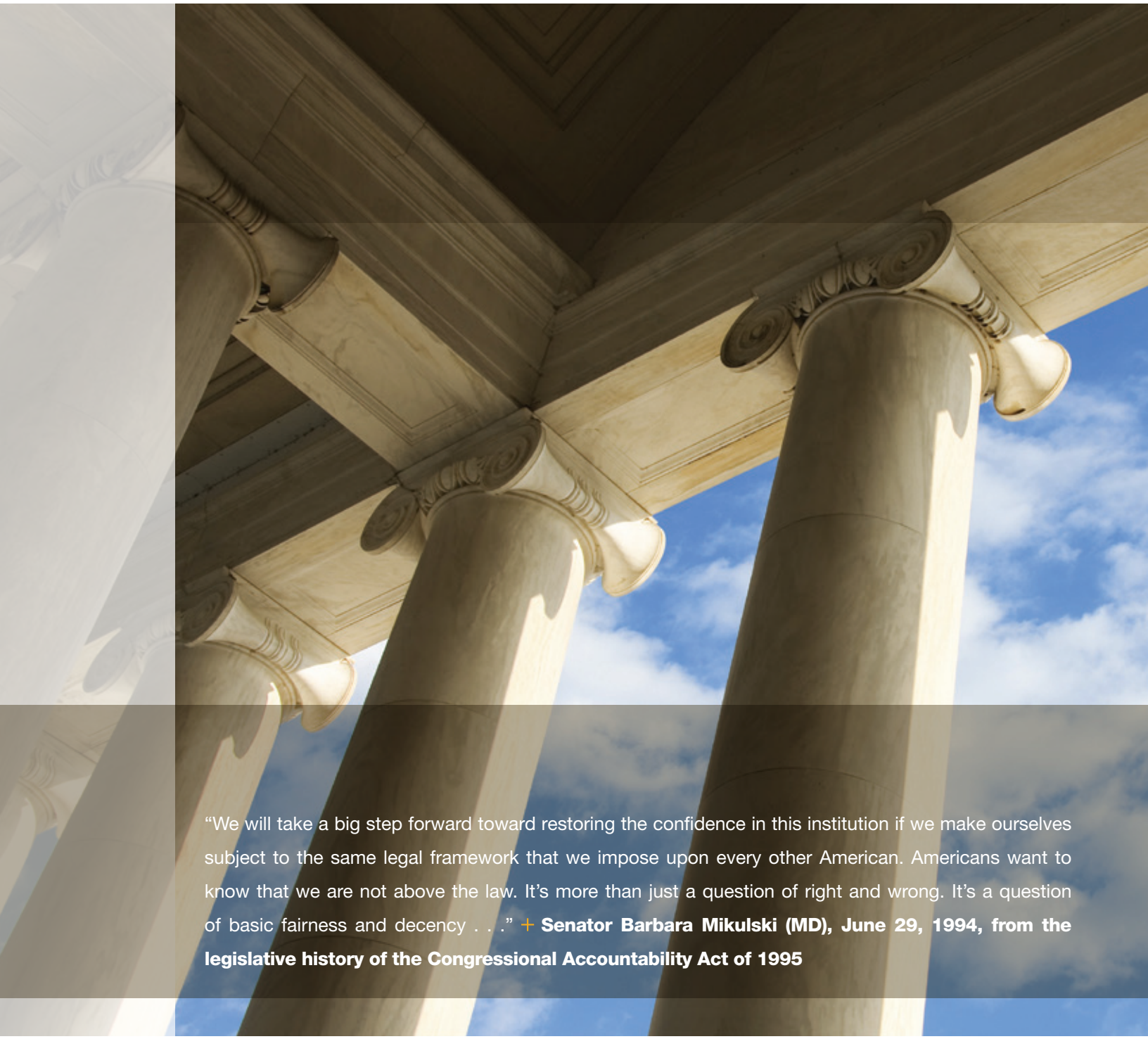
+ OFFICE OF COMPLIANCE + FY 2014 ANNUAL REPORT

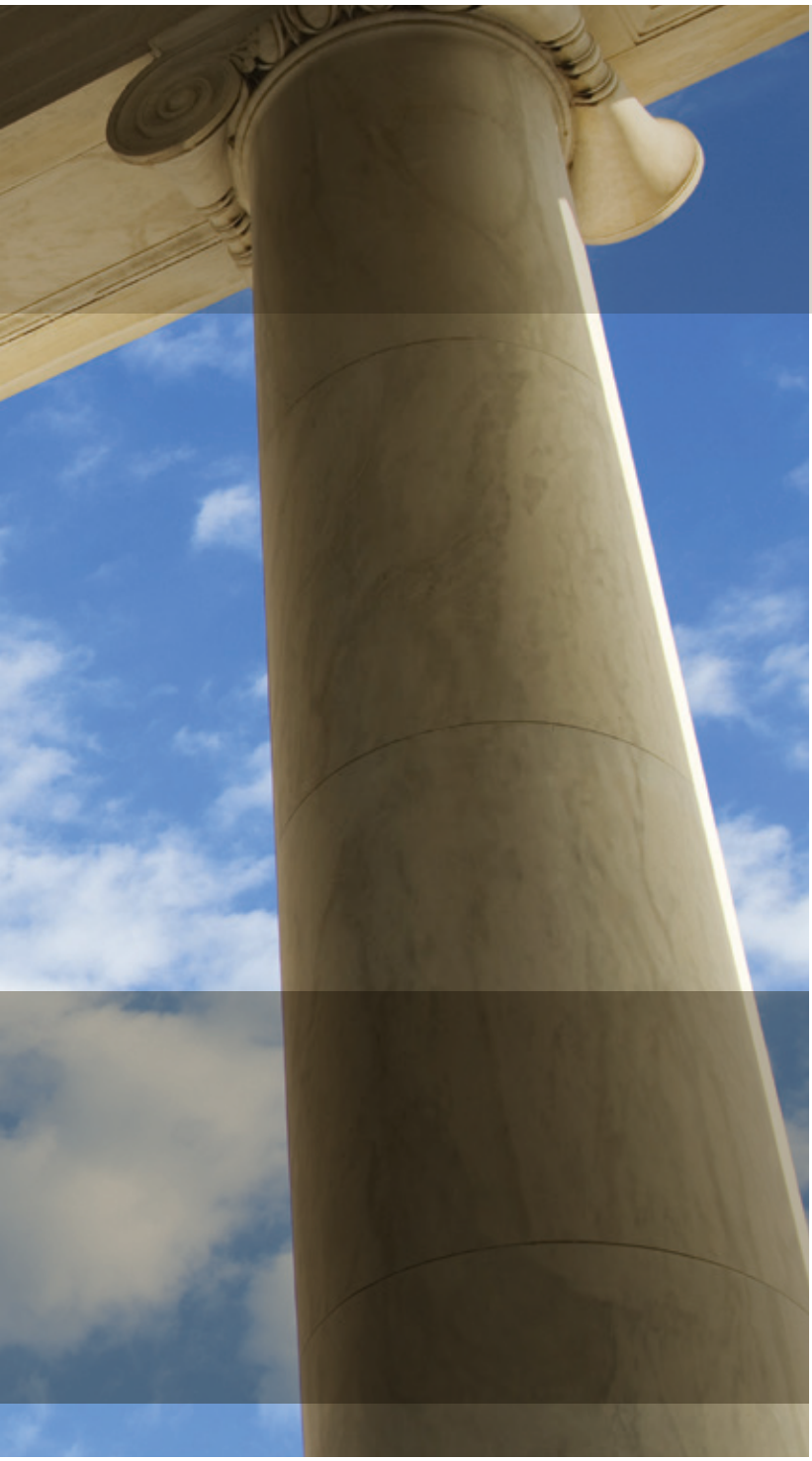
STATE OF THE CONGRESSIONAL WORKPLACE

A Report on Workplace Rights, Safety, Health, and Accessibility Under the Congressional Accountability Act

OFFICE OF COMPLIANCE
EST. 1995
UNITED STATES CONGRESS



"We will take a big step forward toward restoring the confidence in this institution if we make ourselves subject to the same legal framework that we impose upon every other American. Americans want to know that we are not above the law. It's more than just a question of right and wrong. It's a question of basic fairness and decency . . ." + **Senator Barbara Mikulski (MD), June 29, 1994, from the legislative history of the Congressional Accountability Act of 1995**



IN THIS REPORT

STATEMENTS 2

THE CONGRESSIONAL WORKPLACE AND THE CONGRESSIONAL ACCOUNTABILITY ACT 4

OVERVIEW 6

WHAT WE DO 9

STATE OF WORKPLACE RIGHTS 16

STATE OF SAFETY & HEALTH, ACCESS TO CONGRESSIONAL PUBLIC SERVICES & ACCOMODATIONS, AND LABOR RELATIONS 32

APPENDIX 38

STATEMENT FROM THE CHAIR OF THE BOARD OF DIRECTORS

On behalf of the Board of Directors of the Office of Compliance (OOC) I am pleased to present OOC's Annual Report for FY 2014. Looking through this year's report it is clear that the OOC has made great strides in furthering workplace rights and safety on Capitol Hill. This year the OOC broadened its training program, expanded its inspection program for accessibility under the Americans with Disabilities Act (ADA), and continued to provide a fair and efficient forum to resolve employee complaints. We are proud of the OOC's achievements this year and look forward to greater accomplishments in the coming year.

The OOC is a small agency with a large mandate. With only 22 full-time equivalent employees and several contractors, the OOC ensures workplace protections for some 30,000 Legislative Branch employees on Capitol Hill and in district offices throughout the United States. The work we do on behalf of the Legislative Branch is equivalent to that performed by several different agencies and offices within the Executive Branch: the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, and the Occupational Safety and Health Administration, to name a few.

During FY 2014, the OOC continued to cross train safety and health inspectors to conduct accessibility inspections under the ADA. This dual purpose inspection program is unique and allows the OOC to provide the greatest possible level of services in times of fiscal constraints. In addition, the OOC workplace rights training program was greatly expanded this year to include new courses developed specifically for managers and supervisors on best practices in implementing the Congressional Accountability Act (CAA) in the workplace. Our success during FY 2014 was also greatly assisted by the continued support we received from the Congressional community. Whether it was monthly meetings with oversight committees, staff briefings on appropriations issues, or meetings with covered employers and employees to address safety and health hazards, the OOC's efforts to advance workplace rights, safety, health, and public access were furthered by the cooperation shown by interested stakeholders. In particular, during FY 2014, the OOC collaborated with both the Committee on House Administration and the Senate Rules and Administration Committee to increase the use of electronic mail systems for both houses in order to deliver educational information and to announce special programs to Congressional staff. This cost savings initiative culminated this year in a statutory change that allows our annual workplace rights notification to be sent electronically instead of by mail, thus allowing the OOC to realize fiscal savings while continuing to inform Legislative Branch employees of their rights.

FY 2014 was a year of rebuilding for our Occupational Safety and Health (OSH) inspection program. Sequestration severely limited our ability to hire and retain inspectors, which slowed the rate of our inspections across the campus. Even with the move to a risk-based approach to OSH inspections, where we focus almost exclusively on high-risk, high-hazard areas, we continued to struggle to keep pace with the demanding workload. This year we continued to rebuild our capacity to conduct inspections and we look forward to maintaining that momentum in the coming year.

In FY 2014, OOC continued its efforts to provide more effective tools and procedures to identify and efficiently resolve workplace disputes. We updated the OOC website, to provide easier access to information about the CAA and to facilitate access to the confidential dispute resolution system we provide to the Congressional community. As part of our fiscal streamlining, we relied on the services of our skilled in-house mediator, who achieved an exceptional success rate in resolving workplace disputes prior to formal adjudicative proceedings. The confidential ADR process offered by the OOC remains a cornerstone of our mission to safeguard workplace rights.

The Board of Directors of the OOC continues to work with Congress to strengthen the rights and responsibilities provided in the CAA. Each Congress and as required by the CAA, the Board reports its recommendations to Congress on adding to the CAA, as appropriate, those laws that do not currently apply to the Legislative Branch but do apply to the private sector and the Executive Branch of the Federal government. At the time of the writing of this Annual Report, the Board of Directors continues to recommend that Congress apply to Legislative Branch employees: protections against retaliation for whistleblowers; posting of rights under the CAA; mandatory training on the rights under the CAA; more effective protection against retaliation for employees who report safety violations; and granting authority to the General Counsel to issue investigatory subpoenas.

The Board is very proud of the accomplishments of the Office for FY 2014 and looks forward to the enhancing these accomplishments in FY 2015.

Sincerely,

Barbara L. Camens
Chair, Board of Directors

STATEMENT FROM THE EXECUTIVE DIRECTOR

As the Executive Director for the Office of Compliance (OOC) it is my pleasure to present this year's annual report for FY 2014. It has been a good year for the OOC as we have made great strides in improving the services offered to the Congressional community and in refining our internal processes to increase efficiency. These improvements included the development of a new case management system for our Administrative Dispute Resolution program (ADR) and an increase in our training offerings to Congressional employees and managers. I am proud to report on this year's accomplishments and look forward to building on these successes in the coming year.

The OOC has a broad mandate—advancing workplace rights, safety, health and public access in the Legislative Branch of the Federal government. With a small but dedicated staff of 22 employees, the OOC provides services to over 30,000 Congressional employees both on Capitol Hill and in the field and district offices nationwide. These services include administering a dispute resolution process whereby employees can resolve workplace rights complaints in a confidential setting. I am particularly proud of the work done this year by this program, especially our confidential mediation program, which has increased early resolution of desputes between management and employees. What is most notable is that many of these mediations were conducted by an in-house mediator that helped the OOC realize significant cost savings while ensuring a high-level of service.

