



# FLRA NEWS

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## **THE FLRA REOPENS COMMENT PERIOD ON PROPOSED REGULATION CHANGE**

On December 23, 2019, the Federal Labor Relations Authority (the FLRA or the Authority) published a Notice in the Federal Register announcing intended revisions to the regulations governing negotiability appeals to better “expedite proceedings,” consistent with Congress’s direction, and with the FLRA’s goal in its strategic plan to “ensure quality, timely . . . decision-making processes.” The proposed revisions in the Federal Register are designed to streamline the adjudication process for negotiability appeals, resulting in more timely decisions for the parties.

One of the proposed changes to the regulations involved the definition of “compelling need” as set forth in section 2424.50 of title 5 of the Code of Federal Regulations. The Federal Register Notice pointed out that the criteria in the section are illustrative and there may be other, or more appropriate, examples of an agency rule or regulation for which there is a compelling need. The FLRA solicited specific examples of an agency rule or regulation for which there is a compelling need and appropriate illustrative criteria that would establish a compelling need for the rule or regulation.

Written comments on the proposed revisions were initially due on or before January 22, 2020.

On June 4, 2019, in accordance with § 2427.2 of the Authority’s Regulations, the Office of Personnel Management (OPM) requested a general statement of policy or guidance clarifying what circumstances meet the criteria in 5 C.F.R. § 2424.50 for determining when a “compelling need” exists for an agency rule or regulation. In its request, OPM asked that the Authority issue a general statement of policy or guidance that would clarify, through the use of examples, what circumstances meet the illustrative criteria under § 2424.50. In the alternative, OPM requested that the Authority supplement its regulations to include such guidance after providing notice and the opportunity for public comment.

On January 22, 2020, in Case No. 0-PS-35, the Authority denied OPM’s request, stating that the question raised in the request is more appropriately resolved by other means – namely, through the forthcoming issuance of revised Authority Regulations following notice and the opportunity for public comment.

However, to ensure that interested parties have sufficient time to comment on that matter, as well as all of the matters addressed in the proposed regulation changes, the FLRA is reopening the period for submission of comments on all of the proposed regulations until February 11, 2020.

The FLRA encourages all interested persons to submit comments on the proposed revisions. Instructions for submitting comments are included [here](#).

The Federal Register Notice extending the comment period is [here](#).

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*The FLRA administers the labor-management-relations program for 2.1 million non-Postal federal employees worldwide, approximately 1.2 million of whom are represented in 2,200 bargaining units. It is charged with providing leadership in establishing policies and guidance related to federal-sector labor-management relations and with resolving disputes under, and ensuring compliance with, the Federal Service Labor-Management Relations Statute.*