

CASE DIGEST: *USDA Animal & Plant Health Inspection Serv., Plant Prot. & Quarantine*, 71 FLRA 64 (2019) (Chairman Kiko dissenting)

This case concerned the application of the U.S. Office of Personnel Management's add-on rule, which allows an agency to find that employees subject to inservice placement actions meet the minimum qualifications of a position. The Agency reclassified the employees' positions within the General Schedule and ten years later, upon reexamining their qualifications, failed to promote the primary grievant and found several others unqualified for their jobs for failing to meet their positions' minimum education requirements. The Arbitrator found that the add-on rule applied because the employees had been "reassigned" and directed the Agency to promote the primary grievant and correct the personnel records of the other employees to reflect they were fully qualified for their positions.

On exceptions, the Agency argued that the add-on rule cannot waive minimum education requirements. The Authority found that the Arbitrator's award did not require the Agency to waive the minimum education requirements and noted that the affected employees had been performing successfully in their reclassified positions for the last ten years, consistent with the underlying purpose of minimum education requirements. Chairman Kiko dissented, finding the award contrary to the add-on rule because the grievants' positions had never changed.

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.