



UNITED STATES OF AMERICA  
FEDERAL LABOR RELATIONS AUTHORITY  
Office of Administrative Law Judges  
Washington, D.C. 20424-0001  
771-444-5715, Fax: 202-482-6629

### **STANDING ORDER FOR SETTLEMENT JUDGE PROGRAM**

All parties to pending Unfair Labor Practice (ULP) Complaints are to be advised, pursuant to their respective Prehearing Notice and Orders, that any party may request the Chief Administrative Law Judge to assign an Administrative Law Judge or other appropriate official to conduct settlement negotiations prior to hearing through the Settlement Judge Program pursuant to 5 C.F.R. § 2423.25(d). The parties are further advised that *all parties will be mandated to participate* in the Settlement Judge Program if any party voluntarily requests to use the Program.

Please be advised that, representatives of all parties to any pending ULP case in which a voluntary request to use the Settlement Judge Program has been submitted are **HEREBY ORDERED** to participate in good faith in the Program concerning that case, **pending further orders** of the Chief Administrative Law Judge. The independent settlement official assigned to such case will be in contact with the designated representative of each party to schedule dates for the settlement negotiations.

Parties are reminded that they shall be prepared to discuss, narrow, and resolve the issues set forth in the Complaint and Answer, including settlement of the case or any other matter that may aid in the disposition of the case. The official conducting the settlement negotiations will not discuss any aspect of the case with the hearing judge, and furthermore no evidence regarding statements, conduct, offers of settlement, and concessions made in settlement proceedings shall be admissible in any proceeding before the hearing judge or the Authority, except by stipulation.

No later than seven (7) days before the settlement negotiations are scheduled to begin, parties shall submit to the assigned settlement official at [ulpsa@flra.gov](mailto:ulpsa@flra.gov) all relevant correspondence, including written settlement efforts to date. Parties may contact the settlement official at [ulpsa@flra.gov](mailto:ulpsa@flra.gov) before settlement negotiation begin with questions, concerns or information. The settlement official shall keep all such communication confidential to the party submitting such information unless such party stipulates otherwise.

Additional information regarding the Settlement Judge Program is attached hereto in Appendix A. A copy of this *Standing Order for Settlement Judge Program* shall be prominently posted upon the Office of Administrative Law Judges web page for public dissemination.

SO ORDERED this 2nd day of June, 2023 in Washington, D.C.

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DAVID L. WELCH  
Chief Administrative Law Judge

## APPENDIX A

### FLRA ULP Settlement Judge Program



Parties who use the FLRA's Settlement Judge Program consistently resolve a very high percentage of ULP cases to their mutual satisfaction. During a recent 18-month period, 97% settled after parties used the Settlement Judge Program.

The FLRA hosts settlement negotiations online. Parties incur no cost and retain control of the outcome, which can be achieved in weeks rather than months or longer. Even if not all issues are settled, resolving some of the issues can reduce the challenges and risks of litigation. Once a voluntary request is received, all parties will be required to participate in the settlement negotiations, but no party is required to compromise or relinquish any issue.

**REQUESTS.** Any party may request to use the Settlement Judge Program. Submit requests to [sjp@flra.gov](mailto:sjp@flra.gov) or by U.S. Mail to:

Chief Administrative Law Judge  
Office of Administrative Law  
Judges  
Federal Labor Relations Authority  
1400 K Street, NW  
Washington, DC 20424

Submit requests as soon as possible after a ULP complaint is issued.

Requests can be informal and need not be in the form of a motion or served on other parties, but it is often useful to notify other parties.

**HOW IT WORKS.** The Chief Judge assigns a settlement official who is someone other than the Judge assigned to hear the case (unless all parties agree otherwise). The professional staff of the FLRA's Collaboration and ADR Office (CADRO) most often serve as the Program's settlement officials.

The settlement official contacts each party, offers to answer questions about the process and schedules the settlement negotiations, which normally is two hours long and before prehearing disclosures are due. The settlement official helps discover ways to reach a negotiated resolution. Persons with full settlement authority must be present for each party or immediately available during scheduled settlement negotiations.

**ADMISSIBILITY.** The settlement official does not voluntarily disclose any aspect of the case to anyone in- or outside of the FLRA. No statement, conduct, offer of settlement, or concession made in connection with the settlement negotiations is admissible in any proceeding before the Judge or the Authority, except by stipulation of all parties. (Extraordinary circumstances can result in a request for a court order to disclose limited confidential matters, but such an occurrence has never occurred in an FLRA case.)

**ADDITIONAL INFORMATION** can be found on the FLRA website by clicking [here](#), by reviewing Program FAQs [here](#), and by reviewing the FLRA's regulations [here](#). The assigned settlement official also can answer your questions.