

CASE DIGEST: *U.S. DHS, CBP*, 73 FLRA 799 (2024)

The Agency failed to pay nightwork premiums, authorized by the Customs Officer Pay Reform Act (COPRA), to customs officers taking eight or more hours of parental or COVID-19 emergency leave in a pay period. The Arbitrator determined that the Agency was erroneously applying a Federal Employees Pay Act (FEPA) limitation called the “eight-hour rule” to COPRA-covered nightwork.

The Authority requested an Office of Personnel Management (OPM) advisory opinion because several of the Agency’s exceptions to the Arbitrator’s award required an interpretation of OPM-issued regulations and guidance. In response, OPM provided an advisory opinion, in which it determined that FEPA’s eight-hour rule does not apply to leave payments for employees receiving COPRA nightwork pay. Based on that opinion, the Authority denied the Agency’s exceptions contending that the award was contrary to FEPA, the statutes that created parental and emergency leave, and related regulations and guidance. The Authority also denied in part, and dismissed in part, the Agency’s remaining exceptions.

The Arbitrator further found that the Agency did not commit an unfair labor practice by failing to comply with an earlier arbitration award concerning the eight-hour rule or repudiating a related settlement agreement. The Authority denied the Union’s exceptions to those findings.

Chairman Grundmann concurred.

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.