

# ULP Factsheet – Filing through Appeals

## Filing a Charge

The FLRA receives about 4,000 charges per year from federal employees, unions, and agencies covering a range of alleged unfair labor practices. Most charges are filed by unions against agencies. But employees can file charges against both unions and agencies, and agencies can file charges against unions. You generally must file a charge within six months from when the alleged violation occurred.

You file a charge with your nearest [Regional Office](#). You can [eFile](#) a charge (preferred) or use a [charge form](#) to fax or mail a charge. If the alleged ULP occurred in more than one Region, you may file in any Region where it occurred.

When you file a charge, you should provide a [brief](#) statement of the important facts and allegations, including the [date](#) of the incident, the location where the incident occurred, and the names and titles of the people involved and submit supporting documents and witness list.

You can also contact your nearest [Regional Office](#) for technical assistance with filing a charge. Agents at the Regional Offices may assist you by:

- Providing a general explanation of the rights and obligations under the Statute
- Explaining the unfair labor practice case processing procedures
- Providing charge forms and assisting in completing forms
- Providing resources and helping locate information on the FLRA website
- Providing assistance in identifying the relevant evidence you will need to support your charge

## Responding to the Charge

Often the charged party's representative is different from the contact person listed on the charge. If you are not listed as the representative on the charge, you should contact the agent assigned to the charge to provide your contact information. You may also use the [FLRA Designation of Representative form](#).

You should also begin to gather evidence about the events in the charge, any defenses you may raise, and consider any ways to resolve the charge. During the investigation, when needed, the agent assigned to the case will ask you to submit a position statement and relevant documents, arrange official time for employees, and make witnesses available to give sworn statements.

## **Investigation of ULP Charges**

The purpose of the investigation is to obtain, analyze, and apply the relevant facts and law to arrive at an informed and proper disposition of the charge. The agent gathers relevant documents from the charging party and will interview relevant witnesses by telephone and obtain an affidavit. As the investigation is impartial, the agent also collects any evidence that may refute a charge's allegations. The agent obtains, as needed, a position statement, relevant documents, and witness affidavits from the charged party. In some cases, an agent may do an on-site affidavit or investigation.

## **Regional Director Decision**

After the investigation, the Regional Director reviews all the evidence, including the parties' positions, and makes a decision. If the Regional Director finds merit to the charge s/he will, absent settlement, issue a complaint and notice of hearing to appear before an Administrative Law Judge. If the Regional Director decides the charge has no merit, s/he will issue a dismissal letter, unless the charging party withdraws the charge. A Regional Director may also issue a complaint for those allegations with merit and issue a dismissal letter for the charge's remaining allegations.

## **Appeals of Dismissals**

A charging party may appeal a Regional Director's decision to dismiss a charge to the [Office of the General Counsel \(OGC\)](#) in Washington D.C. within 30 days of the dismissal. The Office reviews all documents in the case, but the OGC will not consider any new information. The OGC may 1) deny the appeal and uphold the Regional Director's decision, 2) remand the case to the Regional Office for further investigation, or 3) remand the case to the Regional Director for issuance of a complaint. These decisions are not reviewable in court, and parties who disagree with the OGC's decision to deny an appeal have no further appeal rights.

## **Hearings before an Administrative Law Judge**

A complaint generally leads to a hearing before an FLRA [Administrative Law Judge \(ALJ\)](#), unless there is a settlement. The Office of ALJ [Settlement Judge Program](#), assists parties in resolving ULP complaints. If settlement efforts are unsuccessful, attorneys from the Regional Offices represent the FLRA in prosecuting the complaint before the ALJ. As in any court proceeding, parties prepare arguments and present evidence and witnesses.

After a hearing, the ALJ issues a decision recommending either that the Authority dismiss the complaint or find a violation and order relief. If no party files an appeal with the Authority, then the ALJ's decision becomes final.

## **Appeals to the Authority**

Any party can appeal an ALJ decision to the [Authority](#) within 25 days. A party who wishes to appeal the ALJ's decision files exceptions with the [Office of Case Intake and Publication](#). The Authority may remand a case to the ALJ or it may make a final decision. A party can appeal a final Authority decision to a federal court of appeals.

## **Remedies**

Under the Statute, the FLRA cannot assess penalties. The FLRA may seek make-whole remedies, such as reinstatement and backpay for discharged employees, rescission of the action, and informational remedies, such as the posting of a notice by the charged party promising not to violate the law.

**For further information** or for help in filing a charge, please contact your nearest [Regional Office](#).