

With respect to the remaining revisions to the IRM, the Arbitrator found that the rotational aspect of the ROD had only a *de minimis* effect because the ROs spent seventy to eighty-five percent of their time in the office whether or not they were performing the rotating duty. Award at 25. In addition, the Arbitrator found that the ROD was of limited duration because it was revoked shortly after the Union filed its grievance. *Id.* at 27. As for the pre-contact documentation revisions, the Arbitrator found little evidence that they resulted in additional work or would have a foreseeable impact on performance evaluations. *Id.* at 30. Thus, these changes were of little significance and impact, and the Union provides no basis for finding that the Arbitrator erred by finding that they were *de minimis* within the meaning of the above-cited Authority precedent.

For the foregoing reasons, we deny this exception.

V. Decision

The Union's exceptions are denied.

64 FLRA No. 74

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 919
COUNCIL OF PRISON LOCALS 33
(Union)

and

UNITED STATES
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
UNITED STATES PENITENTIARY
LEAVENWORTH, KANSAS
(Agency)

0-AR-4583

DECISION

January 29, 2010

Before the Authority: Carol Waller Pope, Chairman,
and Thomas M. Beck and Ernest DuBester, Members

This matter is before the Authority on an exception to an award of Arbitrator Charles J. Crider filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute (the Statute) and part 2425 of the Authority's Regulations. The Agency filed an opposition to the Union's exception.

Under § 7122(a) of the Statute, an award is deficient if it is contrary to any law, rule, or regulation, or it is deficient on other grounds similar to those applied by federal courts in private sector labor-management relations. Upon careful consideration of the entire record in this case and Authority precedent, the Authority concludes that the award is not deficient on the ground raised in the exception and set forth in § 7122(a). *See U.S. Dep't of the Air Force, Lowry Air Force Base, Denver, Colo.*, 48 FLRA 589, 593-94 (1993) (award not deficient as based on a nonfact where excepting party either challenges a factual matter disputed at arbitration or fails to demonstrate that the central fact underlying the award is clearly erroneous, but for which a different result would have been reached by the arbitrator).

Accordingly, the Union's exception is denied.