

**70 FLRA No. 124**

AMERICAN FEDERATION  
OF GOVERNMENT EMPLOYEES  
NATIONAL COUNCIL OF  
FIELD LABOR LOCALS  
(Union)

and

UNITED STATES  
DEPARTMENT OF LABOR  
(Agency)

0-AR-5360

—  
DECISION

June 6, 2018

—  
Before the Authority: Colleen Duffy Kiko, Chairman,  
and Ernest DuBester and James T. Abbott, Members

This matter is before the Authority on exceptions to an award of Arbitrator Timothy B. Tobin filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute (the Statute)<sup>1</sup> and part 2425 of the Authority's Regulations.<sup>2</sup> The Agency filed an opposition to the Union's exceptions.

We have determined that this case is appropriate for issuance as an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.<sup>3</sup>

The Union argues that the award fails to draw its essence from Article 2, Section 3 of the parties' collective-bargaining agreement,<sup>4</sup> but does not support that argument. Therefore, we deny that exception under § 2425.6(e)(1) of the Authority's Regulations.<sup>5</sup>

Under § 7122(a) of the Statute,<sup>6</sup> 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, we conclude that the award is not deficient on the ground raised in the exceptions and set forth in § 7122(a).<sup>7</sup>

Accordingly, we deny the Union's exceptions.

<sup>1</sup> 5 U.S.C. § 7122(a).

<sup>2</sup> 5 C.F.R. pt. 2425.

<sup>3</sup> *Id.* § 2425.7 ("Even absent a [party's] request, the Authority may issue expedited, abbreviated decisions in appropriate cases.").

<sup>4</sup> Exceptions at 5.

<sup>5</sup> 5 C.F.R. § 2425.6(e)(1); *see also Fraternal Order of Police, Pentagon Police Labor Comm.*, 65 FLRA 781, 784 (2011) (exceptions are subject to denial under § 2425.6(e)(1) of the Authority's Regulations if they fail to support arguments that raise recognized grounds for review).

<sup>6</sup> 5 U.S.C. § 7122(a).

<sup>7</sup> *U.S. DOL (OSHA)*, 34 FLRA 573, 575 (1990) (award not deficient as failing to draw its essence from the parties' collective-bargaining agreement where excepting party fails to establish that the award cannot in any rational way be derived from the agreement; is so unfounded in reason and fact and so unconnected to the wording and purposes of the agreement as to manifest an infidelity to the obligation of the arbitrator; does not represent a plausible interpretation of the agreement; or evidences a manifest disregard of the agreement).