

CASE DIGEST: *U.S. DOJ, Fed. BOP, Fed. Corr. Complex, Yazoo City, Miss., 73
FLRA 620 (2023)*

After an employee reported a supervisor for harassment, the Agency issued the employee a cease-and-desist notice. The Union grieved the issuance of the notice, and the Arbitrator found that the action constituted retaliation against the employee in violation of Title VII of the Civil Rights Act of 1964. The Agency filed exceptions arguing that the award was contrary to law and that the grievance was procedurally inarbitrable under the parties' collective-bargaining agreement. Because the Agency could have raised its contrary-to-law argument before the Arbitrator, but did not, the Authority dismissed this exception. And because the Agency failed to establish a deficiency in the Arbitrator's interpretation of the parties' agreement, the Authority denied the Agency's essence exception.

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.