



IV. UNFAIR LABOR PRACTICE CHARGES (ULP'S) PROGRAM -
PART A OF THE SURVEY

A. Overview

Unfair Labor Practices concern prohibited conduct by an agency or union as described in 5 USC 7116 of the Federal Service Labor-Management Relations Statute. There were 1,114 respondents to question A1 who indicated that they participated in the ULP Program in 1996 and/or 1997 and were identified as such. In question A1, only those respondents who participated in ULP cases in 1996 and/or 1997 were asked to complete the remainder of the questions in Part A; i.e., only those respondents who participated in ULPs in 1996 and/or 1997 answered questions A2 through A23. The respondents who did not participate in ULP skipped to Part B. As is clear from the table, the vast majority of respondents were involved in 1 to 5 ULP charges in 1996 and in 1997. It was of interest what those who participated in more than 30 ULPs thought about the services provided by FLRA. These high-filer respondents are discussed later in this part of the report. See Table 4.

TABLE 4
UNFAIR LABOR PRACTICE CHARGES: NUMBER PARTICIPATED IN

A1. Did you participate in any ULP cases in 1996 and/or 1997?										
Total Respondents Who Answered Yes:										1,114
A2. Estimate the number of ULP charges in which you were involved in 1996 and 1997.										
	<u>1996</u>					<u>1997</u>				
	<u>None</u>	<u>1 - 5</u>	<u>6 - 10</u>	<u>11 - 30</u>	<u>More than 30</u>	<u>None</u>	<u>1 - 5</u>	<u>6 - 10</u>	<u>11 - 30</u>	<u>More than 30</u>
Unfair Labor Practice Charges Program	119 10%	682 59%	191 17%	95 8%	65 6%	98 9%	702 63%	156 14%	98 9%	51 5%
Role Represented before FLRA*										
Agency	44 9%	250 54%	92 20%	48 10%	33 7%	24 5%	272 62%	66 15%	50 11%	29 7%
Union	33 7%	289 61%	83 18%	37 8%	30 6%	44 10%	279 61%	79 17%	38 8%	18 4%
Individual	24 24%	67 68%	6 6%	2 2%	0 0%	13 13%	79 79%	6 6%	1 1%	1 1%
Other	6 29%	12 57%	2 9%	1 5%	0 0%	5 21%	16 67%	2 8%	1 4%	0 0%

*Note: Only 1 FLRA respondent answered this question.



1. Beliefs of respondents involved in MORE ULP's in 1996/1997 than in previous years.
Of 813 respondents who answered Question A3a that the "collective bargaining relationship deteriorated," 66% agreed that the collective bargaining relationship deteriorated in the bargaining unit, 16% neither agreed nor disagreed, and 18% disagreed. Of 295 respondents who represented agencies, 54% agreed that the relationship deteriorated; of 354 respondents who represented unions, 73% agreed, and of 83 who represented individuals, 77% agreed. This notes a difference between agency and union perceptions. See Table 5.

Belief about the extent to which Federal labor-management case law encouraged their organization to use the ULP process "because the law is clear," differed among respondents. Of 655 respondents who answered this question, 37% agreed, 26% neither agreed nor disagreed, and 37% disagreed. Of 219 agency respondents, a lesser percent (25%) agreed than did the 306 union respondents (45%), and of 73 individual respondents, 39% agreed. Belief about the extent to which Federal labor-management case law encouraged their organization to use the ULP process "...because the law supports my position," also differed among respondents. Of 640 respondents, 39% agreed with this statement, 26% neither agreed nor disagreed, and 37% disagreed. Of 207 agency respondents, 22% agreed, and of 316 union respondents, 49% agreed, and of 63 individual respondents, 40% agreed. It is interesting that a much larger proportion of the agency respondents (48%) were neutral, i.e., neither agreed nor disagreed, on this issue as opposed to 29% of union respondents who were neutral.

Belief about the extent to which Federal labor-management case law encouraged their organization to use the ULP process "because the law is fair to me," differed among respondents. Of the 603 respondents who answered this question, 30% agreed, 34% neither agreed nor disagreed, and 36% disagreed. Of 207 agency respondents, a lesser percent (20%) agreed than did the 279 union respondents, (36%) agreed, and of 64 individual respondents, 27% agreed. It is interesting that more respondents overall, and by category of respondent, are neutral or disagree with this statement than agree with it.

Of 830 of the respondents who answered the question, 65% believed "the personalities of the party representatives negatively affected the relationship," 18% neither agreed nor disagreed, and 17% disagreed. Of 304 agency respondents, 71% of agreed with the statement. Whereas of 357 union respondents, 61% agreed and the same percentage of 87 individual respondents expressed this belief. Agency reorganizations may also have played a part in this increase. 695 respondents answered the question, "bargaining unit was affected by an agency reorganization." 55% of all respondents indicated that the bargaining unit was affected by an agency reorganization, while 16% neither agreed nor disagreed, and 29% disagreed. Of 241 agency respondents, 48% agreed; of 317 union respondents, 62% agreed; and of 65 individual respondents, 57% agreed. This is an area that might be explored through focus groups to learn how agency reorganizations can be carried out with minimum adverse affects on union members and others.



Comments. A3. If you were involved in more ULPs in 1996 and/or 1997 than in previous years, answer the following. (These are examples only; they do not represent a systematic representation of the comments. See Appendix B for the complete set of comments.) Most of the comments provided actually fell within the categories given for marking an answer. However, the following additional reasons were given. (1) Local was certified in 1996 or 1997. (2) Respondent was new to the process in 1996 or 1997. (3) 1996 or 1997 was first year a ULP was filed. (4) Respondent changed jobs. (5) Agency attempted to eliminate the union. (6) Increase was due to multiple filing of one or more employees. (7) There was a minimal attempt made to resolve conflicts. (8) New FLRA decisions relating to the Executive Order 12871 provided climate for more ULPs to be filed. (9) Contract negotiations were unsuccessful. (10) The agency refuses to cooperate until an ULP is filed. (11) Agency or union failed to implement a decision made by FLRA.

2. Beliefs of respondents involved in FEWER ULP's in 1996/1997 than in previous years. Of 390 respondents who answered Question A4a, "the collective bargaining relationship improved in my bargaining unit," 42% of respondents who were involved in fewer ULP's in 1996/1997 than in previous years believed the collective bargaining relationship improved in the bargaining unit, 21% neither agreed nor disagreed, and 37% disagreed. Of 153 agency respondents, 58% agreed; while of 159 union respondents, only 34% agreed; and of 35 individual respondents, an even lesser percentage (26%) agreed. See Table 6.

Of 386 respondents, 54% believed "the personalities of the party representatives positively affected the relationship," 20% neither agreed or disagreed, and 26% disagreed. Whereas, of 153 agency respondents, 69% believed this to be true, of 152 union respondents, 49% agreed; and of 37 individual respondents, 35% agreed.

Of 393 respondents, 45% who were involved in fewer ULP's believed their "organization had a better understanding of its rights and responsibilities under the law," while 27% neither agreed nor disagreed, and 28% disagreed. 43% of 153 respondents agreed, of 161 union respondents, 49% agreed, and of 37 individual respondents, only 32% agreed.

Of 366 respondents, the majority (54%) who were involved in fewer ULP's agreed with the statement "the parties received training on improving relationships or obtained third-party assistance in resolving disputes," while 14% neither agreed nor disagreed, and 33% disagreed. Of 146 agency respondents, 68% agreed, of 148 union respondents, 47% agreed, and of 33 individual respondents, only 39% agreed.

Likewise, of 390 respondents, a majority (57%) of the parties who were involved in fewer ULP's "placed greater emphasis on resolving their own problems," while 19% neither agreed nor disagreed with this statement, and 24% disagreed. Of 154 agency respondents, 64% agreed, of 155 union respondents, 56% agreed, and of 37 individual respondents, 46% agreed.



TABLE 5
INVOLVED IN MORE UNFAIR LABOR PRACTICE CHARGES IN 1996
AND/OR 1997 OVER PREVIOUS YEARS

A3. If you were involved in more ULP's in 1996 and/or 1997 than in previous years, answer the following:

	Number of Respondents	Agree/ Strongly Agree	Neither Agree nor Disagree	Disagree/ Strongly Disagree
A3a. The collective bargaining relationship deteriorated in my bargaining unit.				
Unfair Labor Practice Charges Program	813	66%	16%	18%
Role Represented before FLRA				
Agency	295	54%	20%	26%
Union	354	73%	15%	12%
Individual	83	77%	15%	9%
Other	16	50%	13%	37%
A3b1. Federal labor-management case law encouraged my organization to use the unfair labor practice process because the law: is clear.				
Unfair Labor Practice Charges Program	655	37%	26%	37%
Role Represented before FLRA				
Agency	219	25%	36%	39%
Union	306	45%	22%	33%
Individual	73	39%	16%	45%
Other	11	55%	18%	27%
A3b2. Federal labor-management case law encouraged my organization to use the unfair labor practice process because the law: supports my position.				
Unfair Labor Practice Charges Program	640	39%	35%	26%
Role Represented before FLRA				
Agency	207	22%	48%	30%
Union	316	49%	29%	22%
Individual	63	40%	24%	36%
Other	8	63%	37%	0%



