

ATTACHMENT 4D5

SAMPLE LETTER TO CHARGING PARTY RE: UNILATERAL SETTLEMENT AGREEMENT

(date)

Charging Party Rep.
(Name and Address)

Re: (case name and #)

Dear Mr./Ms. (Name):

Enclosed is a copy of the Settlement Agreement which I approved in the captioned case. By executing this agreement, the Charged Party has, among other things, agreed to (insert action(s)). You object to the Settlement Agreement because you believe that (insert reason(s)).

Pursuant to the General Counsel's policy regarding the settlement of unfair labor practice cases, Regional Directors have authority to approve settlement agreements unilaterally. In exercising this authority, Regional Directors consider certain criteria which includes, but is not limited to:

1. Does the agreement remedy the specific allegations of the complaint?
2. Does the agreement remedy the specific harm caused by the violation--to the individual and/or the institution?

3. Has the Charging Party raised valid objections to the agreement?
4. How does the agreement communicated to employees their rights under the Statute and communicate to affected employees the terms of the agreement?
5. What is the cost (time, resources, and travel) involved in litigating the case in relation to the nature of the violation?

Applying the above criteria to the facts of this case, I have concluded that approval of the Settlement Agreement effectuates the purposes and policies of the Statute. (Insert a couple of sentences explaining why).

The Charged Party will not implement the terms of this Settlement Agreement until after either the time for filing an appeal of my approval of this Settlement Agreement has expired, or the General Counsel has denied such appeal. At that time, I will instruct the Charged Party to implement to implement the terms of the Settlement Agreement.

You may file an appeal from the Regional Director's decision in this case. Include the Case Number in your appeal and address it to:

Federal Labor Relations Authority
Office of the General Counsel
607 14th Street, N.W.
Suite 210 Attn: Appeals
Washington, D.C. 20424-0001

You can file your appeal by mail or by hand delivery. Whichever method you choose, please note that the last day for filing an appeal of this Settlement Agreement is **(date)**. This means that an appeal that is mailed must be postmarked, or an appeal must be hand delivered, no later than **(date)**. Please send a copy of your appeal to the Regional Director.

If you need more time to prepare your appeal, you may ask for an extension of time. Mail or hand deliver your request for an extension of time to the Office of the General Counsel at the address listed above. Because requests for an extension of time must be **received** at least five days before the date the appeal is due, any request for an extension of time in this case must be **received** at the above address no later than (**date**).

The procedures, time limits, and grounds for filing an appeal are set forth in the Authority's Regulations at section 2423.11(c) through (e) (Volume 5 of the Code of Regulations). 5 C.F.R. § 2423.11(c)-(e). The regulations may be found at any Authority Regional Office, public law library, some large general purpose libraries, Federal Personnel Offices and the FLRA's Home Page internet site — **www.FLRA.gov**. I have also enclosed a document which summarizes commonly-asked questions and answers regarding the Office of the General Counsel's unfair labor practice appeals process.

Sincerely,

Regional Director

Enclosures

cc: Charged Party Rep.
(Name and Address)