



# United States Capitol Police Labor Committee

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## **FEDERAL CIRCUIT RULES CAPITOL POLICE MUST ABIDE BY ARBITRATORS' DECISIONS ON TERMINATIONS**

On November 6, 2018, the U.S. Court of Appeals for the Federal Circuit rejected the United States Capitol Police's attempt to avoid arbitrators' ability to review cases challenging improper terminations of Capitol Police officers. In *United States Capitol Police v. Office of Compliance*, The Court ruled that the United States Capitol Police was required to bargain with the FOP/U.S. Capitol Police Labor Committee over whether the Labor Committee could challenge bargaining unit employees' terminations through the negotiated grievance procedure, and arbitration.

In 2010, the parties entered into a collective bargaining agreement that permitted the Labor Committee to challenge bargaining unit employees' terminations through arbitration. However, when the parties were negotiating a successor agreement in 2016, the Department suddenly took the position that terminations were no longer arbitrable and the Department's decisions on officers' terminations were unreviewable. The Police Labor Committee challenged this position, ultimately resulting in the appeal decided yesterday.

"The Court carefully considered and rejected each of the Department's arguments," said Megan K. Mechak, of Woodley & McGillivray LLP, who represented the Labor Committee. She added, "[t]he Court's decision that the Department should have negotiated with the Labor Committee over this issue was unanimous, which shows how meritless their position was."

"This decision is a big victory for our members," Labor Committee Chairman Gus Papathanasiou stated, "because termination is the worst possible discipline the Department can take against an employee. It is important that the Department be required to demonstrate to an outside party that its actions were fair and in compliance with the law, like every other federal agency." He added, "I am disappointed that the Department wasted countless hours and taxpayer dollars asserting these baseless claims for nearly three years, but I am hopeful that we will be able to move forward from here. I look forward to sitting down at the negotiation table with the Department soon."

If there are any questions please contact Labor Committee Chairman, Gus Papathanasiou.

The decision is *United States Capitol Police v. Office of Compliance*, Case No. 2017-2061, and can be found at: <http://www.cafc.uscourts.gov/sites/default/files/opinions-orders/17-2061.Opinion.11-6-2018.pdf>.