

**Office of Congressional Workplace Rights
LA 200, John Adams Building
110 Second Street, SE Washington, DC 20540-1999**

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 121)	
Petitioner,)	
and)	Case No. 24-LM-01
ARCHITECT OF THE CAPITOL)	
Respondent.)	

**Before the Board of Directors: Barbara Childs Wallace, Chair; Susan S. Robfogel;
Alan V. Friedman; Roberta L. Holzwarth; Barbara L. Camens, Members.**

DECISION OF THE BOARD OF DIRECTORS

This case is before the Board on a petition to amend the certification of representative (“petition”) filed by Local 121 of the International Brotherhood of Electrical Workers (“IBEW”), Local 121 (“Local 121” or “petitioner”). For the reasons that follow, we grant the petition.

I. Introduction and Background

The petitioner is a labor organization and is the duly-certified exclusive representative of the employees of the Office of the Architect of the Capitol (“AOC” or “employing office”) in the following unit:

All electricians employed in the Construction Division of the Architect of the Capitol, except all other employees; all professional employees; management officials; supervisors; and employees described in 5 U.S.C. §7112(b)(2), (3), (4), (6), and (7), as applied by the Congressional Accountability Act.¹

Local 121 seeks to amend the foregoing certification to substitute IBEW Local 1900 (“Local 1900”) for Local 121 as the certified exclusive bargaining representative. Local 121 asserts that it has now merged with Local 1900, and that the members belonging to the bargaining unit have voted in favor of changing their affiliation/certification to Local 1900.

¹ See Certification of Representative, *AOC & Local 121*, Case No. 08-LM-01 (July 1, 2008).

II. The Parties' Positions

The petitioner submits that the merger election complied with guiding case law precedent, afforded due process, and provided continuity of representation by Local 1900, with the merged entity maintaining service under the existing collective bargaining agreement.

The employing office does not oppose the petition.

III. Discussion

The Congressional Accountability Act in 1995 extends the rights, protections, and responsibilities of chapter 71 of the Federal Service Labor Management Relations Statute to employees of employing offices in the legislative branch. 2 U.S.C. § 1351(a)(1). Regarding the certification of exclusive representatives thereunder, the Federal Labor Relations Authority has ruled that, to amend the certification of an exclusive representative in an existing unit to reflect a change in affiliation or a merger, the procedures set forth in *Veterans Administration Hospital, Montrose, New York*, 4 A/SLMR 858 (1974), *review denied*, 3 F.L.R.C. 259 (1975) (“*Montrose*”) must be followed. *See Florida National Guard, St. Augustine, Florida*, 25 F.L.R.A. 728 (1987). These procedures were designed to ensure that an amendment of a certification of an exclusive representative in an existing unit conforms to the desires of the membership of that unit. *U.S. Dep’t of the Interior, Bureau of Land Mgmt., Phoenix, Ariz.*, 56 F.L.R.A. 202 (2000).

The Board has adopted the *Montrose* requirements and applied them in multiple cases. *See AFSCME Council 26 & AOC*, Case No. 18-LM-03 (RP), 2018 WL 3241523 (June 28, 2018), *AFSCME Council 26 & AOC*, Case No. 18-LM-02 (RP), 2018 WL 3241522 (June 28, 2018); *Int’l Bhd. Of Teamsters, Locals 246 et al. & U.S. Capitol Police Bd.*, Case No. 03-LM-02 (AC), 2004 WL 5658965, at *1 (Jan. 14, 2004) (“*Teamsters Local 246*”). Accordingly, to ensure that an amendment of certification conforms to the desires of a union’s membership, four procedural criteria must be met:

- (1) A proposed change in affiliation should be the subject of a special meeting of the members of the incumbent labor organization, called for this purpose only, with adequate advance notice provided to the entire membership;
- (2) the meeting should take place at a time and place convenient to all members;
- (3) adequate time for discussion of the proposed change should be provided, with all members given an opportunity to raise questions within the bounds of normal parliamentary procedure; and

(4) a vote by the members of the incumbent labor organization on the question should be taken by secret ballot, with the ballot clearly stating the change proposed and the choices inherent therein.

AFSCME Council 26, 2018 WL 3241523, at *2. The vote must be open to all union members in the affected unit but not to all members of the bargaining unit. *Bureau of Indian Affairs, Gallup, New Mexico*, 34 F.L.R.A. 428 (1990). There is no requirement that any specific number or percentage of members must cast ballots in order for an affiliation change to be effective. *Dep't of the Interior, Bureau of Land Mgmt., Reno, Nev.*, 66 F.L.R.A. 435, 445 (2012). There must, however, be union members in the unit and proof that the members were sent notice of the meeting. *Union of Fed. Emps.*, 41 F.L.R.A. 562, 574 (1991).

Having reviewed the record in this case and the circumstances culminating in the instant petition to amend this certification, we conclude that the requisite procedural requirements have been met. Specifically, the petitioner has presented uncontroverted evidence establishing that Local 121 provided advance written notice to the union members in the bargaining unit at issue that a series of meetings called for the sole purpose of discussing and voting on the merger of Local 121 with Local 1900 would be conducted at multiple locations on September 14, 19, and 20, 2023. Voting was conducted using secret ballots that clearly described the proposed change. The tally of that secret ballot vote established that the majority of the members who participated voted in favor of ratifying the merger and changing the certification. Based on the foregoing, we conclude that the procedural safeguards set forth in *Montrose* were satisfied.

The Board, in addition to considering the *Montrose* procedural requirements, must also be satisfied that any change in affiliation or merger does not affect continuity of representation. *Teamsters Local 246*, 2004 WL 5658965, at *1. Local 121's collective bargaining agreement with AOC remains in effect. Although Local 121's officers are no longer handling day to day operations, Local 1900 is administering the collective bargaining agreement and servicing the bargaining unit. These facts support a finding that the merger did not disrupt continuity of representation.

Based upon the foregoing, we find that the merger election and the subject petition satisfy the *Montrose* and continuity of representation factors discussed above. Accordingly, we shall grant the petition.

ORDER

The petition to amend the Certification in Case No. 08-LM-01 is hereby granted. The Certification of Representative is amended to substitute IBEW Local 1900 for IBEW Local 121.

It is so **ORDERED**.

Issued, Washington, DC, May 15, 2024.