

CASE DIGEST: *Indep. Union of Pension Emps. for Democracy & Just.*, 74 FLRA 615 (2026) (Member Wagner concurring)

This case involved the negotiability of four proposals concerning remote work. The Authority found the Agency did not demonstrate that Proposals 1 and 2 were outside the duty to bargain. The Authority also found subsections (1)(a), (1)(c), and (1)(d) of Proposal 3 are within the duty to bargain. However, the Authority found subsection (1)(b) of Proposal 3 outside the duty to bargain because it affected management's right to assign employees and solely concerned an employee's decision to terminate their own remote-work agreement, rather than ameliorating adverse effects flowing from the exercise of a management right. The Authority also found Proposal 4 outside the duty to bargain because its disputed subsections affected management's rights to assign employees and assign work, and, even assuming they were arrangements, they excessively interfered with those rights.

Member Wagner concurred. She reiterated her position that a party arguing that a proposal or provision addressing employees' job locations affects the right to assign work has the burden of demonstrating a relationship between the employees' job locations and their job duties. But she agreed that the Agency made the required demonstration with regard to Proposal 4.

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.