In addition, the OOC is statutorily mandated to provide training and education to the Congressional community, informing them of their rights under the Congressional Accountability Act (CAA). This year, our training department added an attorney-trainer to the staff who has made a significant difference in our ability to reach out to the Congressional community. We have been able to increase the types of classes offered to employees from basic harassment and discrimination training to more specific offerings such as Family and Medical Leave Act (FMLA) training for managers, Americans with Disabilities Act (ADA) compliance and others described in this report. Other exciting initiatives begun this year included the development of our first on-line training module. Once completed in FY 2015, this module will be offered to all of the Congressional community and will represent a new direction for the OOC in delivering educational products to the covered community. This training will be on-demand, interactive and will be accessible to Capitol Hill staff and staff in remote district offices. We believe this move to on-line learning will allow staff to access training on their own schedules and will allow us to reach many more employees.

Other accomplishments by our education and outreach team included the presentation of several special programs in conjunction with Member offices and Committees. This included a joint program with Senator Mark Kirk's office and the Wounded Warrior Project (WWP). This program featured staff from the WWP who discussed best practices for hiring veterans in the Capitol Hill workplace. These types of programs provide informal education on CAA topics and have been very successful in reaching staffers and employees who would otherwise not be reached by traditional training classes.

This year the OOC continued to develop its risk-based inspection program for safety and health. By prioritizing the most at-risk and high hazard areas we are able to focus our efforts to provide the greatest protection to Congressional workers. We also expanded our cross-training of Occupational Safety and Health inspection staff to conduct ADA accessibility inspections of the Capitol campus. This initiative, along with training on ADA inspection software for all inspectors, has allowed the OOC to greatly enhance accessibility inspections on the Hill.

Despite some fiscal limitations FY 2014 saw OOC's dedicated staff succeed in moving forward the mission of workplace rights for Congressional employees. We are proud of these successes and greatly appreciate the support we received from Congressional leadership and our oversight committees. We look forward to building on these achievements in the coming year.

Sincerely,

Barbara J. Sapin, Executive Director

THE CONGRESSIONAL WORKPLACE AND THE CONGRESSIONAL ACCOUNTABILITY ACT

The Congressional Accountability Act of 1995 (CAA) applies workplace rights, safety, health, and public access laws to Congress and its agencies and establishes the legal process for resolving violations of the CAA through the Office of Compliance (OOC). The CAA protects over 30,000 employees of the Legislative Branch nationwide (including state and district offices). The CAA also provides protections and legal rights for members of the public with disabilities who seek access to public accommodations and services in the Legislative Branch.

CONGRESSIONAL WORKPLACES COVERED BY THE CAA

- HOUSE OF REPRESENTATIVES
- SENATE
- CONGRESSIONAL BUDGET OFFICE
- GOVERNMENT ACCOUNTABILITY OFFICE*
- LIBRARY OF CONGRESS*
- OFFICE OF THE ARCHITECT OF THE CAPITOL
- OFFICE OF THE ATTENDING PHYSICIAN
- OFFICE OF COMPLIANCE
- OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES
- UNITED STATES CAPITOL POLICE

**Certain provisions of the CAA do not apply to the Government Accountability Office and Library of Congress; however, employees of those agencies may have similar legal rights under different statutory provisions and procedures.*

+ LAWS APPLIED TO THE CONGRESSIONAL WORKPLACE BY THE CAA:

Section 201 of the CAA	**HARASSMENT AND DISCRIMINATION PROHIBITED**	Prohibits harassment and discrimination in personnel actions based on race, national origin, color, sex, religion, age, or disability. Laws applied: Title VII of the Civil Rights Act, Age Discrimination in Employment Act (ADEA), Rehabilitation Act of 1973, Title I of the Americans with Disabilities Act (ADA)
Section 202 of the CAA	**FAMILY AND MEDICAL LEAVE**	Provides leave rights and protections for certain family and medical reasons. Law applied: Family and Medical Leave Act (FMLA)
Section 203 of the CAA	**FAIR LABOR STANDARDS**	Requires the payment of minimum wage and overtime compensation to nonexempt employees, restricts child labor, and prohibits sex discrimination in wages. Law applied: Fair Labor Standards Act (FLSA)
Section 204 of the CAA	**POLYGRAPH TESTING PROTECTIONS**	With some exceptions, prohibits employing offices from: requiring or requesting that employees take lie detector tests; using, accepting, or inquiring about the results of a lie detector test; or firing or discriminating against an employee based on the results of a lie detector test or for refusing to take a test. Law applied: Employee Polygraph Protection Act (EPPA)
Section 205 of the CAA	**NOTIFICATION OF OFFICE CLOSING OR MASS LAYOFFS**	Under certain circumstances, requires that employees be notified of an office closing or of a mass layoff at least sixty days in advance of the event. Law applied: Worker Adjustment and Retraining Notification Act (WARN)
Section 206 of the CAA	**UNIFORMED SERVICES RIGHTS AND PROTECTIONS**	Protects employees who are performing service in the uniformed services from discrimination and provides certain benefits and reemployment rights. Law applied: Uniformed Services Employment and Reemployment Rights Act (USERRA)
Section 207 of the CAA	**PROHIBITION OF REPRISAL OR INTIMIDATION FOR EXERCISING WORKPLACE RIGHTS**	Prohibits employing offices from intimidating, retaliating against, or discriminating against employees who exercise their rights under the CAA.
Section 210 of the CAA	**ACCESS TO PUBLIC SERVICES AND ACCOMMODATIONS**	Protects members of the public who are qualified individuals with disabilities from discrimination with regard to access to public services, programs, activities, or places of public accommodation in Legislative Branch agencies. Law applied: Titles II and III of the Americans with Disabilities Act (ADA)
Section 215 of the CAA	**HAZARD-FREE WORKPLACES**	Requires that all workplaces be free of recognized hazards that might cause death or serious injury to employees. Law applied: Occupational Safety and Health Act (OSHAct)
Section 220 of the CAA	**COLLECTIVE BARGAINING AND UNIONIZATION**	Protects the rights of certain Legislative Branch employees to form, join, or assist a labor organization, or to refrain from such activity. Law applied: chapter 71 of Title 5, U.S. Code.
Genetic Information Nondiscrimination Act (GINA)	**GENETIC INFORMATION NONDISCRIMINATION & PRIVACY**	Prohibits the use of an employee's genetic information as a basis for personnel actions.
Veterans' Employment Opportunities Act (VEOA)	**VETERANS' EMPLOYMENT OPPORTUNITIES**	Gives certain veterans enhanced access to job opportunities and establishes a redress system for preference eligible veterans in the event that their veterans' preference rights are violated.

ANNUAL REPORT

Congress passed the Congressional Accountability Act of 1995 (CAA) with overwhelming bipartisan support. The CAA applies a number of private sector and Executive Branch workplace rights, occupational safety and health, accessibility, and labor statutes to Congress and its instrumentalities. Prior to the passage of the CAA, Congress had exempted itself from the reach of these laws, affording employees no statutory remedy for any violation.

In an effort to bring accountability to Congress and its agencies, and to provide an avenue of redress for employees, the CAA established the Office of Compliance (OOC) to administer a dispute resolution program for the resolution of workplace rights claims brought by Congressional employees; to carry out an education program to inform Congressional Members, employing offices, and Congressional employees about their rights and obligations under the CAA; to inspect Congressional facilities for compliance with safety and health and accessibility laws; and to promulgate regulations and make recommendations for changes to the CAA that would apply to Congress the same workplace laws that apply to private and public employers.

In passing the CAA, Congress intended that there be an ongoing, review of the workplace laws that apply to Congress, and on whether Congressional employees are accessing the services of the OOC and able to make claims against their employers in a similar manner as Federal Executive Branch and private sector employees.

This Annual Report provides an analysis of the state of workplace rights, safety, health, and accessibility in Congress during FY 2014 (October 1, 2013–September 30, 2014).

As required by Section 301(h) of the CAA, this Annual Report provides FY 2014 statistics on the use of the OOC by Congressional employees. This includes statistics about the types of claims being made against Congressional employing offices.

Other periodic reports that are provided to Congress, as required under the CAA, are summarized in this Annual Report and are described below:

- Section 215(e) of the CAA requires the OOC to inspect Legislative Branch facilities for compliance with occupational safety and health standards under the Occupational Safety and Health Act (OSHAct), at least once each Congress and report on those findings. This Annual Report provides an overview of the risk-based inspections conducted during the 113th Congress.

"There is one set of protections for people in the private sector whose employees are protected by the employment safety and civil rights laws, but no protection, or very little protection, for employees on Capitol Hill."

+ ***Senator Chuck Grassley, R-Iowa,***
January 9, 1995, from the legislative history of the Congressional Accountability Act of 1995

- Section 210(f) of the CAA requires that the OOC inspect Legislative Branch facilities for compliance with the access to public services and accommodations requirements of the Americans with Disabilities Act (ADA), every Congress, and report on those findings.
- Section 102(b) of the CAA requires that the Board of Directors review provisions of Federal law relating to the terms and conditions of employment and access to public services and accommodations, and make recommendations on which provisions should be made applicable to the Legislative Branch.

This Annual Report references the last 102(b) report—titled "Recommendations for Improvements to the Congressional Accountability Act"—issued to Congress in December 2014, which made recommendations to the 114th Congress for changes to the CAA to advance Congressional workplace rights. In this report, we highlight those sections of the 102(b) report that continue to be priorities.

All of our statutory reports are available on the OOC's website at **www.compliance.gov**.

WHAT WE DO

"I cannot tell you how many times I have had business men and women, men and women in every walk of life complain that Congress passes laws and then simply exempts itself… I want to go home and tell those constituents that have talked to me and to all of you that we have answered their plea. I want to tell them that we meet the same requirements that they do, that we follow the same laws that we ask them to, from OSHA to Fair Labor Standards. I want to tell them that our employees have the same protections theirs do . . ." + **Representative Steny Hoyer (MD), January 4, 1995, from the legislative history of the Congressional Accountability Act of 1995.**

SERVICES WE PROVIDE TO CONGRESS, CONGRESSIONAL EMPLOYEES, AND THE PUBLIC

In 1995, Congress passed the Congressional Accountability Act (CAA), the purpose of which was to require Congress and its instrumentalities to follow many of the same employment, labor, accessibility, safety, and health laws that Congress enacted to apply to private business and the Federal Executive Branch. The CAA was also to provide an avenue of legal recourse for those employees who allege violations of workplace rights. Under the CAA, an employee may seek a number of legal remedies for violations of the law including back pay awards, damages and the reimbursement of attorney's fees if the employee prevails in his or her case.

Until the CAA's passage, Congress had exempted itself from most of these laws, but Congressional Members expressed dissatisfaction with such exemptions. Members wanted Congress to be held accountable to the same employment, accessibility, and safety laws that Congress enacted to apply to other employers.

Many Congressional Members also felt that the employment enforcement procedures and dispute resolution system that had been in place prior to the passage of the CAA were not effective in protecting and advancing the rights of Congressional employees. Under the CAA, Congress established the Office of Compliance (OOC) to implement an effective dispute resolution system, enforce certain provisions of the CAA, and educate Congress, its employing offices, and Congressional employees of their obligations and rights under the CAA.

The OOC is an independent, non-partisan office that is subject to oversight by the Senate Committee on Rules and Administration, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on House Administration.

RESOLVING DISCRIMINATION, HARASSMENT, AND OTHER WORKPLACE RIGHTS DISPUTES IN THE LEGISLATIVE BRANCH

The CAA provides for Administrative Dispute Resolution (ADR), which mandates confidential counseling and mediation for the settling of disputes under most workplace rights laws as described on page 5 of this Annual Report.

The CAA imposes a 180 day time limit for an employee, applicant, or former employee to initiate a workplace rights violation claim. After completing confidential counseling, the employee may pursue his or her claim through confidential mediation with the employing office. If the parties involved are not able to resolve their dispute through mediation, an employee may either pursue an administrative hearing with the OOC, or file a civil suit in Federal District Court.

