

## A. POST-HEARING SETTLEMENTS

### OVERVIEW:

As discussed in [Part 1, Chapter H](#) concerning Post complaint/Pre-hearing settlements, and [Part 2, Chapter G](#) concerning Settlements at Hearing, it is **OGC Policy** “to seek settlements that enhance the parties’ relationship; resolve the issues that have brought the parties to seek FLRA assistance; and further the purposes of the Statute.” **OGC Settlement Policy (May 25, 1994)** ([ATTACHMENT 1H](#)). Section [2423.31](#)(e) specifically authorizes informal and formal settlements after the hearing is opened.

### OBJECTIVE:

To provide guidance to Trial Attorneys concerning how to process settlement agreements reached after the close of hearings.

#### 1. POLICY:

See [Part 1, Chapter H](#) and [Part 2, Chapter G](#).

#### 2. PROCEDURE:

- a. *Settlement agreement post-hearing but before case transferred to FLRA:*
  - i. *Informal Settlement Agreement including unilateral settlement agreement or PSIWOCs--§ [2423.31](#)(e)(1):*

If an informal settlement agreement or PSIWOC is reached, the Trial Attorney:

- Upon the RD’s approval, files with the ALJ a written motion for permission to withdraw the complaint; and

- After the ALJ grants permission, the RD approves the informal settlement or withdrawal request as applicable.

ii. *Formal Settlement Agreement--Section [2423.31\(e\)\(2\) and \(3\)](#):*

If the parties reach a formal settlement ((e)(2)) after the hearing, the Trial Attorney:

- Obtains the approval of the RD;
- Requests the ALJ to approve settlement agreement; and
- Requests, upon such approval, the ALJ to transmit agreement to the Authority for approval.

If the formal settlement is unilateral, the Trial Attorney:

- Gives the Charging Party an opportunity to state in writing its reasons for opposing the agreement;
- Requests the ALJ to approve the agreement; and
- Requests, upon such approval, the ALJ to transmit agreement to the Authority for approval.

b. *Settlement agreement after case is transferred to Authority but before decision, the Trial Attorney:*

- Drafts a Motion to the FLRA to remand the case to the RD for action consistent with the applicable agreement, e.g., approval of withdrawal request or approval of informal settlement agreement/PSIWOC.
- In the unlikely event that a formal settlement is agreed to at this stage, transmits for RD an original and three copies to the OGC, which, in turn, transmits a Motion to the FLRA requesting approval.

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[Part 1, Chapter H](#) concerning Post Complaint/Pre-hearing Settlements; and

[Part 2, Chapter G](#) concerning Settlements at Hearing.

RESERVED