

CASE DIGEST: *U.S. Dep't of the Treasury, IRS*, 73 FLRA 888 (2024)

The Arbitrator found the Agency violated the parties' collective-bargaining agreement by failing to provide required counseling and then lowering the grievant's performance rating. As a remedy, the Arbitrator directed the Agency to raise the grievant's rating. The Agency filed exceptions, arguing the award and remedy were contrary to management's rights to direct employees and assign work under § 7106(a)(2)(A) and (B) of the Federal Service Labor-Management Relations Statute (the Statute). Applying the test for resolving management-rights exceptions articulated in *Consumer Financial Protection Bureau*, 73 FLRA 670 (2023), the Authority found the Arbitrator's interpretation and application of the parties' agreement affected the cited rights. Because neither the award nor the Union demonstrated the relevant provisions of the agreement were enforceable under § 7106(b) of the Statute, the Authority found the award contrary to law.

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.