

CASE DIGEST: *U.S. DOJ, Fed. BOP, Fed. Corr. Inst., Miami, Fla., 73 FLRA 77*
(2022) (Member Kiko dissenting in part)

The Arbitrator issued an award finding that the Agency violated the parties' master collective-bargaining agreement and the Fair Labor Standards Act by wrongfully denying official time. The Agency filed exceptions to the award on contrary-to-law, exceeded-authority, and essence grounds. Because the Agency's contrary-to-law argument was not properly before the Authority, and the remaining exceptions did not demonstrate that the award was deficient, the Authority dismissed the exceptions, in part, and denied the exceptions, in part.

Because the pertinent provision of the parties' agreement authorized official time only for Union officers, stewards, and representatives, and it was undisputed that the grievant was serving as a witness, Member Kiko would have found that the award failed to draw its essence from the parties' agreement. Accordingly, she dissented in part.

This case digest is a summary of an order 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.