

CASE DIGEST: *U.S. Dep’t of the Army, Aberdeen Proving Ground, Research, Dev. & Admin., Aberdeen Proving Ground, Md.*, 71 FLRA 54 (2019) (Member DuBester dissenting)

This case concerned the Arbitrator’s interpretation of the parties’ collective-bargaining agreement as requiring the Agency to follow certain procedures when interviewing job candidates. The Arbitrator found that the composition of an “interview panel” – used for evaluating job candidates on a referral certificate – did not comply with the agreement’s requirements for a “rating panel” – used for determining applicants’ eligibility for a position *before* the Agency receives a referral certificate. On exceptions, the Authority found that the parties’ agreement permitted the Agency to interview candidates on a referral certificate without any rating-panel restrictions. Thus, it was implausible for the Arbitrator to find that the rating-panel provision of the parties’ agreement also governed interview panels. Accordingly, the Authority set aside the award as failing to draw its essence from the parties’ agreement.

Member DuBester dissented, finding that the Arbitrator properly interpreted the parties’ agreement to require the Agency to apply the rating-panel requirements to panels at *all steps* of the candidate-evaluation process. Thus, he would have denied the essence exception.

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.