



Federal Labor Relations Authority

STRATEGIC PLAN

Fiscal Years 2004-2009

Government Performance and Results Act of 1993

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I. INTRODUCTION

The Federal Labor Relations Authority (FLRA) is an independent administrative federal agency created when Congress enacted and the President signed into law, Title VII of the Civil Service Reform Act of 1978, the Federal Service Labor-Management Relations Statute (the Statute).¹ The Statute allows certain non-postal federal employees to organize, bargain collectively, and to participate through labor organizations of their choice in decisions affecting their working lives.²

Congress modeled the Statute after the National Labor Relations Act (NLRA), applicable to the private sector, however, the Statute differs from the NLRA in several ways, including the following: (1) Federal sector bargaining is generally limited to the way personnel policies, practices, and procedures are implemented whereas private sector bargaining generally includes wages, fringe benefits, and numerous other issues related to hiring, firing, promoting, and retaining employees; (2) Strikes and lockouts are prohibited; and (3) Federal sector employees are generally entitled to select a union to represent them, but cannot be compelled to join or to pay a fee for the representation that the union is required to provide.

The Statute defines and lists the rights of employees, labor organizations, and agencies so as to reflect the public interest demand for the highest standards of employee performance and the efficient accomplishment of the operations of the Government.³

This FLRA Strategic Plan supports the mission-oriented, agency-wide goal and objectives while recognizing and respecting statutory separation of powers between and among FLRA components. Performance evaluation indicators are designed to measure performance to ensure that disputes are resolved impartially and promptly.

II. AGENCY STRUCTURE AND ADMINISTRATION

The Statute establishes three distinct components within the FLRA: the Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel. The Authority and the Office of General Counsel are composed of three Members and one General Counsel, respectively, appointed by the President by and with the advice and consent of the Senate.⁴ The Federal Service Impasses Panel is an entity within the FLRA that is composed of a Chairman and at least six other members, appointed by the President.⁵

Under the Statute, the FLRA components have different and separate roles with respect to various legal proceedings. The responsibilities for agency-wide administrative functions such as purchasing, human resources, budgeting, finance, information technology, and the leasing of office space reside with the FLRA Chairman, who is, pursuant to section 7104(b) of the Statute an Authority component member designated by the President to serve as the FLRA's chief executive and administrative officer. The FLRA administrative law judges are under the general

¹ Public Law 95-454, 5 U.S.C. § 7101 *et seq.*

² The Postal Reorganization Act (Public Law 91-375, Aug. 12, 1970) governs labor-management relations in the Postal Service.

³ See generally, 5 U.S.C. § 7101(a)(2).

⁴ 5 U.S.C. § 7104(a) and (f)(1).

⁵ 5 U.S.C. § 7119.

supervision of the Authority. The immediate staffs of Authority Members, the General Counsel of the Authority, and the Federal Service Impasses Panel are under the general supervision of their respective members or component heads.

III. AGENCY MISSION AND STATUTORY RESPONSIBILITIES

The mission of the FLRA is to carry out five primary statutory responsibilities as efficiently as possible and in a manner that gives full effect to the rights afforded employees and agencies under the Statute. Under the Statute, the primary responsibilities of the FLRA include:

- determining the appropriateness of units for labor organization representation;⁶
- adjudicating exceptions to arbitrator's awards;⁷
- resolving complaints of unfair labor practices;⁸
- resolving impasses;⁹ and
- resolving issues relating to the duty to bargain.¹⁰

A. Representation Proceedings

Representation cases arise through the filing of a representation petition requesting: (1) an election to determine whether a labor organization represents a majority of agency employees in an appropriate bargaining unit; (2) clarification or amendment of an existing bargaining unit; or (3) consolidation of two or more bargaining units. An employee, group of employees, individual, labor organization acting on behalf of employees, or an agency may file a petition. The role of the FLRA in representation proceedings involves one or more of the following:

- investigate the petition;
- conduct a hearing, if necessary, to analyze matters raised in the petition;
- conduct an election, if warranted; resolve any post-election objections, and certify the results of the election;
- issue a decision and order resolving matters raised in the petition.

B. Unfair Labor Practices

Under the Statute and similar to the NLRA, the Authority and the General Counsel of the Authority have independent legal functions. The General Counsel of the Authority is solely responsible for investigating charges of unfair labor practice. The General Counsel exercises prosecutorial discretion in determining

⁶ 5 U.S.C. § 7112

⁷ 5 U.S.C. § 7122

⁸ 5 U.S.C. § 7118

⁹ 5 U.S.C. § 7119

¹⁰ 5 U.S.C. § 7117

whether to issue complaints with respect to a charge of unfair labor practice and to prosecute the complaint(s) before an FLRA administrative law judge. Unfair labor practice cases reach the Authority on appeal from an administrative law judge decision. The Authority, acting as a quasi-judicial body, decides the unfair labor practice case. The non-prevailing party may appeal the Authority's decision to the U.S. Court of Appeals.

C. [Arbitration Exception\(s\) Adjudication](#)

Either party to an arbitration may file one or more exceptions to the arbitral award with the Authority. The Authority reviews the case to determine whether the award is deficient - -

- because it is contrary to any law, rule, or regulation; or
- on other grounds similar to those applied by Federal courts in private sector labor-management relations;

If the Authority finds the arbitral award deficient, the Authority may take such action concerning the award as is necessary, consistent with applicable laws, rules, or regulations.

