

CASE DIGEST: *AFGE, Local 2338*, 71 FLRA 343 (2019)

This case concerns a grievance claiming that the Agency violated the parties' agreement by failing to distribute overtime in a fair and equitable manner. The Arbitrator determined that the Agency violated the parties' agreement by not establishing or maintaining voluntary or involuntary overtime rosters for years, but he did not award backpay because he found that the Union did not present evidence showing which employees were available to work overtime and would have accepted the overtime work if it had been made available to them. The Authority found that the award was consistent with the Back-Pay Act (BPA) and Authority precedent because the Union failed to provide specific evidence showing which employees would have performed the overtime assignments at issue had the assignments been offered. The Authority also denied the Union's essence exception because the BPA is the only authority for a backpay award in this case, and the Union failed to cite to any contract provision supporting its claim that it is otherwise entitled to a backpay award.

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.