TABLE 5 Continued
INVOLVED IN MORE UNFAIR LABOR PRACTICE CHARGES IN 1996
AND/OR 1997 OVER PREVIOUS YEARS

	<u>Number of Respondent</u> §	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A3b3. Federal labor-management case law encouraged my organization to use the unfair labor practice process because the law: is fair to me.				
Unfair Labor Practice Charges Program	603	30%	34%	36%
Role Represented before FLRA				
Agency	207	20%	45%	35%
Union	279	36%	39%	35%
Individual	64	27%	26%	47%
Other	11	55%	27%	18%
A3c. The personalities of the party representatives negatively affected the relationship.				
Unfair Labor Practice Charges Program	830	65%	18%	17%
Role Represented before FLRA				
Agency	304	71%	15%	14%
Union	357	61%	22%	17%
Individual	87	61%	21%	18%
Other	16	44%	19%	37%
A3d. The bargaining unit was affected by an agency reorganization.				
Unfair Labor Practice Charges Program	695	55%	16%	29%
Role Represented before FLRA				
Agency	241	48%	18%	34%
Union	317	62%	17%	21%
Individual	65	57%	8%	35%
Other	14	21%	14%	65%



TABLE 6
INVOLVED IN FEWER UNFAIR LABOR PRACTICE CHARGES IN 1996
AND/OR 1997 OVER PREVIOUS YEARS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A4a The collective bargaining relationship improved in my bargaining unit.				
Unfair Labor Practice Charges Program	390	42%	21%	37%
Role Represented before FLRA				
Agency	153	58%	16%	26%
Union	159	34%	27%	39%
Individual	35	26%	9%	65%
Other	9	11%	33%	56%
A4b The personalities of the party representatives positively affected the relationship.				
Unfair Labor Practice Charges Program	386	54%	20%	26%
Role Represented before FLRA				
Agency	153	69%	11%	20%
Union	152	49%	26%	25%
Individual	37	35%	22%	43%
Other	9	22%	11%	67%
A4c My organization had a better understanding of its rights and responsibilities under the law.				
Unfair Labor Practice Charges Program	393	45%	27%	28%
Role Represented before FLRA				
Agency	153	43%	39%	18%
Union	161	49%	21%	30%
Individual	37	32%	19%	49%
Other	8	38%	0%	62%



TABLE 6 Continued
INVOLVED IN FEWER UNFAIR LABOR PRACTICE CHARGES IN 1996
AND/OR 1997 OVER PREVIOUS YEARS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A4d The parties received training on improving relationships or obtained third-party assistance in resolving disputes.				
Unfair Labor Practice Charges Program	366	54%	14%	33%
Role Represented before FLRA				
Agency	146	68%	14%	18%
Union	148	47%	14%	39%
Individual	33	39%	15%	46%
Other	7	14%	14%	72%
A4e The parties placed greater emphasis on resolving their own problems.				
Unfair Labor Practice Charges Program	390	57%	19%	24%
Role Represented before FLRA				
Agency	154	64%	21%	15%
Union	155	56%	18%	26%
Individual	37	46%	13%	41%
Other	8	38%	12%	50%
A4f1 Federal labor-management case law discouraged my organization from using the ULP process because the law: is too confusing.				
Unfair Labor Practice Charges Program	286	27%	29%	44%
Role Represented before FLRA				
Agency	103	18%	34%	48%
Union	124	30%	21%	49%
Individual	29	48%	38%	14%
Other	6	17%	17%	66%



TABLE 6 Continued
INVOLVED IN FEWER UNFAIR LABOR PRACTICE CHARGES IN 1996
AND/OR 1997 OVER PREVIOUS YEARS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A4f2 Federal labor-management case law discouraged my organization from using the ULP process because the law: does not support my position.				
Unfair Labor Practice Charges Program	273	25%	31%	44%
Role Represented before FLRA				
Agency	94	10%	39%	51%
Union	121	29%	25%	46%
Individual	27	59%	19%	22%
Other	7	0%	29%	71%
A4f3 Federal labor-management case law discouraged my organization from using the ULP process because the law: is not fair to me.				
Unfair Labor Practice Charges Program	272	29%	30%	41%
Role Represented before FLRA				
Agency	96	12%	43%	45%
Union	117	35%	22%	43%
Individual	28	53%	11%	36%
Other	6	0%	33%	67%

Belief expressed by respondents who were involved in fewer ULP charges about the extent to which “Federal labor-management case law discouraged their organization from using the ULP process” showed that with the exception of individual respondents, most did not agree with this statement. The breakout of data is as follows: (1) “the law is too confusing,” of 286 respondents, 27% agreed, 29% neither agreed nor disagreed, and 44% disagreed. This is broken-out for different groups as follows: for the 103 agency respondents, 18% agreed, of 124 union respondents, 30% agreed, and of 29 individual respondents, 48% agreed. (2) “the law does not support my position,” of 273 respondents, 25% agreed, 31% neither agreed nor disagreed, and 44% disagreed. This is broken-out for different groups as follows; for the 94 agency respondents, 10% agreed; of 121 union respondents, 29% agreed, and of 27 individual respondents, 59% agreed. (3) “the law is not fair to me,” of 272 respondents, 29% agreed, 30% neither agreed nor disagreed, and 41% disagreed. This is broken-out for different group as follows: for the 96 agency respondents, 12% agreed, of 117 union respondents, 35% agreed, and of 28 individual respondents, 53% agreed.



Comments. A4: If you were involved in fewer ULPs in 1996 and/or 1997 than in previous years, answer the following. (These are examples only; they do not represent a systematic representation of the comments. See Appendix B for the complete set of comments.)

(1) FLRA represents unions only!! (2) Changed jobs. (3) New management transition to establishing a positive relationship. (4) Management just did not care. (5) My boss says FLRA is a paper pusher. (6) Agency policy not to file ULPs against labor organizations. (7) FLRA is a political organization which supports managers. (8) The “Other Side” has become more knowledgeable and sophisticated. (9) Local is only 2 years old.

3. Responses of High-Filers of FLRA Services in ULP Cases. Before going further into the overall responses to the survey, it was thought appropriate to look specifically at the overall responses of those respondents who have been involved in more than 30 charges. Following are the respondents’ answers to five summary questions on FLRA meetings its goals and objectives. Of 59 high-filers in 1996, 39% agreed that “the FLRA provides quality services that resolve disputes,” 19% neither agreed nor disagreed, and 42% disagreed. A similar pattern is shown for 1997; of 48 high-filers, 33% agreed, 21% neither agreed nor disagreed, and 46% disagreed. See Table 7.

For the high-filers in 1996, 34% agreed that “the FLRA enforces the law through sound, timely decisions and policies,” 15% neither agreed nor disagreed, and a majority (51%) disagreed. Similarly for 1997 high-filers, 29% agreed, 17% neither agreed nor disagreed, and 54% disagreed. Of 59 high-filers in 1996, 31% agreed that “the FLRA clarifies the law through sound, timely decisions and policies,” 22% neither agreed nor disagreed, and 47% disagreed. For the 1997 high-filers (48), 27% agreed, 23% neither agreed nor disagreed, and a majority (50%) disagreed. Of the 1996 high-filers, 44% agreed that “the FLRA assists parties to constructively manage their disputes,” 19% neither agreed nor disagreed, and 37% disagreed. For 1997, the 48 high-filers, 46% agreed, 17% neither agreed nor disagreed, and 37% disagreed.

Of 58 high-filers in 1996, 36% agreed that “the FLRA provides leadership in the effective use of alternative dispute resolution methods,” 29% neither agreed nor disagreed, and 35% disagreed. A similar pattern is shown for 1997; of 48 high-filers, 33% agreed, 29% neither agreed nor disagreed, and 38% disagreed. While the number of respondents was small, the impact may be much larger. The FLRA may want to design a special communications program with emphasis on meeting the needs of these groups. The use of focus groups and supplemental surveys might be considered as ways of securing the necessary information to design such a program.



TABLE 7
HIGH-FILERS OF ULPS (30 OR MORE) AND THEIR PERCEPTIONS OF FLRA

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
1. The FLRA provides quality services that resolve disputes in the Federal labor-management community.				
High-Filers - 1996	59	39%	19%	42%
High-Filers - 1997	48	33%	21%	46%
2. The FLRA enforces the law through sound, timely decisions and policies.				
High-Filers - 1996	59	34%	15%	51%
High-Filers - 1997	48	29%	17%	54%
3. The FLRA clarifies the law through sound, timely decisions and policies.				
High-Filers - 1996	59	31%	22%	47%
High-Filers - 1997	48	27%	23%	50%
4. The FLRA assists parties to constructively manage their disputes				
High-Filers - 1996	59	44%	19%	37%
High-Filers - 1997	48	46%	17%	37%
5. The FLRA provides leadership in the effective use of alternative dispute resolution methods.				
High-Filers - 1996	58	36%	29%	35%
High-Filers - 1997	48	33%	29%	38%

4. ULP Investigative Procedures. When the General Counsel’s Regional Office receives a ULP charge, the case is opened and an investigation is conducted by an agent. A series of questions addressed the procedures followed by the regional office with regard to the conduct of the investigation, perceived quality of service provided by the agent involved in the investigation and effectiveness of the Region Office’s settlement efforts. Respondents normally involved in at the investigative stage of case processing were asked to answer the questions (1,040 indicated involvement). The responses to the questions concerning ULP investigative procedures were mixed. Those questions that dealt with the assistance provided were favorable with over 50% of the respondents agreeing with the statement. However, those that dealt with communication in terms of keeping the respondent informed and in a timely manner were less favorable. See Table 8.