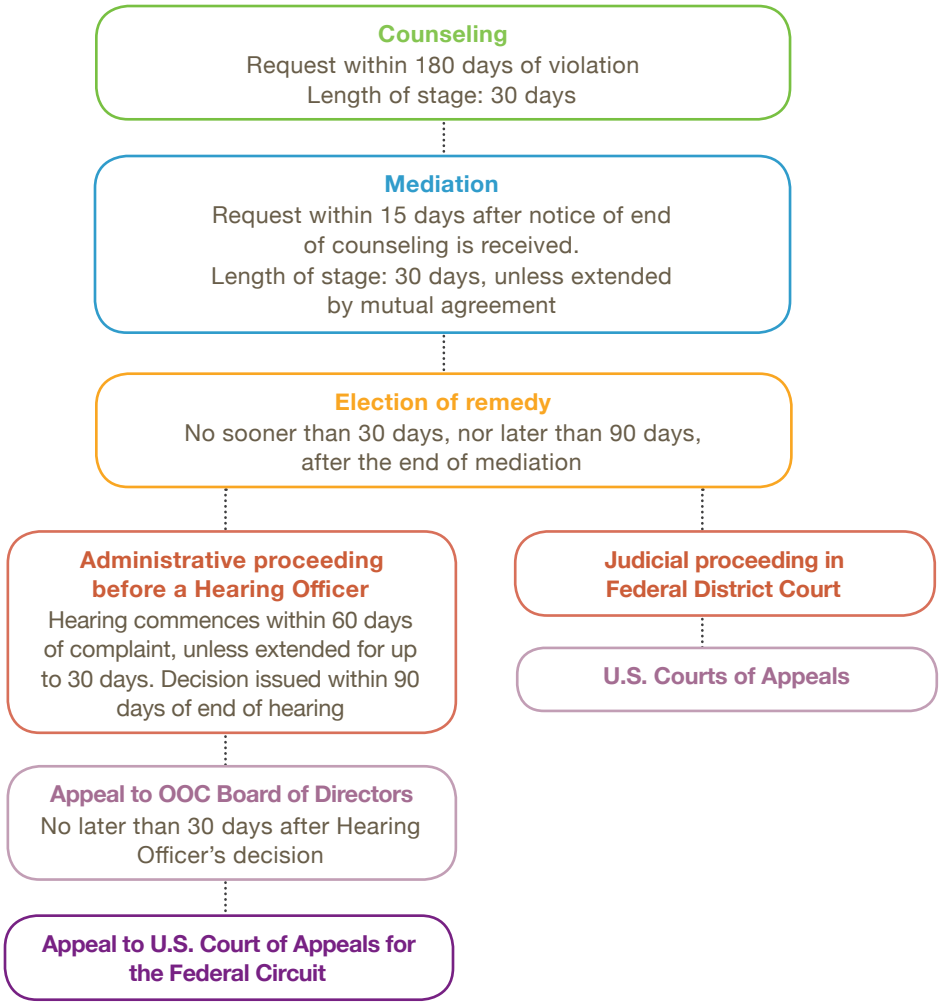
After an administrative hearing, if either the employee or the employing office is dissatisfied with the final decision of the hearing officer, a request may be made to have the hearing officer's decision reviewed by the Board of Directors of the OOC. If the employee or the employing office is dissatisfied with the Board of Directors' ruling, the decision may be appealed to the U.S. Court of Appeals for the Federal Circuit for further review. If the employee decides to file a civil suit in Federal District Court, an appeal of that decision will proceed under the rules of the appropriate U.S. Court of Appeals.

Depending on the law and facts in a case, a hearing officer, the OOC Board of Directors, or Federal court may order monetary awards and other appropriate remedies for the prevailing party in the case, such as reinstatement, promotion, or back pay. Attorney's fees, and other costs may also be awarded. No civil penalties or punitive damages can be awarded for any claim under the CAA.

The CAA and its ADR process apply to employees of the House of Representatives and the Senate; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Compliance; the Office of Congressional Accessibility Services; and the United States Capitol Police. In certain instances, applicants and former employees may also be protected. The OOC often holds ADR mediation sessions or hearings to process claims brought by district or state office staff, or will service the needs of employees through its Washington, D.C. office.

At any time during the ADR process, an employee may designate (at the option and expense of the employee) a representative, such as an attorney, to represent him or her in the matter.

Dispute Resolution Process for Most Types of Claims

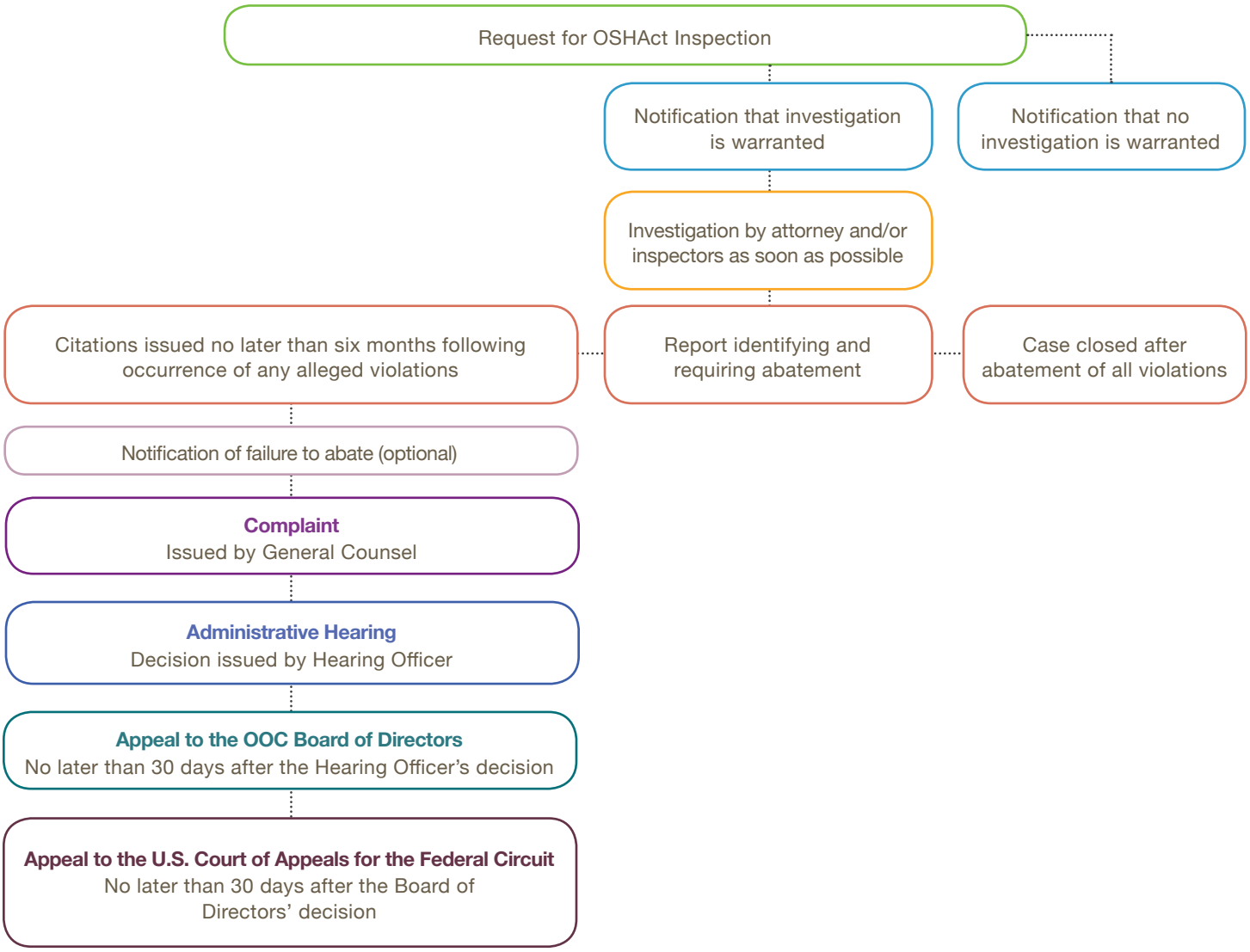


ENSURING A SAFE & HEALTHY CONGRESSIONAL WORKPLACE

Under the CAA, the Legislative Branch must comply with the OSHAct and its standards requiring that the workplace be free from recognized hazards that are likely to cause death or serious injury. The General Counsel of the OOC inspects Congressional properties biennially for such violations and reports them to the Speaker of the House and President Pro Tempore of the Senate. The OOC also provides information and technical assistance to employing offices that are responsible for abating workplace hazards.

The CAA provides that a Congressional employee or employing office may file a Request for Inspection to determine if a dangerous working condition exists. The General Counsel is responsible for investigating the suspected unsafe working condition. When an investigation reveals a hazardous working condition, the General Counsel may issue a notice or citation to the employing office that has exposed employees to the hazard and/or to the office responsible for correcting the violation. The office or offices are then responsible for remedying the hazard. If a hazardous condition is not corrected despite the issuance of a citation, the General Counsel can file an administrative complaint with the OOC, and seek an order mandating the correction of the violation.

Administrative Process for Alleged Violations of OSHAct (Request for Inspection Only)

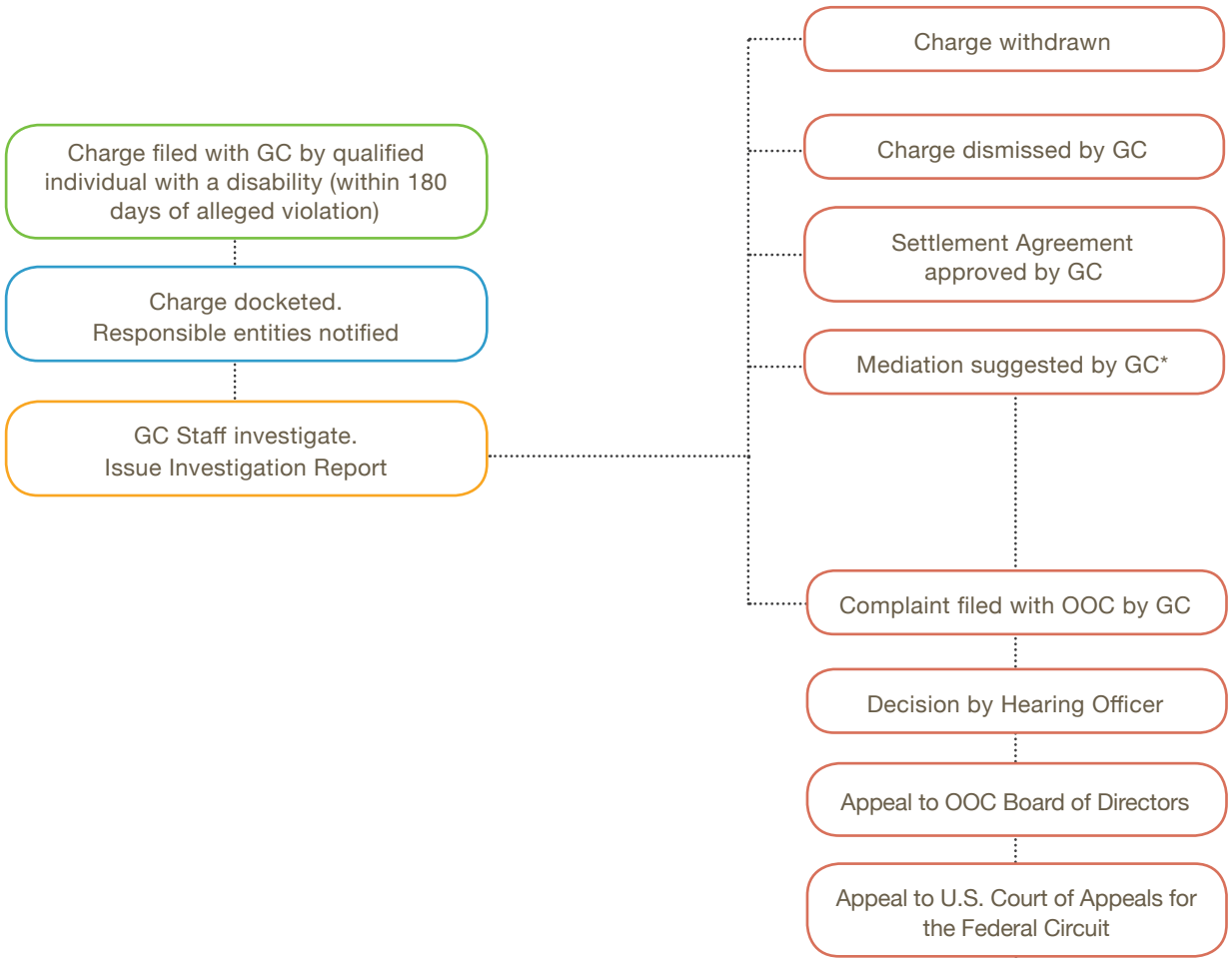


ENSURING ACCESS TO CONGRESSIONAL SERVICES AND ACCOMMODATIONS FOR MEMBERS OF THE PUBLIC WITH DISABILITIES

Section 210(f)(2) of the CAA requires that the General Counsel of the OOC inspect employing office facilities in the Legislative Branch for compliance with the rights and protections against discrimination in the provision of public services and accommodations for people with disabilities, established by Titles II and III of the ADA.

The CAA also provides that members of the public may file charges of discrimination alleging public access violations under the ADA. If a routine inspection or an investigation reveals that a violation occurred, the General Counsel may request mediation to resolve the dispute or may file an administrative complaint with the OOC against the entity responsible for correcting the alleged violation.

