

CASE DIGEST: *U.S. Army Corps of Eng'rs, Little Rock Dist.*, 71 FLRA 451 (2019)
(Member DuBester concurring; Member Abbott concurring; Chairman Kiko dissenting).

The Activity/Petitioner filed an application for review of an FLRA Regional Director's decision finding that two bargaining units remained appropriate following reorganizations. The Authority found that the record adequately demonstrated that both units are appropriate within the meaning of § 7112(a) of the Federal Service Labor-Management Relations Statute following the reorganizations. While the reorganizations affected the Petitioner's management system, the Authority determined that the reorganizations did not significantly change the bargaining-unit employees' job duties, duty stations, or working conditions. Therefore, the Authority denied the Petitioner's application for review and concluded that the unit employees still share a clear and identifiable community of interest with their respective unions, that the current unit structure promotes effective dealings, and that the current unit structure promotes efficiency of operations following the reorganizations.

Member DuBester concurred in the decision to deny the application for review.

Member Abbott wrote separately in concurrence to note that he agreed with the Chairman that the Authority has previously accorded far too much weight to the status quo in determining which bargaining-unit structure is most effective and efficient. Here, however, the Agency argued that it was merely inconvenienced by the current bargaining-unit structure and, therefore, did not demonstrate a single unit would be more appropriate.

Chairman Kiko dissented. She found that the RD's deference to the status quo resulted in his failure to properly consider the effect of the reorganization on employees' community of interest and the substantial inefficiencies resulting from maintaining the separate units. The Chairman would have granted the application for review and found that only a consolidated unit is appropriate.

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.