

CASE DIGEST: *U.S. Dep't of the Air Force, Air Force Materiel Command, 66 Air Base Grp., Hanscom Air Base, Mass.*, 71 FLRA 81 (2019) (Member DuBester concurring)

The Union filed a petition asking to clarify the bargaining-unit status of four employees occupying two positions. The Regional Director (RD) found that the employees are confidential employees under 5 U.S.C. § 7103(a)(13) and should be excluded from the Union's bargaining unit. The Union filed an application for review of the RD's decision.

In assessing whether an employee "acts in a confidential capacity with respect to an individual who formulates or effectuates labor-management policies," the Authority stated that the employee need not actually participate in contract negotiations or grievances. Instead, the Authority will consider whether the employee obtains advance information about those matters through the normal performance of his or her duties. As the record established that the four employees obtained such advanced information through meetings and emails, the Authority denied the application for review.

This case digest is a summary of an order 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.