

**BOARD OF DIRECTORS
OFFICE OF COMPLIANCE**

John Adams Building, Room LA 200
110 Second Street, S.E.
Washington, DC 20540-1999

_____)	
United States Capitol Police Board)	
)	
(Employing Office))	
)	
and)	Arbitrator Roger P. Kaplan
)	Case No. 01E-HS-01
Fraternal Order of Police, U.S. Capitol)	
Police Labor Committee)	
)	
(Union))	
_____)	

**ORDER DISMISSING EXCEPTIONS AND
DENYING STAY**

On June 11, 2001, the United States Capitol Police Board filed with the Board of Directors of the Office of Compliance its "Exceptions to Arbitration Award and Request for a Stay of Award." ("Exceptions") On June 12, 2001, the Fraternal Order of Police, U.S. Capitol Police Labor Committee filed its "Union's Motion in Opposition to a Request for a Stay of Award and Opposition to Exceptions as Premature, Interlocutory, and Not Extraordinary."

The Board of Directors has reviewed this matter pursuant to the requirements of 5 U.S.C. 7122, as adopted by section 220(a) of the Congressional Accountability Act (2 U.S.C. 1351(a)), and Part 2425 of the Regulations of the Office of Compliance.

The Exceptions in this matter are premised upon the Police Board's assertion that "[t]he arbitrator's decision that the FLSA claims in this case are grievable and arbitrable is contrary to Federal law and should be set aside." Exceptions, p.17. The Arbitrator's decision denying the Police Board's objection to the arbitrability of this grievance is an "interlocutory" decision ordinarily not reviewable by way of exceptions until the final award disposing of all the issues before the arbitrator has been issued. See, e.g., U.S. Dept. of the Air Force (AFGE, Local 987), 35 FLRA 1086 (1990); and AFGE Nat'l Council of EEOC Locals, Local 216 and EEOC, 41 FLRA 70 (1991). The Board further finds no "exceptional circumstances" here which require interlocutory review.

The Board dismisses the Exceptions, without prejudice to their submission at the appropriate time. The Board denies the accompanying "Request for a Stay of Award."

June 13, 2001

FOR THE BOARD:

A handwritten signature in black ink, appearing to read "Susan S. Robfogel / WWT II". The signature is written in a cursive style with a large, sweeping flourish at the end. Below the signature, the name "Susan S. Robfogel, Chair" is printed in a smaller, sans-serif font.

Susan S. Robfogel, Chair

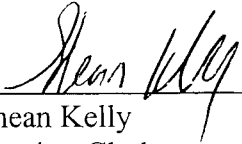
CERTIFICATE OF SERVICE

I hereby certify that copies of the Order Dismissing Exceptions and Denying Stay were served by facsimile and first class mail by me this 13th day of June, 2001.

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Sean Kelly
Hearing Clerk
Office of Compliance