



## Council 26/AFSCME

**CAPITAL AREA COUNCIL OF FEDERAL EMPLOYEES**  
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Secretary

March 15, 2004

### VIA FACSIMILE

Mr. William W. Thompson II  
Executive Director  
Office of Compliance  
Room LA 200, Adams Building  
110 Second St., SE  
Washington, D.C. 20540-1999

Re: Proposed Rule Changes

Dear Mr. Thompson:

AFSCME Council 26 represents employees of the Architect of the Capitol working in the House, Senate, and Capitol buildings, along with employees at the Capitol Power Plant and Botanic Gardens. Our members can be greatly affected by changes in the proposed procedural rule making and welcome the opportunity to provide our comments.

Overall, the proposed changes appear to be beneficial to all parties. At §4.16, Occupational Safety and Health Reports, we believe not only should the employing office have the opportunity to review reports in advance and provide additional comments, the person(s) requesting inspection should be afforded the same opportunity. Allowing both parties to review the proposed report before release to the public creates a better balance and fairness to the procedure. Attached please find our proposal for §4.16.

We thank you for the opportunity to submit comments on the proposed changes and look forward to working with you in the future.

Yours truly,

Jay L. Power

***in the public service***

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES  
(AFL-CIO)

§4.16 With respect of any report authorized under section 215(c)(1) or 215(e)(2) of the Act that is intended by the General Counsel for general public distribution, first transmit a copy thereof to the responsible employing office(s) *and the party(s) requesting inspection*, together with a notification that the employing office(s) *or the party(s) requesting inspection have* 10 days within which to submit any written comments that it wished to be appended in their entirety as an appendix to the report. In the event the General Counsel declines to append to the report timely submitted comments of an employing office *or the party(s) requesting inspection*, the General Counsel shall not issue the report for general public distribution, and will promptly notify that office *or party(s) requesting inspection* in writing of the basis for such declination. Upon written request to the Board of Directors submitted by the employing office *or the party(s) requesting inspection* within 10 days of the date of notification of declination by the General Counsel, with a copy thereof including any submission filed by the General Counsel within 10 days of the employing office's *or party(s) requesting inspection* request, and issue a final and non-appealable decision determining the issue of the inclusion of the employing office's *or party(s) requesting inspection* comments prior to the general public distribution of the report. In no event shall the General Counsel be required by the Board to delay issuance of a report covered by this procedure for more than 15 days after the employing office's *or the party(s) requesting inspection* request for review is submitted to the Board of Directors.

Discussion: **The Union's comments to the proposed amendment are bolded in italics.**  
**Sharing of information with all parties concerned, prior to releasing to the public will**  
**work in the direction to enhance relations between management and the employees.**

