

Library of Congress Professional Guild

AFSCME Local 2910

Library of Congress - LM G-43

Washington, D.C. 20540

(202) 707-6493 (voice)

(202) 707-1873 (fax)

guild@loc.gov



March 25, 2004

HAND DELIVERED

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

Dear Mr. Thompson,

AFSCME Local 2910 (The Guild) represents over 1,500 employees at the Library of Congress who are directly affected by the Congressional Accountability Act and the rules which enforce workplace health and safety standards. The proposed amendments to procedural rules on Occupational Safety and Health Reports (4.16) may not be beneficial to Library staff and we appreciate this opportunity to express our concerns.

As we read the amendment, the proposed procedure requires the Office of Compliance to append a written comment from the employing office on any report issued for general distribution before that report is released to the public. In principle, such a provision undermines the independence of the Office of Compliance. In the Executive Branch, for example, OSHA inspects and writes reports on private and governmental employers and issues citations for hazards. However, OSHA does not grant employers the right to attach a written response to their reports. Such a provision would limit OSHA's role as a regulatory agency and it could have that affect with the Office of Compliance. We think the interests of public health and safety at the Library of Congress are best served by a strong and independent Office of Compliance.

We are also concerned that this provision allowing for employers to write and append comments could delay the reporting process by many days or weeks. Such a delay might extend exposure of employees to hazards that require prompt attention.

However, we recognize that the Office of Compliance works exclusively with the Legislative Branch and that its effectiveness will be increased by cooperation with affected parties. In that vein, if employers have the opportunity to respond in writing to reports issued by the Office of Compliance, why not the unions? We are the certified representatives of all employees in the bargaining unit so why should this right-to-respond be allowed only to our employer?

In closing we thank you for this opportunity to review proposed changes in procedural rules for the CAA. We assume that section 4.16 applies only to the biannual inspection and report sent to Congress and that section 4.16 does not apply to individual inspection reports that come from a requestor. That would be a very different matter and if this is not the correct interpretation please do inform us.

Sincerely,

A handwritten signature in cursive script that reads "Saul Schniderman".

Saul Schniderman,
President