

CASE DIGEST: *NTEU, Chapter 14, 73 FLRA 613 (2023)*

The Arbitrator sustained the Union's performance-evaluation grievance and directed the Agency to pay the grievant a performance award. The Union then requested attorney fees. The Arbitrator found that the Union was not entitled to the fees because performance awards were discretionary under the parties' collective-bargaining agreement and so did not constitute pay under the Back Pay Act. The Union excepted, arguing that the Arbitrator used the wrong legal standard to determine whether the parties' agreement required the Agency to pay performance awards. The Authority found that the Union's arguments concerned the Arbitrator's interpretation of the parties' agreement and failed to establish any legal error. Accordingly, the Authority denied the Union's contrary-to-law exception. Chairman Grundmann concurred.

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.