

CASE DIGEST: *AFGE, Loc. 0906*, 74 FLRA 146 (2024)

This case concerned the negotiability of one proposal that would require the Agency to either (1) install and maintain, in an employee break room, a new water-filtration system that includes a hands-free ice-dispensing component, or (2) supplement an existing water-filtration system with a machine that provides hands-free ice dispensing. The Agency argued the proposal was outside the duty to bargain for the following reasons: (1) it did not concern bargaining-unit employees' conditions of employment, (2) it was contrary to a government-wide regulation, (3) the Agency allegedly has not changed conditions of employment, (4) it was contrary to management's rights under § 7106 of the Federal Service Labor-Management Relations Statute (the Statute), and (5) it was contrary to an Agency-wide regulation for which there is a compelling need.

The Authority rejected the Agency's arguments. In doing so, the Authority: (1) reaffirmed the test, set forth in *Antilles Consolidated Education Ass'n*, 22 FLRA 235, 236-37 (1986), for assessing whether a matter concerns bargaining-unit employees' conditions of employment; and (2) reversed *United States DHS, U.S. CBP, El Paso, Texas*, 72 FLRA 7 (2021) (*El Paso*), and its progeny, to the extent those decisions conflict with the instant decision. The Authority ordered the Agency to bargain over the proposal.

Member Kiko dissented. Noting that she would have found the proposal concerned a condition of employment under *El Paso*, Member Kiko disagreed with the majority's decision to reverse that precedent, and highlighted an important distinction that *El Paso* clarified between two key terms in the Statute.

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.