

CASE DIGEST: *U.S. Dep't of VA*, 72 FLRA 287 (2021) (Member Abbott concurring)

This case concerned the Agency's implementation of a presidential executive order (EO) about official time. The Arbitrator found that a continuance-clause extension of the parties' agreement occurred before the EO was prescribed, so the Agency's repudiation of the parties' official-time provisions and enforcement of the EO violated the agreement, the Federal Service Labor-Management Relations Statute (the Statute), and the EO itself. On exceptions from the Agency, the Authority found that § 7116(a)(7) of the Statute prohibited the Agency from enforcing the EO while conflicting provisions of the agreement were in effect. And the Authority rejected arguments that the Agency had the obligation or the power to enforce the EO in the same manner as a statute, or a government-wide regulation that was prescribed before the agreement's term began.

Member Abbott concurred, emphasizing that the decision was consistent with *USDA, Office of General Counsel*, 71 FLRA 986 (2020) (then-Member DuBester dissenting).

This case digest is a summary of an order 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.