

**TESTIMONY OF GUS PAPATHANASIOU  
CHAIRMAN  
FRATERNAL ORDER OF POLICE, U.S. CAPITOL POLICE LABOR COMMITTEE**

**BEFORE THE  
U.S. HOUSE COMMITTEE ON HOUSE ADMINISTRATION**

**JULY 16, 2019**

Good morning Chairperson Lofgren, Ranking Member Davis and Members of this Committee. I'd like to once again thank you for giving me the opportunity to testify before you in this setting on behalf of the Fraternal Order of Police/United States Capitol Police Labor Committee. Once again I am deeply humbled and honored to testify before you on behalf of the Men and Women that protect this institution on a daily basis.

As I enter my 17th year with the U.S. Capitol Police, I've been with the Union's Executive Board for over a decade, serving as the 1st Vice Chairman since 2009, and now as the Chairman since 2016. Joining me today are members of my Executive Board, 1st Vice Chairman Officer Keith McFaden and 2nd Vice Chairman Officer Vincent Summers. Also with me is Legal Counsel for the Union, Megan Mechak and Greg McGillivray. Also joining me today is former Union Chairman and retired U.S. Capitol Police Officer, Jim Konczos.

After I testified before this committee last year, I had hoped to see some positive changes within the Department. However, the atmosphere has remained the same. In fact, with some of the revised policies pushed by the Department, I think we have actually regressed.

As I stated last year, our Labor Union plays a vital role in the operation and success of the Department. Fostering a positive and constructive relationship between management and the sworn employees is critical to the success of this agency. The Labor Committee is the organization that the sworn employees have appointed as their voice with management.

However, there is an "Us" versus "Them" mentality that has existed within the Department for as long as I've been here. This mentality needs to end, and it needs to end now – everyone who works for the Department is on the same side and has the same goal – to protect Congress. We must work together to make positive changes that will allow us to meet that goal. I truly believe that this agency has the potential to be one of the best Law Enforcement agencies in the world. However, despite the hard work and dedication of the employees of this Department, I don't believe we are there yet.

With the recent retirement of former Chief Verderosa, I quickly endorsed Chief Sund to succeed the former Chief. I felt that Chief Sund was the most qualified and best suited to lead this Department in the right direction for years to come. I also endorsed Inspector Tom Loyd to be the next Assistant Chief with the USCP Board. The Department needs strong leaders like Chief Sund and Inspector Loyd to move forward and complete its mission. Leaders like Chief Sund and Inspector Loyd will make other leaders better and drastically improve the overall morale of this agency.

Chief Verderosa and I had a good working relationship over the last three (3) years of his tenure, but we disagreed on a lot of issues including discipline, the role of the Labor Union within the Department, and the Department's obligations to its employees. In fact, we were at opposite ends of the spectrum on terminations.

With respect to our disagreements on discipline, two months ago I attended Chief Verderosa's retirement party. During his speech, he noted that he was responsible for the hiring of approximately 1600 sworn officers over the years, but he may also have been responsible for the firing of 1600 officers. Although there was laughter, I didn't find that amusing one bit. I appreciate the Department's growth and the increased staffing, but I have personally witnessed the stress and heartache Officers have endured over the years by the previous administrations of this Department. Chief Verderosa's comments were sickening to hear – even when an employee engages in misconduct, they are a person and should not be the butt of a joke. An employee's termination is no laughing matter, and Chief Verderosa's light-hearted comments about terminating employees is an example of why morale is low in the Department – sworn officers believe management views them as a “body on a post,” and not a valued member of the Department and a professional with ambitions and goals.

These comments are especially troubling in light of information the Union has gathered relating to employee terminations. Despite the Department being majority Caucasian and male, the information gathered by the Union about employee discipline shows that the majority of employees proposed for termination in the last seven years have been minorities. The Union is aware of thirty-five instances where an employee has been proposed for termination – most of them were minorities.

I will give you one example that involves an employee found not to meet the qualifications for his position – his case isn't even included in the statistics above. Officer Leonard Ross honorably served this Department to retirement. However, on July 9, 2012, a protective order was entered against him, prohibiting him from possessing a firearm until July 9, 2013. The Department placed Officer Ross on administrative leave, but took no action against him until June 27, 2013, when it recommended him for termination due to his inability to carry a firearm. Officer Ross appealed this decision, but his appeal was denied *on August 15, 2013*, after the protective order expired.

This disturbing trend continues throughout the Department – although our data is incomplete, it shows that women and people of color are more likely to be disciplined and to be disciplined more harshly than their fellow officers.

