

Return to Work

FLRA Negotiable Proposals

1. Assignment of work (also < Telework >)

Department of Agriculture, Food and Nutrition Service and NTEU-120 LRP 13358, 71 FLRA 703 (FLRA 2020); NTEU v. FLRA, 121 LRP 21926 (D.C. Cir. 2021).

Allowing eligible employees to report to the office as little as once per week, and < telework > up to eight days per pay period.

Possibly. The FLRA initially ruled the proposal outside the duty to bargain in 120 LRP 13358, but the D.C. Circuit found the FLRA's analysis insufficient, and it partially vacated and remanded the decision.

2. Telework >

AFGE, Local 32 and Office of Personnel Management: 123 LRP 9208, 73 FLRA 464 (FLRA 2023).

Keeping maximum < telework > in place until the parties completed bargaining over employees' return to the worksite.

Yes. The agency's cursory statement of non-< negotiability > didn't support its non-< negotiability > claim and, thus, waived the allegation of non-< negotiability >.

3. < Telework > (also Assignment of work)

Department of Agriculture, Food and Nutrition Service and NTEU 120 LRP 13358, 71 FLRA 703 (FLRA 2020); Remanded, NTEU v. FLRA, 121 LRP 21926 (D.C. Cir. 2021).

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4. Reassignment of Duty Station

CASE DIGEST: NTEU & U.S. Dep't of Homeland Security, Customs and Border Protection, 72 FLRA 752 (2022)

(Chairman DuBester concurring in part, dissenting in part). This case involved two proposals arising from the Agency's decision to reassign forty-seven bargaining unit employees to different duty stations. The Authority found that the proposals were not appropriate arrangements because they excessively interfered with management's right to determine its organization and right to retain employees.

Accordingly, the Authority dismissed the petition for review.

Chairman DuBester concurred in part and dissented in part. He agreed that the first proposal excessively interfered with management's right to determine the Agency's organization, but disagreed with the majority's finding that the Union conceded an effect on management's rights, as well as the majority's application of a "negates" test to assess whether the proposal was an appropriate arrangement. Additionally, in his view, the second proposal was an appropriate arrangement.