

CASE DIGEST: *U.S. Dep't of the Treasury, IRS, 71 FLRA 527 (2020)*

The Arbitrator found the Agency violated the parties' collective-bargaining agreement and several other agreements when a management panel who reviewed the grievant's receipt of a performance award considered the grievant's admitted misconduct and tax noncompliance. The Authority found that the Arbitrator's award was contrary to the Department of the Treasury Appropriations Act of 2016 (Appropriations Act) because the award required the Agency to grant the performance award despite the panel's determination that denying the award was necessary to protect the integrity of the service. The Authority also found the award did not draw its essence from one of the parties' agreements because the award evidenced a manifest disregard of the unambiguous wording of that agreement. Accordingly, the Authority vacated the award.

Member DuBester dissented, finding that the award enforced the requirement that the Agency take into account employees' conduct and Federal tax compliance – as required by the Appropriations Act – in a manner consistent with the standards and procedures established by the parties for this purpose

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.