

**PERSONNEL APPEALS BOARD
U.S. GOVERNMENT ACCOUNTABILITY OFFICE
WASHINGTON, D.C.**

In the Matter of)

GAO EMPLOYEES ORGANIZATION, IFPTE)
(Petitioner/Labor Organization))

-And-)

U.S. GOVERNMENT ACCOUNTABILITY OFFICE)
(Agency))

No. LMR-07-01

July 11, 2007

PREHEARING CONFERENCE REPORT AND ORDER

A prehearing conference was held in the above matter on Tuesday, July 3, 2007.

This Report and Order memorializes the determinations reached.

At the conference, it became clear that the parties would not be prepared to commence an efficient representation hearing as previously scheduled for July 17, 2007. The parties were instructed to meet and work toward agreement to the fullest extent possible, and to reach as many stipulations as possible, so as to narrow the issues remaining for the hearing. Moreover, the parties were advised to move forward as expeditiously as possible to complete matters related to hearing preparation. An interim calendar was set as follows.

By **July 17, 2007**, the Union can submit to the GAO a list of employees it wishes to interview, including a representative sampling of Band IIIs and members of the Senior Executive Service. The Agency has until **July 17, 2007** to produce documents requested by the Union. Any dispute over requested documents or interviews must be

filed in writing with the Clerk of the Board and served on the other party, **no later than July 18, 2007.**

The Union has until **July 24, 2007** to submit to the Board and to the GAO a written statement in support of its position that probationary employees may be excluded from the proposed bargaining unit without doing harm to the appropriateness of that unit and without effectively denying probationary employees their rights of self determination. GAO has until **July 31, 2007** to provide the Board and the Union with any response to the Union's statement.

At the conference, the revised prehearing and hearing schedule was tentatively set as follows:

A further prehearing conference will be held on **Tuesday, July 24, 2007** at **11:00 a.m.** to discuss stipulations and witnesses and to resolve any remaining dispute as to information gathering.

A final prehearing conference will be held on **Wednesday, August 22, 2007** at **11:00 a.m.**

Pursuant to Section 28.115 of the Regulations of the Personnel Appeals Board (4 C.F.R. §28.115), the representation hearing will commence at **11:00 a.m.** on **Monday, August 27, 2007,** at the **Personnel Appeals Board, UCP II Suite 560, 820 1st Street, NE, Washington, DC 20002.** The Administrative Judge will conduct a hearing to address issues raised by the Petition. The issues are set forth in the letter accompanying the Notice of Representation Hearing dated June 26, 2007. **The hearing will continue, as necessary, for consecutive business days through September 7, 2007.**

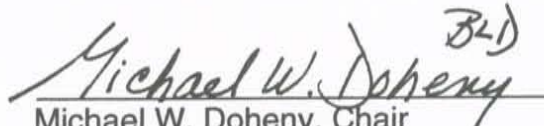
As previously stated, at the hearing the parties will have the right to appear in person, by counsel or other representative, to examine and cross-examine witnesses, to introduce into the record documentary and other evidence, and to enter into stipulations.

Other Matters

The Agency was ordered to not meet with individuals in the proposed bargaining unit with reference to the representation issue without the presence of the Union. The Agency's objection to this ruling was noted. Transcript at 35.

GAO was ordered to direct its employees to meet with the Union if so requested.

SO ORDERED.


Michael W. Doheny, Chair
Personnel Appeals Board

Dated: July 11, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Representation Hearing in Case No. LMR-07-01 and accompanying letter have been served in the manner indicated to the parties listed below.

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Patricia V. Reardon-King
Clerk of the Board