

CASE DIGEST: *NLRB*, 73 FLRA 223 (2022) (Member Kiko dissenting)

The Union filed a grievance after the Agency failed to credit time that the grievants worked as law clerk trainees toward their probationary periods. The Arbitrator found that the Agency violated the parties' agreement, government-wide regulations, and Agency policy by improperly calculating the grievants' tenure. The Agency filed exceptions to the award on nonfact, contrary-to-law, essence, and exceeded-authority grounds. Because the Agency did not establish that the award is deficient on any of those grounds, the Authority denied the exceptions.

Member Kiko dissented. She would set aside the award under § 7121(c)(4) of the Federal Service Labor-Management Relations Statute because it resolved a grievance that challenged the nature of the grievants' initial appointments into federal service.

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.