

CASE DIGEST: *Int'l Bhd of Elec. Workers, Local 121 & U.S. GPO*, 71 FLRA 161 (2019)
(Member DuBester concurring)

This case concerned a grievant who had been suspended for fourteen days for lack of candor to an Inspector General investigator about his knowledge of, and providing supplies to, another employee who constructed a grill for his personal use out of Agency materials. The grievance alleged that the charges were not proven, the penalty was unreasonable, and the Agency unduly delayed corrective action. The Arbitrator found that the Agency proved the charges by a preponderance of the evidence but that the penalty was excessive because the mechanic who constructed the grill only received a seven-day suspension and the grievant's actions were not "aggravated," so the Arbitrator reduced the suspension to seven days. On exceptions, the Union argued that the Agency unlawfully considered the grievant's denial of wrongdoing as an aggravating factor and that the Arbitrator exceeded his authority by not resolving whether the Agency unduly delayed corrective action. The Authority found that the Union's cited caselaw did not apply, the Union mischaracterized the award, and as the Arbitrator found the grievant's conduct properly subjected him to discipline, the Arbitrator effectively found that the Agency did not unduly delay corrective action. Therefore, the Authority denied the Union's contrary-to-law and exceeds-authority exceptions.

Member DuBester concurred, agreeing with the decision to uphold the Arbitrator's award reducing the suspension from fourteen to seven days.

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.