

CASE DIGEST: *U.S. Dep't of State, Passport Servs.*, 71 FLRA 12 (2019)

This case concerned whether the Agency failed to comply with a settlement agreement, which required the Agency to notify employees, “generally” within two hours, of an Agency computer outage so that employees would know what production quotas applied on the day of the outage. The Arbitrator found that the Agency violated the agreement by failing, on numerous occasions, to provide notification within the two-hour period. As a remedy, the Arbitrator directed the Agency to stop violating the agreement.

On exceptions, the Agency raised nonfact and essence arguments. The Authority denied the nonfact exception because it challenged the Arbitrator’s interpretation of the agreement, not a factual matter. As to the essence exception, the Authority found that the Arbitrator’s interpretation and application of the term “generally” was consistent with both the dictionary definition of the term and the agreement’s notification requirement. The Authority further found that the Agency failed to demonstrate that the Arbitrator lacked the contractual authority to direct the Agency to comply with the agreement. Accordingly, the Authority denied the essence exception.

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.