

CASE DIGEST: *NFFE, Local 1998, IAMW*, 71 FLRA 417 (2019) (Member Abbott dissenting, in part)

This case concerned the negotiability of one proposal relating to the establishment and administration of alternative work schedules. The Agency argued that the proposal involved a permissive subject of bargaining under 5 U.S.C. § 7106(b)(1). However, it did not support that argument, or address the Union's contention that the proposal was negotiable under the Federal Employees Flexible and Compressed Work Schedules Act of 1982. Accordingly, consistent with the Authority's Regulations, the Authority concluded that the Agency conceded that the proposal was negotiable, and the Authority directed the Agency to bargain, upon request, over that proposal.

Member Abbott wrote in partial dissent that he would have found that Proposal 5 fell outside the Agency's duty to bargain, because the proposal expanded existing compressed work schedules, thereby impinging on section 7106(b)(1) matters. The Agency had already stated it elected not to bargain. Further, the premise that all aspects of an alternative work schedule is subject to bargaining was fatally flawed, and finally, the decision ran counter to Executive Order 13836.

This case digest is a summary of a decision and 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.