

**CASE DIGEST:** *U.S. DOJ, Fed. BOP, Fed. Corr. Inst. Tallahassee, Fla., Case (2020)*  
(Member DuBester concurring).

Where the parties' agreement requires that bargaining-unit employees be given "first consideration" for overtime, except in "emergency" situations, an arbitrator's award premised on a reasonable and plausible finding that there was no emergency does not make the remedy – awarding overtime to bargaining-unit employees who would have received the assignment – contrary to management's right to assign work.

Member DuBester concurred in the decision to deny the Agency's essence exception. Member DuBester also would find, applying the abrogation standard, that the award did not impermissibly encroach on a management right.

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.