

CASE DIGEST: *Patent Office Professional Ass’n and U.S. Patent & Trademark Office, Alexandria, Va., 71 FLRA 1223 (2020) (Member DuBester dissenting)*

This case involved seven ground-rules proposals that implicated Executive Orders 13836 and 13837. The Authority found that the Executive Orders carry the force and effect of law, and therefore, the proposals were outside the duty to bargain because they were contrary to the Executive Orders. Accordingly, the Authority dismissed the petition for review.

Member DuBester dissented, finding that the majority’s decision failed to consider whether the Executive Orders conflicted with the Federal Service Labor-Management Relations Statute (the Statute). And addressing this question, he concluded that the provisions of the Executive Orders on which the majority relied conflict with the Statute and therefore cannot be enforced.

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.