

CASE DIGEST: *U.S. Dep't of the Navy, Commander Navy Region Sw., San Diego, Cal.*, 74 FLRA 181 (2024) (Chairman Grundmann concurring; Member Kiko dissenting)

The Union filed a grievance alleging that the Agency violated the parties' agreement in connection with the filling of a supervisory position. The Arbitrator found that the grievance was substantively arbitrable and that the Agency violated the agreement, and she directed the Agency to rescind and repost the vacancy announcement. The Agency filed exceptions alleging that the Arbitrator's substantive-arbitrability conclusion was contrary to law and that the remedy failed to draw its essence from the agreement. The Authority found the Agency failed to demonstrate that the award was deficient on either ground, and denied the exceptions.

Chairman Grundmann concurred.

Member Kiko dissented, concluding that the Arbitrator's substantive-arbitrability determination conflicts with longstanding Authority precedent. In her view, the Arbitrator improperly expanded the scope of the parties' negotiated grievance procedure to cover the process for filling supervisory positions—a permissive subject of bargaining—despite no evidence the Agency elected to do so.

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.

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.