

CASE DIGEST: *Nat'l Weather Serv. Emps. Org.*, 72 FLRA 1 (2021)
 (Member DuBester dissenting in part)

This case concerned grievants who alleged that the Agency violated the parties' agreement and a 2011 Memorandum of Understanding (the MOU) by unilaterally reducing the operating hours of several Weather Station Offices (WSOs). The Arbitrator found that the denial of overtime pay was not a *de minimis* event and that the Agency had violated a contractual duty to bargain when reducing the grievants' overtime opportunities. As a remedy, the Arbitrator ordered the Agency to restore the affected WSOs to their pre-grievance operating hours and to pay any affected employees backpay for lost overtime. The Authority found that the Arbitrator did not exceed his authority by declining to consider the unstipulated unfair labor practice issue. The Authority also found that the Arbitrator's awarded remedy violated § 7106(a)(1) of the Federal Service Labor-Management Relations Statute because it did not reasonably and proportionally relate to the Agency's violation of the parties' agreement and the MOU. Accordingly, the Authority vacated the award.

Member DuBester dissented in part, finding that the status quo ante remedy was consistent with the parties' agreement and Authority precedent. Therefore, he would have denied the Agency's contrary-to-law exception.

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.