

CASE DIGEST: *U.S. DHS, U.S. CBP, El Paso, Tex.*, 72 FLRA 293 (2021)
(Member Kiko concurring; Member Abbott concurring)

The Arbitrator sustained the Union’s grievance alleging that the Agency violated the parties’ master agreement by using an inapplicable standard to deny two hours of official time. The Agency filed exceptions to the award on nonfact, essence, and contrary-to-law grounds. Because the Agency did not establish that the award was deficient, the Authority denied the Agency’s exceptions.

Member Kiko agreed that the Agency’s exceptions failed to establish that the award was deficient. However, Member Kiko wrote separately to address issues arising from the parties’ failure to clarify the term “reasonable,” as applied to official time.

Member Abbott concurred, agreeing with the majority and the points raised in his colleague’s concurrence. However, he wrote separately to emphasize the parties’ waste of taxpayer money pursuing a grievance that only provided a minimal benefit to one individual.

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.