Dispute Resolution Process for Alleged Violations of ADA Accessibility Laws



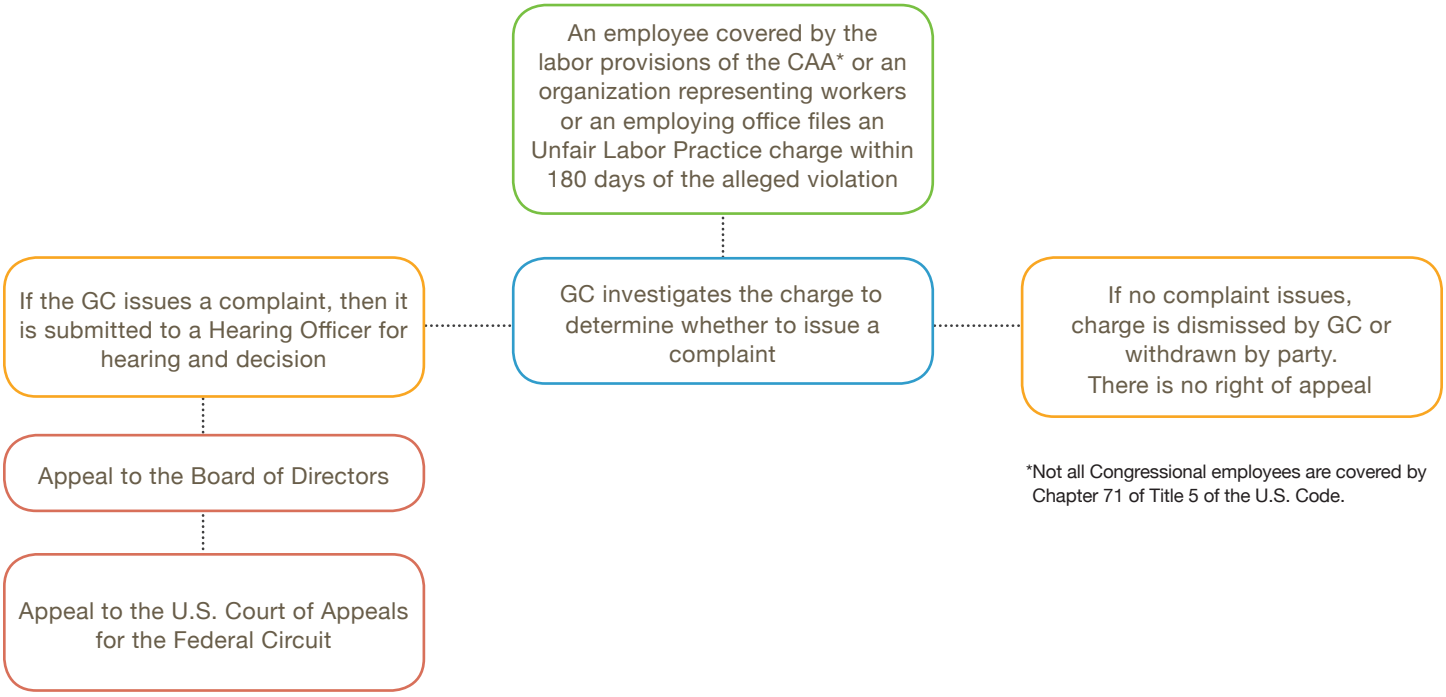
*Mediation is not mandatory

CONDUCTING REPRESENTATION ELECTIONS AND RESOLVING UNFAIR LABOR PRACTICE DISPUTES

The CAA grants certain Legislative Branch employees the right to join a labor organization for the purpose of collective bargaining under Chapter 71 of Title 5. The CAA protects these employees' rights to form, join, or assist a labor organization without fear of penalty or reprisal. The rights of employees who choose not to join or participate in a labor organization are also protected. Certain procedures must be followed to be represented by a labor organization. The OOC works with the parties to process representation petitions and elections.

The Board of Directors of the OOC has the authority to issue final decisions on union representation and election issues, questions of arbitrability, and exceptions to arbitrators' awards. The General Counsel is responsible for investigating allegations of unfair labor practices and prosecuting complaints of unfair labor practices before a Hearing Officer and the Board.

Administrative Process for Alleged Violations of Federal Labor Laws



*Not all Congressional employees are covered by Chapter 71 of Title 5 of the U.S. Code.

EDUCATING TO PREVENT VIOLATIONS OF THE CAA AND PROVIDING INFORMATION ABOUT THE STATE OF THE CONGRESSIONAL WORKPLACE

Workplace research in both the public and private sectors consistently finds that a comprehensive anti-discrimination/harassment training program is the single most effective way to change both behavior and attitudes of employees within an organization. While many managers may believe that increasing training and awareness in a workforce will create **more** complaints, the data actually shows that the number of complaints decreases because there is less discrimination and harassment in the workplace.

These studies show that training not only saves organizations time and money in litigation and settlement costs for workplace violations, but also significantly curbs the "hidden" costs of workplace violations. These "hidden" costs occur when an employee encounters sexual harassment or some other form of discrimination but does not complain to his or her supervisor or does not engage in a formal complaint process. This may result in excessive absenteeism by the aggrieved employee, lowered productivity, stress related illnesses, and most prominently, high turnover costs for the organization.

This year, the OOC fully embraced our statutory mandate to educate and train Members, their staff and other employees of the Legislative Branch on the protections and responsibilities of the CAA. This included expanding our live course catalog, publishing new educational materials and developing an exciting, interactive training module for release in 2015. Several times throughout the year, the OOC advertised our training courses and met with an overwhelmingly positive response.

Above is a screen shot of OOC's Sexual Harassment and Discrimination On-Line training module, available in the summer of 2015.

IN-PERSON STAFF AND MANAGER TRAINING

With respect to in-person training, our office conducted numerous live training sessions for Members' staff in the House and the Senate, Committee staff, and Legislative Branch agencies. In addition, the OOC expanded the current course catalog to include numerous classes for Legislative Branch managers and their staff. Below is an excerpt from the OOC course catalog offered to Congressional staff and offices:

An Introduction to Workplace Rights for Staffers

This interactive and scenario based training combines an overview of employee discrimination, the Family and Medical Leave Act, and the employment and public access sections of the Americans with Disabilities Act. This is an engaging class that gives Congressional employees a solid understanding of workplace rights on Capitol Hill through the use of instructive scenarios and examples.

Prevention of Sexual Harassment and Discrimination

In this training, participants will learn to recognize sexual harassment behavior in the workplace. Participants will learn the legal concepts of harassment and develop an understanding of what conduct does and does not constitute harassment. This training engages participants through the use of real life case studies as well as explaining the costs and impact of sexual harassment and discrimination.

A Manager's Guide to Family and Medical Leave Act (FMLA)

Understanding and correctly applying FMLA can be challenging for both new and experienced managers. This course explains the requirements of the FMLA in understandable terms that are specifically tailored to life on the Hill. The training includes an overview of the FMLA, entitlements to leave, intermittent leave, and employer/employee obligations.

This class also provides managers with an understanding of the most recent changes to the FMLA and how to reduce liability for their offices.

Understanding the Americans with Disabilities Act (ADA)

In 2015, the United States will celebrate the 25th anniversary of the ADA. In the Legislative Branch, the ADA covers both employees and constituents, including accessibility of Senate and House district and state office spaces. This training breaks down the ADA and its application to Congress and provides a roadmap to understanding the employment and accessibility sections of

the ADA as it is applied by the CAA. This training will explain to participants the reasonable accommodation process and recent statutory and judicial changes to the ADA. Recently, this training was amended to include helpful information on hiring veterans with service-related disabilities and developing reasonable accommodations in both hiring and working with veterans who have these conditions.

Understanding Veteran's Rights Laws in the Workplace

According to estimates there are 21.9 million veterans in the United States, many of whom live in the National Capitol Region and are seeking to work in the Legislative Branch. Participants in this class will learn about the Veterans Employment Opportunities Act of 1998 (VEOA) with its preference requirements and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which prevents discrimination based on military service. This class will give participants the knowledge to navigate these laws and create a workplace that supports our citizen soldiers.

Recent Developments in Civil Rights Laws

This course targets policy professionals and staffers with a specific interest in anti-discrimination, anti-harassment, and anti-retaliations laws. This training provides an overview of evolving judicial and statutory trends in civil rights litigation and the laws' application in the Congressional workplace. Participants will be presented with statistical trends in workplace complaints, relevant Equal Employment Opportunity Commission data on workplace discrimination issues, and scholarly research on reducing workplace discrimination.

ON-LINE WORKPLACE RIGHTS TRAINING

In addition to live training, the OOC has identified the need for an on-line, on-demand training platform. In FY 2013 the OOC began development of this capacity. The OOC believes that training in the Congressional workplace has its own special challenges and opportunities. The Congressional workplace is unique in that each of the 441 Representative and 100 Senate offices operates as its own small business, with its own office policies, training priorities and staff structures. Further, 46% of House and Senate staff are not located on Capitol Hill, but rather, are geographically dispersed throughout the United States to serve constituents in State and District offices.[1] Despite being geographically dispersed, the CAA and its training mandate applies to staffers throughout the country.

Given the OOC's limited resources and staff, it would be difficult to provide in-person training to the many Congressional staffers who work outside the Capitol Hill campus. On-demand training methods, such as web-based training, modules, and live webinars, are therefore crucial to meeting OOC's education mandate and to serving this otherwise underserved population.

"Every workplace, including Congressional offices, needs to be committed to creating an environment free from sexual harassment and discrimination. It is essential that every employee gets the proper training and understanding of workplace rights and laws. I want to thank the Office of Compliance for the invaluable training and guidance they have provided my staff."

+ *Senator Kirsten Gillibrand (D-NY)*

[1] Bland, Scott. *Why Members of Congress Are Sending Their Staffers Home.* National Journal, January 12, 2014.

"SenatorGillibrandpic" by Gillibrand2010, Senator Gillibrand's official 2010 campaign Flickr account—Flickr. Licensed under CC BY-SA 2.0 via Wikimedia Commons—http://commons.wikimedia.org/wiki/File:SenatorGillibrandpic.jpg#/media/File:SenatorGillibrandpic.jpg

STATE OF WORKPLACE RIGHTS

Congress and its agencies employ roughly 30,000 employees nationwide, many of whom live in Maryland, Virginia, and the District of Columbia. Congressional employees who have claims of discrimination, harassment, and other violations of workplace rights laws must assert their claims through the OOC Dispute Resolution process. The OOC provides dispute resolution services nationwide regardless of an employee's geographic location.

The "State of Workplace Rights" provides statistical data to Congress on the use of the OOC by Congressional employees. Section 301(h) of the CAA requires that such statistics be published annually.

SECTION HIGHLIGHTS

- Most claims filed with the OOC allege discrimination and/or harassment based on race, sex, age, disability or a combination thereof
- Most cases are resolved confidentially under the CAA's dispute resolution process

+ Congress is not covered by certain workplace rights laws required for U.S. businesses and the Federal Executive Branch, such as mandatory notice-posting of workplace rights, mandatory anti-discrimination training, and whistleblower protections for employees who report waste, fraud, and abuse

I. WHAT THE LAW REQUIRES:

The CAA requires the OOC to provide statistical data to Congress about the number of employees asserting their rights under the OOC's Administrative Dispute Resolution (ADR) program and the reasons for their claims. Congress wants to know how Congressional employees are using the OOC to seek legal recourse for discrimination and harassment claims, as well as other types of claims under the CAA, such as family and medical leave and/or retaliation. To this end, the CAA requires that the OOC compile and publish statistics on the use of the OOC by covered employees, including "the number and type of contacts made with the Office, on the reason for such contacts, on the number of covered employees who initiated proceedings with the Office...and the result of such proceedings, and on the number of covered employees who filed a complaint, the basis for the complaint, and the action taken on the complaint." See Section 301(h)(3). A full discussion of the FY 2014 statistics is provided on the pages that follow.

II. ACHIEVEMENTS & COMPLIANCE ASSESSMENT:

During the hearings that led to the passage of the CAA, some Congressional Members voiced concern that while the passage of workplace rights laws to protect Congressional employees is important, the CAA means little if employees do not use the available resources to assert their rights or if they do not feel comfortable asking about their rights. As a result, Section 301(h) of the CAA requires the OOC to compile and publish statistics on the use of the OOC by Congressional employees so that Congress can assess whether they are getting the information they need. In this section, the OOC provides information about the use of the OOC by Congressional employees to enforce their workplace rights under the CAA.

The statistics in this section relate to claims brought by Congressional employees under the OOC's dispute resolution process (see page 10 for more information and a diagram of how the process works). Covered employees under the CAA include current and former employees, as well as applicants.

The CAA mandates a dispute resolution process of confidential counseling and mediation for the prompt resolution of disputes. If the dispute is not resolved during counseling and mediation, the employee may either pursue his or her claim in a confidential administrative hearing before a Hearing Officer with the OOC, or file suit in Federal District Court, which is a public forum.

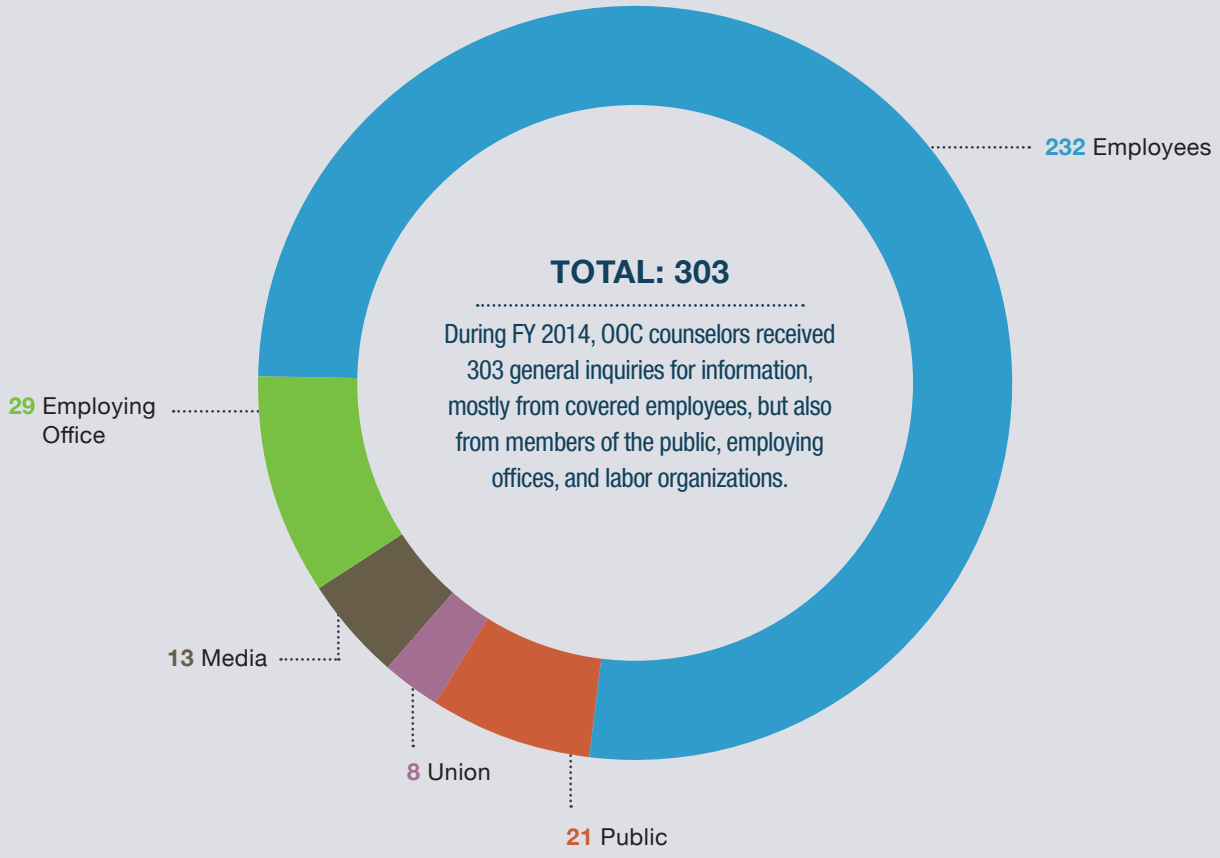
Final decisions of Hearing Officers may be appealed to the Board of Directors of the OOC. Upon review, the Board issues a written decision of its analysis and evaluation of the facts and issues. A party dissatisfied with the decision of the Board may file a petition for review of the Board's decision with the U.S. Court of Appeals for the Federal Circuit. If an employee filed suit in Federal District Court instead of filing an administrative complaint with the OOC, appeals of those decisions are heard by the applicable United States Court of Appeals.

