

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-1065

September Term, 2010

FILED ON: APRIL 1, 2011

UNITED POWER TRADES ORGANIZATION,
PETITIONER

v.

FEDERAL LABOR RELATIONS AUTHORITY,
RESPONDENT

On Petition for Review of an Order
of the Federal Labor Relations Authority

Before: SENTELLE, *Chief Judge*, GINSBURG and BROWN, *Circuit Judges*

J U D G M E N T

This petition for review was considered upon the briefs and the appendix filed by the parties. *See* Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the petition for review be denied.

In the order here under review, the Federal Labor Relations Authority properly upheld the arbitration award, concluding the U.S. Army Corps of Engineers, Northwestern Division, did not violate either its collective bargaining agreement (CBA) with the United Power Trades Organization (Union) or the relevant provisions of the Federal Service Labor Management Relations Statute, 5 U.S.C. §§ 7102, 7114, 7131, when it refused to grant official time to a District Vice President of the Union to perform representational services. The FLRA reasoned there is no statutory entitlement to perform on official time the type of representational services here at issue, and we defer to the Authority's reasonable interpretation of the Statute. *See Am. Fed. of Gov't Employees, AFL-CIO, Council of Locals No. 214 v. FLRA*, 798 F.2d 1525, 1528 (D.C. Cir. 1986) (citing *Chevron, U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 843 (1984)). The FLRA also properly concluded the arbitration award did not fail to "draw its essence" from the CBA because the arbitrator's interpretation of the CBA was plausible. *See* § 7122(a)(2); *Brotherhood of Maintenance of Way Employees v. ICC*, 920 F.2d 40, 45 (D.C. Cir. 1990) ("arbitrator's interpretation of the [CBA] is entitled to extreme deference") (citation omitted).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. *See* Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Jennifer M. Clark

Deputy Clerk