

**CASE DIGEST:** *U.S. Dep't of VA, Colmery-O'Neil VA Med. Ctr., Topeka, Kan.*, 73  
FLRA 897 (2024)

The Arbitrator found the Agency violated the parties' collective-bargaining agreement by failing to maintain records of the time certain employees spent undergoing mandatory COVID-19 testing, and produce the grievants' testing records to the Union. The Union alleged the Agency failed to properly compensate the grievants for time spent undergoing testing, the Arbitrator drew an adverse inference against the Agency due to its failure to maintain and produce the requisite records, and he awarded the grievants backpay. The Agency filed exceptions to the award on contrary-to-law and exceeded-authority grounds. The Authority dismissed the contrary-to-law exception, and partially dismissed the exceeded-authority exception, because the Agency raised arguments that it failed to present to the Arbitrator. The Authority found the Agency's remaining exceeded-authority argument lacked merit.

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.