UNITED STATES
DEPARTMENT OF AGRICULTURE
(Petitioner)

0-PS-37

DECISION ON REQUEST FOR GENERAL STATEMENT OF POLICY OR GUIDANCE

December 13, 2019

Before the Authority: Colleen Duffy Kiko, Chairman, and Ernest DuBester and James T. Abbott, Members

I. Statement of the Case

Pursuant to § 2427.2 of the Authority’s Regulations, the Petitioner requests that the Authority issue a general statement of policy or guidance regarding the Federal Service Impasses Panel’s (the Panel’s) mandatory authority to respond to a request for assistance following parties’ use of alternative dispute resolution procedures in conjunction with the Federal Mediation and Conciliation Service and other attempts to resolve an impasse. Specifically, the Petitioner asks us to issue guidance on the analysis used by the Panel to determine whether an impasse exists.

II. Background

The Petitioner explains that its request was prompted by what it described as “dilatory tactics” employed by “some unions” that “needlessly delay” the resolution of impasses that have been submitted to the Panel. To address these concerns, the Petitioner asks the Authority to resolve three questions:

1. What are the responsibilities of the Panel to ensure that a union does not use a ratification procedure to prevent agencies from exercising their statutory rights to impasse procedures?
2. Can the Authority clarify when impasse is reached in the context of a failed ratification vote?
3. Is an article that [the Panel] imposes subject to union ratification – even if the ground rules require a ratification vote on the entire agreement?

III. Discussion

Upon careful consideration of the Petitioner’s request, we find that it is not appropriate for resolution through the issuance of a general ruling. These questions would most appropriately be addressed in the context of the facts and circumstances presented by parties involved in an actual dispute. Accordingly, we deny the request.

IV. Order

We deny the Petitioner’s request.