

CASE DIGEST: *NAGE, Loc. RI-134*, 73 FLRA 637 (2023)

These cases were before the Authority on three negotiability appeals (petitions) filed by the Union under § 7105(a)(2)(E) of the Federal Service Labor-Management Relations Statute. The petitions concerned the negotiability of seven proposals related to a successor agreement on bargaining-unit-employees' personnel system. Under the circumstances, the Authority found it appropriate to consolidate the cases. The Authority found that Proposals 1, 2, and 7 affected management's right to determine budget and Proposal 5 affected management's rights to direct and assign work; the Union did not show that these proposals were negotiable as exceptions to the respective affected management rights; and, therefore, these proposals were outside the duty to bargain. Further, because Proposal 3 was inextricably intertwined with Proposals 1 and 2, the Authority found it also was outside the duty to bargain. In addition, the Authority found that Proposal 4 did not affect management's rights to direct and assign work and Proposal 6 did not affect management's right to determine budget, and the Agency did not demonstrate that the proposals were otherwise contrary to law. Thus, the Authority found that Proposals 4 and 6 were within the Agency's 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.