

CASE DIGEST: *AFGE, Loc. 2119*, 72 FLRA 706 (2022) (Member Abbott concurring)

In this case, the Authority considered the negotiability of several provisions. As an initial matter, the Authority dismissed Provisions 1 and 4 through 11, without prejudice, for failing to meet the conditions governing review of negotiability appeals. Next, the Authority held that Provision 2, which restated an existing statutory right, was consistent with law. Consequently, the Authority ordered the Agency to rescind its disapproval of that provision. However, the Authority denied the petition as to Provisions 3 and 12 because those provisions affected management's right to assign work under § 7106(a)(2)(B) of the Federal Service Labor-Management Relations Statute, and the Union did not argue that the provisions were negotiable under an exception to management's rights.

Member Abbott concurred, expressing his viewpoint that no purpose is served when parties insert language into collective bargaining agreements that merely restate or reiterate statutory rights.

This case digest is a summary of a decision and 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.