

CASE DIGEST: *Nat'l Guard Bureau, Air Nat'l Guard Readiness Ctr.*, 72 FLRA 350 (2021) (Member Abbott concurring; Chairman DuBester dissenting, in part)

This case concerned a proposed nationwide unit of social workers. The Union filed a petition asking an FLRA Regional Director (RD) to order an election to determine whether the social workers wished to have the Union recognized as their exclusive representative. The RD found that the proposed unit was not appropriate because the social workers did not share a community of interest, and she dismissed the petition. The Union filed an application for review of the RD's decision.

The Authority agreed with dismissing the petition but rested its decision on a more basic ground. Because the social workers were employees of both the National Guard Bureau and the Adjutants General of their respective states, the Authority found that recognizing the proposed unit would create bargaining obligations that infringed on the sovereign immunity of every state in the union. Accordingly, the Authority denied the application for review and dismissed the petition for lack of jurisdiction.

Member Abbott concurred, noting his belief the Statute does not permit the FLRA to organize state employees, even when the alleged employer is a federal agency.

Chairman DuBester dissented in part, agreeing with the RD's conclusion that the social workers do not share a community of interest, but disagreeing with the majority that the Authority lacks jurisdiction over the Union's petition.

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.