

**CASE DIGEST:** *NFFE, Local 1998, IAMAW, 71 FLRA 317 (2019)* (Member DuBester concurring)

This case involved the negotiability of three proposals related to selecting employees for temporary-duty assignments and granting them compensatory time off for travel between Agency offices for those assignments. The Agency argued that the two proposals related to compensatory time off were outside the duty to bargain because they are specifically provided for by federal law and regulation, and that the proposal concerning temporary-duty assignments was covered by an existing agreement. The Authority found that the first two proposals were not negotiable because the Union failed to contest the Agency's specifically-provided-for argument. However, as the only issue that the Agency raised with regard to the other proposal was a bargaining-obligation dispute, that dispute was not properly before the Authority. Accordingly, the Authority dismissed the Union's petition as to all three proposals.

Based on the record before the Authority, Member DuBester concurred in the decision to dismiss the Union's petition.

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.