

CASE DIGEST: *U.S. DHS, U.S. CBP and NTEU, Chapter 246*, Case No. 0-AR-5884, 74 FLRA 497 (2026) (Member Wagner concurring in part, dissenting in part).

The Agency denied the grievants' requests for full-time telework, but approved them to telework four days per week. The Union filed a grievance alleging that the denials violated the parties' agreement and a memorandum of understanding. The Arbitrator sustained the grievance and directed the Agency to grant the grievants' requests for full-time telework. The Agency excepted, arguing, as relevant here, that the award was contrary to management's right to determine its organization under § 7106(a) of the Federal Service Labor-Management Relations Statute (the Statute). Weighing the award's substantive constraint on the Agency's exercise of its rights against the grievants' interest in teleworking one additional day per week, the Authority concluded that the award excessively interfered with management's right to determine its organization under § 7106(a) of the Statute. Therefore, the Authority set aside the award and found it unnecessary to reach the Agency's remaining exceptions.

Member Wagner concurred in part and dissented in part. As relevant here, she assumed, without deciding, that the award affected management's right to determine the Agency's organization. But she found that the agreement provisions, as interpreted and applied by the Arbitrator, were enforceable appropriate arrangements under § 7106(b)(3) of the Statute, and that the award satisfied the management-rights test established in *Consumer Financial Protection Bureau*, 73 FLRA 670 (2023).

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.