

CASE DIGEST: *NLRB*, 71 FLRA 1149 (2020) (Chairman Kiko concurring; Member Abbott dissenting)

The Arbitrator found that the Union’s grievance alleging a violation of § 7116(a)(1) of the Federal Service Labor-Management Relations Statute (Statute) was substantively arbitrable under the parties’ collective-bargaining agreement. The Agency filed exceptions to the award based on contrary-to-law and essence grounds. Because the Agency did not demonstrate that the award was deficient on either ground, the Authority denied the Agency’s exceptions.

Chairman Kiko concurred, noting that the tenuous theory underlying the grievance still amounted to an alleged violation of the Statute. Because the Statute is a “law . . . affecting conditions of employment” for purposes of § 7103(a)(9), she was constrained to find the grievance arbitrable.

Member Abbott dissented, as he would have granted the Agency’s exceptions, finding the Arbitrator’s interpretation contrary to law and failing to draw its essence from the expired and inapplicable Board-side CBA.

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.