

CASE DIGEST: *SSA & Ass'n of Admin. Law Judges*, 71 FLRA 495 (2019) (Member DuBester dissenting).

In this case, the Agency denied the grievant's telework request because the grievant did not satisfy the requirement to schedule a reasonably attainable number of cases for hearing per month. The Arbitrator found that the Agency violated the parties' agreement when it denied the grievant's telework request, and ordered the Agency to allow the grievant to telework if she scheduled an average of forty-five cases for hearing per month. The Arbitrator also ordered the Agency to have a collegial conversation with the grievant before restricting telework in the future. The Authority found that the award is contrary to law, in part, because it excessively interferes with management's rights to direct employees and assign work. The Authority denied the Agency's essence exceptions, finding that the Agency had failed to demonstrate that the Arbitrator's interpretation of the parties' agreement was not plausible.

Member DuBester dissented. He found that, consistent with Authority precedent, the award and the contract provision it enforced had no effect on management's right to direct employees or assign work.

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.