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May 10, 2019

VIA ELECTRONIC MAIL TO
ALEXANDER.RUVINSKY@OCWR.GOV
AND FACSIMILE TO (202) 426-1913

Executive Director
Office of Congressional Workplace Rights
110 Second Street, S.E.
Room LA200
Washington, DC 20540-1999

Re: Comments to Proposed Changes to 5 C.F.R. Part 630
RIN: 3206-AN49

Dear Sir or Madam:

I represent the Fraternal Order of Police/U.S. Capitol Police Labor Committee (“FOP” or “Union”), which submits these comments concerning the proposed regulations by the Office of Congressional Workplace Rights (“OCWR”) amending its procedural rules. OCWR published the proposed rules on April 9, 2019, making any comments due on or before May 10, 2019.

Proposed Rule 4.04(a)(2)

The proposed rule limits the services provided by the Confidential Advisor if the employee has designated an attorney representative in connection with the employee’s participation in any “proceeding under the Act.”

The Confidential Advisor’s services should only be limited if the employee has designated an attorney representative in connection with the employee’s proceeding in a proceeding covered by Procedural Rule 4.1(a) because that would allow employees who are represented by attorneys for other purposes, unrelated to enforcement of civil rights issues, to obtain the full services of the Confidential Advisor.

Proposed Rule 4.05(d)

Briefly, Rule 4.05(d) sets out a special rule for employees of the Architect of the Capitol, Capitol Police, and Library of Congress employees by which the Executive Director may recommend that those employees use the grievance procedures referenced in their respective Memoranda of Understanding. If the claimant uses the grievance procedures, any pending deadlines will be stayed.

If an employee elects to adopt the Executive Director’s recommendation by using a grievance procedure, then the stay contemplated by Rule 4.5(d) should be confirmed in writing, clearly identifying the duration of the stay as well as the date on which the stay

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will be lifted, to ensure that there is no question that the claimant is aware of that information.

Thank you for the opportunity to submit these comments.

Sincerely,

McGILLIVARY STEELE ELKIN LLP


Megan K. Mechak

cc: Gus Papathanasiou, U.S. Capitol Police Labor Committee (via electronic mail)