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October 6, 2003



William Thompson III, Esquire
Executive Director of the Office of Compliance
Room LA 200, John Adams Building
110 Second Street, S.E.
Washington, D. C. 20540-1999

Re: Comments Pursuant to Changes in Procedural Regulations

Dear Mr. Thompson:

This letter is written in response to the Proposed Changes in the Procedural Regulations of the Office of Compliance published in the Congressional Record on September 4, 2003.

The proposed changes to Section 203(m) fails to address the factual circumstances resulting from the refusal of the Architect of the Capitol and/or subordinate employees to respond to "grievances" in accordance with the requirements of the Architect of the Capitol's Personnel Manual Chapter 771 - Grievance Policy. In said situation an employee's "grievance" is placed in a "non-determinative" status which itself is a discriminatory and/or retaliatory action depending upon the circumstances of the grievance. The proposed change does not address this factual situation which places an employee and the Office of Compliance in a state of limbo. Moreover, this "non-determinative" status jeopardizes an employee's rights by presenting an unresolved "exhaustion" issue. The Office of Compliance must require the agency to render a final agency decision pursuant to its internal grievance policy. Absent said requirement, the Office of Compliance must acknowledge that a discriminatory and/or retaliatory cause of action arises under Section 201 and/or Section 207 of the Congressional Accountability Act.

The proposed changes to Section 5.03 does not indicate with clarity that "Summary Judgments" are final decisions and that said final decisions are appealable to the Board of Directors.

Thank you.

Respectfully submitted,

A handwritten signature in black ink that reads "Jeffrey H. Leib".

Jeffrey H. Leib

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