AFSCME DISTRICT COUNCIL 20

American Federation of State, County and Municipal Employees, AFL-CIO

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May 10, 2019

Susan Tsui Grundmann
Executive Director
Office of Congressional Workplace Rights
110 Second Street, S.E.,
Room LA– 200, Washington, D.C. 20540–1999
By facsimile only: 202–426–1913

Re: Comment to Proposed Revisions to OCWR Procedural Rules

Executive Director Grundmann:

The American Federation of State, County and Municipal Employees, District Council 20, represents nearly ten thousand federal employees in the Washington D.C. area. Thousands of those employees work for the Library of Congress and the Office of the Architect of the Capitol.[1] They work tirelessly, and often thanklessly and in the background, to curate our cultural and governmental institutions. And for decades, our local unions in the Legislative Branch have dedicated themselves to improving the working conditions of those employees. Our advocacy on issues like flexible work schedules, credit hours, telework, and family-friendly leave options have redefined the norms for bargaining unit members and nonmembers alike, and we are proud of the active role we take in creating and sustaining safe, progressive, and efficient workplaces.

Since the adoption of the Congressional Accountability Act and the ability of our employees to avail themselves of the ADR and EEO complaint procedures afforded therein, our union has made good use of the now-OCWR. For that reason, we want to comment on two aspects of the proposed revisions to the OCWR's procedural rules: 1) the removal of the mandatory mediation period in §4.07; and 2) the recordkeeping of settlement payments in §9.04.

Section 4.07

Decades of experience has taught our union that the mediation period prescribed in the original regulations effectively allows both parties to resolve a claim at the lowest level, a process that is embraced throughout labor frameworks. We have been able to resolve a

[1] AFSCME District Council 20 bargaining units include, *inter alia*, AFSCME Local 2910 (The Library of Congress Professional Guild), Local 2477 (The Library of Congress), and Local 626 (The Office of the Architect of the Capitol).

significant number of disputes at this level to the satisfaction of both sides, thereby saving time, money, and valuable resources.

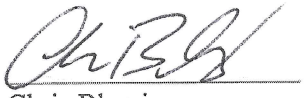
At the same time, we embrace the trend toward permitting claimants to seek recourse without the burden of "cooling off" periods or excessive delays. And allowing them to proceed more quickly to the venue of their choice honors that trend. Nevertheless, we think there would be a great benefit to all parties if mediation as the first step could be invoked by the claimant if they so desired. By requiring mediation only when invoked by the claimant, disputes that can be resolved at the lowest level would be resolved at the lowest level, and disputes warranting greater intervention or litigation would not be unduly delayed by the required procedures that are unlikely to bear fruit.

Section 9.04

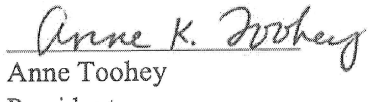
Regarding §9.04, we have an underlying concern that settlement payments which are not drawn on Treasury funds would not be clearly indicated in the reporting of claim settlements, thereby hiding an important piece of the process from view. To the extent allowed by law, we continue to prefer a transparent process where the resolution of claims traveling through OCWR are made public and in such a way as to be digestible to the typical employee.

Lastly, we would like to stress that our Council supports many of the proposed changes, including the designation of a confidential advisor for employees and their representatives who may not be aware of their full range of recourse. We also want to note that we particularly appreciate the efforts of the OCWR staff to provide information and services to employees of the Legislative Branch and thereby help to create an equitable workplace and ensure that the concerns of all employees are heard.

Sincerely,



Chris Blessing
Federal Sector Staff Advisor
AFSCME District Council 20



Anne Toohey
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