

CASE DIGEST: *U.S. Dep’t of the Army*, 72 FLRA 363 (2021) (Member Abbott concurring; Chairman DuBester dissenting)

The grievance in this case alleged that the Agency violated the Fair Labor Standards Act (FLSA), the Federal Employees Pay Act, the parties’ collective bargaining agreement, and several federal regulations, and the grievance included a request for information. After the Arbitrator found the grievance arbitrable and resolved some of the FLSA issues, the Agency filed interlocutory exceptions. The Authority dismissed most arguments because they could not obviate the need for further proceedings. But the Authority granted interlocutory review of two contentions that could end the proceedings – one contesting the grievance’s arbitrability, and the other challenging the Union’s ability to pursue its grievance lawfully. Finding that both of those arguments lacked merit, the Authority denied them.

Member Abbott concurred, writing separately to express his opinion that the Authority should not limit consideration of interlocutory reviews to “extraordinary circumstances.”

Chairman DuBester dissented, finding that none of the Agency’s exceptions raised extraordinary circumstances warranting interlocutory review.

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.