59% of 979 respondents agreed that “the Regional Office provided me with sufficient information about the investigative process” 13% neither agreed nor disagreed, and



**TABLE 8
ULP INVESTIGATIVE PROCEDURES**

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A5a. Respondents normally involved at the investigative stage of case processing.				
Total Respondents Who Answered Yes:				1,040
A5a1. The Regional Office: provided me with sufficient information about the investigative process.				
Unfair Labor Practice Charges Program	979	59%	13%	28%
Role Represented before FLRA				
Agency	361	62%	13%	25%
Union	448	60%	14%	26%
Individual	87	48%	9%	43%
Other	17	47%	6%	47%
A5a2 The Regional Office: explained the types of evidence needed for the investigation.				
Unfair Labor Practice Charges Program	968	51%	16%	33%
Role Represented before FLRA				
Agency	355	49%	18%	33%
Union	441	54%	14%	32%
Individual	88	48%	10%	42%
Other	17	41%	18%	41%
A5a3 The Regional Office: gave me the opportunity to provide relevant evidence.				
Unfair Labor Practice Charges Program	974	73%	11%	16%
Role Represented before FLRA				
Agency	359	80%	9%	11%
Union	443	72%	12%	16%
Individual	87	61%	11%	28%
Other	17	65%	23%	12%



TABLE 8 Continued
ULP INVESTIGATIVE PROCEDURES

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A5a4 The Regional Office: kept me informed of the status of the investigation.				
Unfair Labor Practice Charges Program	975	43%	17%	40%
Role Represented before FLRA				
Agency	359	41%	18%	42%
Union	443	42%	18%	40%
Individual	88	51%	13%	36%
Other	17	41%	18%	41%
A5b The investigation was conducted in a timely manner.				
Unfair Labor Practice Charges Program	973	38%	18%	44%
Role Represented before FLRA				
Agency	355	45%	22%	33%
Union	449	33%	15%	52%
Individual	86	41%	14%	45%
Other	16	44%	12%	44%

28% disagreed. There was little difference between agency and union responses to this question. However, the individual respondents were not as favorable. Of 87 individual respondents, 48% agreed with the statement as opposed to 62% of 361 agency and 60% of 448 union respondents. Of 968 respondents, 51% agreed that “the Regional Office explained the types of evidence needed for the investigation,” 16% neither agreed nor disagreed, and 33% disagreed. There were essentially little differences between agency, union, and individual respondents. Of 974 respondents, 73% agreed that “the Regional Office gave me the opportunity to provide relevant evidence” 11% neither agreed nor disagreed, and 16% disagreed. There were little differences between agency and union respondents. However, while the majority of individual respondents also agreed with this statement, there were fewer who did so: Of 87 individual respondents, 61% agreed with the statement as opposed to 80% of 359 agency respondents and 72% of 443 union respondents. These are very positive findings and shows interest and compassion on the part of RO staff.

Of 975 respondents to the statement, “the Regional Office kept me informed of the status of the investigation,” 43% agreed, 17% neither agreed nor disagreed, and 40% disagreed. There were little differences between agency and union responses to this statement. However, the



majority, 51%, of 88 individual respondents did agree with it. Of 359 agency respondents, 41% agreed with the statement and of 443 union respondents, 42% agreed. Only 38% of 973 respondents thought that the “investigation was conducted in a timely manner.” There was little difference between agency and individual respondents. However, union respondents did not agree with the statement at a higher rate than these two groups of respondents (i.e., the majority of the union respondents, 52% did not agree with the statement). Of 355 agency respondents, 45% agreed with the statement, of union respondents, 33% agreed, and of individual respondents, 41% agreed.

5. Quality of Service Provided by the Agent. The high quality of service by FLRA agents was shown clearly by the responses to this section. Most respondents believed the agent treated them in a fair manner (64%) and 80% felt that the agent was courteous and professional at all times during the investigation. 65% agreed that the agent clarified the purposes and procedures of the investigation. 67% felt that the agents were knowledgeable about the Statute, regulations and relevant case law. 54% felt that the agents gave no indication of favoring one party’s position over another. These findings clearly demonstrates a commitment to customer service by FLRA. Only those respondents who are normally involved at the investigative stage of case processing were asked to complete them. The break-outs of data (as shown in Table 9) are as follows:

Of 984 respondents, 64% agreed with the statement, “the agent treated me fairly,” 17% neither agreed nor disagreed, and 19% disagreed. There were little differences between agency and union respondents. Although a majority (55%) of individual respondents agreed with the statement, this was lower than the percentage of agency and union respondents. Of 352 agency respondents, 67% agreed with the statement, of 456 union respondents, 64% agreed, and of 93 individual respondents, 55% agreed.

Following these very favorable views of the agents, of 982 respondents, 80% agreed with the statement “the agent was courteous and professional at all times during the investigation,” 9% neither agreed nor disagreed, and 11% disagreed. There were little differences between agency and union respondents. Although a vast majority (70%) of individual respondents agreed with the statement, this was lower than the percentage of agency and union respondents. Of 351 agency respondents, 82% agreed with the statement, of 457 union respondents, 81% agreed, and of 91 individual respondents, 70% agreed.



**TABLE 9
QUALITY OF SERVICE PROVIDED BY THE AGENT**

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A6a The agent: treated me fairly.				
Unfair Labor Practice Charges Program	984	64%	17%	19%
Role Represented before FLRA				
Agency	352	67%	17%	16%
Union	456	64%	19%	18%
Individual	93	55%	14%	31%
Other	16	56%	6%	38%
A6b The agent: was courteous and professional at all times during the investigation				
Unfair Labor Practice Charges Program	982	80%	9%	11%
Role Represented before FLRA				
Agency	351	82%	9%	9%
Union	457	81%	10%	9%
Individual	91	70%	8%	22%
Other	17	71%	6%	24%
A6c The agent: clarified, when necessary, the purposes and procedures of the investigation.				
Unfair Labor Practice Charges Program	972	65%	17%	18%
Role Represented before FLRA				
Agency	342	65%	19%	16%
Union	455	66%	16%	18%
Individual	90	55%	13%	32%
Other	17	65%	12%	23%



TABLE 9 Continued
QUALITY OF SERVICE PROVIDED BY THE AGENT

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A6d The agent: was knowledgeable about the Statute, regulations and relevant case law.				
Unfair Labor Practice Charges Program	958	67%	20%	13%
Role Represented before FLRA				
Agency	340	74%	18%	8%
Union	449	66%	21%	13%
Individual	89	51%	23%	26%
Other	16	63%	12%	25%
A6e The agent: gave no indication of favoring one party's position over another's.				
Unfair Labor Practice Charges Program	981	54%	16%	30%
Role Represented before FLRA				
Agency	354	48%	17%	35%
Union	452	60%	15%	25%
Individual	91	48%	14%	38%
Other	17	47%	24%	29%

Still following these very favorable views of the agents, of 972 respondents, 65% agreed with the statement “the agent clarified, when necessary, the purposes and procedures of the investigation,” 17% neither agreed nor disagreed, and 18% disagreed. There were little differences between agency and union respondents. However, although a vast majority (55%) of individual respondents agreed with the statement, this was lower than the percentage of agency and union respondents. Of 342 agency respondents, 65% agreed with the statement, of 455 union respondents, 66% agreed, and of 90 individual respondents, 55% agreed.

Of most importance and still following these very favorable views of the agents, of 958 respondents, 67% agreed with the statement “the agent was knowledgeable about the Statute, regulations and relevant case law,” 20% neither agreed nor disagreed, and 13% disagreed. There were little differences between agency and union respondents. Although a majority (51%) of individual respondents agreed with the statement, this was lower than the percentage of agency and union respondents. Of 340 agency respondents, 74% agreed with the statement, of 449 union respondents, 66% agreed, and of 89 individual respondents, 51% agreed.



In addition to the above favorable response rates, agents are considered fair. Of 981 respondents, 54% agreed with the statement “the agent gave no indication of favoring one party’s position over another’s,” 16% neither agreed nor disagreed, and 30% disagreed. There were little differences between agency and individual respondents. However, the union respondents were much more favorable. Of 354 agency respondents, 48% agreed with the statement, of 452 union respondents, 60% agreed, and of 91 individual respondents, 48% agreed.

6. Settlement Efforts by the Regional Offices. Regional Offices are charged with the task to actively encourage settlement in appropriate cases. 855 respondents indicated participation in any ULP cases in 1996 or 1997 or in which the Regional Office assisted them in obtaining a settlement. Of the 656 of these respondents who answered the question about when settlement of charges occurred, 12% reported before investigation, 53% during investigation, 13% after issuance, and 22% before the hearing. There were little differences between the roles represented before the FLRA of settlement before investigation. However, there were differences for settlement at other times. Of 307 agency respondents, 62% settled during the investigation as opposed to 46% of 281 union respondents, and 47% of 30 individual respondents. Of the agency respondents, 8% settled after the issuance: Of the union respondents, 19% settled after the issuance. In addition, of the individual respondents, 6% settled after the issuance. Furthermore, of the agency respondents, 18% settled before a hearing; of the union respondents, 24% settled before the hearing, and of the individual respondents, 30% settled before the hearing (See Table 10.).

