

Case Digest: *U.S. Dep't of VA & AFGE, Local 1594*, 71 FLRA 785 (2020)
(Member DuBester dissenting)

This case involves a jurisdictional issue arising under § 7116(d) of the Federal Labor-Management Relations Statute. After concluding that an earlier-filed unfair-labor practice (ULP) charge did not bar the grievance, the Arbitrator found that the Agency violated the parties' agreement when it unilaterally removed the local president of the Union from 100 percent official time without providing the Union notice and an opportunity to bargain. The Authority found that the award is contrary to law because the earlier-filed ULP charge and the grievance involve the same issue, and therefore, the grievance is barred under § 7116(d).

Member DuBester dissented. Consistent with Authority precedent, he would find that the ULP charge alleging statutory violations did not bar the portion of the grievance alleging contractual violations because the grievance presented different legal theories.

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.