APPENDIX B TO CHAPTER XIV—MEMORANDUM DESCRIBING THE AUTHORITY AND ASSIGNED RESPONSIBILITIES OF THE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY UNDER THE FOREIGN SERVICE LABOR-MANAGEMENT RELATIONS STATUTE

The statutory authority and responsibility of the General Counsel of the Federal Labor Relations Board are stated in section 4108 subsections (1), (2) and (3), of the Foreign Service Labor-Management Relations Statute as follows:

SECTION 4108  FUNCTIONS OF THE GENERAL COUNSEL

The General Counsel may—

(A) investigate alleged unfair labor practices under this chapter,

(B) file and prosecute complaints under this chapter, and

(C) exercise such other powers of the Board as the Board may prescribe.

This memorandum is intended to describe the statutory authority and set forth the prescribed duties and authority of the General Counsel of the Federal Labor Relations Authority under the Foreign Service Statute, effective February 15, 1981.

I. Case handling— A. Unfair labor practice cases.

The General Counsel has full and final authority and responsibility, on behalf of the Board, to accept and investigate charges filed, to enter into and approve the informal settlement of charges, to approve withdrawal requests, to dismiss charges, to determine matters concerning the consolidation and severance of cases before complaint issues, to issue complaints and notices of hearing, to appear before Administrative Law Judges in hearings on complaints and prosecute as provided in the Board’s and the General Counsel’s rules and regulations, and to initiate and prosecute injunction proceedings as provided for in section 4109(d) of the Foreign Service Statute. After issuance of the Administrative Law Judge’s decision, the General Counsel may file exceptions and briefs and appear before the Board in oral argument, subject to the Board’s and the General Counsel’s rules and regulations.

B. Compliance actions (injunction proceedings).

The General Counsel is authorized and responsible, on behalf of the Board, to seek and effect compliance with the Board’s orders and make such compliance reports to the Board as it may from time to time require.

On behalf of the Board, the General Counsel will, in full accordance with the directions of the Board, initiate and prosecute injunction proceedings as provided in section 4109(d) of the Foreign Service Statute. Provided however, That the General Counsel will initiate
and conduct injunction proceedings under section 4108(d) of the Foreign Service Statute only upon approval of the Board.

C. Representation cases. The General Counsel is authorized and has responsibility, on behalf of the Board, to receive and process, in accordance with the decisions of the Board and with such instructions and rules and regulations as may be issued by the Board from time to time, all petitions filed pursuant to sections 4111 and 4118(c) of the Foreign Service Statute. The General Counsel is also authorized and has responsibility to supervise or conduct elections pursuant to section 4111 of the Foreign Service Statute and to enter into consent election agreements in accordance with section 4111(g) of the Foreign Service Statute.

The authority and responsibility of the General Counsel in representation cases shall extend, in accordance with the rules and regulations of the Board and the General Counsel, to all phases of the investigation through the conclusion of the hearing (if a hearing should be necessary to resolve disputed issues), but all matters involving decisional action after such hearings are reserved by the Board to itself. In the event a direction of election should issue by the Board, the General Counsel shall certify the results thereof, with appropriate copies lodged in the Washington, DC, files of the Board.

II. Liaison with other governmental agencies.

The General Counsel is authorized and has responsibility, on behalf of the Board, to maintain appropriate and adequate liaison and arrangements with the Office of the Assistant Secretary of Labor for Labor-Management Relations with reference to the financial and other reports required to be filed with the Assistant Secretary pursuant to section 4117 of the Foreign Service Statute and the availability to the Board and the General Counsel of the contents thereof. The General Counsel is authorized and has responsibility, on behalf of the Board, to maintain appropriate and adequate liaison with the Foreign Service Grievance Board with respect to functions which may be performed by the Foreign Service Grievance Board.

III. To the extent that the above-described duties, powers and authority rest by statute with the Board, the foregoing statement constitutes a prescription and assignment of such duties, powers and authority, whether or not so specified.

[46 FR 45882, Sept. 15, 1981]