71 FLRA No. 86

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,[1] 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.[2] Specifically, the Petitioner asks us to issue guidance on the analysis used by the Panel to determine whether an impasse exists.[3]

II. Background

The Petitioner explains that its request was prompted by what it described as "dilatory tactics" employed by "some unions" that "needless[ly] delay" the resolution of impasses that have been submitted to the Panel.[4] 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?[5]

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.[6] These questions would most appropriately be addressed in the context of the facts and circumstances presented by parties involved in an actual dispute.[7] Accordingly, we deny the request.[8]

IV. Order

We deny the Petitioner's request.

---

[1] 5 C.F.R. § 2427.2.
[2] Petitioner's Request (Request) at 1.
[3] *Id.* at 5.
[4] *Id.* at 1, 5.
[5] *Id.* at 2.
[6] 5 C.F.R. § 2427.5.
[7] *E.g.*, *Gen. Counsel*, 51 FLRA 409, 412 (1995) (citing *Order Denying Request for Gen. Ruling*, 14 FLRA 757, 758 (1984); *Order Denying Request for a Gen. Ruling*, 9 FLRA 823, 824 (1982)).
[8] Chairman Kiko notes that while the parties may understandably experience frustration throughout the collective-bargaining experience, the Federal Service Labor-Management Relations Statute provides avenues of redress, such as grievances, unfair-labor-practice charges, and the like. Parties may take advantage of these avenues as appropriate.