

CASE DIGEST: *AFGE, Loc. 918*, 72 FLRA 421 (2021)

This case concerned the negotiability of one proposal that reinstated the terms of the parties' expired collective-bargaining agreement (CBA) – both permissive and mandatory subjects – until a new CBA goes into effect. The Agency argued that the proposal was non-negotiable because it is a permissive subject of bargaining that is negotiable only at the election of the Agency. The Authority reaffirmed that, once an agreement expires, agencies have a unilateral right under the Federal Service Labor-Management Relations Statute (the Statute) to terminate permissive subjects of bargaining negotiable only at the agency's election under section 7106(b)(1) of the Statute. Additionally, the Authority held that a party cannot be forced to waive its statutory rights and a proposal requiring such a waiver constitutes a permissive subject of bargaining. Therefore, because the Union conceded that the proposal concerns a permissive subject of bargaining and the Agency elected not to bargain, the Authority found the proposal to be outside the duty to bargain.

This case digest is a summary of a decision issued by the Federal Labor Relations Authority, with a short description of the issues and facts of the case. Descriptions contained in this case digest are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.