

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT

**American Federation of Government Employees Local 1164 v.
Federal Labor Relations Authority**

483 F. App'x 577 (D.C. Cir. 2012) · Decided November 9, 2012

SUMMARY

The D.C. Circuit denied a union’s petition for review of an FLRA decision concerning whether the Social Security Administration was required to negotiate over a proposed hybrid workstation plan. The court held that it need not resolve the union’s argument regarding the applicable “appropriate arrangement” test because the FLRA had considered the proposal’s effect on efficient government operations as the union requested.

CASE DETAILS

COURT	United States Court of Appeals for the District of Columbia Circuit
WRITING FOR THE COURT	Per curiam
JURISDICTION	Federal
DECIDED	November 9, 2012
DISPOSITION	writ_denied
PROCEDURAL POSTURE	The union petitioned for review of an order of the Federal Labor Relations Authority dismissing its petition and determining that the Social Security Administration was not required to negotiate over the union's proposed workplace floor plan.
STANDARD OF REVIEW	The court reviewed the FLRA's order on a petition for review and considered whether the FLRA applied the correct test for determining negotiability under 5 U.S.C. § 7106(b)(3).
PRECEDENTIAL VALUE	unpublished
PARTIES	American Federation of Government Employees Local 1164 v. Federal Labor Relations Authority

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QUESTIONS PRESENTED

1. Whether the FLRA applied the correct test in determining that the union's proposed floor plan was not an appropriate arrangement negotiable under 5 U.S.C. § 7106(b)(3).
2. Whether the FLRA was required to apply the balancing approach from *National Association of Government Employees, Local R14-87* and *Kansas Army National Guard* differently in light of *American Federation of Government Employees, AFL-CIO, Local 1923 v. FLRA*.

HOLDINGS

1. The petition for review was denied because the FLRA conducted the inquiry the union claimed was required: it considered the proposal's effect on effective and efficient government operations and concluded that the proposal would lessen the Newport office's ability to serve the public efficiently.

KEY QUOTATIONS

"a proposal that infringes on a management right is negotiable as an 'appropriate arrangement' under section 7106(b)(3) ... if it does not excessively interfere with management's rights." (578)

"We need not decide whether the Union has correctly interpreted the relationship between KANG and Local 1923 because in this case the FLRA conducted the very inquiry the Union says Local 1923 requires" (579)

FACTUAL BACKGROUND

The Social Security Administration planned to move its Newport, Rhode Island, field office to a new location with wall-mounted workstations along an interview privacy wall. The union proposed a hybrid arrangement allowing employees to use both privacy-wall workstations for interviews and rear-office cubicles for other work. The agency refused to negotiate, and the FLRA concluded that the proposal would interfere with management rights and reduce the office's ability to serve the public efficiently.

PROCEDURAL HISTORY

The Social Security Administration refused to negotiate over the union's proposed hybrid front-end interviewing floor plan. The union petitioned the FLRA for review, and the FLRA dismissed the petition, concluding that the proposal was not an appropriate arrangement under 5 U.S.C. § 7106(b)(3). The union then sought review in the D.C. Circuit, which denied the petition.

DISPOSITION

writ_denied

CASES CITED

- *Patent Office Prof'l Ass'n v. FLRA*, 873 F.2d 1485, 1491 (D.C. Cir. 1989)

- Am. Fed'n of Gov't Emps., Local 2782 v. FLRA, 702 F.2d 1183, 1188 (D.C. Cir. 1983)
- National Association of Government Employees, Local R14-87 and Kansas Army National Guard, 21 F.L.R.A. No. 4, 31-33 (1986)
- Am. Fed. of Gov't Emps., AFL-CIO, Local 1923 v. FLRA, 819 F.2d 306, 308-09 (D.C. Cir. 1987)

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