

OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS
LA 200, John Adams Building, 110 Second Street, S.E.
Washington, DC 20540-1999

Fraternal Order of Police,)
District of Columbia Lodge No. 1,)
U.S. Capitol Police Labor Committee)
Petitioner,)
and) Case No. 16-LM-05 (NG)
United States Capitol Police)
Employing Office)

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

ORDER

This negotiability appeal under section 220 of the Congressional Accountability Act (CAA) is before the Board of Directors on remand from a decision of the U.S. Court of Appeals for the Federal Circuit in *United States Capitol Police v. Office of Compliance*, 908 F.3d 776 (Fed. Cir. 2018). That appeal concerned, inter alia, the Board’s determination in Case No. 16-LM-05 (NG) that a Union proposal, “Proposal I,” was within the parties’ duty to bargain under the CAA. In Proposal I, the Union proposed to make regulations prescribing a unified leave system for employees of the United States Capitol Police (USCP) available for employee review on the USCP’s intranet. Because the court was unable to determine, based on the record, whether Proposal I involved a change in conditions of employment, it set aside the Board’s

Order insofar as it concerned the Union's proposal, and it remanded the case for further proceedings on that issue.

By letter dated February 4, 2019, Union counsel advised the Executive Director of the Office of Congressional Workplace Rights and the USCP that it has withdrawn Proposal I. Having been so advised, and in light of the foregoing, we dismiss the negotiability petition in Case No. 16-LM-05 (NG) insofar as it concerns Union Proposal I. *See Nat'l Fed'n Fed. Emps, Local 1214*, 40 F.L.R.A. 1181, 1182-83 n.1 (1991) (Authority accepted withdrawal of union's proposals in negotiability proceeding, as a union may withdraw its appeal at any time).

IT IS HEREBY ORDERED that the instant petition be, and it hereby is, DISMISSED insofar as it concerns Union Proposal I.

Issued, Washington, D.C., February 12, 2019.