

CASE DIGEST: *U.S. DOJ, Fed. BOP, Fed. Corr. Inst., U.S. Penitentiary, Leavenworth, Kan., and AFGE, Loc. 919, Council of Prison Locs. #33, 74 FLRA 93 (2024) (Member Kiko dissenting)*

The Arbitrator determined the Agency violated the parties' agreements by temporarily reassigning certain staff to fill vacancies created for reasons other than mandatory training. The Agency filed essence and nonfact exceptions. The Authority found a critical ambiguity in the award because the Arbitrator failed to address relevant contractual language. Accordingly, the Authority remanded for further findings.

Member Kiko disagreed with finding a critical ambiguity, because the Arbitrator interpreted the relevant contract provisions and made sufficient findings for the Authority to consider, and grant, the Agency's essence exception. Because she would have set aside the portion of the award that conflicted with the plain wording of the parties' agreement, Member Kiko found a remand unnecessary. Accordingly, she dissented.

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.