



A PERIODIC FLYOVER OF NOTABLE LABOR & EMPLOYMENT CASES
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AFGE Local 12 and U.S. Dept. of Labor, 69 FLRA 1061 (2015).

Summary: The Union filed a negotiability appeal with the FLRA where the Agency deemed proposals related to transit benefits to be non-negotiable. The Agency argued that the three proposals infringed on its management rights under 5 USC 7106(a) to determine its budget and determine its internal security practices. The FLRA rejected the Agency's arguments and found all three proposals negotiable.

Comment: This case is important because Unions in the federal sector tend to shy away from negotiating topics that relate to matter affecting Agency finances. This is a good case to show that such proposals do not infringe on management rights. Of particular note is "Proposal 6" which proposed that the Agency would cover any processing fees related to transit benefits.

Bureau of Prisons, Lexington KY and AFGE 817, 69 FLRA 10 (2015).

Summary: The Union won an arbitration concerning work schedules in a situation where bargaining unit nurses worked alongside nurses outside of the bargaining unit. The Arbitrator found that the Agency violated the contract by not allowing the union nurses to bid for all open assignments. The FLRA upheld the arbitrator's award finding that it did not violate management rights or USERRA.

Comment: There are many situations where bargaining unit employees work alongside contractors or other employees outside of the bargaining unit. This case shows that a Union can enforce scheduling provisions, and other contractual procedures, even where they might impact employees outside of the bargaining unit.

Jimenez v. Department of Army, SF-0752-15-**-I-1 (2014).**

Summary: NFFE Local 2035 challenged the termination of a Union member termination for alleged sexual harassment, refusal to provide information in an investigation, and disrupting the workplace. The Union also pursued a retaliation claim based on the member's previous grievance and EEO activity. In a thorough and strongly worded decision, the Administrative Judge found that the Army failed to prove any of the charges alleged against the employee. Moreover, the AJ found that the Agency's actions constituted retaliation under the law. This case shows again that retaliation does occur in the federal work place and that NFFE councils and locals, such as NFFE FL 2035, will vigorously challenge improper management actions.