

CASE DIGEST: *U.S. Dep't of VA, Boise Veterans Admin. Med. Ctr. & AFGCE, Local 1273, 72 FLRA 124 (2021) (Member Abbott concurring; Chairman DuBester dissenting in part)*

The Authority concluded that the Arbitrator's findings -- that the grievants were exposed to bodily fluids, blood, and hazardous drugs and that safety procedures and protective equipment failed to practically eliminate the potential for injury -- were sufficient to demonstrate that the grievants were entitled to environmental-differential pay under 5 C.F.R. 532.511. The Authority concluded, however, that the Arbitrator exceeded her authority by ordering the Agency to conduct a comprehensive review of its safety procedures because that issue was not before her.

Member Abbott concurred to emphasize the appalling testimony, arguments, and practices of the Agency revealed in the record.

Chairman DuBester dissented in part, finding that the Arbitrator did not exceed her authority. He noted that the Agency placed the adequacy of its existing hazards and safety controls before the Arbitrator and specifically asked her to address the adequacy of its controls as part of her awarded remedies.

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.