

§§ 2423.43–2423.49

5 CFR Ch. XIV (1–1–21 Edition)

§§ 2423.43–2423.49 [Reserved]

2424.42–2424.49 [Reserved]

**PART 2424—NEGOTIABILITY
PROCEEDINGS**

**Subpart F—Criteria for Determining Com-
pelling Need for Agency Rules and
Regulations**

**Subpart A—Applicability of This Part and
Definitions**

2424.50 Illustrative criteria.
2424.51–2424.59 [Reserved]

Sec.

2424.1 Applicability of this part.

2424.2 Definitions.

2424.3–2424.9 [Reserved]

AUTHORITY: 5 U.S.C. 7134.

SOURCE: 63 FR 66413, Dec. 2, 1998, unless otherwise noted.

**Subpart B—Alternative Dispute Resolution;
Requesting and Providing Allegations
Concerning the Duty To Bargain**

**Subpart A—Applicability of This
Part and Definitions**

2424.10 Collaboration and Alternative Dis-
pute Resolution Program.

2424.11 Requesting and providing written al-
legations concerning the duty to bargain.

2424.12–2424.19 [Reserved]

§ 2424.1 Applicability of this part.

This part applies to all petitions for
review filed on or after June 4, 2012.

[77 FR 26433, May 4, 2012]

**Subpart C—Filing and Responding to a
Petition for Review; Conferences**

§ 2424.2 Definitions.

In this part, the following definitions
apply:

2424.20 Who may file a petition for review.

2424.21 Time limits for filing a petition for
review.

2424.22 Exclusive representative's petition
for review; purpose; content; severance;
service.

2424.23 Post-petition conferences; conduct
and record.

2424.24 Agency's statement of position; pur-
pose; time limits; content; severance;
service.

2424.25 Response of the exclusive represent-
ative; purpose; time limits; content; sev-
erance; service.

2424.26 Agency's reply; purpose; time limits;
content; service.

2424.27 Additional submissions to the Au-
thority.

2424.28–2424.29 [Reserved]

(a) *Bargaining obligation dispute*
means a disagreement between an ex-
clusive representative and an agency
concerning whether, in the specific cir-
cumstances involved in a particular
case, the parties are obligated to bar-
gain over a proposal that otherwise
may be negotiable. Examples of bar-
gaining obligation disputes include dis-
agreements between an exclusive rep-
resentative and an agency concerning
agency claims that:

(1) A proposal concerns a matter that
is covered by a collective bargaining
agreement; and

(2) Bargaining is not required over a
change in bargaining unit employees'
conditions of employment because the
effect of the change is *de minimis*.

**Subpart D—Processing a Petition for
Review**

(b) *Collaboration and Alternative Dis-
pute Resolution Program* refers to the
Federal Labor Relations Authority's
program that assists parties in reach-
ing agreements to resolve disputes.

2424.30 Procedure through which the peti-
tion for review will be resolved.

2424.31 Resolution of disputed issues of ma-
terial fact; hearings.

2424.32 Parties' responsibilities; failure to
raise, support, and/or respond to argu-
ments; failure to participate in con-
ferences and/or respond to Authority or-
ders.

2424.33–2424.39 [Reserved]

(c) *Negotiability dispute* means a dis-
agreement between an exclusive rep-
resentative and an agency concerning
the legality of a proposal or provision.
A negotiability dispute exists when an
exclusive representative disagrees with
an agency contention that (without re-
gard to any bargaining obligation dis-
pute) a proposal is outside the duty to
bargain, including disagreement with
an agency contention that a proposal is

Subpart E—Decision and Order

2424.40 Authority decision and order.

2424.41 Compliance.