Respondents were asked what the settlement meant to them. Of 639 respondents, the majority (53%) stated that “the settlement(s) resolved the underlying dispute(s),” 15% neither agreed nor disagreed with this statement, and 32% disagreed. There were little differences between agency and union respondents on this statement. However, individual respondents were far less favorable. Of 289 agency respondents, 55% agreed with this statement, of 270 union respondents, 51% agreed, and of 27 individual respondents, only 37% agreed. Further along this line of questions, of 628 respondents the majority (59%) agreed that the “settlement(s) met my interests,” while 20% neither agreed nor disagreed, and 21% disagreed. Again, there were little differences between agency and union respondents. However, individual respondents were less favorable. Of 288 agency respondents, 62% agreed with this statement, of 265 union respondents, 56% agreed, and of 27 individual respondents, 45% agreed.



**TABLE 10
SETTLEMENT EFFORTS BY THE REGIONAL OFFICES**

A7c. Consider when most of your charge(s) were settled. Mark the statement that best describes when these charge(s) were settled. The charge(s) was (were) settled:					
	<u>Number of Respondent s</u>	<u>Before Investigation</u>	<u>During Investigation</u>	<u>After Issuance</u>	<u>Before Hearing</u>
Unfair Labor Practice Charges	670	12%	53%	13%	22%
Role Represented before FLRA					
Agency	307	12%	62%	8%	18%
Union	281	11%	46%	19%	24%
Individual	30	17%	47%	6%	30%
Other	4	0%	50%	0%	50%
	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>	
A7d1 The settlement(s): resolved the underlying dispute(s).					
Unfair Labor Practice Charges Program	639	53%	15%		32%
Role Represented before FLRA					
Agency	289	55%	18%		27%
Union	270	51%	15%		34%
Individual	27	37%	11%		52%
Other	5	60%	0%		40%
A7d2 The settlement(s): met my interests.					
Unfair Labor Practice Charges Program	628	59%	20%		21%
Role Represented before FLRA					
Agency	288	62%	24%		14%
Union	265	56%	18%		26%
Individual	27	45%	11%		44%
Other	5	80%	20%		0%



**TABLE 10 Continued
SETTLEMENT EFFORTS BY THE REGIONAL OFFICES**

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A7d3 The settlement(s): provided a practical solution.				
Unfair Labor Practice Charges Program	639	63%	19%	18%
Role Represented before FLRA				
Agency	298	70%	19%	11%
Union	266	58%	20%	22%
Individual	26	31%	19%	50%
Other	5	80%	20%	0%
A7d4 The settlement(s): provided a meaningful remedy.				
Unfair Labor Practice Charges Program	628	45%	27%	28%
Role Represented before FLRA				
Agency	291	44%	36%	20%
Union	262	44%	20%	36%
Individual	27	30%	26%	44%
Other	6	83%	17%	0%
A7d5 The settlement(s): improved the relationship between labor and management.				
Unfair Labor Practice Charges Program	613	20%	29%	51%
Role Represented before FLRA				
Agency	291	21%	35%	44%
Union	256	17%	23%	59%
Individual	22	32%	18%	50%
Other	5	40%	20%	40%

Most importantly, of 639 respondents, the vast majority (63%) stated that “the settlement(s) provided a practical solution,” 19% neither agreed nor disagreed with this statement, and 18% disagreed. However, there were very substantial differences between agency, union, and individual respondents on this statement. Of 298 agency respondents, 70% agreed with this statement, of 266 union respondents, 58% agreed, and of 26 individual respondents, only 31% agreed. Further along this line of questions, of 628 respondents 45% agreed that the



“settlement(s) provided a meaningful remedy,” while 27% neither agreed nor disagreed, and 28% disagreed. Again, there were little differences between agency and union respondents. However, individual respondents were less favorable. Of 291 agency respondents, 44% agreed with this statement, of 262 union respondents, 44% agreed, and of 27 individual respondents, 30% agreed.

Lowest in agreement was the belief expressed that the “settlement(s) improved the relationships between labor and management,” 20% agreed with the statement, while 29% neither agreed nor disagreed; a majority (51%) disagreed with the statement. There were little differences between agency and union respondents on agreement with this statement. However, individual respondents were more favorable. Of 291 agency respondents, 21% agreed with the statement; of 256 union respondents, 17% agreed; and of 22 individual respondents, 32% agreed.

Comments. A7B. Did the Regional Office assist you in obtaining settlement of your cases? 181 respondents indicated the Regional Office did not assist them in obtaining settlement of their cases. Some individuals chose to explain, if they knew, why the Regional Office did not assist. Examples of responses are presented below. These are examples, only; they do not represent a systematic representation of the comments. See Appendix B for the complete set of comments.) (1) Settlement was the result of Union & Management working to clear a backlog of issues (included grievances, ARB & ULPs). (2) Settled locally. (3) Settled before we met with anyone. (4) Do not know. (5) Too slow, I used MSPB. (6) Lack of money in FLRA, case sent to another region. (7) Continued white-wash of investigation. (8) Never told us status of complaint, we had to call to find out.

7. Effectiveness of the Regional Office’s Settlement Efforts. In addition to the questions discussed in 6, above, Question A8 further explored the effectiveness of the Regional Office’s settlement efforts. Respondents were asked a series of questions about their perceptions of the effectiveness of the Regional Office in the settlement effort. Of 637 respondents, the majority (61%) believed “the RO considered my interests when developing the remedy,” 20% neither agreed nor disagreed, and 19% disagreed. There were little differences between the different roles represented by the respondents (See Table 11.).

Overall, of 631 respondents, 47% agreed that the “Regional Office was effective at bringing the parties together to discuss their differences,” 24% neither agreed nor disagreed, and 29% disagreed. There were little differences between agency and individual respondents, however, more union respondents disagreed with this statement. Of 291 agency respondents, the majority (52%) agreed with this statement; of 264 union respondents, 41% agreed, and of 28 individual respondents, the majority (54%) agreed.

However, of 630 respondents, only 26% agreed with the statement, “the Regional Office contributed to improving the parties’ relationship and communication,” 31% neither agreed nor disagreed, and 43% disagreed. There were little differences between the different groups of respondents on agreement with this statement.

**TABLE 11
EFFECTIVENESS OF THE REGIONAL OFFICE’S SETTLEMENT EFFORTS**



	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A8a The Regional Office: considered my interests when developing the remedy.				
Unfair Labor Practice Charges Program	637	61%	20%	19%
Role Represented before FLRA				
Agency	293	59%	23%	18%
Union	266	63%	19%	18%
Individual	28	57%	11%	32%
Other	4	75%	0%	25%
A8b The Regional Office: was effective at bringing the parties together to discuss their differences.				
Unfair Labor Practice Charges Program	631	47%	24%	29%
Role Represented before FLRA				
Agency	291	52%	26%	22%
Union	264	41%	22%	37%
Individual	28	54%	18%	28%
Other	4	75%	25%	0%
A8c The Regional Office: contributed to improving the parties' relationship and communication.				
Unfair Labor Practice Charges Program	630	26%	31%	43%
Role Represented before FLRA				
Agency	292	28%	36%	36%
Union	264	24%	27%	49%
Individual	27	30%	18%	52%
Other	4	50%	25%	25%



TABLE 11 Continued
EFFECTIVENESS OF THE REGIONAL OFFICE’S SETTLEMENT EFFORTS

Table with 5 columns: Statement, Number of Respondents, Agree/Strongly Agree, Neither Agree nor Disagree, Disagree/Strongly Disagree. Rows include 'The Regional Office: placed the appropriate amount of emphasis on resolving disputes before investigating cases' and 'Unfair Labor Practice Charges Program' with sub-rows for Agency, Union, Individual, and Other roles.

In line with the other positive views of the professional nature of the FLRA, the majority (51% or 622 respondents) agreed with the statement, “the Regional Office placed the appropriate amount of emphasis on resolving disputes before investigating cases,” 22% neither agreed nor disagreed, and 27% disagreed. Of 286 agency respondents, 55% agreed with this statement, of 261 union respondents, 46% agreed, and of 28 individual respondents, 57% agreed.

Comments. A8. Effectiveness of the Regional Office’s settlement efforts. (These are examples only; they do not represent a systematic representation of the comments. See Appendix B for the complete set of comments.) (1) Regional Office was very, very interested in bringing the parties together and provided a meaningful remedy. (2) ULPs generally gets management’s attention on the gravity of the issues. (3) Little support, little interest. (4) Usually the agency settles when I file. (5) Did a good job under impossible, sometimes, irrational bargaining unit positions/attitudes. (6) The problem with settlements lies with the agency not the FLRA, since the agency refuses to try to settle issues until a complaint is issued. (7) Many issues were “settled” or dropped when it became clear that there was no violation of the law. (8) FLRA did not at any time bring the parties together to discuss issues. (9) If it had not been for your assistance my case would have never been fairly treated. Thank you very much!

8. Office of General Counsel Decisions. A series of questions was asked about decisions made by the Office of General Counsel. Issues addressed included the withdrawal solicitation process, quality of dismissal letters, the appeals process, and complaints and notices of hearings. Results of the analysis of responses to questions asked about each of these issues is presented in the following paragraphs.

a. Withdrawal Solicitation Process. Only those respondents who filed a ULP charge in 1996 and/or 1997 and were asked by the Regional Office to withdraw the ULP charge were asked to answer Question A9 (427 respondents answered “Yes”).



