

**CASE DIGEST:** *U.S. Dep't of Justice, Fed. BOP, Fed. Corr. Complex, Coleman, Fla.*, 71 FLRA 1013 (2020) (Member DuBester concurring) (Member Abbott concurring)

The Union filed a grievance on March 2, 2017, alleging that the Agency violated the parties' agreement by unilaterally terminating a compressed work schedule. The Arbitrator issued an award finding that the Agency terminated the compressed work schedule on March 10, 2017. On exceptions, the Authority found that the award failed to draw its essence from a procedural article in the parties' agreement because the Arbitrator concluded that the Union filed the grievance in response to an event that had not occurred at the time of filing.

Member DuBester concurred, finding that under the particular facts of this case, the award failed to draw its essence from the parties' agreement.

Member Abbott concurred that the grievance was not procedurally arbitrable and that the Arbitrator's award did not draw its essence from the parties' agreement. However, Member Abbott would grant the Agency's exception because the triggering event occurred more than forty days before the grievance was filed -- on July 24, 2016.

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.