GENERAL INFORMATION REQUESTS IN FY 2014

Congressional employees, employing offices, and the public may contact the OOC in person or by telephone to request information on the procedures of the OOC and to learn about the rights, protections, and responsibilities granted by the CAA. Although general inquiries do not initiate the formal dispute process, they are nonetheless kept confidential by the OOC.

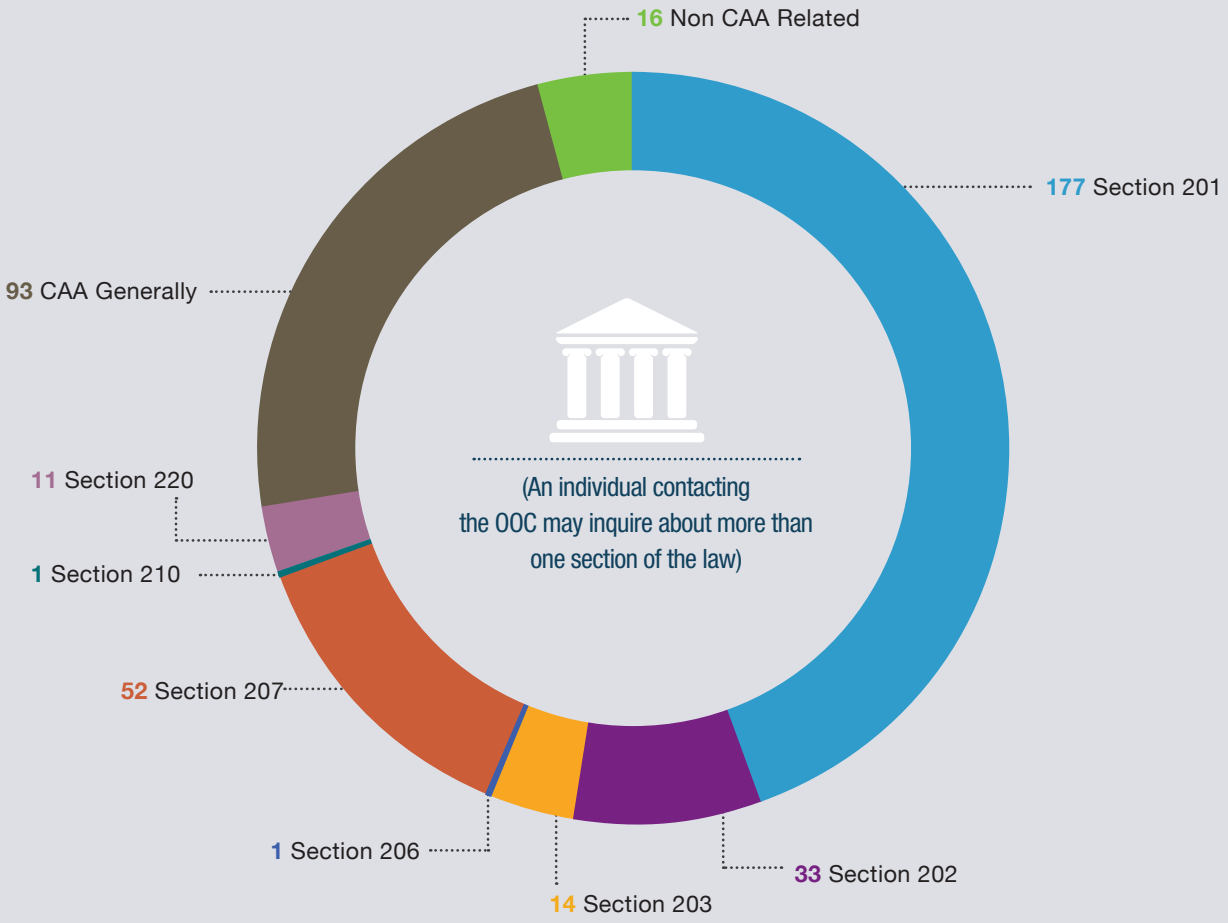
Providing information to a covered employee is often the first opportunity the OOC has to directly address a particular issue. An OOC counselor assists individuals in understanding how the CAA may apply to the facts of their disputes, and suggests ways their claims may be addressed and resolved either through the dispute resolution process or by addressing their concerns directly with their employers without ever having to file a claim with the OOC.

Summary of General Information Requests by Group



GENERAL INFORMATION REQUESTS IN FY 2014 (CONTINUED)

General Information Requests by Section of Workplace Rights Laws under the CAA*



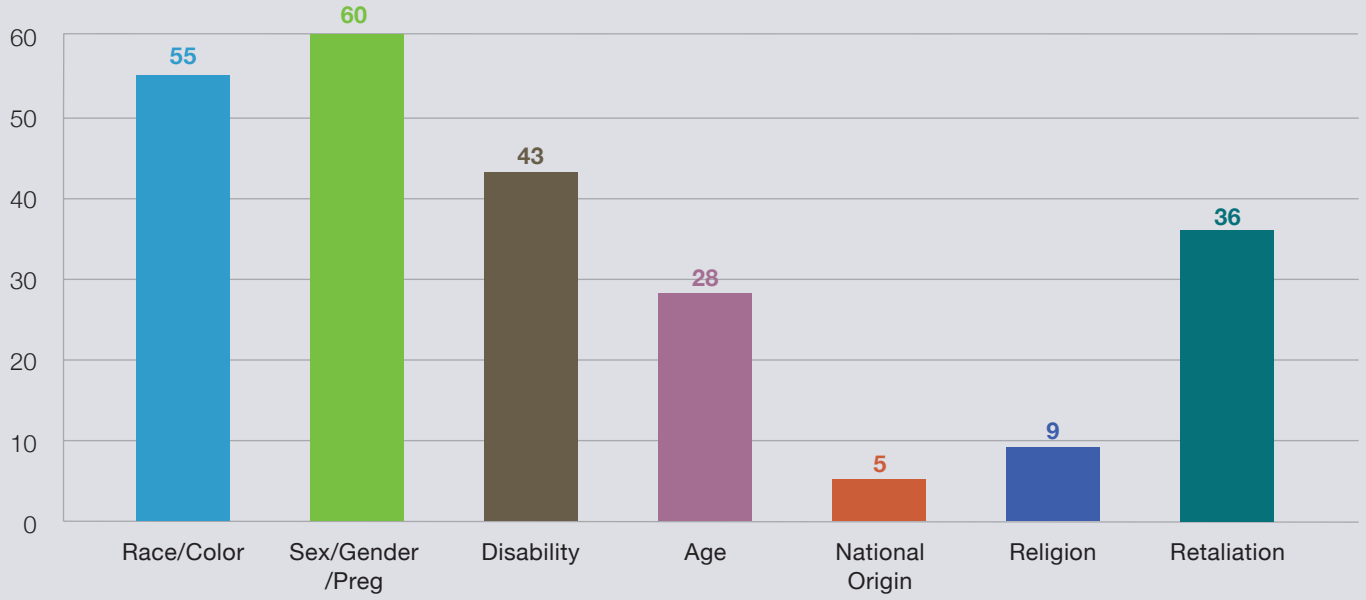
TOTAL: 398

*No requests under Section 215

General information requests listed under the "CAA Generally" category may include non-specific questions regarding the OOC's jurisdiction on employment matters and calls from the public and non-eligible employees. For instance, employees of the Library of Congress (LOC) who are not covered by many sections of the CAA may call with questions about their rights under the CAA. These employees may be referred by the OOC back to the LOC, which has its own internal dispute resolution process.

Discrimination and Retaliation Information Requests by Issue Under §§ 201 and 207

(An individual contacting the OOC may inquire into more than one workplace issue)



TOTAL requests: 236

The most common general inquiries related to concerns about harassment and/or hostile work environment followed by questions about discharges/demotions/terminations.

REQUESTS FOR CONFIDENTIAL COUNSELING: INITIATING A FORMAL PROCEEDING

Confidential counseling is the first step in the formal dispute resolution process. During counseling, an OOC counselor helps the employee to better understand his/her claim based on the facts of the situation and the requirements under the law. The employing office is not notified by the OOC that the employee has filed a request for counseling because counseling between the employee and the OOC is strictly confidential.

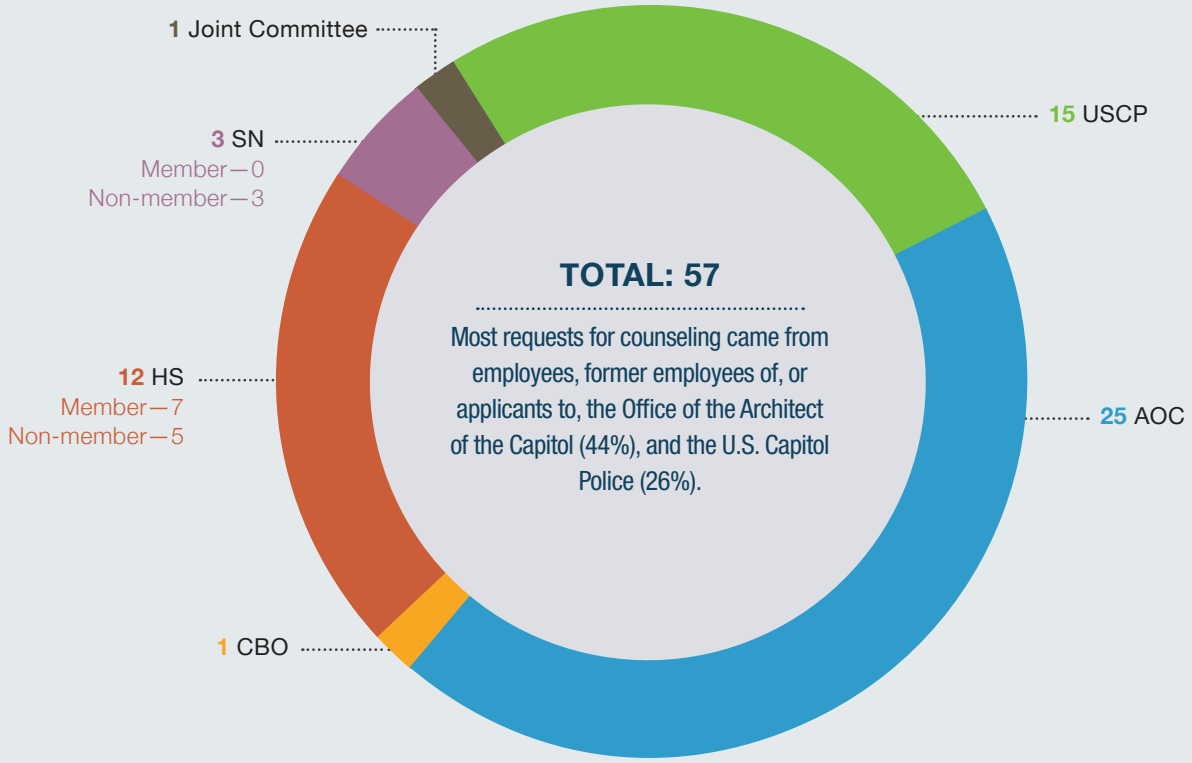
To formally assert and preserve his/her claim, a Congressional employee (or applicant or former employee) must file a formal request for counseling within 180 days of the alleged violation.