**TABLE 12
WITHDRAWAL SOLICITATION PROCESS**

	<u>Number of Respondent s</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A9a. Did the Regional Office ask you to withdraw a ULP charge that you filed in 1996 and/or 1997?				
Total Respondents Who Answered Yes:				427
A9b1. The agent: informed me whether the Regional Director had made a decision on the case.				
Unfair Labor Practice Charges Program	396	67%	11%	22%
Role Represented before FLRA				
Agency	18	83%	11%	6%
Union	298	68%	11%	21%
Individual	46	61%	2%	37%
Other	7	57%	14%	29%
A9b2 The agent: informed me of the right to have the Regional Director decide the case.				
Unfair Labor Practice Charges Program	388	63%	12%	25%
Role Represented before FLRA				
Agency	18	78%	5%	17%
Union	296	64%	13%	23%
Individual	42	48%	9%	43%
Other	7	57%	0%	43%
A9b3 The agent: explained the factual and legal basis for the withdrawal solicitation.				
Unfair Labor Practice Charges Program	420	60%	14%	26%
Role Represented before FLRA				
Agency	17	65%	12%	23%
Union	310	63%	12%	25%
Individual	56	48%	16%	36%
Other	7	43%	29%	28%



**TABLE 12 Continued
WITHDRAWAL SOLICITATION PROCESS**

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A9b4 The agent: advised me of the right to a dismissal letter.				
Unfair Labor Practice Charges Program	407	74%	10%	16%
Role Represented before FLRA				
Agency	17	76%	6%	18%
Union	303	75%	11%	14%
Individual	52	63%	8%	29%
Other	7	72%	14%	14%
A9b5 The agent: advised me of the right to appeal the dismissal to the Office of the General Counsel.				
Unfair Labor Practice Charges Program	397	60%	12%	27%
Role Represented before FLRA				
Agency	17	82%	6%	12%
Union	295	61%	14%	25%
Individual	51	53%	8%	39%
Other	7	57%	0%	43%

Of 396 respondents, 67% agreed with the statement “the agent informed me whether the Regional Director had made a decision on the case,” 11% neither agreed nor disagreed with this statement, and 22% disagreed. Of 18 agency respondents who answered this question, 83% agreed with the statement; of 298 union respondents, 68% agreed with the statement, and of 46 individual respondents, 61% agreed. Of 388 respondents, 63% agreed with the statement “the agent informed me of the right to have the Regional Director decide the case,” 12% neither agreed nor disagreed, and 25% disagreed. There were major differences in how different groups of respondents answered this question. Of 18 agency respondents, 78% agreed with the statement, while of 296 union respondents, 64% agreed, and of 42 individual respondents, 48% agreed. Of 420 respondents, 60% agreed with the statement, “the agent explained the factual and legal basis for the withdrawal solicitation,” 14% neither agreed nor disagreed, and 26% disagreed. There were major differences in the way groups of respondents answered the question. Of 17 agency respondents, 65% agreed with it, of 310 union respondents, 63% agreed, but of 56 individual respondents, only 48% agreed (See Table 12.).



For those individuals who were asked to withdraw a ULP charge filed, the majority (74%) reported “the agent advised them of the right to a dismissal letter,” 10% neither agreed nor disagreed, and 16% disagreed. Of 17 agency respondents, 76% agreed: Of 303 union respondents, 75% agreed. However, of 52 individual respondents, 63% agreed. For 397 individuals who responded to the statement, “the agent advised me of the right to appeal the dismissal to the Office of the General Counsel,” 60% agreed, 12% neither agreed nor disagreed, and 27% disagreed. There were major differences in how the different groups of respondents answered this question. Of 17 agency respondents, 82% agreed, of 295 union respondents, 61% agreed, and of 51 individual respondents, 53% agreed.

b. Quality of Dismissal Letters. The Regional Director issues a dismissal letter when he/she decides a charge lacks merit. Contrasting beliefs were reported by respondent groups with regard to the perceived quality of dismissal letters issued by the Regional Director in relation to ULP charges dismissed in 1996/1997. There was substantial agreement that the dismissal letters were excellent in quality. 646 respondents indicated that the Regional Director dismissed a ULP charge in which they participated in 1996 and/or 1997. Of 644 respondents, 77% agreed that “I understood the dismissal letter (even if I did not agree with the decision),” 8% neither agreed nor disagreed with the statement, and 15% disagreed. There were differences between the groups of respondents. Of 272 agency respondents, 94% agreed with this statement, of 248 union respondents, 67% agreed, and of 71 individual respondents, 58% agreed. See Table 13.

Of 640 respondents, 63% agreed with the statement “the dismissal letter explained the factual and legal basis for deciding the charge lacked merit,” 10% neither agreed nor disagreed, and 27% disagreed. Again, there were differences between the groups of respondents. Of 271 agency respondents, 86% agreed with this statement, of 247 union respondents, 47% agreed, and of 68 individual respondents, only 34% agreed. Of 633 respondents, 85% agreed with the statement, “the dismissal letter explained the procedures and the time limits for filing an appeal to the Office of the General Counsel,” 8% neither agreed nor disagreed, and 7% disagreed. Again, there were differences between the groups of respondents. Of 269 agency respondents, 92% agreed with this statement, of 244 union respondents, 85% agreed, and of 66 individual respondents, 64% agreed.

c. Appeals Process. Only those who filed an appeal with the General Counsel were asked to answer this question (272 respondents. 75% of 271 respondents who filed an appeal or was a party to an appeal filed with the GC from a dismissal of a ULP charge by a Regional Director agreed that they “understood the standards for appeal,” while 9% neither agree nor disagreed, and 16% disagreed. Of 61 agency respondents, 84% agreed with the statement, of 160 union respondents, 74% agreed, and of 23 individual respondents, 65% agreed (See Table 14.).



TABLE 13 DISMISSAL LETTERS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A10. Did the Regional Director dismiss a ULP charge in which you participated in 1996 and/or 1997?				
Total Respondents Who Answered Yes:				646
A10b1. Quality of dismissal letters: I understood the dismissal letter (even if I did not agree with the decision).				
Unfair Labor Practice Charges Program	644	77%	8%	15%
Role Represented before FLRA				
Agency	272	94%	4%	2%
Union	248	67%	11%	22%
Individual	71	58%	5%	37%
Other	15	60%	27%	13%
A10b2 Quality of dismissal letters: The dismissal letter explained the factual and legal basis for deciding the charge lacked merit.				
Unfair Labor Practice Charges Program	640	63%	10%	27%
Role Represented before FLRA				
Agency	271	86%	5%	9%
Union	247	47%	15%	38%
Individual	68	34%	13%	53%
Other	16	44%	6%	50%
A10b3 Quality of dismissal letters: The dismissal letter explained the procedures and the time limits for filing an appeal to the Office of the General Counsel.				
Unfair Labor Practice Charges Program	633	85%	8%	7%
Role Represented before FLRA				
Agency	269	92%	6%	2%
Union	244	85%	9%	6%
Individual	66	64%	12%	24%
Other	16	81%	0%	19%



**TABLE 14
APPEALS PROCESS**

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A11 Have you filed an appeal or been a party to an appeal filed with the General Counsel from a dismissal of a ULP charge by a Regional Director?				
Total Respondents Who Answered Yes:				272
A12a Quality of appeals process: I understood the standards for appeal.				
Unfair Labor Practice Charges Program	271	75%	9%	16%
Role Represented before FLRA				
Agency	61	84%	5%	11%
Union	160	74%	10%	16%
Individual	23	65%	9%	26%
Other	11	46%	9%	45%
A12b Quality of appeals process: A decision on the appeal was made within a reasonable time after the appeal was filed.				
Unfair Labor Practice Charges Program	269	39%	16%	45%
Role Represented before FLRA				
Agency	62	73%	13%	14%
Union	156	28%	19%	53%
Individual	22	36%	14%	50%
Other	9	11%	22%	67%
A12c Quality of appeals process: I like the current practice of issuing quickly a short form decision on my appeal.				
Unfair Labor Practice Charges Program	234	35%	25%	40%
Role Represented before FLRA				
Agency	55	60%	29%	11%
Union	132	25%	24%	51%
Individual	21	28%	29%	43%
Other	8	38%	12%	50%



**TABLE 14 Continued
APPEALS PROCESS**

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A12d. Quality of appeals process: I prefer the prior practice of issuing a detailed analysis of my appeal even though it may take longer to get the decision.				
Unfair Labor Practice Charges Program	240	58%	23%	19%
Role Represented before FLRA				
Agency	51	32%	31%	37%
Union	141	71%	19%	10%
Individual	22	73%	13%	12%
Other	8	38%	37%	25%

Of 269 respondents, 39% agreed with the statement “a decision on the appeal was made within a reasonable time after the appeal was filed,” while 16% neither agreed nor disagreed, and 45% disagreed. There were substantial differences between agency, union and individual respondents on this question. Of 62 agency respondents, 73% agreed with the statement, of 156 union respondents, only 28% agreed, and of 22 individual respondents, 36% agreed.

35% of 234 respondents agreed with the statement, “I like the current practice of issuing quickly a short form decision on my appeal,” while 25% neither agreed nor disagreed, and 40% disagreed. Again, there were substantial differences between agency, union and individual respondents on this question; although, the union and individual respondents gave essentially the same response. Of 55 agency respondents, 60% agreed with the statement; of 132 union respondents, only 25% agreed; and of 21 individual respondents, 28% agreed.

d. Complaint Process and Notice of Hearing. 514 respondents participated in at least one ULP case in 1996 and/or 1997 in which the Regional Director authorized a complaint. 55% of 511 respondents indicated they were the charging party for most cases in which they were involved, while 45% indicated that they were the respondent for most cases in which they were involved. Of 229 union respondents, 96% were charging parties.

