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FEDERAL LABOR RELATIONS AUTHORITY

Approved Initiation of a Voluntary Mediation Program

AGENCY: Federal Labor Relations Authority.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Federal Labor Relations Authority (Authority) has approved the initiation of a voluntary mediation program administered by the Federal Mediation and Conciliation Service (FMCS) to assist parties with the resolution of negotiability disputes under section 7117(c) of the Federal Service Labor-Management Relations Statute.

FOR FURTHER INFORMATION CONTACT: Thomas Tso, Solicitor, at solmail@flra.gov or at (771) 444-5778.

SUPPLEMENTARY INFORMATION: The Authority has approved the initiation of a voluntary mediation program administered by the FMCS to assist parties with the resolution of negotiability disputes under section 7117(c) of the Federal Service Labor-Management Relations Statute (the Statute). 5 U.S.C. 7117(c). The purpose of the mediation program is to facilitate the efficient and effective resolution of these disputes.

Section 7105 of the Statute authorizes the Authority to "resolve issues relating to the duty to bargain in good faith under section 7117(c)" of the Statute. *Id.* 7105(a)(2)(E). Under section 7117(c), a union may file a petition for review when: (1) an agency has alleged that a union's bargaining proposal is outside the statutory duty to bargain; or (2) an agency head has disapproved, as allegedly

contrary to law, a contract that the agency and a union have agreed to, or the Federal Service Impasses Panel has imposed. *Id.* 7117(c).

Section 2424.31 of the Authority's regulations provides that, to resolve a negotiability dispute arising from such a petition for review, the Authority "may, in its discretion:" (a) direct the parties to provide specific documentary evidence; (b) direct the parties to provide answers to factual questions; (c) refer the matter to a hearing; or (d) take any other appropriate action. 5 CFR 2424.31. The Authority's decision to approve the mediation program is an action under § 2424.31(d) and does not contradict any existing regulations.

The mediation services offered by the FMCS will be a confidential and voluntary option for parties with negotiability disputes before the Authority. After a union files a petition with the Authority, the parties may jointly request mediation of their dispute, or the Authority may refer the matter to FMCS. Either party may decline to engage in mediation or withdraw their consent to participate in mediation at any time.

Upon referring a negotiability dispute to the FMCS, the Authority will inform the parties that it is placing the case in abeyance and will defer further processing of the case at that time. If the parties settle their entire dispute, then the FMCS will request that the parties notify the Authority in writing in order to enable the Authority to dismiss the negotiability appeal. If the parties do not settle their entire

dispute, then the FMCS will notify the Authority. The Authority will then resume processing of the negotiability dispute.

By order of the Authority.

Issued: October 7, 2026.

Rebecca J. Osborne

Deputy Solicitor, Federal Labor Relations Authority.

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