

D. USE OF AGENCY FACILITIES AND PREMISES DURING ORGANIZING CAMPAIGNS AND CHALLENGES

(1) Organizing Campaigns

In permitting labor organizations to use agency facilities for an organizing campaign, the following factors should be considered:

- (a) Where an agency's employees are located in an area not readily accessible, live on the agency's premises, or are widely dispersed, consideration should be given to the ability of outside nonemployee representatives to communicate with employees.
- (b) Facilities to conduct an organizing campaign must be provided on an equal basis to all labor organizations having "equivalent status," i.e., petitioners and intervenors in representation proceedings.
- (c) In a unit with an incumbent exclusive representative, the use of facilities by an outside labor organization to conduct an organizing campaign may not be granted unless the labor organization has filed a petition for or intervened in a representation proceeding.
- (d) In a unit with an exclusive representative, an outside labor organization must be afforded access to agency facilities or services for the purpose of communicating with employees when no other means of contact is available and the agency has determined that the requesting union has made a diligent, but unsuccessful, effort to communicate with employees²³; and
- (e) Before authorizing access to agency facilities by a labor organization for the purpose of solicitation and distribution of organizational or electioneering literature, the agency should reach a clear understanding with the organization on the duration, location, and nature of such activity.

(2) Challenges

(a) Use of Agency Facilities by Outside Labor Organizations

An agency may not grant the use of its facilities to an outside labor organization to solicit members or conduct an

²³ The FLRA has issued no decisions on this issue under CSRA. See, however the Authority's discussion of the issue in a case under EO 11491. Department of Transportation, Federal Aviation Administration, Washington, D.C., and Professional Airway System Specialists, 2 FLRA No. 48.