Of 491 respondents, the majority (56%) agreed that, “the basis for the Regional Director’s decision was explained to be before the complaint was issued,” while 13% neither agreed nor disagreed, and 31% disagreed. Again, there were differences between agency, union and individual respondents on this question. Of 200 agency respondents, 43% agreed with the statement, of 221 union respondents, 68% agreed, and of 27 individual respondents, 48% agreed.

**TABLE 15
COMPLAINT AND NOTICE OF HEARING**



A13a. Did you participate in at least one ULP case in 1996 and/or 1997 in which the Regional Director authorized a complaint?

Total Respondents Who Answered Yes: 514

A13b. For most cases during this time period, were you:

	<u>Number of Respondents</u>	<u>Charging Party for Most Cases</u>	<u>Respondent for Most Cases</u>
Unfair Labor Practice Charges Program	511	55%	45%
Role Represented before FLRA			
Agency	209	1%	99%
Union	229	96%	4%
Individual	30	100%	0%
FLRA - OGC	1	100%	0%
Other	9	89%	11%

A13c1 The basis for the Regional Director’s decision was explained to me before the complaint was issued.

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
Unfair Labor Practice Charges Program	491	56%	13%	31%
Role Represented before FLRA				
Agency	200	43%	15%	42%
Union	221	68%	14%	18%
Individual	27	48%	7%	45%
Other	8	50%	13%	38%

A13c2 The complaint adequately advised me about the facts, issues and the theory of the violations.

Unfair Labor Practice Charges Program	491	55%	16%	29%
Role Represented before FLRA				
Agency	204	46%	16%	38%
Union	220	66%	17%	17%
Individual	26	34%	8%	58%
FLRA	3	67%	0%	33%
Other	6	50%	33%	17%



TABLE 15 Continued
COMPLAINT AND NOTICE OF HEARING

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A13c3 The trial convened in a timely manner.				
Unfair Labor Practice Charges Program	370	44%	24%	32%
Role Represented before FLRA				
Agency	148	55%	26%	19%
Union	171	36%	25%	39%
Individual	20	15%	15%	70%
Other	4	100%	0%	0%

Of 491 respondents, 55% agreed with the statement that the “complaint adequately advised me about the facts, issues and theory of the violations, while 16% neither agreed nor disagreed, and 29% disagreed. This area may be one where the use of focus groups could assist in understanding how best to communicate the facts, issues, and theory of violations. In a similar manner, of the 46% of 204 agency respondents, 66% of 220 union respondents, and 32% of 26 individual respondents believed the complaint adequately advised them about the facts, issues and theory of the violations.

In contrast, 44% of 370 respondents, agreed with the statement “the trial convened in a timely manner,” 24% neither agreed nor disagreed, and 32% disagreed. Of 148 agency respondents, 55% agreed, of 171 union respondents, 36% agreed, and of 20 individual respondents, 20% agreed. Again, this is an area where the use of focus groups might provide information on how to better provide information concerning why trials take time to plan and to carry out and why the large disparities among the different groups of respondents.

9. General Counsel Initiatives. A series of questions addressed the issue as to whether the GC should revise the investigatory procedures in the ULP regulations to require parties to work together. Of 543 respondents, the majority (59%) agreed that, “the General Counsel should revise the investigatory procedures in the ULP regulations to require the parties to attempt to resolve the dispute before a ULP can be filed with the FLRA” while 7% neither agreed nor disagreed, and 34% disagreed. On this issue there were substantial differences between agency, union and individual respondents on this question. Of 228 agency respondents, a vast majority (82%) agreed with the statement; however, of 234 union respondents, only 33% agreed and a majority (59%) disagreed. Furthermore, of 31 individual respondents, the majority (55%) agreed. This large difference is interesting, since union representatives would most likely would file a ULP. This may be an area that focus groups should explore as to the reasons for these differences. See Table 16.



TABLE 16
GENERAL COUNSEL INITIATIVES

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A14a. The General Counsel should revise the investigatory procedures in the ULP regulations to <u>require</u> the parties to: attempt to resolve the dispute before a ULP can be filed with the FLRA.				
Unfair Labor Practice Charges Program	543	59%	7%	34%
Role Represented before FLRA				
Agency	228	82%	7%	11%
Union	234	33%	8%	59%
Individual	31	55%	6%	39%
Other	7	72%	14%	14%
A14b The General Counsel should revise the investigatory procedures in the ULP regulations to <u>require</u> the parties to: cooperate during an investigation.				
Unfair Labor Practice Charges Program	534	81%	11%	8%
Role Represented before FLRA				
Agency	216	67%	19%	14%
Union	238	86%	9%	5%
Individual	32	78%	9%	13%
Other	7	86%	14%	0%
A14c The General Counsel should revise the investigatory procedures in the ULP regulations to <u>require</u> the parties to: cooperate in exchange for disclosing information with the other parties before the Regional Director decides if a case has merit.				
Unfair Labor Practice Charges Program	524	64%	19%	17%
Role Represented before FLRA				
Agency	219	67%	19%	14%
Union	227	59%	21%	20%
Individual	31	65%	16%	19%
Other	6	100%	0%	0%



TABLE 16 Continued
GENERAL COUNSEL INITIATIVES

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A14d. The General Counsel should revise the investigatory procedures in the ULP regulations to require the parties to: meet with Regional Office personnel to resolve their dispute after the Regional Director decides a case has merit, but prior to issuing a complaint.				
Unfair Labor Practice Charges Program	531	68%	14%	18%
Role Represented before FLRA				
Agency	222	73%	16%	11%
Union	232	61%	14%	25%
Individual	31	61%	10%	29%
Other	7	72%	14%	14%

Of 534 respondents, the majority (81%) agreed that, “the General Counsel should revise the investigatory procedures in the ULP regulations to require the parties to cooperate during an investigation,” 11% neither agreed nor disagreed and 8% disagreed. Again, there were differences between agency, union and individual respondents on this question. Of 216 agency respondents, 67% agreed with the statement, of 238 union respondents, 86% agreed, and of 32 individual respondents, 78% agreed.

Of 524 respondents, the majority (64%) agreed that, “the General Counsel should revise the investigatory procedures in the ULP regulations to require the parties to cooperate in exchange for disclosing information with the other parties before the Regional Director decides if a case has merit,” while 19% neither agreed nor disagreed, and 17% disagreed. On this issue, there were only minor differences between the parties.

Of 531 respondents, the majority (68%) agreed that, “the General Counsel should revise the investigatory procedures in the ULP regulations to require the parties to meet with Regional Office personnel to resolve their dispute after the Regional Director decides a case has merit, but prior to issuing a complaint” while 14% neither agreed nor disagreed, and 18% disagreed. Of 222 agency respondents, 73% agreed with the statement of 232 union respondents, 61% agreed; and of 31 individual respondents, 61%, agreed.

Comments. A15. Please add any comments about the Office of the General Counsel’s ULP procedures. (These are examples only; they do not represent a systematic representation of the comments. See Appendix B for the complete set of comments.) (1) Overall, I see improvement with the CG. Much of what we deal with is trivia in terms of importance or impact. The system needs to deal with it accordingly. (2) The pro union bias was astonishing. Your agency has marginalized itself through illogical, irrational decisions overturned by the courts. (3)



I don't think the Regional Director should force settlement. Sometimes a clear win is needed by a party and, if that party has been wronged, they should not be forced to compromise with a settlement. Sometimes a clear win is needed to send a message or for political reasons. (4) Process has improved. (5) No ADR delays-just adjudicate the statute in a more timely manner. (6) The lack of help from filing these complaints forced me to quit my job and go to other employment. So I have been unemployed for most of 1997. (7) In dismissal, exact cites are not given. (8) Our union has not filed any ULPs since the FLRA policy change of "if your labor agreement addresses your problem, then a ULP cannot be filed." We are concerned the FLRA is no benefit for us, period. (9) The system is unfair to the agency because the agency is required to disclose all its information to the FLRA investigator and if a complaint is issued, the same people use that information against the agency to prosecute the complaint. (10) Consider use of an abbreviated investigation process to decide/screen cases.

C. Office of Administrative Law Judges Hearings Procedures

a. Settlement Judge Program. ULP participants were asked to address issues related to processing complaints by the Office of Administrative Law Judge (OALJ). After the OALJ receives a copy of the Complaint and Notice of Hearing from the issuing Regional Office, it sends a "Notice of Settlement Judge Program" to all parties. Issues addressed by a series of questions included the perceived effectiveness of the Settlement Judge Program, assessment of the actions of the judge at unfair labor practice, hearings and beliefs about the presiding judges' decision(s) received. 16% of ULP participants (86) indicated they participated in the OALJ's Settlement Judge Program in 1996/1997 (7% of ULP participants were unaware of the program). As is indicated below, the settlement judges are favorably viewed by both agency and union representatives. Since there was only one individual respondent, no conclusions can be made. However, he/she also held very favorable views.

