

CASE DIGEST: *SSA, Office of Hearings Operations & Ass'n of Admin. Law Judges, IFPTE*, 71 FLRA 646 (2020) (Member DuBester dissenting)

This case involves yet another dispute between the Agency and the Union involving the telework provision in the parties' agreement. The Arbitrator found that the Agency violated the parties' agreement when it denied the grievant's telework request based on his failure to schedule a "reasonably attainable" number of cases for hearing per month. The Arbitrator ordered the Agency to allow the grievant to telework for two days per week for thirty months if he scheduled an average of forty to forty-five cases for hearing per month. After those thirty months, the Arbitrator ordered the Agency to make an individualized determination of how many hearings were "reasonably attainable" in evaluating the grievant's telework requests, have a collegial conversation with the grievant before restricting telework in the future, and have a valid basis for its "reasonably attainable" determination. Consistent with *SSA*, 71 FLRA 495 (2019) (Member DuBester dissenting in part), and *SSA, Office of Hearings Operations*, 71 FLRA 589 (2020) (Member DuBester dissenting in part), 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.

Member DuBester dissented, finding that the remedy was not contrary to law.

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.