

CASE DIGEST: *AFGE, Nat'l Citizenship & Immigration Servs. Council, Local 2076*, 71 FLRA 115 (2019) (Member DuBester concurring)

This case concerned the Agency's issuance of memoranda to notify employees of misconduct investigations and to suspend certain workplace privileges during those investigations. The Union's grievance alleged that the memoranda violated an Agency regulation that purportedly restricted the Agency to three types of corrective letters, and that the investigations were longer than the parties' collective-bargaining agreement permitted. The Arbitrator denied the grievance. On exceptions, the Union argued that the award was contrary to the Agency regulation and failed to draw its essence from the agreement. The Authority found that, although the regulation mentioned three types of corrective letters, neither the regulation nor the agreement expressly prohibited other types. Further, the Authority found that the Union failed to establish that the length of the investigations amounted to "harmful error" under the terms of the agreement. Therefore, the Authority denied the exceptions.

Member DuBester concurred, stating that he would defer to the Arbitrator's conclusions.

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.