Of 85 respondents, the majority (81%) agreed that, "the settlement judge contacted me in a timely manner," while 11% neither agreed nor disagreed, and 8% disagreed. Of 35 agency respondents, 94% agreed, and of 43 union respondents, 72% agreed. This is excellent in light of other criticisms implied on timeliness issues in other parts of this report.

Of 85 respondents, the majority (86%) agreed that, "the settlement judge treated me fairly and courteously during the settlement process," while 8% neither agreed nor disagreed, and 6% disagreed. There were only minor differences between agency and union respondents. Of 81 respondents, the majority (56%) agreed that, "the settlement discussions were helpful in enabling the parties to reach voluntary settlement of the case," while 10% neither agreed nor disagreed, and 34% disagreed. Of 33 agency respondents, 61% agreed, and of 33 union respondents, 49% agreed.

Of 81 respondents, 43% agreed that, "the settlement judge's assistance enabled the parties to resolve the case earlier than they otherwise would have," while 22%



TABLE 17
SETTLEMENT JUDGE PROGRAM

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A16b1 The settlement judge contacted me in a timely manner.				
Unfair Labor Practice Charges Program	85	81%	11%	8%
Role Represented before FLRA				
Agency	35	94%	3%	3%
Union	43	72%	19%	9%
Individual	1	100%	0%	0%
Other	0	0%	0%	0%
A16b2 The settlement judge treated me fairly and courteously during the settlement process.				
Unfair Labor Practice Charges Program	85	86%	8%	6%
Role Represented before FLRA				
Agency	35	91%	6%	3%
Union	43	84%	9%	7%
Individual	1	100%	0%	0%
Other	0	0%	0%	0%
A16b3 The settlement discussions were helpful in enabling the parties to reach voluntary settlement of the case.				
Unfair Labor Practice Charges Program	81	56%	10%	34%
Role Represented before FLRA				
Agency	33	61%	12%	27%
Union	41	49%	10%	41%
Individual	1	100%	0%	0%
Other	0	0%	0%	0%



TABLE 17 Continued
SETTLEMENT JUDGE PROGRAM

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A16b4 The settlement judge's assistance enabled the parties to resolve the case earlier than they otherwise would have.				
Unfair Labor Practice Charges Program	81	43%	22%	35%
Role Represented before FLRA				
Agency	33	43%	24%	33%
Union	41	39%	24%	36%
Individual	1	100%	0%	0%
Other	0	0%	0%	0%
A16b5 The parties would have resolved the case even without the settlement judge's assistance.				
Unfair Labor Practice Charges Program	76	13%	25%	62%
Role Represented before FLRA				
Agency	28	18%	25%	57%
Union	41	10%	27%	63%
Individual	1	0%	0%	100%
Other	0	0%	0%	0%
A16b6 Although not settled, the issue(s) in the case were narrowed or clarified as a result of the settlement judge's involvement.				
Unfair Labor Practice Charges Program	60	47%	18%	35%
Role Represented before FLRA				
Agency	23	39%	26%	35%
Union	33	49%	15%	36%
Individual	0	0%	0%	0%
Other	0	0%	0%	0%



TABLE 17 Continued
SETTLEMENT JUDGE PROGRAM

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A16b7 Although not settled, the hearing was shorter and more focused as a result of the settlement judge’s involvement.				
Unfair Labor Practice Charges Program	51	28%	27%	45%
Role Represented before FLRA				
Agency	21	10%	38%	52%
Union	26	39%	19%	42%
Individual	0	0%	0%	0%
Other	0	0%	0%	0%
A16b8 I would participate in the settlement judge program again.				
Unfair Labor Practice Charges Program	85	74%	9%	17%
Role Represented before FLRA				
Agency	35	80%	3%	17%
Union	42	67%	17%	16%
Individual	1	100%	0%	0%
Other	0	0%	0%	0%

neither agreed nor disagreed, and 35% disagreed. There were only minor differences between agency and union respondents on this question. On a very positive note, of 76 respondents, the vast majority (62%) disagreed that, “the parties would have resolved the case even without the settlement judge’s assistance,” while 25% neither agreed nor disagreed, and 13% agreed. There were only minor differences between agency and union respondents on this question.

Of 60 respondents, 47% agreed that “although not settled, the issue(s) in the case were narrowed or clarified as a result of the settlement judge’s involvement,” while 18% neither agreed nor disagreed, and 35% disagreed. Of 23 agency respondents, 39% agreed, and of 33 union respondents, 49% agreed. Of 51 respondents, the 28% agreed that, “although not settled, the hearing was shorter and more focused as a result of the settlement judge’s involvement,” while 27% neither agreed nor disagreed, and 45% disagreed. Of 21 agency respondents, only 10% agreed, and of 26 union respondents, 39% agreed.

On a very positive note, of 85 respondents, 74% agreed with the statement, “I would participate in the settlement judge program again,” 9% neither agreed nor disagreed, and 17%



disagreed. Of 35 agency respondents, 80% agreed, and of 42 union respondents, 67% agreed.

b. Hearings. Issues relating to the presiding judge at the hearing were addressed by a series of questions answered by designated respondents (164 indicated participation). These responses were very positive with the vast majority of respondents agreeing with the positive statements about the services rendered by the presiding judges; further, there were very few differences between the agency and union respondents. (Please note that there were too few individual respondents (6) to make any meaningful interpretation of the findings for them.)

Of 140 respondents, the majority (76%) agreed that, “the presiding judge gave me full opportunity to present my case,” while 8% neither agreed nor disagreed, and 16% disagreed. There were little difference between agency and union respondents. Of 140 respondents, the majority (71%) agreed that, “the presiding judge gave me full opportunity to challenge my opponent’s witnesses and documentary evidence,” while 10% neither agreed nor disagreed, and 19% disagreed. There were essentially little difference between agency and union respondents. Likewise, of 142 respondents, the majority (68%) agreed that, “the presiding judge conducted the hearing in a fair and impartial manner,” while 13% neither agreed nor disagreed, and 19% disagreed. There were essentially little difference between agency and union respondents. See Table 18.

Of particular significance, of 135 respondents, the majority (82%) agreed that, “the presiding judge explained my right to present a closing argument and also file a post-hearing brief,” while 5% neither agreed nor disagreed, and 13% disagreed. There were differences between agency and union respondents: of 53 agency respondents, 92% agreed with the statement while of 63 union respondents, 76% agreed. Further, of 135 respondents, the vast majority (82%) agreed that, “the presiding judge gave me adequate time to prepare and submit a post-hearing brief,” while 8% neither agreed nor disagreed, and 10% disagreed. Of 54 agency respondents, 89% agreed, while of 62 union respondents, 79% agreed.

c. Presiding Judge’s Decision. ULP respondents who received a decision from the OALJ in 1996/1997 were asked to provide their perceptions about the judge’s decision. Of 228 respondents, 57% believed “the judge’s decision was issued in a timely manner,” 11% neither agreed nor disagreed, and 32% disagreed. There were essentially little differences between agency, union, and individual respondents. Of 228 respondents, 59% believed “the judge’s decision addressed and resolved the issues raised by the parties,” 9% neither agreed nor disagreed, and 32% disagreed. There was essentially little difference between the agency and union respondents. However, there was a difference with the individual respondents. These data are as follows: of 107 agency respondents, 61% agreed with the statement, of 94 union respondents, 62% agreed and of 11 individual respondents, 37% agreed. Finally, of 226 respondents, 69% “understood the judge’s reasons for reaching the conclusions stated in the decision, even if they did not agree with the decision,” while 8% neither agreed nor disagreed, and 23% disagreed. Again, there was little difference between the agency and union respondents but a difference with the individual respondents. Of 105 agency respondents, 73% agreed with the statement; of 94 union respondents, 70% agreed; and of 11 individual respondents, 36% agreed. See Table 19.



TABLE 18
UNFAIR LABOR PRACTICE HEARINGS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A18-1 The presiding judge: gave me full opportunity to present my case.				
Unfair Labor Practice Charges Program	140	76%	8%	16%
Role Represented before FLRA				
Agency	55	80%	9%	11%
Union	66	80%	8%	12%
Individual	6	50%	0%	50%
FLRA	6	66%	0%	33%
Other	0	0%	0%	0%
A18-2 The presiding judge: gave me full opportunity to challenge my opponent's witnesses and documentary evidence.				
Unfair Labor Practice Charges Program	140	71%	10%	19%
Role Represented before FLRA				
Agency	55	76%	9%	15%
Union	66	71%	14%	15%
Individual	6	33%	0%	67%
FLRA	6	83%	0%	17%
Other	0	0%	0%	0%
A18-3 The presiding judge: conducted the hearing in a fair and impartial manner.				
Unfair Labor Practice Charges Program	142	68%	13%	19%
Role Represented before FLRA				
Agency	56	75%	9%	16%
Union	67	67%	17%	16%
Individual	6	33%	0%	67%
FLRA	6	83%	0%	17%
Other	0	0%	0%	0%



TABLE 18 Continued
UNFAIR LABOR PRACTICE HEARINGS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A18-4 The presiding judge: explained my right to present a closing argument and also file a post-hearing brief.				
Unfair Labor Practice Charges Program	135	82%	5%	13%
Role Represented before FLRA				
Agency	53	92%	6%	2%
Union	63	76%	6%	18%
Individual	6	50%	0%	50%
FLRA	6	100%	0%	0%
Other	0	0%	0%	0%
A18-5 The presiding judge: gave me adequate time to prepare and submit a post-hearing brief.				
Unfair Labor Practice Charges Program	135	82%	8%	10%
Role Represented before FLRA				
Agency	54	89%	7%	4%
Union	62	79%	8%	13%
Individual	6	50%	17%	33%
FLRA	6	100%	0%	0%
Other	0	0%	0%	0%



