

OFFICE OF COMPLIANCE
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Washington, DC 20540-1999

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FRATERNAL ORDER OF POLICE,)	
U.S. CAPITOL POLICE LABOR)	
COMMITTEE,)	
Union,)	
)	
v.)	Case No.: 08-ARB-1
)	
UNITED STATES CAPITOL POLICE)	
BOARD,)	
Employing Office.)	
)	
)	
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Before the Board of Directors: Susan S. Robfogel, Chair; Barbara L. Camens, Alan V. Friedman, Roberta L. Holzwarth, Barbara Childs Wallace, Members

ORDER DENYING REQUEST FOR RECONSIDERATION

On February 13, 2009, the Board of Directors issued a Decision and Order (“Decision”) in the above-captioned case, denying the Fraternal Order of Police, United States Capitol Police Labor Committee’s (“Union”) exceptions to an arbitration award finding that the Union’s request for expedited arbitration of an officer’s termination was untimely and, therefore, not arbitrable. On March 3, 2009, the Union filed a Request for Reconsideration of the Board’s Decision. After a full review of the Union’s request and supporting memorandum,¹ the Board denies the request.

I. Background

Pursuant to its collective-bargaining agreement with the United States Capitol Police Board (“USCP”), the Union filed a request for expedited arbitration of the termination of Officer Bryan Morris. On January 18, 2008, Arbitrator Joshua M. Javits issued a decision in which he concluded that (1) the scope of the arbitration was confined to the arbitrability of the Morris termination decision, and (2) the matter was not in fact arbitrable, as the Union had not filed a timely request for arbitration pursuant to the terms of the parties’ collective-bargaining agreement.

¹ On March 3, 2009, the Union filed a Request for Reconsideration and, additionally, an Amended Motion for Reconsideration; the Board has duly considered both of these submissions. Pursuant to Section 8.02 of the Procedural Rules of the Office of Compliance, the Board of Directors determined that the issues presented by the Union could be addressed sufficiently without additional pleadings; thus, a response to the request for reconsideration was not requested of the United States Capitol Police Board (“USCP”).

The Union subsequently filed exceptions to the arbitrator's decision, and the USCP filed an opposition brief. On February 13, 2009, the Board of Directors ("Board") issued its decision denying the Union's exceptions to the Arbitrator's award. Noting that the Union's exceptions were largely premised on assertions that the Arbitrator erred in interpreting the parties' collective-bargaining agreement, and that the Board's authority to review an arbitrator's decision in such circumstances is extremely circumscribed, the Board found no basis for overturning the Arbitrator's award.

II. Standard of Review

Section 8.02 of the Office of Compliance Procedural Rules states that a party may move for reconsideration of a Board decision where the party can establish that the Board has "overlooked or misapprehended points of law or fact."

III. Discussion

In its motion for reconsideration, the Union reiterates arguments that it previously presented to the Board in its exceptions to the Arbitrator's decision. As a result, the Union fails to meet its burden of establishing that the Board has "overlooked or misapprehended points of law or fact." The Union's arguments merely reflect its disagreement with the Board's decision, and do not demonstrate how the Board's upholding of the Arbitrator's award amounts to a misapprehension of law or fact. As the Union has failed to present any arguments which might induce the Board to reconsider its February 13, 2009 Decision, the Union's motion is denied.

ORDER

Pursuant to §8.02 of the Office of Compliance Procedural Rules, the Board DENIES the Union's request for reconsideration, as it has failed to establish that the Board has "overlooked or misapprehended points of law or fact."

It is so ORDERED.

Issued, Washington, D.C.: April 29, 2009