

G. SETTLEMENTS AT HEARING

OVERVIEW:

Section [2423.31](#)(e) specifically sets forth authorization for informal and formal settlements after the hearing is opened.

OBJECTIVE:

To provide Trial Attorneys with guidance as to how to process settlement agreements reached at hearings.

1. POLICY:

a. *Preference for settlement in lieu of litigation.*

See [Part 1, Chapter H](#) concerning post complaint/pre-hearing settlements.

b. *Policy considerations surrounding the form and content of such agreements are identical to those applied in post-complaint/pre-hearing settlements.*

See [Part 1, Chapter H](#).

2. PROCEDURE:

a. *Informal settlement agreement after opening of hearing:*

- i. First, request a brief recess to contact the RD for approval. Upon such approval,
- ii. Move for permission to withdraw the complaint on behalf of the RD, and, having been granted such permission by the ALJ,

- iii. The RD approves the informal settlement agreement.

See § [2423.31\(e\)\(1\)](#).



This procedure applies whether the informal settlement is bilateral or unilateral. However, prior to submitting a unilateral settlement to the RD for approval, the Trial Attorney obtains the Charging Party's objections and reasons, so that they may be considered by the RD and covered in the dismissal letter.

- b. *PSIWOC during a hearing:*

- i. Same procedure applies as stated above in subsection "a" except that the RD ultimately approves a withdrawal request rather than the settlement agreement itself.
- ii. This procedure also applies if a partial settlement is reached with the added requirement that the Trial Attorney moves to sever those settled portions of the complaint.



In neither case is the ALJ required to approve the terms of the settlement agreement or transmit such agreement to the FLRA for approval.

- c. *Formal settlement during the hearing:*

- i. If the parties reach a formal settlement during the hearing, after obtaining the approval of the RD, the Trial Attorney requests, on behalf of the RD, that the ALJ approve the formal settlement itself, and upon such approval, to transmit the agreement to the Authority for approval.

See § [2423.31\(e\)\(2\)](#).

- ii. If the formal settlement is **unilateral**, the Trial Attorney does not request the ALJ to approve the agreement until after the Charging Party is given the opportunity to state on the record or in writing its reasons for opposing the agreement.

See § [2423.31\(e\)\(2\)](#).

Q [Part 1, Chapter H](#) concerning Post Complaint/Pre-Hearing Settlements.

RESERVED