TABLE 19
PRESIDING JUDGE’S DECISION

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A19a The judge’s decision was issued in a timely manner				
Unfair Labor Practice Charges Program	228	57%	11%	32%
Role Represented before FLRA				
Agency	107	62%	8%	30%
Union	93	55%	14%	31%
Individual	11	55%	9%	36%
FLRA	15	60%	20%	20%
Other	2	50%	0%	50%
A19b The judge’s decision addressed and resolved the issues raised by the parties.				
Unfair Labor Practice Charges Program	228	59%	9%	32%
Role Represented before FLRA				
Agency	107	61%	10%	29%
Union	94	62%	9%	29%
Individual	11	37%	0%	64%
FLRA	15	93%	0%	7%
Other	2	50%	0%	50%
A19c I understood (even if I did not agree with) the judge’s reasons for reaching the conclusions stated in the decision.				
Unfair Labor Practice Charges Program	226	69%	8%	23%
Role Represented before FLRA				
Agency	105	73%	6%	21%
Union	94	70%	9%	21%
Individual	11	36%	9%	55%
FLRA	15	80%	0%	20%
Other	2	50%	0%	50%



TABLE 20
AUTHORITY DECISIONS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A21a1 The Authority decision: accurately presented the facts of the case.				
Unfair Labor Practice Charges Program	205	59%	15%	26%
Role Represented before FLRA				
Agency	77	60%	15%	25%
Union	94	62%	17%	21%
Individual	13	38%	8%	54%
FLRA	12	75%	17%	8%
Other	2	50%	0%	50%
A21a2 The Authority decision: explained the issues in the case.				
Unfair Labor Practice Charges Program	205	64%	14%	22%
Role Represented before FLRA				
Agency	78	68%	14%	18%
Union	93	63%	17%	20%
Individual	13	46%	0%	54%
FLRA	13	77%	8%	15%
Other	2	50%	0%	50%
A21a3 The Authority decision: explained the arguments in the case.				
Unfair Labor Practice Charges Program	202	62%	15%	23%
Role Represented before FLRA				
Agency	78	63%	14%	23%
Union	91	64%	16%	20%
Individual	13	46%	8%	46%
FLRA	13	61%	31%	8%
Other	2	50%	0%	50%



TABLE 20 Continued
AUTHORITY DECISIONS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A21a4 The Authority decision: decided the issues raised by the parties.				
Unfair Labor Practice Charges Program	200	58%	15%	27%
Role Represented before FLRA				
Agency	78	63%	17%	20%
Union	90	55%	17%	28%
Individual	13	46%	8%	46%
FLRA	13	54%	15%	31%
Other	2	50%	0%	50%
A21a5 The Authority decision: was issued in a timely manner.				
Unfair Labor Practice Charges Program	204	40%	13%	47%
Role Represented before FLRA				
Agency	78	47%	14%	39%
Union	92	35%	14%	51%
Individual	14	36%	7%	57%
FLRA	14	0%	0%	100%
Other	2	0%	50%	50%
A21a6 The Authority decision: explained the reasons for the conclusions reached.				
Unfair Labor Practice Charges Program	206	57%	17%	26%
Role Represented before FLRA				
Agency	78	64%	14%	22%
Union	93	53%	20%	27%
Individual	14	43%	21%	36%
FLRA	13	54%	8%	38%
Other	2	50%	0%	50%



TABLE 20 Continued
AUTHORITY DECISIONS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
A21a7 The Authority decision: resolved the dispute between the parties.				
Unfair Labor Practice Charges Program	203	29%	20%	51%
Role Represented before FLRA				
Agency	77	33%	19%	48%
Union	92	22%	27%	51%
Individual	14	29%	7%	64%
FLRA	13	23%	8%	69%
Other	2	100%	0%	0%
A21b I understood (even if I did not agree with) the Authority’s reasons for reaching the conclusions stated in the decision.				
Unfair Labor Practice Charges Program	197	55%	15%	30%
Role Represented before FLRA				
Agency	78	58%	15%	27%
Union	89	56%	17%	27%
Individual	13	46%	8%	46%
FLRA	13	39%	15%	46%
Other	2	50%	0%	50%

D. Authority Decisions

Decisions of the Administrative Law Judges are transmitted to the Authority. If exceptions are filed, the Authority may affirm, modify, or reverse the judge’s decision in whole or in part. Individuals who were a party or represented a party to an Authority ULP decision issued in 1996/1997 responded to a series of questions about the decision.

212 respondents indicated they were a party or represented a party in a ULP case decided by the Authority were asked to answer these questions. 59% of 205 respondents to the question believed “the Authority decision accurately presented the facts of the case,” 15% neither agreed nor disagreed, and 26% disagreed. Little difference between agency and union respondents was found; however, there was a difference with individual respondents. The data are as follows: of 77 agency respondents, 60% agreed with the statement, of 94 union respondents, 62% agreed with the statement, and of 13 individual respondents, 38% agreed. See Table 20.

Of 205 respondents, 64% agreed, “the Authority decision explained the issues in the



case,” 14% neither agreed nor disagreed, and 22% disagreed. There was little difference between agency and union respondents. However, there was a difference with individual respondents. The data are as follows: Of 78 agency respondents, 68% agreed with the statement, of 93 union respondents, 63% agreed with the statement, and of 13 individual respondents, 46% agreed. Of 202 respondents, 62% believed “the Authority decision explained the arguments in the case,” 15% neither agreed nor disagreed, and 23% disagreed. There was little difference between agency and union respondents. However, there was a difference with individual respondents. The data are as follows: Of 78 agency respondents, 63% agreed with the statement, of 91 union respondents, 64% agreed with the statement, and of 13 individual respondents, 46% agreed. Of 200 respondents, 58% agreed with the statement “the Authority decision decided the issues raised by the parties,” 15% neither agreed nor disagreed, and 27% disagreed. There were differences by the role represented. Of 78 agency respondents, 63% agreed, of 90 union respondents, 55% agreed, and of 13 individual respondents, 46% agreed.

Timeliness may be a concern with Authority decisions. Most of the questions in this group are very positive, except for the one on timeliness. Of 204 respondents, 40% agreed with the statement “the Authority decision was issued in a timely manner,” 13% neither agreed nor disagreed, and 47% disagreed. Of 78 agency respondents, 47% agreed with the statement, of 92 union respondents, 35% agreed with the statement, and of 14 individual respondents, 36% agreed.

Of 206 respondents, 57% believed “the Authority decision explained the reasons for the conclusions reached,” 17% neither agreed nor disagreed, and 26% disagreed. Of 78 agency respondents, 64% agreed with the statement, of 93 union respondents, 53% agreed with the statement, and of 14 individual respondents, 43% agreed.

On a negative note and one that might be followed up with focus groups to learn the reasons for the response, of 203 respondents, only 29% believed “the Authority decision resolved the dispute between the parties.” 20% neither agreed nor disagreed and the majority (51%) disagreed. Of 77 agency respondents, 33% agreed and 48% disagreed with the statement of 92 union respondents, 22% agreed and 51% disagreed with the statement and of 13 individual respondents, 29% agreed 64% disagreed with the statement. This is tempered with the last question in this set. Of 197 respondents, 55% agreed with the statement, “I understood (even if I did not agree with) the Authority’s reasons for reaching the conclusions stated in the decision,” and “the Authority decision explained the reasons for the conclusions reached,” 15% neither agreed nor disagreed, and 30% disagreed. Of 78 agency respondents, 58% agreed with the statement, of 89 union respondents, 56% agreed with the statement, and of 13 individual respondents, 46% agreed.

Comments. A22. How did the timeliness of the Authority’s ULP decision(s) affect your labor-management relationship(s)? (These are examples only. They do not represent a systematic representation of the comments. See Appendix B for the complete set of comments.) (1) No significant impact. (2) Provided for some improvement. (3) Lack of timeliness made remedy almost impossible. (4) Did not. (5) I retired to avoid being removed (constructive discharge) totally unacceptable timeliness. (6) We formed a good partnership with management and learned to communicate with each other. (7) By the time the decisions were received, the



issues were moot. (8) The lack of timeliness was detrimental in that the Agency now has the attitude they can litigate everything and the delay will act in their favor. (9) March 1997 decision overturning ALJ's April 1995 decision following September 1994 hearing on June 1993 reassignment was of limited utility. The Charging Party, the reassigned employee, and her supervisor had all retired in the interim.

Comments. A23. Please add any comments about the Authority's ULP decisions. (These are examples only. They do not represent a systematic representation of the comments. See Appendix B for the complete set of comments.) (1) All contact with FLRA attorneys has been helpful and cooperative from the agency perspective. (2) The decision misrepresented the facts and resulted in a biased decision. (3) Timeliness is the biggest problem. (4) We won the case, but the agency did not have to change any of their wrongful actions. (5) I was very pleased with the way I was assisted in my case. (6) Definitely pro union. (7) Decisions were so biased in favor of management, it was a joke. (8) Excepted case but had no authority to enforce it. (9) By keeping a consistent format in their decisions it is easy to quickly get to the meat of all decisions. (10) Decisions are professional, fair, and explain reasoning in an understandable manner.