

CASE DIGEST: *U.S. Dep't of HHS & NTEU, 73 FLRA 315 (2022)*
 (Chairman DuBester concurring).

The case involved a dispute over whether the Agency was allowed to implement a Federal Services Impasse Panel Decision and Order (Order) *prior* to completing bargaining on a successor collective-bargaining agreement (CBA). In the merits award, the Arbitrator found the Agency violated 5 U.S.C. § 7116(a)(1) and the parties' 2010 CBA by implementing the Order prior to completing bargaining on the successor CBA. In a separate remedial award, the Arbitrator granted in part, and denied in part the Union's requested remedies. Both the Union and the Agency filed exceptions to the merits and remedial awards. The Authority found the merits award was contrary to the Federal Service Labor-Management Relations Statute because the Arbitrator incorrectly found the Agency's actions did not violate 5 U.S.C. § 7116(a)(5). The Authority also granted the Union's request to remand the matter of attorney fees because the Arbitrator disregarded Authority precedent on the time period for filing a request for attorney fees. The Authority denied in part, and dismissed in part, the remainder of the Union's and Agency's exceptions.

Chairman DuBester concurred, stating that he would find the Agency's repudiation of the 2010 CBA was a violation of 5 U.S.C. § 7116(a)(5).

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.