

From: david.wisniewski@ifpte777.org
To: [Register](#)
Cc: [Agan Smalley](#)
Subject: [EXTERNAL] Requests for Arbitration Panel, RIN 3076-AA31
Date: Sunday, September 20, 2026 7:54:48 PM

IFPTE Local 777 strongly opposes giving FMCS additional authority to refuse or delay providing arbitration panels based on a threshold inquiry.

This is another unnecessary roadblock being placed between American workers and the process they negotiated to resolve workplace disputes.

For years the rule was simple. When the parties had an arbitration process and requested a panel, FMCS provided the panel. FMCS did not decide whether the grievance was arbitrable. That question could be put before the arbitrator.

That system makes sense.

The new rule does the opposite. FMCS says it is not deciding the underlying contractual or arbitrability dispute, but it now gives itself authority to conduct a threshold inquiry and potentially refuse the panel or hold the request in abeyance.

You cannot have it both ways.

If FMCS is not deciding arbitrability, then let the parties get to the arbitrator.

Federal employees do not get arbitration because somebody in Washington did them a favor. Arbitration is part of negotiated grievance procedures established under federal labor law and collective bargaining agreements.

When management and the union cannot resolve a grievance, arbitration is supposed to provide a final way to resolve the dispute.

Now we are adding another gatekeeper before the parties can even get there.

Who exactly does that make government more efficient for?

If an agency does not want a grievance heard, it now has another opportunity to raise a legal objection before an arbitrator is even selected. FMCS can request information. The parties respond. Attorneys and labor relations specialists get involved. The matter sits while FMCS decides what it is going to do.

If FMCS refuses the panel, the dispute does not magically disappear.

The parties fight somewhere else.

That may mean the FLRA. It may mean Federal court. It may mean additional legal filings and additional government employees spending additional hours arguing about how to get to the process that should have been available in the first place.

The taxpayers pay for every minute of it.

Agency attorneys are paid by the taxpayer. Labor relations specialists are paid by the taxpayer.

Managers preparing documents and responses are paid by the taxpayer. Government employees appearing as witnesses are paid by the taxpayer.

Adding another dispute before we can resolve the actual dispute is not government efficiency.

It is government bureaucracy creating more government bureaucracy.

There is also a much bigger issue here.

Collective bargaining agreements mean something. The grievance and arbitration procedures inside those agreements mean something. American workers negotiated those agreements in good faith with their employers.

The federal government should not be looking for new ways to make those agreements harder to enforce.

More than half a million veterans currently work as federal civilian employees. Many continued serving this country after taking off the uniform. They are part of the same federal workforce whose collective bargaining and workplace protections continue to be narrowed.

We constantly hear elected officials and government leaders tell us how much this country values its veterans.

Then value them when they become federal employees.

Value their right to representation. Value the agreements negotiated on their behalf. Value their right to have workplace disputes heard by a neutral arbitrator.

This is bigger than one regulation.

Federal employees have watched grievance rights, appeal rights, arbitration rights and other workplace protections come under repeated attack. Each change is presented as efficiency, accountability or reform.

At some point we need to call it what it is.

These changes make it harder for American workers to challenge their government employer.

If an actual court order or clear law prohibits FMCS from providing a panel, FMCS obviously must follow the law. Nobody is asking FMCS to violate a court order.

But merely raising a legal or arbitrability objection should never become a tool for delaying arbitration.

The arbitrator should decide arbitrability.

FMCS should provide the panel.

Let the negotiated process work.

Government does not become more efficient by creating another layer of government between a worker and the resolution of a grievance.

IFPTE Local 777 urges FMCS to withdraw this expansion of its threshold review authority or, at minimum, limit it to situations involving a clear and controlling legal prohibition or court order. Disputed questions about arbitrability, collective bargaining agreements or the rights of the parties belong before the arbitrator, not at the FMCS front door.

CAUTION: **This email originated EXTERNALLY - Please think before clicking on any links, opening attachments or replying.**