

implementation bargaining (I&I) and/or mid-term bargaining and provide a brief listing of issues, e.g. Smoking, Alternative Work Schedules (AWS), ground rules, office moves, or if desired, add attached list. This is only if such issues are known at time of filing.

In *item #3*. Please specify the issues to be considered for grievance mediation. Please refer to FMCS guidelines for processing these requests. Please make certain that both parties sign this request!

In *item #4*. List the name of the agency, as follows: The Department, and the subdivision or component. For example: U.S. Dept. of Labor, BLS, or U.S. Dept. of Army, Aberdeen Proving Ground, or Illinois National Guard, Springfield Chapter. If an independent agency is involved, list the agency, e.g. Federal Deposit Insurance Corp. (FDIC) and any subdivision or component, if appropriate.

In *item #5*. List the name of the union and its subdivision or component as follows: e.g. Federal Employees Union, Local 23 or Government Workers Union, Western Joint Council.

In *item #6*. Provide the area where the negotiation or mediation will most likely take place, with zip code, e.g., Washington, D.C. 20427. The zip code is important because our cases are routed by computer through zip code, and mediators are assigned on that basis.

In *item #7*. Only the *approximate* number of employees in the bargaining unit and establishment are requested. The establishment is the entity referred to in item 4 as name of subdivision or component, if any.

In *item #8*. The filing need only be sent by one party unless it is a request for grievance mediation. (See item 9.)

In *item #9*. Please give the title of the official, phone number, address, and zip code.

In *item #10*. Both labor and management signatures are required for grievance mediation requests.

#### NOTICE

Send original to F.M.C.S.  
Send one copy to opposite party.  
Retain one copy for party filing notice.

[60 FR 2509, Jan. 10, 1995]

#### **§ 1425.3 Functions of the Service under title VII of the Civil Service Reform Act.**

(a) The service may provide its assistance in any negotiation dispute when earnest efforts by the parties to reach agreement through direct negotiation have failed to resolve the dispute. When the existence of a negotiation dispute comes to the attention of the Service through a specific request for mediation from one or both of the

parties, through notification under the provisions of § 1425.2, or otherwise, the Service will examine the information concerning the dispute and if, in its opinion, the need for mediation exists, the Service will use its best efforts to assist the parties to reach agreement.

(b) The Service may, at the outset of negotiations or at any time in the dispute, set time limits on its participation. If no settlement of the dispute is reached by the expiration of the time limits, the Service may make suggestions for settlement to the parties. If suggestions for settlement made by the Service are not accepted by the parties within time limits set by the Service, the matter may be referred to the Federal Services Impasses Panel (FSIP).

#### **§ 1425.4 Duty of parties.**

It shall be the duty of the parties to participate fully and promptly in any meetings arranged by the Service for the purpose of assisting in the settlement of a negotiation dispute.

#### **§ 1425.5 Referral to FSIP.**

If the mediation process has been completed and the parties are at a negotiation impasse, the Service or the parties may request consideration of the matter by the Federal Services Impasses Panel. The Service shall not refer a case to FSIP until the mediation process has been exhausted and the parties are at a negotiation impasse.

#### **§ 1425.6 Use of third-party mediation assistance.**

If the parties should mutually agree to third-party mediation assistance other than that of the Service, both parties shall immediately inform the Service in writing of this agreement. Such written communication shall be filed with the regional director of the region in which the negotiation is scheduled, and shall state what alternate assistance the parties have agreed to use.

### **PART 1430—FEDERAL MEDIATION AND CONCILIATION SERVICE ADVISORY COMMITTEES**

Sec.  
1430.1 Scope and purpose.

## § 1430.1

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AUTHORITY: Pub. L. 92-463, 86 Stat. 770 (5 U.S.C. App.).

SOURCE: 39 FR 9433, Mar. 11, 1974, unless otherwise noted.

### § 1430.1 Scope and purpose.

(a) This part contains the Federal Mediation and Conciliation Service's regulations implementing section 8(a) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, (5 U.S.C. App.)), which requires each agency head to establish uniform guidelines and management controls for the advisory committees. These regulations supplement the Government-wide guidelines issued jointly by the Office of Management and Budget and the Department of Justice, and should be read in conjunction with them.

(b) The regulations provided under this part do not apply to statutorily created or established advisory committees of the Service, to the extent that such statutes have specific provisions different from those promulgated herein.

### § 1430.2 Definitions.

For the purposes of this part:

- (a) The term *Act* means the Federal Advisory Committee Act;
- (b) The term *advisory committee* means any committee, board, commission, counsel, conference, panel, task force, or other similar group, or any subgroup or subcommittee thereof which is:
  - (1) Established by statute or reorganization, plan, or
  - (2) Established or utilized by the President, or
  - (3) Established or utilized by one or more agencies or officers of the Federal Government in the interest of obtaining advice or recommendations for the President or one or more agencies of

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the Federal Government, except that such term excludes:

- (i) The Advisory Commission on Intergovernmental Relations;
  - (ii) The Commission on Government Procurement; and
  - (iii) Any committee which is composed wholly of full-time officers or employees of the Federal Government.
- (c) The term *agency* has the same meaning as in 5 U.S.C. 552(1);
- (d) The term *committee management officer* means the Federal Mediation and Conciliation Service employee or his delegee, officially designated to perform the advisory committee management functions delineated in this part;
- (e) The term *Service* means the Federal Mediation and Conciliation Service;
- (f) The term *OMB* means the Office of Management and Budget;
- (g) The term *Director* means the Director of the Federal Mediation and Conciliation Service;
- (h) The term *secretariat* means the OMB Committee Management Secretariat.

### § 1430.3 Establishment of advisory committees.

(a) *Guidelines for establishing advisory committees.* The guidelines in establishing advisory committees are as follows:

- (1) No advisory committee shall be established if its functions are being or could be performed by an agency or an existing committee;
- (2) The purpose of the advisory committee shall be clearly defined;
- (3) The membership of the advisory committee shall be fairly balanced in terms of the points of view represented and the committee's functions;
- (4) There shall be appropriate safeguards to assure that an advisory committee's advice and recommendations will not be inappropriately influenced by any special interests; and
- (5) At least once a year, a report shall be prepared for each advisory committee, describing the committee's membership, functions, and actions.

(b) *Advisory committees established by the Service not pursuant to specific statutory authority.* (1) Advisory committees