

**CASE DIGEST:**     *IFPTE, Local 4, Chapter 1, 71 FLRA 1135 (2020) (Member DuBester concurring)*

This case concerned the negotiability of one proposal that would require the Agency to consider a broad range of performance-based elements when determining which employees will be separated in a reduction in force. The Agency argued that the Union's proposal is non-negotiable because the Agency has sole and exclusive discretion over the matter, and that the proposal is otherwise contrary to law and regulation. The Authority found that the Agency failed to establish that it has sole and exclusive discretion or that the proposal conflicts with law or regulation, and granted the Union's petition.

Member DuBester concurred in the decision granting the Union's petition.

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.