

**CASE DIGEST:**     *NTEU*, 74 FLRA 424 (2026)

This case concerned the negotiability of an interim collective-bargaining agreement that the Agency head disapproved on the basis of a Presidential Memorandum that required disapproving any agreement that was made during the thirty days before a presidential inauguration. The Union argued that the disapproval occurred too late to be legally effective because a previous Agency head had already signed the agreement, and thereby approved it during agency-head review. Because the thirty-day agency-head-review period under § 7114(c)(2) of the Federal Service Labor-Management Relations Statute (the Statute) begins only *after* an agreement is executed, the Authority held that the previous Agency head's signature could not simultaneously execute the interim agreement *and* signify completion of § 7114(c)'s review-and-approval process. Accordingly, the Authority found the subsequent Agency head's disapproval was timely. The Union also argued that the Presidential Memorandum was inconsistent with § 7114(c) and, consequently, was not a legally sufficient basis to disapprove the interim agreement. Rejecting the Union's argument, the Authority found that the Agency lawfully disapproved the interim agreement as inconsistent with the Presidential Memorandum, and the Authority dismissed the petition accordingly.

Member Wagner concurred in part and dissented in part. She agreed with the majority that it was appropriate to not consider the arguments made in the Agency's untimely statement of position. But she disagreed with the majority's decision to consider the arguments made in the Agency's original allegation of nonnegotiability. Even assuming that those arguments were properly before the Authority, she would find that the parties' collective-bargaining agreement took effect on January 19, 2025, so the subsequent Agency-head disapproval of the agreement had no legal effect.

\*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.