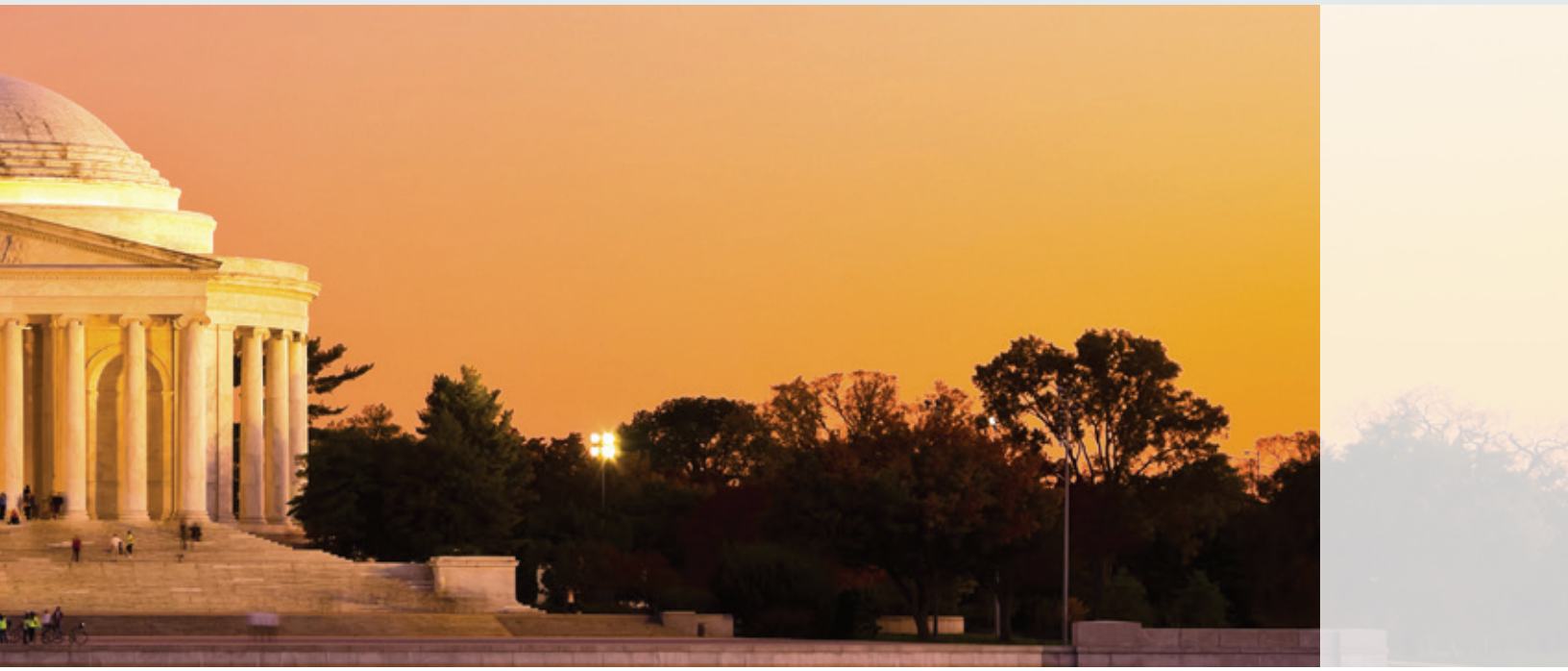
Counseling Proceedings	
9	Withdrawn
1	Resolved by informal resolution
12	Resolved in counseling—no mediation request was filed
36	Requested mediation
6	Still pending in counseling going into FY2015

TOTAL: 64

During FY 2014, the OOC received 57 new Requests for Counseling: 7 cases were still pending counseling at the beginning of FY 2014 for a total of 64 cases in the counseling stage in FY 2014

Requests for Counseling Filed Against All Employing Offices

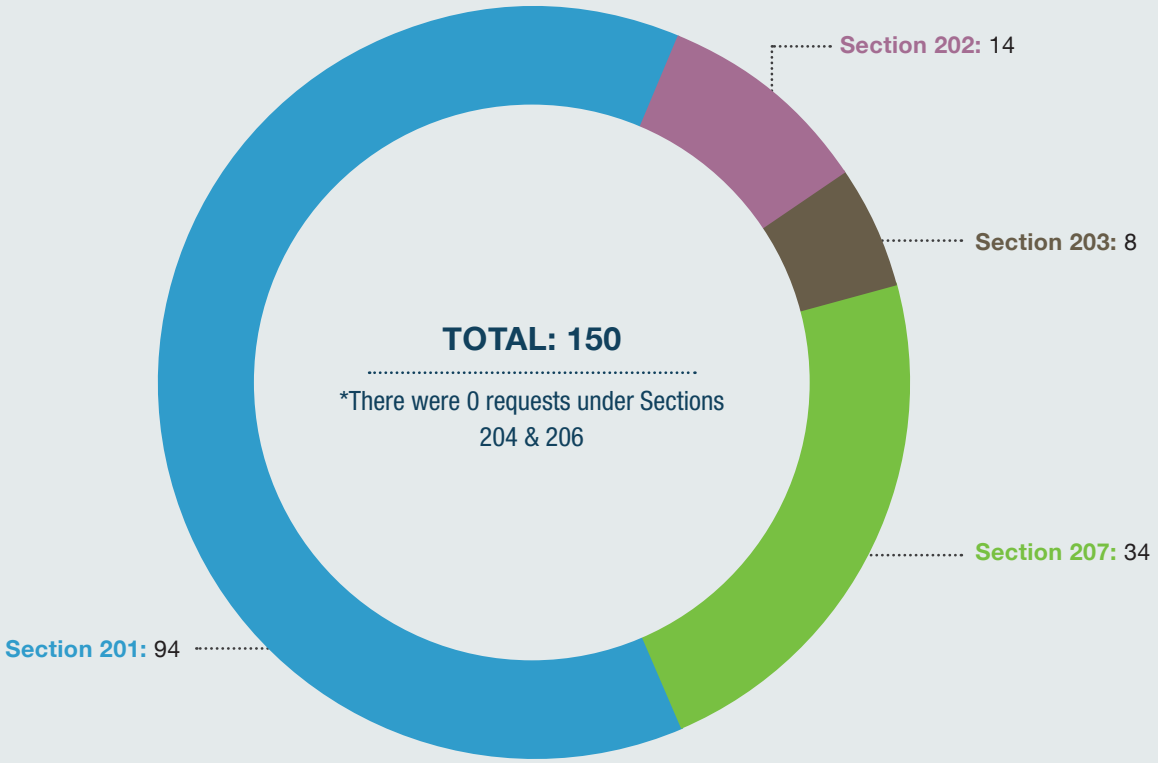




REQUESTS FOR CONFIDENTIAL COUNSELING: INITIATING A FORMAL PROCEEDING (CONTINUED)

+ Summary of Requests for Counseling by Section of the CAA*

(A single request for counseling may allege a violation of more than one section of the CAA)



Section 201 Claims of Discrimination and/or Harassment Listed by Protected Categories (A covered employee may allege more than one claim of discrimination and/or harassment by protected category)	
Race/Color	29
Sex/Gender/Pregnancy	26
Disability (physical & mental)	19
Age	13
National Origin	3
Religion	4

TOTAL: 94

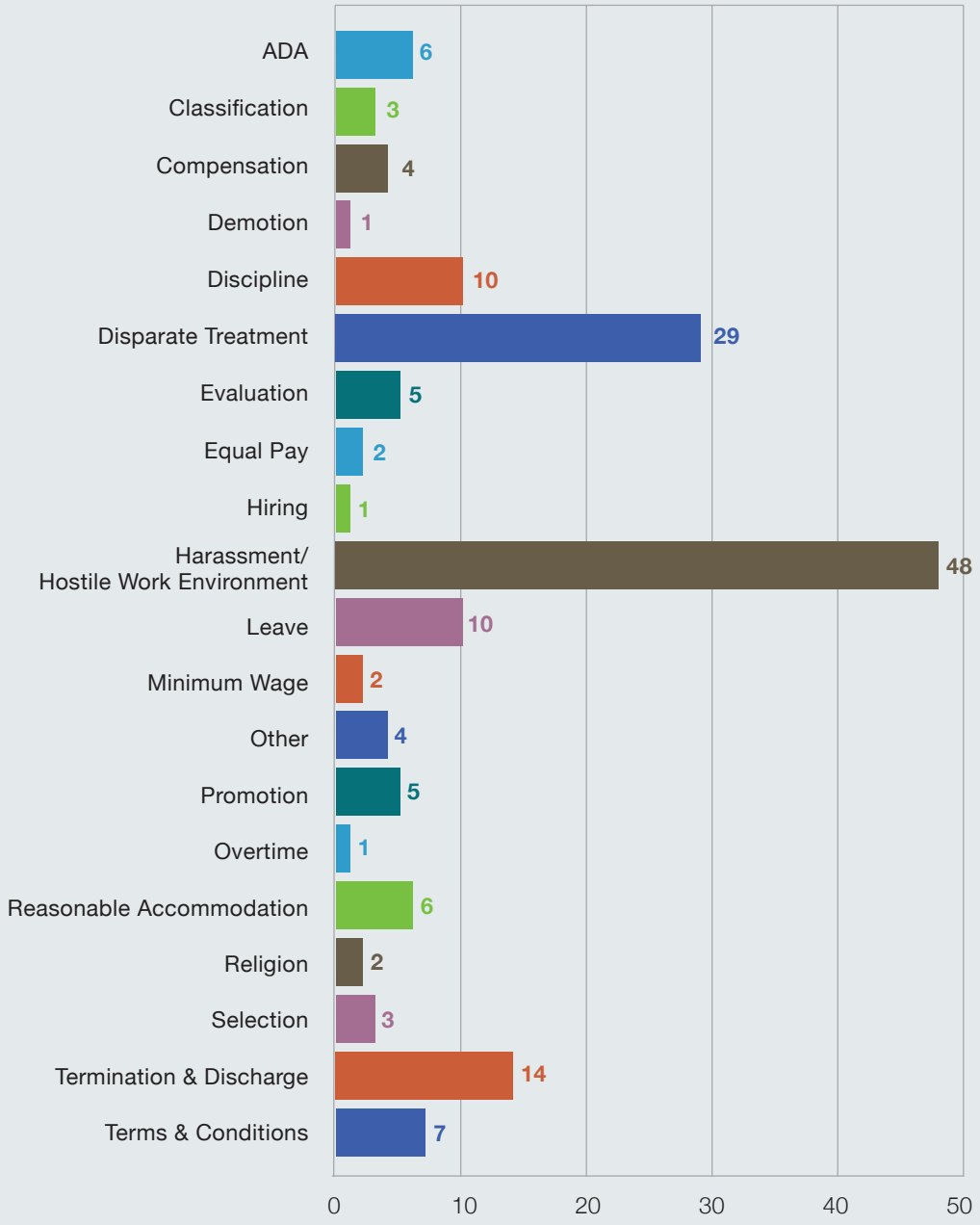
As in prior years, the most common claims of discrimination and/or harassment were based on race, followed by sex, disability, and age under Section 201 of the CAA.

*No claims were filed in FY 2014 under the Genetic Information Nondiscrimination Act, Veterans' Employment Opportunities Act, or Worker Adjustment and Retraining Notification Act.

REQUESTS FOR CONFIDENTIAL COUNSELING: INITIATING A FORMAL PROCEEDING (CONTINUED)

+ Workplace Issues Raised with the OOC by Employees in Counseling

(A single request for counseling may involve more than one issue)



TOTAL: 163

Employees typically request counseling with questions on specific work issues. The most common issue in FY 2014 was harassment/hostile work environment. Other frequent questions included concerns about disparate treatment; termination; leave, and discipline.

REQUESTS FOR MEDIATION: EFFORTS TO RESOLVE WORKPLACE DISPUTES RATHER THAN LITIGATE

Confidential mediation is the second step in the dispute resolution process. An employee may request mediation only after completing confidential counseling. Once the case proceeds to mediation, the employing office is notified about the claim and the parties attempt to settle the matter with the assistance of a neutral mediator appointed by the OOC. Even if mediation initially fails to settle the matter, it is not uncommon for the parties to renew mediation efforts later in the process. Resolving cases during mediation can save the parties from burdensome litigation, which can be expensive, time consuming, and a drain on resources and productivity.

Mediation Proceedings	
6	Resolved by Formal Settlement during mediaton
1	Case withdrawn
15	Resolved in mediation—no further action taken, matters closed
19	Complaints filed with the OOC
5	Civil actions filed in Federal District Court
23	Pending in mediation going into FY 2015

TOTAL: 69

During FY 2014 the OOC received 36 new Requests for Mediation. 33 cases were still pending in mediation at the beginning of FY 2014 for a total of 69 cases in the mediation stage in FY 2014

ADJUDICATION OF CLAIMS: CONFIDENTIAL HEARING OR FEDERAL COURT

Adjudicating Claims: Request for Confidential Administrative Hearing at the OOC or Filing a Public Lawsuit in Federal Court

An administrative hearing is the third step in the dispute resolution process. If the parties fail to resolve their dispute in mediation, the employee may then file an administrative complaint with the OOC and the employee's case will be decided by a Hearing Officer in a confidential setting, or the employee can file a lawsuit in Federal District Court, where his/her case would be a matter of public record.

Administrative Complaint Proceedings	
Complaints formally settled	2
Withdrawn	2
Hearing Officer decisions issued	14
Cases pending in hearing going into FY 2015	7

TOTAL: 25

During FY 2014 the OOC received 19 new administrative complaints, 7 administrative complaints were pending at the beginning of FY 2014 for a total of 25 cases in the hearing stage in FY 2014

APPEALS AND OTHER PROCEEDINGS

Appeals to the OOC Board of Directors

The Board of Directors, the OOC's appellate body, issues decisions resolving matters on review from Hearing Officer decisions, and on exceptions to arbitrators' awards filed pursuant to the labor-management provisions of the CAA. Decisions by the Board of Directors set legal precedent for the interpretation and application of workplace rights in the Legislative Branch.

A total of 9 cases were on Appeal to the Board of Directors in FY 2014: 3 cases were pending on appeal at the beginning of FY 2014 and 6 new Petitions for Review were filed.

Petitions for Board Review of Hearing Officers' Decisions	
4	Cases were resolved by decisions of the Board of Directors in FY 2014
5	Cases remain in the Appeals stage moving into FY 2015

*Petitions filed include related cases that were joined

Certain final decisions by the Board of Directors can be appealed to the U.S. Court of Appeals for the Federal Circuit. The General Counsel of the OOC represents the OOC in matters appealed to the Federal Circuit. Once an appeal is filed in court, the appellate record is public.

