

## ATTACHMENT 2G2

### DISPUTE RESOLUTION SERVICES

***Why does the Office of the General Counsel offer labor-management dispute resolution services?***

The Office of the General Counsel furthers its mission by promoting stable and productive labor-management relationships governed by the Federal Service Labor-Management Relations Statute and by providing services which assist labor organizations and agencies to: develop collaborative labor-management relationships; avoid unfair labor practice disputes and resolve any unfair labor practice disputes informally. Inquiries to the FLRA's Regional Offices and the FLRA's Office of the General Counsel in Washington, D.C., to explore alternatives to formal litigation and to request assistance are encouraged.

***Can a Union force an Agency, or an Agency force a Union, to participate in a dispute resolution program offered by the Office of the General Counsel?***

No. These services are only offered upon joint request for the parties. However, as part of processing an unfair labor practice charge, the Office of the General Counsel may suggest to the parties, as appropriate, that they may benefit from these alternative dispute resolution services.

***Does a Union or an Agency have to file an unfair labor practice charge to request dispute resolution services?***

No. Dispute resolution services are offered to parties apart from the filing of unfair labor practice charges, in connection with pending charges, and/or in connection other aspects of the parties' labor-management relationship as governed by the Statute.

***Can the Office of the General Counsel assist the parties in resolving a dispute that gave rise to a pending unfair labor practice charge without deciding whether an unfair labor practice occurred?***

Yes. Upon joint agreement by the parties, the Regional Director may determine to utilize an alternative case-processing technique to assist the parties in resolving the dispute underlying the pending charge by facilitating a problem-solving approach, rather than initially investigating the particular facts and determining the merits of the charge.

***Is this ADR procedure considered part of the investigation?***

No. No evidence is taken during the ADR procedure. The purpose of the ADR procedure is to resolve the underlying dispute without determining the merits of the charge. The role of the agent is to assist the parties in that endeavor by facilitating a solution rather than conducting an investigation. No testimonial or documentary evidence or positions on the merits of the charge is gathered during the intervention or entered into the case file.

***What happens if the dispute is not resolved and the charge is not withdrawn?***

If the parties are unable to resolve the dispute and the charge is not withdrawn, the Region conducts a full investigation on the merits of the charge. The Charging Party does not waive any right to an investigation and the Charged Party does not waive any right to establish that it has not committed an unfair labor practice by electing to participate in the ADR procedure. If an investigation on the merits of the charge is necessary, the Agent that facilitated the ADR procedure is not involved.

***What other types of dispute resolution services are offered?***

Agencies and labor organizations also may jointly request the Office of the General Counsel to provide the following types of services:

- **Facilitation** - Assisting the parties in improving their labor-management relationship as governed by the Federal Service Labor-Management Relations Statute;
- **Intervention** - Intervening when parties are experiencing or expect significant unfair labor practice disputes.
- **Training** - Training labor organization officials and agency representatives on their rights and responsibilities under the Federal Service Labor-Management Relations Statute and how to avoid litigation over those rights, and on utilizing interest based problem solving and alternative dispute resolution skills, techniques and strategies to resolve informally unfair labor practice disputes; and
- **Education** - Working with the parties to recognize the benefits of, and establish processes for, avoiding unfair labor practice

disputes, and resolving any unfair labor practice disputes that arise by consensual, rather than adversarial, methods.