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FMCS and FLRA Sign Memorandum of Understanding to Promote Mediation of Federal Sector Negotiability Disputes



WASHINGTON, D.C. – The Federal Mediation and Conciliation Service (FMCS) and the Federal Labor Relations Authority (FLRA) have signed a Memorandum of Understanding (MOU) establishing a voluntary mediation process to help federal agencies and labor organizations resolve negotiability disputes before they proceed to a decision by the FLRA.

This agreement reflects both agencies' commitment to promoting constructive labor-management relationships and providing federal-sector parties with additional opportunities to resolve disputes collaboratively.

Under the MOU, the FLRA may refer negotiability appeals to FMCS for voluntary mediation, either on its own initiative or at the request of the parties. These appeals generally arise when an agency asserts that a union proposal is outside the agency's duty to bargain or when an agency head disapproves a negotiated agreement or an agreement imposed by the Federal Service Impasses Panel (FSIP) on the grounds that it conflicts with law. Once the FLRA refers a negotiability appeal to FMCS, the FLRA will place the case in abeyance while mediation is pursued. FMCS will assign a mediator with training in negotiability

appeals and arrange an initial meeting with the parties to determine whether mediation may help resolve the dispute.

The new process provides agencies and unions an opportunity to address these disputes through facilitated discussions before the FLRA resumes consideration of the appeal.

"FMCS welcomes this opportunity to help federal agencies and labor organizations find common ground, strengthen labor-management relationships, and support productive federal workplaces," said Anna Davis, General Counsel performing the duties of FMCS Director.

"I am pleased the FLRA is once again partnering with FMCS to give agencies and labor organizations an invaluable opportunity to resolve their negotiability disputes efficiently and collaboratively," said FLRA Chairman Colleen Kiko. "Resolving these disputes through mediation returns the parties to the bargaining table and advances the collective bargaining process."

The MOU underscores the agencies' shared recognition that effective dispute resolution can reduce unnecessary delays, encourage meaningful dialogue, and strengthen the federal labor-management relations framework.

Through this partnership, FMCS and FLRA aim to expand opportunities for collaborative problem-solving while preserving the FLRA's statutory role in resolving negotiability disputes.

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