

CASE DIGEST: *AFGE, Local 3310 & U.S. Dep't of the Army, U.S. Army Corps of Eng'rs, Vicksburg Dist. & U.S. Dep't of the Army, U.S. Army Corps of Eng'rs, Eng'r Research & Dev. Ctr.*, 71 FLRA 395 (2019) (Member DuBester Dissenting)

This case concerned grievants who unsuccessfully sought liquidated damages under the Fair Labor Standards Act (FLSA) for unpaid overtime compensation. The Arbitrator denied the Union's request for liquidated damages because the Agency established an affirmative defense under the FLSA and the Portal-to-Portal Act. The Authority deferred to the factual findings made by the Arbitrator and found that the Agency acted in good faith and had reasonable grounds for its actions. Accordingly, the Authority concluded that the grievants were not owed liquidated damages under the FLSA and the Portal-to-Portal Act.

Member DuBester dissented. While also deferring to the Arbitrator's factual findings, he would find that the Agency did not establish the affirmative defense to liquidated damages and the award is contrary to law.

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.