

# Agency Statement of Position on Petition for Review of Negotiability For Use With Proposals

**USE THIS FORM ONLY FOR NEGOTIABILITY DISPUTES WHERE THE UNION HAS SUBMITTED A BARGAINING PROPOSAL TO THE AGENCY AND THE PARTIES HAVE NOT REACHED AGREEMENT ON THE PROPOSAL AND ITS NEGOTIABILITY.**

**Important Information:** This form is to be completed by the Agency in response to a Union's petition for review. The purpose of the statement of position is to inform the Authority and the Union's representative why the Agency contends that specific contract language is not negotiable. Section 2424.24 of the Authority's Regulations requires the Agency in this statement of position to, among other things, set forth its understanding of each proposal; state any disagreement with the facts, arguments, or meaning of each proposal set forth in the Union's petition for review; and supply all argument and authorities in support of its position.

Unless the time limit for filing has been extended pursuant to section 2424.23 or part 2429 of the Authority's Regulations, the Agency must file the statement of position within thirty (30) calendar days after the date the head of the Agency receives a copy of the Union's petition for review.

The information requested below may be provided on this form or in a separately created document. The form is available at [www.flra.gov](http://www.flra.gov), in a format that can be completed using standard word processing software. If you have questions about completing this form, please contact the Authority's Office of Case Intake and Publication at (202) 218-7740.

The regulations governing negotiability proceedings are in 5 C.F.R. part 2424 of the Authority's Regulations, and are available at [www.flra.gov](http://www.flra.gov).

## Part I - Background

### 1. Case Number and Caption

#### 2. Name and Address of Agency:

**Name:**

**Address:**

#### 3. Agency Bargaining Representative Contact Information:

**Name:**

**Title:**

**Address (if different from Question 3):**

**Phone:**

**Fax:**

**Email:**



**PROPOSAL \_\_\_\_\_**

**7. If the Agency's position is different from the Union's position in its petition for review on any of the following, explain, with support, the Agency's position:**

**7a. The meaning attributed to the proposal, including the Union's explanation of the meaning, terms of art, acronyms, technical language, or any other aspect of the language of the proposal which is not in common usage.**

**7b. How the proposal would work and what impact it will have, including the Agency's basis for disagreeing with the Union's explanation.**





**10. If the Union has claimed that the proposal is one of the following and you disagree, explain why you disagree:**

**10a. A permissive subject of bargaining under 5 U.S.C. § 7106(b)(1).**

**10b. A procedure under 5 U.S.C. § 7106(b)(2).**

**10c. An appropriate arrangement under 5 U.S.C. § 7106(b)(3).**

**11. Are there any other grounds on which the Agency asserts the proposal is not negotiable?**

Yes     No

**11a. If Yes, identify the ground and explain why.**



## **Part VI - Checklist with Statement of Service and Signature**

**All documents filed with the Authority must comply with the requirements set forth in part 2429 of the Authority's Regulations.**

A complete copy (including all attachments) of a statement of position must:

- Be served by certified mail, first-class mail, commercial delivery, in person, or email (but only when the receiving party has agreed to be served by email) on the Principal Union Bargaining Representative at the negotiations . . . (5 C.F.R. §§ 2424.2(g) & 2429.27(b))
- Contain a signed and dated statement of service with names and addresses of parties served, date of service, nature of document served, and method of service. (See below) . . . (5 C.F.R. § 2429.27(c))
- Contain an original and four (4) complete and legible copies of all documents . . . (5 C.F.R. § 2429.25)
- Be addressed to:

Case Intake and Publication  
Federal Labor Relations Authority  
Docket Room, Suite 201  
1400 K Street, NW  
Washington, D.C. 20424-0001

**Statement/Certificate of Service to be used by Agency filing a Statement of Position on petition for review of negotiability issues.**

**STATEMENT OF SERVICE**

I certify that a complete copy of the Agency's statement of position, including all attachments, in the case of the \_\_\_\_\_ and \_\_\_\_\_, case number \_\_\_\_\_, were filed with the Office of Case Intake and Publication, Federal Labor Relations Authority, Washington, D.C., and were sent this day to:

**Union Principal Bargaining Representative**  
(Title and Mailing Address)

**The Head of the Agency (or designee) \*/**  
(Title and Mailing Address)  
(if applicable)

Indicate near each name the **Method of Service**.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of filing party

\_\_\_\_\_  
Signature of Agency's representative

\*/ *E.g.*, for components of the U.S. Department of Defense, the Head of the Agency (or "Agency Head") is the Secretary of Defense, or his or her designee. *See* 5 C.F.R. § 2424.2(g) ("Service means the delivery of copies of documents filed with the Authority to the other party's principal bargaining representative and, in the case of an exclusive representative, also to the head of the agency.")