OSHAct, ADA, and Unfair Labor Practice Proceedings

The General Counsel of the OOC is responsible for matters arising under three sections of the CAA: Section 210 (Public Services and Accommodations under the Americans with Disabilities Act of 1990), Section 215 (Occupational Safety and Health Act of 1970), and Section 220 (Unfair Labor Practices under Chapter 71 of Title 5, United States Code). Employees and employing offices frequently request information, advice, and technical assistance from the General Counsel. For example, the General Counsel has been asked for technical assistance to help ensure that people with disabilities can access Legislative Branch offices, information concerning methods of de-energizing mechanical equipment before beginning routine maintenance, and guidance on best practices used in private industry to maintain indoor air quality.

In FY 2014, the General Counsel received requests for information and assistance under OSHAct, ADA, public access, and Federal labor laws.

SETTLEMENTS AND AWARDS

Monetary Resolution of Employee Claims

Section 415 of the CAA establishes "an account of the Office in the Treasury of the United States for the payment of awards and settlements . . . under [the CAA]," and further appropriates "such sums as may be necessary to pay such awards and settlements." Section 415 requires that awards and settlements under the CAA be paid from that account. This Treasury account established under section 305 of the CAA is separate from the operating expenses account of the OOC. While the Executive Director must approve all settlements, it is the parties who decide the settlement amounts and terms. An award or judgment may be ordered by a Hearing Officer, the Board of Directors, or a court of competent jurisdiction.

Monetary settlements can often resolve multiple claims. While many of these settlements and awards resolved harassment, discrimination, and retaliation claims, there are other settlements and awards in the accompanying chart that resolved claims arising out of contract and/or pay disputes.

IN **FY 2014**, THE TOTAL NUMBER OF SETTLEMENTS/AWARDS WAS **11**, AND THE TOTAL AGGREGATE AMOUNT OF SETTLEMENTS/AWARDS WAS **$806,450**

Fiscal Year	Total Number of Settlements/Awards	Total Aggregate Amount of Settlements/Awards
1997	6	$39,429
1998	16	$103,180
1999	6	$72,350
2000	15	$45,638
2001	7	$121,400
2002	10	$3,974,077
2003	11	$720,071
2004	15	$388,209
2005	14	$909,872
2006	18	$849,529
2007	25	$4,053,274
2008	10	$875,317
2009	13	$831,360
2010	9	$246,271
2011	23	$461,366
2012	12	$426,539
2013	14	$334,823
2014	11	$806,450

CASE RESOLUTION ANALYSIS FOR CASES REPORTED IN LAST YEAR'S ANNUAL REPORT (FY 2013)

Workplace violation claims by Congressional employees must go through confidential counseling and mediation in the dispute resolution process mandated by the CAA before a case can proceed to adjudication, either through a confidential administrative hearing before an OOC Hearing Officer or through a civil lawsuit filed in Federal District Court (a public forum). Historically, the majority of cases filed at the OOC are resolved confidentially during our counseling and mediation process.

In FY 2013[1], the OOC reported that 81 formal requests for counseling were filed by Congressional employees. By filing a formal request for counseling, a Congressional employee initiates a "case" alleging single or multiple violations of the CAA by an employing office.

Cases can be resolved at any point during the process from initial counseling to the appeal process. There are various reasons that a case is resolved, including, but not limited to: (1) a settlement is reached between the employer and employee, including a settlement for monetary compensation, an employment action (e.g., promotion, rehire, transfer, raise or modified schedule); (2) a decision by the employee to no longer pursue the claim; or (3) an adjudication of the case by a Court or Hearing Officer.

These charts show the point in the process at which cases filed with the Office of Compliance in FY 2013 were resolved. In Fiscal Year 2013, 83% of all cases that were filed were resolved confidentially in OOC's internal process. Of the 81 cases, 19 cases were filed against employing offices of the House and Senate, and 95% of those were resolved confidentially.

Resolution Analysis of 81 Cases from FY 2013	# of Cases Resolved	% of Cases Resolved
Resolved at counseling stage	11	14%
Resolved at confidential mediation stage	36	44%
Resolved at confidential hearing stage (administrative complaint)	10	12%
Appealed to BOD	5	6%
Appealed to United States Court of Appeals	0	0
Complaint filed in Federal District Court	5	6%
Total Resolution During Confidential Administrative Proceedings Before the OOC[2]	62	77%

[1] In order to see a more complete picture of case resolution, this chart reflects cases filed in FY 2013.

[2] Includes resolutions during or after counseling, mediation, administrative hearing, and appeal to the Board of Directors.

III. RECOMMENDATIONS FOR IMPROVEMENT: AMEND THE CAA TO REQUIRE ANTI-DISCRIMINATION TRAINING FOR ALL EMPLOYEES, POSTINGS OF WORKPLACE RIGHTS IN ALL EMPLOYING OFFICES, AND WHISTLEBLOWER PROTECTIONS FOR LEGISLATIVE BRANCH EMPLOYEES

When Congress passed the CAA to apply workplace rights laws to the Legislative Branch, it did not include significant provisions of some of those laws and exempted itself entirely from others, such as the Whistleblower Protection Act of 1989. Congress remains exempt from the Whistleblower Protection, and the NO FEAR Act of 2002. In this regard, two core purposes of the CAA are not fully realized—to ensure Congress follows the same laws as do U.S. businesses and the Executive Branch, and to provide an effective means for Congressional employees to assert their rights.

These are some of the reccomendations made by the Board of Directors in previous biennial reports submitted to Congress pursuant to Section 102(b) of the CAA.[1] All 102(b) reports are available on the OOC website at **www.compliance.gov**.

Recommendation #1: Mandatory Anti-Discrimination and Anti-Retaliation Training for All Congressional Employees and Managers

CONGRESS AND ITS AGENCIES ARE EXEMPT FROM TRAINING PROVISIONS

5 U.S.C. § 2301 note (No FEAR Act of 2002) (Training Provision)

Section 202(c) of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act) requires that each Federal agency in the Executive Branch provide employees training regarding their rights and remedies under anti-discrimination and anti-retaliation laws. By regulation, all current Executive Branch employees and managers must receive training at least every two years. New employees receive training as part of orientation or within 90 days of their appointment.

It has long been recognized that anti-discrimination and anti-retaliation training for employees provides many benefits in the workplace. By informing employees about their rights, they learn to differentiate between what the law prohibits, and what the law does not prohibit, employees also learn how to seek redress for violations of their rights and the remedies available to them under the law. Training also informs managers of their obligations as supervisors and about best practices for handling discrimination and retaliation issues. Mandatory training has the effect of reducing discrimination and retaliation claims, improving the workplace environment, and lowering administrative and legal costs. The OOC feels it is important for Members of Congress and their staff to be trained on the rights and responsibilities of Legislative Branch employees. Training for both the Member and staff could reduce the number of claims brought under the CAA.

To this end, in the last fiscal year, the OOC has worked with Member offices and Committee staff to expand accessibility to House and Senate IT services. This expansion would allow us to reach staffers in the most timely and efficient manner possible.

Additionally we have increased our training efforts with other Legislative Branch agencies. We are working closely with numerous agency staff to promote Workplace Rights training, antidiscrimination training, and provide information on the FMLA.

Recommendation #2: Require Notice-Posting of Congressional Workplace Rights in All Employing Offices

CONGRESS AND ITS AGENCIES ARE EXEMPT FROM NOTICE-POSTING PROVISIONS

42 U.S.C § 2000e-10(a)(Title VII)
29 U.S.C. § 2003 (EPPA)
29 U.S.C. § 627 (ADEA)
38 U.S.C. § 4334(a) (USERRA)
42 U.S.C. § 12115 (ADA)
29 U.S.C. § 657(c) (OSHAct)
29 U.S.C. § 211 (FLSA/EPA)
5 U.S.C. § 2301 note (notice-posting provision of No FEAR Act)
29 U.S.C. § 2619(a) (FMLA)

To ensure that workplace rights are upheld, most Federal antidiscrimination, anti-harassment, safety and health, and other workplace rights laws require that employers prominently post notices of those rights and information pertinent to asserting claims for alleged violations of those rights. Notice-posting informs employees about basic workplace rights, remedies, and how to seek redress for alleged violations of the law, and it reminds employers of their workplace obligations and consequences for failure to follow those laws. Although the CAA requires the OOC to distribute informational material "in a manner suitable for posting," it does not mandate the actual

[1] The latest 102(b) report is titled "Recommendations for Improvements to the Congressional Accountability Act" dated December 2014.

posting of the notice. Applying notice-posting requirements to Congress would provide an additional source of information for employees about their rights. The Board recommends that Congress and its agencies follow workplace rights notice-posting requirements that currently apply to the private sector and the Federal Executive Branch.

Recommendation #3: Whistleblower Protections for Disclosing Violations of Laws, Rules or Regulations, Gross Mismanagement, Gross Waste of Funds, Abuses of Authority, or Substantial and Specific Dangers to Public Health

CONGRESS AND ITS INSTRUMENTALITIES ARE EXEMPT FROM WHISTLEBLOWER PROTECTIONS, IN THE WHISTLEBLOWER PROTECTION ACT OF 1989, AS AMENDED

Congress passed the Whistleblower Protection Act of 1989 (latest amend) (WPA) to protect Federal workers in the Executive Branch from retaliation for reporting violations of laws, rules or regulations, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Since that time, Congress has also passed other whistleblower protection laws, such as the Sarbanes-Oxley Act, to protect employees in the private sector who report similar violations. While the Legislative Branch may be exempt from laws protecting whistleblowers, it is not immune from the same type of abuse and gross mismanagement as there is in the Executive Branch. Congressional employees do not have whistleblower protections if they decide to report such matters. As Congress has recognized, employees are often in the best position to know about and report violations of law, waste, mismanagement, and abuse in government and they need protections against retaliation when they disclose these violations. Furthermore, whistleblowers save taxpayer dollars. The Board of Directors recommends that Congress apply to the Legislative Branch appropriate provisions of the WPA, and to provide Congressional employees protections from retaliation.

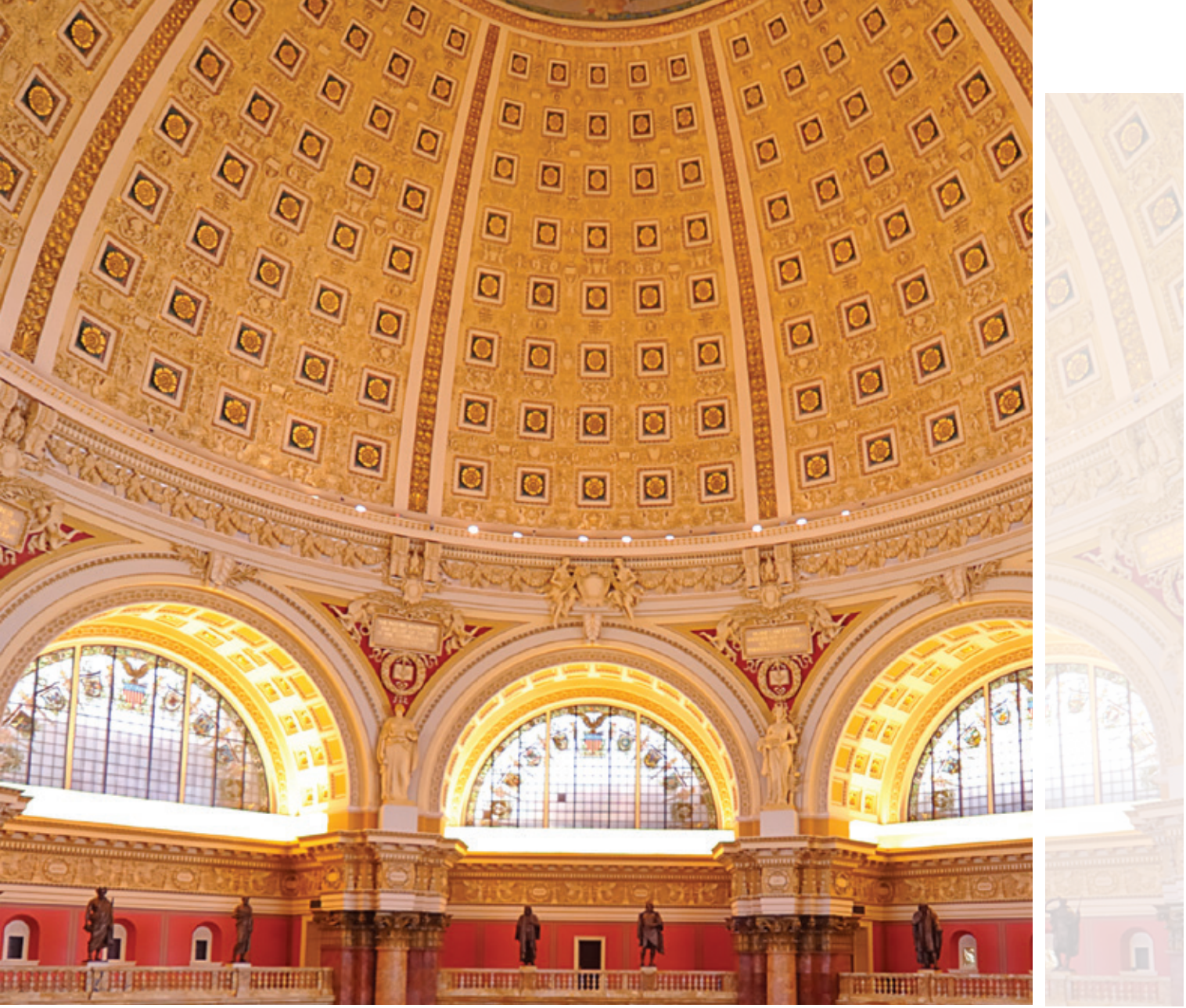
STATE OF SAFETY & HEALTH, ACCESS TO CONGRESSIONAL PUBLIC SERVICES & ACCOMODATIONS, AND LABOR RELATIONS

This section of the Annual Report is an overview of some of the information that will be included in the Office of Compliance's Report on Occupational Safety and Health Inspections conducted during the 112th and 113th Congresses, which will be released in 2015.

