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the basis for similar relief if filed or raised as an unfair labor practice under part 2423 of this chapter: Provided, however, that related matters may be consolidated for hearing as noted in §2422.27(d) of this subpart.

§2422.34 Rights and obligations during the pendency of representation proceedings.

(a) Existing recognitions, agreements, and obligations under the Statute. During the pendency of any representation proceeding, parties are obligated to maintain existing recognitions, adhere to the terms and conditions of existing collective bargaining agreements, and fulfill all other representational and bargaining responsibilities under the Statute.

(b) Unit status of individual employees. Notwithstanding paragraph (a) of this section and except as otherwise prohibited by law, a party may take action based on its position regarding the bargaining unit status of individual employees, pursuant to 3 U.S.C. 431(d)(2), 5 U.S.C. 7103(a)(2), and 7112(b) and (c): Provided, however, that its actions may be challenged, reviewed, and remedied where appropriate.

[60 FR 67291, Dec. 29, 1995, as amended at 63 FR 46158, Aug. 31, 1998]

PART 2423—UNFAIR LABOR PRACTICE PROCEEDINGS

Sec.

2423.0 Applicability of this part.

Subpart A-Filing, Investigating, Resolving, and Acting on Charges

- 2423.1 Resolution of unfair labor practice disputes prior to a Regional Director determination whether to issue a complaint.
- 2423.2 Alternative Dispute Resolution (ADR) services.
- 2423.3 Who may file charges.
- 2423.4 Contents of the charge; supporting evidence and documents.
- 2423.5 [Reserved]
- 2423.6 Filing and service of copies.
- 2423.7 Alternative case processing procedure.
- 2423.8 Investigation of charges.
- 2423.9 Amendment of charges.
- 2423.10 Action by the Regional Director.
- 2423.11 Determination not to issue complaint; review of action by the Regional Director.

2423.12 Settlement of unfair labor practice charges after a Regional Director determination to issue a complaint but prior to issuance of a complaint.

2423.13-2423.19 [Reserved]

Subpart B—Post Complaint, Prehearing Procedures

- 2423.20 Issuance and contents of the complaint; answer to the complaint; amendments; role of Office of the Administrative Law Judges.
- 2423.21 Motions procedure.
- 2423.22 Intervenors.
- Prehearing disclosure. 2423.23
- 2423.24 Powers and duties of the Administrative Law Judge during prehearing proceedings.
- 2423.25 Post complaint, prehearing settle-
- ments.
- 2423.26 Stipulations of fact submissions.
- 2423.27Summary judgment motions. 2423.28 Subpoenas.
- 2423.29
- [Reserved]

Subpart C—Hearing Procedures.

- 2423.30 General rules.
- 2423.31 Powers and duties of the Administrative Law Judge at the hearing.
- 2423.32 Burden of proof before the Administrative Law Judge.
- 2423.33 Posthearing briefs.
- 2423.34 Decision and record.
- 2423.35-2423.39 [Reserved]

Subpart D—Post-Transmission and **Exceptions to Authority Procedures**

- 2423.40 Exceptions; oppositions and crossexceptions; oppositions to cross-exceptions; waiver.
- 2423.41 Action by the Authority; compliance with Authority decisions and orders.
- 2423.42 Backpay proceedings.

2423.43-2423.49 [Reserved]

AUTHORITY: 3 U.S.C. 431: 5 U.S.C. 7134.

SOURCE: 62 FR 40916, July 31, 1997, unless otherwise noted.

§2423.0 Applicability of this part

This part is applicable to any charge of alleged unfair labor practices pending or filed with the Authority on or after January 1, 1999, and any complaint filed on or after October 1, 1997.

[63 FR 65642, Nov. 30, 1998]

Subpart A—Filing, Investigating, Resolving, and Acting on Charges

SOURCE: 63 FR 65642, Nov. 30, 1998, unless otherwise noted.

§2423.0