

**CASE DIGEST:**     *AFGE, Council 119*, 72 FLRA 63 (2021) (Member Abbott dissenting in part)

This case concerned the negotiability of three proposals related to the implementation of pilot programs, the compensability of loading/unloading files necessary to fulfill duty requirements, and details offered to bargaining unit employees. Because the Union did not make any argument that the proposal concerning the implementation of pilot programs fell within an exception to management rights under § 7106(b), the Authority dismissed the proposal. Additionally, the Authority found the proposal concerning compensable work to be contrary to law because the Union's failure to respond to the Agency's arguments resulted in a concession of the Agency's claims. Lastly, the Authority granted the Union's request to sever the proposal concerning details that are offered to bargaining unit employees. However, the Authority dismissed a severed portion of the proposal because the Union did not claim that it constituted either a negotiable procedure under § 7106(b)(2) or an appropriate arrangement under § 7106(b)(3). Lastly, it found the remaining portion to be outside the duty to bargain because it concerned conditions of employment outside the bargaining unit. Accordingly, the Authority dismissed the Union's petition as to all three proposals.

Member Abbot dissented in part because he did not agree with the majority's decision to consider the Union's severance request with regard to Proposal 3.

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.