

CASE DIGEST: *NTEU & U.S. Dep't of Homeland Security, Customs and Border Protection, 72 FLRA 752 (2022)* (Chairman DuBester concurring in part, dissenting in part)

This case involved two proposals arising from the Agency's decision to reassign forty-seven bargaining unit employees to different duty stations. The Authority found that the proposals were not appropriate arrangements because they excessively interfered with management's right to determine its organization and right to retain employees. Accordingly, the Authority dismissed the petition for review.

Chairman DuBester concurred in part and dissented in part. He agreed that the first proposal excessively interfered with management's right to determine the Agency's organization, but disagreed with the majority's finding that the Union conceded an effect on management's rights, as well as the majority's application of a "negates" test to assess whether the proposal was an appropriate arrangement. Additionally, in his view, the second proposal was an appropriate arrangement.

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.