

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

AFL-CIO



LEGAL DEPARTMENT

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April 5, 1996

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Chair of the Board of Directors
Office of Compliance
Room LA 200
John Adams Bldg.
110 Second Street SE
Washington DC 20540-1999

Re: Comments of International Brotherhood of Teamsters on Advance Notice of Proposed Rulemaking: Regulations Governing Congressional Accountability Act

Dear Sirs:

The International Brotherhood of Teamsters (IBT) is an interested party with standing to comment here, based on the fact that numerous covered employees have expressed interest in selecting IBT as their collective bargaining representative.

The Office of Compliance has solicited comments concerning proposed modifications to the Federal Labor Relations Authority (FLRA) regulations. Section 220 (e)(1)(B)(i) of the Act provides for exclusion from coverage for any covered employees because of "a conflict of interest or appearance of conflict of interest."

We are commenting here for the limited purpose of suggesting the scope of an appropriate law enforcement unit and appropriate exclusions for the U.S. Capitol Police, which at this time are not affected or covered by FLRA regulations.

IBT recommends and suggests that the following positions be excluded from an appropriate bargaining unit for covered employees of the U.S. Capitol Police, on the grounds that they are either management or supervisory employees, and thereby meet the statutory "conflict" exception:

Lieutenants; Division Commanders; Captains; and Chief.

Office of Compliance
Page 2
April 5, 1996

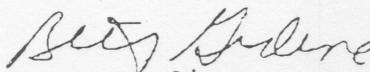
All remaining uniformed and non-uniformed law enforcement personnel, security aides and civilian support personnel should be included within the unit.

In support of IBT's recommendation for exclusion of these classifications from this proposed unit on the basis of supervisory status), we rely on well-settled analogous principles from the NLRA and state public employee bargaining statutes governing law enforcement agencies, excluding supervisors from bargaining units.

See, for example, the decision of the Illinois Supreme Court in Freeport v. ISLRB, 554 N.E. 2d 155 (1990) (excluding lieutenants from police bargaining unit); and the decision of the Rhode Island Supreme Court in FOP Westerly Lodge 10 v. Town of Westerly, 149 LRRM 2821 (1995) (excluding lieutenants, chief, and captain from law enforcement unit.)

IBT is interested in participating further in the discussion and debate on these issues.

Sincerely,



Betty Grdina
Associate General Counsel

cc: Robert Muehlenkamp, IBT Organizing Director
John August, IBT Ass't Organizing Director
Robert Heverly, L. 246
Eddie Vaden, L. 246
Arthur Busby, L. 246