

OFFICE OF COMPLIANCE  
LA 200, John Adams Building, 110 Second Street, S.E.  
Washington, D.C. 20540-1999

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Fraternal Order of Police,	)	
U.S. Capitol Police Labor Committee	)	
	)	
Union,	)	
	)	
v.	)	Case Number: 08-ARB-2
	)	
United States Capitol Police Board	)	
	)	
Employing Office.	)	
	)	
	)	
_____	)	

Before the Board of Directors: Susan S. Robfogel, Chair; Barbara L. Camens, Alan V. Friedman, Roberta L. Holzwarth, and Barbara Childs Wallace, Members.

ORDER DISMISSING EXCEPTIONS

On June 10, 2008, the Fraternal Order of Police, U. S. Capitol Police Labor Committee (“Union”) filed with the Board of Directors of the Office of Compliance its “Exceptions to the Arbitration Award.” (“Exceptions”) On July 15, 2008, the United States Capitol Police Board (“Capitol Police Board”) filed its “Opposition to the Union’s Exceptions.”

The Board of Directors has reviewed<sup>1</sup> 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 on the Union’s assertion that the Arbitrator improperly denied the Union’s Motion to Arbitrate Absent a Protective Order (“Motion”) and postponed the arbitration until the parties agreed on how to implement the Capitol Police Board’s procedures for determining how security information may be released.

<sup>1</sup> The Board does not accept the Capitol Police Board’s Opposition to the Union’s Exceptions because it is untimely filed. Under Part 2425.1(c) of the Office of Compliance Regulations, “[a]n opposition to the exception may be filed by a party within thirty (30) days after the date of service of the exception.”

The Union claims that in making this decision, the Arbitrator “exceeded his jurisdiction and broadly interpreted the statute to grant authority to the [Capitol Police Board] that was not intended by Congress, and that is also contrary to the express terms of the CBA and the essence of the agreement.” The Board finds that the Arbitrator’s decision denying the Union’s Motion and postponing the arbitration hearing 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, *United States Department of Health and Human Services Navajo Area Indian Health Service*, 58 FLRA 356 (2003). The Board further finds that no “exceptional circumstances” exist here which require interlocutory review as there is no “plausible jurisdictional defect, the resolution of which would advance the ultimate disposition of the case.” *U.S. Department of the Interior Bureau of Indian Affairs Wapato Irrigation Project Wapato, Washington*, 55 FLRA 1230 (2000).

The Board dismisses the Exceptions, without prejudice to their submission at the appropriate time.

It is so ORDERED.

Issued, Washington, DC  
July 29, 2008