



**FMCS**  
FEDERAL MEDIATION &  
CONCILIATION SERVICE



**FLRA**  
U.S. FEDERAL LABOR RELATIONS AUTHORITY

# NEWS RELEASE

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**Website: [www.fmcs.gov](http://www.fmcs.gov)**

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## **FMCS and FLRA Sign Memorandum of Understanding**

**WASHINGTON, D.C.** — The Federal Mediation and Conciliation Service (FMCS) and the Federal Labor Relations Authority (Authority) have announced a new commitment to work together to provide labor organizations and agencies with an opportunity to resolve negotiability appeals before they are considered by the Authority’s Members for a decision. Negotiability appeals arise when there is a dispute relating to whether an issue is outside the statutory duty to bargain.

In a ceremony at FMCS headquarters on June 27, Authority Chairman Colleen Duffy Kiko and FMCS Director Nominee Richard Giacolone signed a memorandum of understanding (MOU), creating a new pilot procedure for resolving negotiability appeals at no cost to the parties. Under its terms, FMCS will develop a unique cadre of mediators, who will receive specialized training from the Authority, to assist the parties in the resolution of negotiability appeals through mediation.

Under the pilot program, before a negotiability appeal is considered by the Authority’s Members for a decision, the Authority may refer such appeals to FMCS, either on the Authority’s own initiative or based upon a request from the parties. Upon referring a negotiability appeal to FMCS, the Authority will inform the parties that it is placing the case in abeyance and will defer further processing of the case.

The negotiability appeal mediation procedure is expected to take between 30 and 60 days.

If the parties settle their entire dispute, 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, the Authority will resume processing of the negotiability appeal.

“I am excited about the opportunity to partner with FMCS and their outstanding team of mediators,” said Chairman Kiko. “The Authority is committed to fulfilling our statutory obligation to expedite negotiability appeals to the extent practicable and to resolving these matters as quickly and efficiently as possible in order to advance the process of collective bargaining. This pilot program with FMCS is a great first step, and we hope to continue our collaboration.”

Director Nominee Giacolone said, “It is our pleasure to use alternative dispute resolution to assist the Authority in the furtherance of productive federal sector labor-management relations. I am confident

that our expert mediators will quickly make a real difference in resolving disputes among the parties appearing before the Authority. I look forward to FMCS expanding the work our Agency does on behalf of our federal agencies and dedicated public servants.”

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*The U.S. Federal Mediation & Conciliation Service (FMCS) is the nation’s premier public agency for dispute resolution and conflict management. FMCS was created by Congress as a neutral and independent government agency upon enactment of the Labor-Management Relations Act of 1947 (Taft-Hartley Act) and mandated to resolve industrial conflict and promote labor-management peace and cooperation, minimizing the impact of these disputes on the free flow of commerce. With headquarters in Washington, D.C. and offices across the country, the agency has a proud track record of decades of effective dispute resolution and conflict management services for employers and unions across industries and work activities in the private, public, and federal sectors. FMCS is also recognized for its success facilitating negotiated rulemaking processes and for its robust employment mediation program in the federal sector as well as its global program, partnering with more than 60 countries to provide international consulting and training. For more on FMCS or to request services, visit [www.fmcs.gov](http://www.fmcs.gov)*

*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.*



WASHINGTON, DC (June 27, 2019) Representatives from the Federal Mediation and Conciliation Service (FMCS) and Federal Labor Relations Authority (FLRA) gather for the signing of a Memorandum of Understanding for a new pilot procedure for resolving negotiability appeals. (FMCS Photo/Greg Raelson)



WASHINGTON, DC (June 27, 2019) Representatives from the Federal Mediation and Conciliation Service (FMCS) and Federal Labor Relations Authority (FLRA) look on as FMCS Director Nominee Richard Giacalone (left) and FLRA Chairman Colleen Duffy Kiko exchange signed copies of a Memorandum of Understanding for a new pilot procedure for resolving negotiability appeals. (FMCS Photo/Greg Raelson)