

Federal Labor Relations Authority
Quarterly Digest Report: April 1, 2025 – June 30, 2025



The following case digests are summaries of decisions/orders issued by the Federal Labor Relations Authority, with a short description of the issues and facts of each case. Descriptions contained in these case digests are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.

CASE DIGEST: *NLRB Union*, 74 FLRA 230 (2025)

After the Agency denied a grievance disputing a probationary employee's performance appraisal, the Union invoked arbitration. The Arbitrator dismissed the grievance, finding that the parties' collective-bargaining agreement specifically excludes such disputes from the grievance procedure. The Union filed exceptions challenging the award on contrary-to-government-wide-regulation, nonfact, and essence grounds. As the Union did not raise its regulatory arguments at arbitration, but could have, the Authority dismissed these arguments under §§ 2425.4(c) and 2429.5 of its Regulations. Because the Union did not demonstrate that the award was based on a nonfact, or that it failed to draw its essence from the parties' agreement, the Authority denied these exceptions.

CASE DIGEST: *U.S. Dep't of the Treas., BEP*, 74 FLRA 235 (2025)

The Union filed a grievance alleging the Agency violated the parties' collective-bargaining agreement when it failed to pay bargaining-unit employees a hazardous-pay differential during the COVID-19 pandemic. Arbitrator Roger P. Kaplan issued an award that sustained the grievance and awarded backpay. The Agency filed exceptions on nonfact, contrary-to-law, and contrary-to-public-policy grounds. The Authority found there was no statutory authority entitling the employees to the differential, and therefore, the award was contrary to law. Therefore, the Authority set the award aside.

CASE DIGEST: *U.S. DHS, U.S. CBP, U.S. Border Patrol, Del Rio Sector*, 74 FLRA 239 (2025)

The Arbitrator issued an award granting the grievant backpay. The Agency filed exceptions to the award on several grounds, including that it was contrary to law. The Authority found the Arbitrator's findings did not satisfy the requirements of the Back Pay Act, set aside the award on that basis, and found it unnecessary to resolve the Agency's remaining exceptions.

CASE DIGEST: *NTEU, Chapter 133*, 74 FLRA 242 (2025)

The Arbitrator issued an award finding the Agency did not violate the parties' collective-bargaining agreement or Title VII of the Civil Rights Act of 1964 by bypassing two male officers and assigning a female officer to an overnight shift. The Union filed an exception on contrary-to-law grounds. The Authority denied the exception because the Union did not demonstrate that the award was deficient.

CASE DIGEST: *U.S. DHS, CBP*, 74 FLRA 245 (2025) (Chairman Kiko dissenting)

The Arbitrator issued an award sustaining the Union's grievance in part and awarding certain remedies. The Arbitrator remanded the matter to the parties to negotiate the specifics of his remedies, and he retained jurisdiction to resolve any disputes as to the award's implementation. The Agency filed exceptions to the award on essence, nonfact, and contrary-to-law grounds. The Agency did not dispute that its exceptions were interlocutory, and did not demonstrate that the Arbitrator lacked jurisdiction as a matter of law. Therefore, the Authority dismissed the exceptions, without prejudice.

Chairman Kiko dissented, expressing her continued disagreement with the majority's new interlocutory review standard. Applying the previous standard, she would have reviewed the Agency's exceptions because the Agency raised arguments that could obviate the need for further arbitration.

CASE DIGEST: *U.S. Dep't of Transp., FAA*, 74 FLRA 248 (2025) (Chairman Kiko dissenting)

The Arbitrator found that the Agency's reasons for denying three full-time-telework requests violated the parties' collective-bargaining agreement, and the Arbitrator remanded those requests to the Agency for reconsideration. The Arbitrator retained jurisdiction and stated that the Union could resubmit the grievances to him if the Agency denied the requests again for reasons that violated the agreement. The Arbitrator also stated that, if the Union resubmitted the grievances to him, then it would be within his authority to order an equitable remedy. The Agency filed essence and contrary-to-law exceptions to the award, and the Authority dismissed the exceptions without prejudice as interlocutory.

Chairman Kiko dissented because, unlike the majority, she would have applied the standard for granting interlocutory review set forth in *U.S. Department of the Treasury, IRS*, 70 FLRA 806, 808 (2018) (Member DuBester dissenting).