

CASE DIGEST: SSA, 71 FLRA 57 (2019) (Member DuBester concurring)

This case concerned the Agency's procedure for assessing employees' performance. The grievance alleged an employee should have received an "outstanding" rating rather than the less favorable "successful" rating. The Arbitrator found the Agency failed to properly consider the grievant's self-assessment and rebuttal to its reasons for denying her the more favorable rating and that it erred when it relied on certain evidence in assigning her rating. On exceptions, the Agency argued that the award was contrary to law and Agency policy because the Arbitrator found the Agency's performance assessment system was "wrong," contrary to government-wide regulations concerning employee performance appraisal. The Authority found that the Agency's exceptions relied on a misinterpretation of the Arbitrator's award, as the Arbitrator determined that the Agency's appraisal process was a fair and appropriate procedure but found the Agency had not properly applied it to the grievant. Therefore, the Authority concluded that the Agency had not established that the award was contrary to law, and denied the Agency's exception.

Member DuBester concurred in the decision to deny the Agency's exceptions.

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.