

CASE DIGEST: *Fed. Educ. Ass'n*, 73 FLRA 262 (2022) (Member Kiko concurring in part, dissenting in part)

In this case, the Authority considered the negotiability of five proposals concerning teaching-preparation activities, travel procedures, the length of the school year, and the assignment of additional duties. The Authority denied the petition as to two proposals on the grounds that they impermissibly affected management rights under § 7106(a)(2)(A) and (B) of the Federal Service Labor-Management Relations Statute (the Statute) or were contrary to the Federal Travel Regulation. The Authority granted the petition as to the remaining three proposals, finding that two proposals were within the duty to bargain as exceptions to management rights under § 7106(b)(2) and (3), and that the proposal to establish length of the school year was within the duty to bargain because it was a matter over which the Agency had discretion subject to bargaining and was not contrary to the pay provisions of the Department of Defense Overseas Pay and Personnel Practices Act.

Member Kiko concurred as to the school-year-length proposal, noting that, although the proposal appeared to interfere with the Agency's right to determine its mission, the Agency did not raise that argument. She dissented as to the negotiability of a proposal requiring the Agency to provide employees a specified amount of preparation time, believing that it excessively interfered with the Agency's right to assign work and direct employees. Member Kiko also disagreed with the majority's finding that a proposal that required the Agency to provide at least 120 days of notice in order to assign work before or after the school year was negotiable as a procedure under § 7106(b)(2). She also would have found that proposal was not an appropriate arrangement under § 7106(b)(3) because of the burdens it placed on management's rights to assign work.

This case digest is a summary of a decision and order 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.