

CASE DIGEST: *U.S. Dep't of HHS, 72 FLRA 522 (2021) (Chairman DuBester concurring)*

In this case, the Arbitrator found that the Agency violated the parties' collective-bargaining agreement and the Federal Service Labor-Management Relations Statute by failing to promptly start and stop dues withholding, and ordered the Agency to refund improperly withheld dues to an employee, remit to the Union dues not properly withheld, and grant affected bargaining-unit employees a waiver from reimbursement of dues not properly withheld. The Agency filed exceptions on contrary-to-law, exceeds-authority, and essence grounds. The Authority found that the Agency failed to establish that the award was contrary to law and denied or dismissed several of the exceptions. However, the Authority determined that the Arbitrator's findings were insufficient to enable the Authority to resolve one of the Agency's essence exceptions, and remanded the case for further action consistent with its decision.

Chairman DuBester concurred in the decision to dismiss the Agency's exceptions in part, deny them in part, and remand in part.

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.