

CASE DIGEST: *U.S. Dep’t of VA*, 72 FLRA 194 (2021) (Chairman DuBester dissenting)

In this case, the Authority reaffirmed that a grievance filed on behalf of all bargaining-unit employees alleging violations of the Fair Labor Standards Act is not a class action because there is only one “plaintiff” – the Union. Here, the Authority granted interlocutory review of the Agency’s exceptions to the Arbitrator’s award finding the grievance procedurally arbitrable. However, the Authority denied the exceptions because the Agency failed to establish that the Arbitrator’s procedural-arbitrability determination was contrary to § 7121(b)(1)(A) and (B) of the Federal Service Labor-Management Relations Statute or that it failed to draw its essence from the parties’ agreement.

Chairman DuBester dissented, finding that the interlocutory exceptions should be dismissed because they failed to raise a plausible jurisdictional defect.

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.