

**CASE DIGEST:** *AFGE, Loc. 3954*, 73 FLRA 39 (2022)

After finding that certain employees were entitled to overtime compensation under the Fair Labor Standards Act, the Arbitrator issued a damages award in which he determined the amount of overtime compensation, liquidated damages, and attorney fees and costs to be paid by the Agency. The Union filed exceptions to the damages award on nonfact, exceeded-authority, contrary-to-law, fair-hearing, and impossible-to-implement grounds. The Authority denied the nonfact and exceeded-authority exceptions, but granted the contrary-to-law exception, in part. The Authority found that the Arbitrator improperly relied on averages to determine the amount of overtime compensation, the wrong legal standard to determine entitlement to liquidated damages, and the wrong market to determine the Union attorneys' hourly rate. The Authority remanded those matters to the parties, absent settlement, for resubmission to the Arbitrator and therefore found it unnecessary to address the Union's remaining exceptions.

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.