

CASE DIGEST: *U.S. Dep't of VA, Cent. Ark. Veterans Healthcare Sys. Cent.*, 71 FLRA 593 (2020) (Member DuBester concurring)

This case concerned grievants who successfully sought environmental-differential pay because they worked in close proximity to high-hazard microorganisms. The Arbitrator found that the grievants are frequently exposed to biohazardous waste, needles, and other sharp objects that may contain high-hazard microorganisms. He also found the grievants' training, protective equipment, and position descriptions to be deficient and, therefore, sustained the grievance and awarded backpay, with interest. The Agency challenged the award as being contrary to 5 U.S.C. § 5343(c)(4) and 5 C.F.R. § 532.511. However, the Agency failed to demonstrate that the grievants are not frequently exposed to objects that may contain high-hazard microorganisms. Furthermore, the Agency failed to demonstrate that the Arbitrator was biased or that the award was based on nonfacts. Accordingly, the Authority denied the Agency's exceptions.

Member DuBester concurred in the Decision to deny the Agency's exceptions.

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.