



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

Case Processing While the Authority Component Has One Member

On January 4, 2013, when the 112th Congress adjourned, Carol Waller Pope's term as Chairman and Member of the Authority component of the FLRA expired. The Authority is currently operating with one Member, Ernie DuBester, who is now the Authority's Chairman. Following are questions and answers explaining what this situation means to parties and others who appear before and do business with the Authority and other FLRA components.

Question: How does the Authority's current status, with only one Member, affect the Authority's functioning?

Answer: The Authority's current status affects only one aspect of the Authority's functioning – issuing final decisions. With one Member, the Authority lacks a quorum, which is necessary for the Authority to decide cases under the Federal Service Labor-Management Relations Statute. Therefore, the Authority cannot issue final decisions in arbitration, negotiability, representation, and unfair labor practice cases. This affects the processing both of pending cases and of cases that will be filed during this period. When a quorum is reestablished, the Authority will resume issuing decisions. This includes decisions on all applications for review of Regional Director Decisions and Orders in representation cases that are pending or that will be filed during this period.

Question: Can parties file cases with the Authority when there is no quorum?

Answer: Yes. The provisions of the Statute and the Authority's Regulations concerning the filing of arbitration, negotiability, representation, and unfair labor practice cases with the Authority are not affected by the current situation. The Authority's Case Intake and Publication Office (CIP) will continue to accept these filings. Information on how to file cases can be found under "Filing a Case" on the FLRA's website: www.flra.gov. Information can also be obtained by contacting CIP directly at 202-218-7740.

Question: So what is the Authority doing during this period?

Answer: With the exception of issuing final decisions, it is "business as usual" at the Authority. We are continuing to process cases internally, including conducting post-petition conferences in negotiability cases. In addition, we are developing and providing training. And the Authority's Collaboration and Alternative Dispute Resolution Office (CADRO) continues to assist parties to resolve disputes without the need for a final decision from the Authority. This is consistent with the procedures followed in the two previous instances – in 1988-89 and in 2008 – when the Authority had only one Member.

Question: How does this affect the other components of the FLRA? May I still file an unfair labor practice charge, representation petition, or a request for assistance involving an impasse?

Answer: Yes. Without exception, work continues uninterrupted in the Office of the General Counsel (OGC), the Office of Administrative Law Judges (OALJ), and the Federal Service Impasses Panel (FSIP) because these components are not affected by the lack of a quorum in the Authority component. Thus, unfair labor practice charges and representation petitions may be filed in regional offices of the OGC and the OGC continues to process and resolve these matters, including conducting elections and hearings in representation cases. And the OALJ continues to process unfair labor practice complaints, including holding hearings and issuing recommended decisions. Further, the FSIP continues to accept and process requests for assistance in resolving negotiation impasses. Information on filing and processing cases in the OGC, the OALJ, and the FSIP also is available at www.flra.gov.

Question: What about the time limits for filing cases?

Answer: *All time limits* in the Statute and regulations that apply to the filing of documents – *in all components – continue to apply*. Therefore, you must comply with all filing deadlines. This includes time limits for filing documents that initiate a case – such as exceptions to an arbitration award with the Authority and unfair labor practice charges with the regional offices of the OGC – as well as time limits for filing responsive documents.

Question: Who can answer other questions?

Answer: You should direct questions concerning Authority case processing to the Chief, Case Intake and Publication Office, at 202-218-7740. CIP's address is FLRA, Suite 200, 1400 K Street, N.W., Washington, D.C., 20424-0001. Questions concerning case processing in the other components should be addressed to the appropriate regional office in the OGC (listed on the website at www.flra.gov/ogc), OGC Headquarters at 202-210-7910, or the FSIP at 202-218-7790.