



FLRA NEWS

FEDERAL LABOR RELATIONS AUTHORITY - WASHINGTON, DC 20424

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FLRA INVITES CUSTOMER INPUT ON AN ARBITRATION ISSUE

The Federal Labor Relations Authority (FLRA) is inviting customer input on a significant issue arising in a case currently pending before the Authority: *U.S. Department of Veterans' Affairs, Michael E. DeBakey Medical Center, Houston, Texas, and American Federation of Government Employees (AFGE), Local 1633*, Case No. 0-AR-5354. The issues include whether there is a need for the Authority to reconsider its nearly exclusive reliance on the factors or criteria found in *Allen v. U.S. Postal Service*, 2 M.S.P.R. 420 (1980), when considering whether an award of attorney fees is in the "interest of justice" (5 U.S.C. § 7701(g)), and then, if reconsideration is warranted, what should the factors or criteria be, as adapted for the federal collective-bargaining context. As this matter is likely to be of concern to agencies, labor organizations, and other interested persons, the Authority finds it appropriate to provide for the filing of amici briefs addressing this matter.

Interested persons are asked to address the following questions, which are set forth in an "Opportunity To Submit Amici Curiae Briefs in an Arbitration Appeal Pending Before the Federal Labor Relations Authority," appearing in today's Federal Register:

What factors should the Authority consider when determining whether the statutory criteria for attorney fees are met in the federal collective bargaining context? What factors should the Authority not consider? For example, how should the Authority determine who is a "prevailing party" in the context of the interpretation of a collective-bargaining agreement?

In answering these questions, briefs should address: (1) The wording of the Federal Service Labor-Management Relations Statute and the Back Pay Act; (2) Any principles of statutory construction; (3) Any legislative history regarding 5 U.S.C. § 7701(g) and any other relevant provisions of the Statute or other applicable laws; and (4) The practical impact of suggested criteria that should be considered in light of the Statute's requirement that its provisions be interpreted in a manner consistent with the requirement of an effective and efficient government.

The Federal Register notice can be found [here](#). The Authority will consider briefs received on or before April 1, 2019. For additional information, contact Emily Sloop, Chief, Case Intake and Publication, at 202-218-7740.

The FLRA administers the labor-management relations program for 2.1 million non-Postal federal employees worldwide, approximately 1.2 million of whom are represented in 2,200 bargaining units. The FLRA is charged with resolving disputes under, and ensuring compliance with, the Federal Service Labor-Management Relations Statute.

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