CASE DIGEST: *U.S. Dep't of Transp., FAA*, 74 FLRA 668 (2026) (Member Wagner concurring in part and dissenting in part)

The Arbitrator issued an award finding that the Agency violated the parties' collective-bargaining agreements by requiring employees to return to full-time in-person work at Agency facilities and offices, regardless of existing telework or remote-work arrangements. The Agency filed exceptions arguing that the award was contrary to law, was based on a nonfact, and failed to draw its essence from the agreements, and that the Arbitrator exceeded his authority and denied the Agency a fair hearing. After dismissing certain exceptions under the Authority's Regulations, the Authority denied the remainder. In particular, the Authority rejected the Agency's argument that the FAA Administrator had sole and exclusive discretion to change telework policies under the FAA Reauthorization Act of 2024.

Member Wagner concurred in part and dissented in part. She agreed with the decision in most respects, but would find that the Agency's sole-and-exclusive-discretion claim was barred because the Agency could have raised it to the Arbitrator, but did not 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.