

CASE DIGEST: *U.S. Dep't of VA, W. Palm Beach VA Med. Ctr., W. Palm Beach, Fla.*, 74 FLRA 121 (2024) (Member Kiko concurring)

The Arbitrator found the Agency violated the parties' collective-bargaining agreement and an Agency handbook by failing to review the grievants for promotion from GS-9 to GS-11. She directed the Agency to move forward with compensating the grievants at the GS-11 rate, but also directed the parties to devise an appropriate remedy. Both parties filed exceptions. In one of its exceptions, the Agency argued the award was contrary to law because it involved classification. Without determining whether the exceptions were interlocutory, the Authority found that the award concerned classification under § 7121(c)(5) of the Federal Service Labor-Management Statute. The Authority set aside the award as contrary to § 7121(c)(5) because it involved a challenge to the grade level of the grievants' permanently assigned duties.

Member Kiko concurred, noting that she agreed with all of the decision except its reliance on *U.S. Marine Corps, Marine Corps Air Ground Combat Center, Twentynine Palms, California*, 73 FLRA 379 (2022) (Member Kiko dissenting in part).

*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.