority. Thus, the only means by which the subject recognition could be amended is by an AC petition.

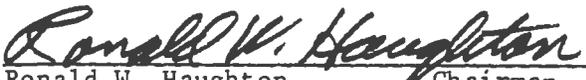
5/ Cf. Interpretation of the Order, FLRC No. 78P-2 (August 9, 1978).

Accordingly, because the case involves only a nominal or technical change which resulted from the transfer of the Activity from the Department of the Interior to the Department of Energy, the Authority shall order that the Council's exclusive recognition be amended to conform to the existing circumstances resulting from the change in the designation of the Activity.

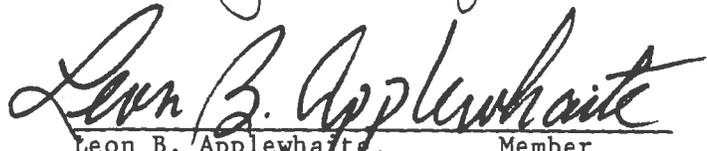
ORDER

IT IS HEREBY ORDERED that the exclusive recognition granted by the Activity to the Columbia Power Trades Council, AFL-CIO, and contained in the parties' current collective bargaining agreement, first negotiated May 2, 1945, be, and it hereby is, amended by substituting therein as the designation of the Activity: "Bonneville Power Administration, Department of Energy."

Issued, Washington, D.C., February 12, 1980


Ronald W. Haughton, Chairman


Henry B. Frazier III, Member


Leon B. Applewhite, Member

FEDERAL LABOR RELATIONS AUTHORITY