D. [Issues and Impasses Relating to Bargaining](#)

1. [Negotiation Impasses](#)

The role of the Federal Service Impasses Panel (FSIP) substitutes for the strike and the lockout in the Federal sector. The FSIP has broad statutory authority to resolve negotiation impasses over conditions of employment in the Federal sector. Once the FSIP asserts jurisdiction in an impasse, the parties are presented with one or more procedures for voluntary resolution of the impasse(s), including informal conferences, mediation, and arbitration. If the procedures selected do not result in a settlement, the FSIP may then take whatever final action is necessary to resolve the dispute, including the issuance of a Decision and Order. The Order is binding during the term of the parties' collective bargaining agreement unless the parties agree otherwise.

2. [Duty to Bargain Resolution](#)

Whereas an unfair labor practice is filed for objections to any bargaining over a subject and resolution of a negotiation impasse is sought for problems with results, negotiability disputes arise when there are questions regarding the legality of the matter at issue. Under the Statute, the Authority is charged with adjudicating negotiability disputes.

IV. GOAL AND OBJECTIVES

A. Goal

The FLRA has a single goal: To resolve disputes impartially and promptly.

B. Objectives

1. Representation Proceedings

- Investigate petitions promptly.
- Advise parties of agency rules, procedures, and established precedent.
- Where appropriate, conduct hearings and elections promptly.
- Afford appropriate administrative due process to the parties involved in questions concerning representation.
- Resolve representation questions in a timely manner.

2. Unfair Labor Practice Proceedings

- Investigate unfair labor practice charges promptly.
- Advise parties of agency rules, procedures, and established precedent.
- Conduct effective settlement programs.
- Where appropriate, conduct trials in a timely manner.
- Afford appropriate administrative due process to the parties involved in unfair labor practice disputes.
- Issue unfair labor practice decisions in a timely manner.
- Provide prompt and appropriate remedial relief when violations are found.

3. Arbitration Exceptions

- Screen exceptions promptly.
- Advise parties of agency rules, procedures, and established precedent.
- Afford appropriate administrative due process to the parties involved in arbitration exception disputes.

- Issue arbitration exception cases in a timely manner.

4. Negotiation Impasses

- Screen impasses promptly.
- Advise parties of agency rules, procedures, and established precedent.
- Assist the parties in voluntarily resolving negotiation impasses in a timely manner.
- Afford appropriate administrative due process to the parties involved in a negotiation impasse.
- Where necessary, promptly issue decisions resolving negotiation impasses.

5. Duty to Bargain Questions

- Screen duty to bargain questions promptly.
- Advise parties of agency rules, procedures, and established precedent.
- Afford appropriate administrative due process to the parties involved in a negotiation dispute.
- Issue negotiability determinations in a timely manner.

V. STRATEGIES AND MEANS

A. Strategies

- Establish time limits within which petitions, charges, exceptions, impasses, and duty to bargain questions shall be investigated and screened.
- Establish procedures ensuring that the parties are made aware of agency rules, procedures, and established precedent.
- Establish and administer programs and procedures to narrow and settle disputes.
- Establish time limits within which hearings and trials will be conducted.
- Establish procedures ensuring appropriate administrative due process is afforded to parties involved in disputes.
- Establish time limits within which decisions and resolutions will be issued.
- Establish procedures ensuring that violations are promptly and appropriately remedied.

B. Means

- Communicate agency goals throughout the agency and to the federal labor relations community.
- Adopt operational processes and work methods that will enable the agency to meet its goal and objectives.
- Develop and recruit staff that will enable the agency to meet its goal and objectives.
- Utilize and upgrade technology that will enable the agency to meet its goal and objectives.
- Allocate resources in a manner that will enable the agency to meet its goal and objectives.

VI. EXTERNAL FACTORS

The goal and objectives set forth in this strategic plan represent the agency's best effort to plan for the future. However, the agency's ability to accomplish its goal and objectives is dependent upon a number of external factors that are not within the agency's control:

A. Budget

Adequate funding for the maintenance of necessary staff and support functions is essential for attainment of the goal and objectives.

B. Case Intake

A relatively stable case intake is assumed. An unexpectedly large increase in the number or complexity of cases brought to the agency could imperil the agency's ability to meet its goal and objectives.

C. Presidential Appointees

The timely naming of Presidential appointees and their confirmation by the Senate is a factor that could impact the agency's ability to meet the goal and objectives set forth in this strategic plan.

D. Legislative Changes

Statutory changes to either the agency's enabling legislation or to other statutes that directly impact the agency could affect the agency's ability to meet its goal and objectives.

VII. PROGRAM EVALUATION

In developing the goal and objectives in this strategic plan, the agency has analyzed the needs and desires of the federal labor-relations community. The strategies described herein will enable

the FLRA to be more responsive to that community. In this regard, the FLRA will endeavor to shorten time it takes to resolve disputes and has determined that this can be accomplished by establishing time limits and procedures that will expedite dispute resolution. An improved and centralized case tracking system will assist the agency in monitoring the time it takes to investigate, screen, and resolve disputes. The FLRA will also attempt to ensure that parties are aware of the FLRA's rules, procedures, and precedent by ensuring that these matters are accessible on the agency's web site and by furthering the agency's e-government initiatives. Finally, the FLRA will ensure that parties are afforded appropriate administrative due process through the agency's rule-making authority enabling it to adopt and revise necessary regulations.