

**OFFICE OF COMPLIANCE**

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Washington, DC 20540-1999

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American Federation of State, County, )  
and Municipal Employees Council 26, )  
AFL-CIO, )  
Union, )  
v. )  
The Office of the Architect of the Capitol, )  
Employing Office. )

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Case Number: 09-ARB-1

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

This matter is before the Board of Directors on “exceptions” and “Supporting Brief” submitted on March 10, 2009 and April 1, 2009, respectively by the grievant Sheldon Curtis (“Curtis”) to an award by Arbitrator Richard G. Trotter.

The Board of Directors has reviewed 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. For the reasons set out below, Curtis’ exceptions must be dismissed.

Section 7122 of Title 5, made applicable by the Congressional Accountability Act (2 U.S.C. § 1351) and the substantive regulations of the Office of Compliance (§ 2425.1 (a)) provide that “[e]ither party” to an arbitration proceeding “may file an exception to an arbitrator's award rendered pursuant to the arbitration.” (emphasis added). A “party” in the context of an arbitration proceeding is defined as “(b) Any labor organization or employing office or activity<sup>1</sup>... [w]ho participated as a party ... [i]n a matter where the award of an arbitrator was issued...” (§ 2421.9(b)(3)(ii) of the Office of Compliance Regulations)

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<sup>1</sup> The term “activity” means any facility, organizational entity, or geographical subdivision or combination thereof, of any employing office. (§ 2421.5 of the Office of Compliance Regulations)

The Arbitrator's award indicates that the parties to the arbitration proceeding were the Employing Office, represented by John C. Ward, and the Union, represented by Barbara Kraft.

Curtis is neither a labor organization nor an employing office as those terms are defined by the Board's regulations.<sup>2</sup>

Accordingly, Curtis' exceptions are dismissed for his lack of standing as a party to file exceptions in the above-captioned case.

It is so ORDERED.

Issued, Washington, DC August 31, 2009

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<sup>2</sup> In fact, the Board takes notice of the fact that the Collective Bargaining Agreement between the Union and the Employing Office provides that only the Union may invoke arbitration.