Chief Verderosa's comments were even more disturbing in light of the multiple terminations that have been reversed by neutral arbitrators, decisions that were upheld by the Office of Congressional Workplace Rights and even the Federal Circuit. The Department's failure to comply with those lawful awards is a regular reminder to the employees of this Department that they are nothing more than a fungible resource to their leaders. The employees of this Department are not simply a “resource” to be used and abandoned by the Department – they are

hard-working men and women with families, ambitions, and passions. They willingly put their lives on the line each and every day they appear for work, despite these challenges.

As Chief Verderosa testified last year before this Committee, he saw things through a different lens than the Labor Committee. Well, maybe that lens was extremely foggy.

The recent Federal Court of Appeals decisions where the Union *and the employees* prevailed, unanimously, speaks volumes about how this Department has been run, and how unreasonable management has been. However, none of these cases should have gone that far. If the Department had reasonable leadership with a fair-minded approach to its employees, this expensive and protracted litigation could have been avoided.

Chief Sund and I have a good working relationship as well and I hope that together we can work on resolving issues so that we can take this Department to a new level.

However, I would call on Chief Sund to address the lack of transparency from which the Department has suffered under previous administrations. I will give you a few brief examples. When the Department first created the Diversity Officer position, the Union wanted to explore how that individual would interact with the bargaining unit and whether that position should be within the bargaining unit. So, my predecessor, Jim Konczos, requested a copy of the position description. The Department refused to provide it to us. The Union had to file an Unfair Labor Practice to obtain a position description.

In Spring 2018, an employee was informed that he had been found unfit for duty because he failed to meet the Department's Medical Guidelines. Just as troubling, the Department refused to provide to that employee with a report from its evaluators on exactly why he was unfit for duty.

When I searched for the Guidelines to assist in his representation, I could not find them – these Guidelines that employees could be *terminated* for not meeting were not available on the departments PoliceNet or otherwise to employees.

This is like one of the issues that went to the Federal Circuit – although the Capitol Police Board's Regulations relating to Leave apply to bargaining unit employees, the Department refused to make those regulations widely available to employees.

Employees need to know the standards to which they will be held and the rules that will be applied to them – even if we disagree with the Department about those standards, the Union needs to know what the rules are to effectively represent employees.

Some of the issues and concerns addressed in our formal meetings as well as previously mentioned in last year's hearing which we will continue to pursue include:

- Officer morale and wellness.
- Severe discipline vs. fair discipline.
- Balance of work and family life.
- Pay Scale and Pay Cap issues.

- Parking for new Officers and essential personnel.
- Lack of Training.
- Disparate treatment of the sworn Officers.
- Promote career advancement within the department.

After my testimony last year, I hoped the Department would make strides in these areas. However, things remain the same. For example, the Department has not improved its training, even though we have hired more employees, it has offered minimal training to existing employees. The Department used to have a three-day Active Shooter training. It was important to officers to have training because the repetition ensured that we were prepared in the event of an incident. That training has been replaced with one day of training.

Similarly, bargaining unit officers are not permitted to train with their firearm at any range other than the single range here on the Hill. The range is only open a few days per month during open range dates. This makes it exceedingly difficult for employees to train with their Department issued firearm. This level of training is unacceptable and dangerous – employees should have easy access to any range where they can train with their Department-issued firearm on a regular, convenient basis to ensure that they maintain proficiency with their weapon.

Unfortunately, we continue to have many areas of disagreement, including:

- Ignoring legally binding Arbitration rulings.
- Ignoring decisions by the Office of Congressional Workplace Rights (OCWR).
- Ignoring decisions from the Court of Appeals for the Federal Circuit.
- Progressive discipline not being adhered to as outlined in the CBA.

These are basic principles of the labor-management relationship, but the Department regularly ignores them. As a result of these issues and concerns, the Union will continue to pursue and promote the following:

- Fair treatment of all bargaining unit members.
- Good faith negotiations.
- Resist cuts to pensions to the USCP and all federal law enforcement.
- Enhance law enforcement retirements as we outlined in the 2012 GAO actuary study.
- The Unions proposed pay scale compression and increase the yearly pay cap.
- Eliminate the bi-weekly pay cap.
- Resolving grievances at lower levels.
- Promote the well-being of officers and improve working conditions.
- Eliminate the hiring of retired double dippers who take away positions from bargaining unit employees.

These are just some of the same critical issues we need to work on collectively to make positive changes for this Department, for both management and employees as these issues affect us all.

Once again I am proud of the Men and Women of the United States Capitol Police. I am proud to be their Union Leader. This Union is stronger and united than it's ever been. I think it's time to change how we do business and start working together instead of against one another.

Thank you for allowing me to address this committee and I look forward to any questions you may have.