The OOC is responsible for enforcing the Occupational Safety and Health Act of 1970 (OSHAct) in the Legislative Branch. In the Washington DC Metropolitan Area alone, Legislative Branch properties cover over 18 million square feet. Over 30,000 employees occupy Legislative Branch facilities across the country and millions of people visit the Capitol Complex each year.

SECTION HIGHLIGHTS

- OOC continues to adjust and improve our risk-based OSH inspection program
- OOC worked with AOC to abate outstanding citations



During the 113th Congress, OOC inspected the exterior of the Capitol Building for compliance with the ADA

The OOC has jurisdiction over approximately twenty bargaining units in the Legislative Branch represented by labor organizations

APPEALS AND OTHER PROCEEDINGS

OSHAct, ADA, and Unfair Labor Practice Proceedings

The General Counsel (GC) of the OOC is responsible for matters arising under three sections of the CAA: Section 215 (Occupational Safety and Health Act of 1970), Section 210 (Public Services and Accommodations under the Americans with Disabilities Act of 1990), and Section 220 (Unfair Labor Practices under Chapter 71 of Title 5, United States Code).

OSHAct

This section of the Annual Report is a preview of some of the information that will be included in the Office of Compliance's *Report on Occupational Safety and Health Inspections Conducted during the 112th and 113th Congresses*, which will be released in calendar year 2015.

The OOC is responsible for enforcing the Occupational Safety and Health Act of 1970 (OSHAct) in the Legislative Branch. In the Washington DC Metropolitan Area alone, Legislative Branch properties cover over 18 million square feet. Over 30,000 employees occupy Legislative Branch facilities across the country and millions of people visit the Capitol Complex each year. The General Counsel of the OOC exercises the authorities granted to the Secretary of Labor under the OSHAct to inspect and investigate facilities where Legislative Branch employees are working. The General Counsel may issue citations to the employing office for violations and file complaints with the OOC's Executive Director against the employing office if a violation has not been corrected. The General Counsel also assists in writing substantive regulations, issued through the Board of Directors of the OOC, where a modification of the substantive regulations promulgated by the Secretary of Labor would be more effective for implementing the OSHAct in the Legislative Branch.

The OSH team in the Office of the General Counsel conducts inspections for the biennial report, responds to requests for inspection, and provides technical assistance. The CAA requires that at least once each Congress, the General Counsel conduct inspections of all facilities of the House of Representatives, the Senate, the Office of Congressional Accessibility Services, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, the Library of Congress, and the Government Accountability Office. Due to resource constraints, the General Counsel moved to a risk-based OSH inspection program beginning in the 112th Congress, and continuing in the 113th Congress, that focuses on inspecting and assuring the abatement of higher-risk hazards[1] that pose the greatest threat of fatalities and injuries to workers and building occupants. The General Counsel no longer inspects every area of "all facilities" at least once each Congress.[2]

We took the unusual step of combining the reports for the 112th and 113th Congresses because the inspection for the 112th Congress was delayed due to staffing shortages, and when we completed the inspection it was so close in time to the completion of the inspection for the 113th Congress that it made sense to join the two. In our inspections we targeted high-hazard workplaces and work operations, including fire systems, high-voltage areas, machine shops, and boiler rooms among others, as well as worksites with repeat RAC I and II findings.

During the 112th Congress, the OOC team inspected new facilities such as Book Modules 3 and 4 at Fort Meade, which the Library of Congress had opened after we had completed the 111th Congress inspection. We inspected employee operations on all shifts for the first time. With the cooperation of the AOC's Capitol Grounds Division, we conducted the first-ever occupation-specific inspection in the Legislative Branch, which concentrated on landscaping operations. The team inspected buildings with specialized safety concerns implicated by their occupants, including the Senate Child Care Center and the National Library for the Blind and Physically Handicapped. In addition, we performed more thorough evaluations of two written safety and health programs that OSHA standards require in most workplaces: Hazard Communication (the Employee Right-To-Know Standard, also referred to as "HAZCOM") and Personal Protective Equipment ("PPE"). And we inspected certain of the most serious barriers to access for people with disabilities.

During the inspection for the 113th Congress we again focused on the higher hazard areas. We were able to field an inspection team that allowed us to conduct a higher hazard inspection of 68 facilities, compared with 63 facilities in the 112th Congress. We continued to inspect the higher hazard areas of existing facilities because injuries and accidents are more likely to occur in these areas. We made a special effort to make our observations while employees were performing their daily tasks in these areas, so that we could better ascertain compliance with existing or

[1] OOC uses a Risk Assessment Code (RAC) system to classify hazards. RACs are classified in descending order of severity and likelihood of occurrence, from RAC I to RAC IV. "Higher risk" refers to hazards rated RAC I or RAC II.

[2] For remote legislative facilities, such as district and state offices, OOC provides technical assistance that enables them to conduct self-inspections, and responds to questions about possible workplace hazards.

required safety and health procedures and programs. We also inspected areas of special interest such as child care centers and the Senate Page Dorm and School. As part of our inspection for the 113th Congress, we followed up on our inspection of the two health and safety programs we reviewed during the 112th Congress: HAZCOM and PPE. We re-inspected these two programs to determine if the findings recommended during the 112th Congress inspection had been fully implemented. Finally, during the 113th Congress inspection we conducted baseline inspections of all new facilities covered by the CAA, which included a new Senate/AOC facility and the U.S. Commission on International Religious Freedom. We found electrical hazards to be predominant in both the 112th and the 113th Congresses.

The 114th Congress biennial inspection will be similar to the inspection we conducted during the 113th Congress. During the 114th Congress we will continue to build upon the higher hazard focus implemented during the 112th Congress, including fire safety concerns and areas of special interest. We also plan to conduct a targeted inspection of the AOC's Construction Division as well as inspections of all public assembly areas in Legislative Branch buildings. Implementing effective safety and health programs can help prevent avoidable and costly workplace injuries, so we will continue our review of OSHAct-mandated health and safety programs applicable to the employing offices with employees in higher hazard areas.

During the 114th Congress inspection, we will also verify the abatement status of the most serious hazards identified during the 113th Congress inspection, i.e., those categorized as RAC I and RAC II findings. In opening conferences conducted with employing offices, we will provide a list of all open findings identified in our Facility Management Assessment data base, and we will enlist the assistance of employing offices to provide updated abatement status for all findings that are currently shown as open. We will also continue to inspect newly occupied or renovated facilities. We further plan to re-establish the Members' Safe Office awards by inspecting one House (Longworth) and one Senate (Dirksen) Office Building during this Congress.

Among the eight requestor-initiated inspections opened in FY 2014, the General Counsel worked with representatives from the Office of the Architect of the Capitol on five. Three of those requests pertained to one issue involving job hazard analysis and PPE, and two pertained to one incident involving asbestos. We worked with the U.S. Capitol Police on two requests, one concerning asbestos and the other a fire safety issue. The Government Accountability Office responded to one request involving falling ceiling tiles. We were also able to close four cases from previous years. We received fourteen inquiries that did not become cases, either because the issue was not within our jurisdiction, or because we were able to quickly resolve the matter by providing technical assistance.

During FY 2014 we accepted the Architect of the Capitol's request for modified abatement for a citation relating to the Cannon Office Building, and toward the end of calendar year 2014 we accepted the Architect of the Capitol's request for a modified abatement for citations covering the Library of Congress' Adams Building and Jefferson Building.

Parity Gap Analysis: Congressional employees do not have the same OSHAct protections as private sector employees.

When enacting the occupational safety and health provisions of the CAA, Congress did not include all provisions of the OSHAct that apply to the private sector. In the last annual report the General Counsel stressed the importance of protecting workers who believe they were unfairly treated because they complained about unsafe or unhealthy working conditions. Private sector workers can file a complaint with the Occupational Safety and Health Administration, and the Office of the Solicitor may pursue settlement and file a civil action in U.S. District Court. *See* OSHAct section 11(c), 29 U.S.C. § 660(c)(2). Legislative Branch workers must bring such complaints on their own, using their own resources, which is especially difficult when the alleged retaliation is termination from employment. We recommend that the General Counsel be given the authority under the CAA to investigate and pursue allegations of retaliation on behalf of workers for reporting unsafe or unhealthy working conditions. We further recommend that Congress adopt a requirement that employing offices report fatalities, hospitalizations, and certain serious injuries to the General Counsel within a certain time frame after the event. This recommendation is based on an Occupational Safety and Health Administration regulation, effective January 1, 2015, that requires employers to report fatalities and hospitalizations, amputations, and losses of an eye as a result of a work-related incident, within 8 hours for a fatality and 24 hours for the other events. *See* 29 CFR § 1904.39.

ADA

This section of the Annual Report is a preview of some of the information that will be included in the Office of Compliance's *113th Congress Biennial Report on Americans with Disabilities Inspections Relating to Public Services and Accommodations,* which will be released in 2015. The *112th Congress Biennial Report on Americans with Disabilities Inspections Relating to Public Services and Accommodations* was released in FY 2014.

The CAA requires the General Counsel, on a regular basis, and at least once each Congress, to inspect the facilities of each office of the Senate, each office of the House of Representatives, each joint committee of Congress, the Office of Congressional Accessibility Services, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance, to ensure compliance with the rights and protections against discrimination in public services and accommodations established under Titles II and III of the Americans with Disabilities Act of 1990 (ADA). The General Counsel uses the same OSH specialists to perform the ADA and OSHAct inspections, and at times the OSH specialists may identify an ADA issue during an OSHAct inspection. During the 112th Congress the OSH specialists inspected the exterior areas around the Library of Congress and Senate Office Buildings. During the 113th Congress, the OSH specialists inspected the exterior of the Capitol Building (known as Capitol Square).

We provided an interim report to the Architect of the Capitol on our 113th Congress inspection findings made before September 30, 2014 so work could begin on barrier removal[3] rather than waiting until the Capitol Square inspection was completed. The Capitol Square exterior has many of the same types of barriers found around other buildings, e.g., curb ramps with slopes and cross slopes that are too steep, deteriorated or missing detectable warnings, protruding objects, etc. The Board of Directors proposed substantive regulations for the Legislative Branch for Title II and III of the ADA in a Notice of Proposed Rulemaking published in the Congressional Record on September 9, 2014. GC staff arranged to meet with staff from the Committee on House Administration and the Senate Committee on Rules and Administration to discuss the comments we received on the Notice. The 114th Congress inspection covers the entrances to Legislative Branch facilities and the accessible pathways from the entrances of the facilities to the major function areas.

During FY 2014 the General Counsel received no requests for an ADA inspection. We were able to resolve and close an earlier case involving an alleged failure to provide a sign language interpreter. We received six inquiries that did not become cases, either because the issue was not within our jurisdiction, or because we were able to quickly resolve the matter by providing technical assistance.

Unfair Labor Practices

Section 220 of the CAA makes the Federal Service Labor-Management Relations (FSLMR) Statute[4] applicable to covered employees and employing offices within the Legislative Branch, and prohibits unfair labor practices by both employing offices and labor organizations.

The CAA gives the General Counsel of the OOC investigative and prosecutorial authority equivalent to that granted by the FSLMR Statute to the General Counsel of the Federal Labor Relations Authority (FLRA) with respect to charges of unfair labor practices. Whereas complaints filed by the FLRA General Counsel are heard by Administrative Law Judges, reviewed by the Authority, and may be appealed to a variety of federal courts, complaints filed by the OOC General Counsel are treated similarly to discrimination and other cases handled by the OOC: they are heard by a Hearing Officer, reviewed by the Board of Directors, and ultimately appealed to the United States Court of Appeals for the Federal Circuit. Substantively, however, the protections afforded to Legislative Branch employees are the same as those for Executive Branch employees, as are the rights and duties of employees, unions, and employing offices.

The OOC has jurisdiction over approximately twenty bargaining units, most of which are comprised of employees of the Architect of the Capitol. Employees of the United States Capitol Police, and certain employees of the House of Representatives and the Senate are also represented by labor organizations. AFSCME Council 26 represents the most bargaining units, followed by the NABET-CWA and the Teamsters. A wide variety of employees are unionized, including police officers, masons, carpenters, electricians, plumbers, freight and material handlers, guides and visitor assistants, power plant laborers, photographers and videographers, and clerical and administrative workers.[5]

In FY 2014, the General Counsel received and investigated six unfair labor practice charges. We closed twelve charges from prior years. The General Counsel did not file any complaints. We received six inquiries that did not become charges, either because the individual making the inquiry did not follow through or we did not have jurisdiction.

[3] The OOC classifies each barrier to access using a severity code that is determined by how severely the barrier deviates from the ADA Standards and the effect of this deviation. Severity Code A represents a safety consideration, Code B blocks access, Code C is a major inconvenience, and Code D is a minor inconvenience.

[4] U.S. Code Title 5, Chapter 71

[5] Additional labor organizations on Capitol Hill, such as the unions representing Library of Congress employees, do not fall under the jurisdiction of the OOC.

Parties To ULP Charges Filed In FY 2014		
Cases	Charging Party	Charged Party
2	Labor Committee, Fraternal Order of Police	United States Capitol Police
1	NABET-CWA, on behalf of an employee of the House Office of Photography	Chief Administrative Officer, House of Representatives
1	AFSCME, on behalf of Capitol Visitor Center guides and visitor assistants	Office of the Architect of the Capitol
1	Capitol Visitor Center visitor assistant	AFSCME Council 26, Local 658
1	Capitol Visitor Center visitor assistant	Office of the Architect of the Capitol

LMR Cases Closed In FY 2014	
Cases	Outcome
1	Warning issued to employing office
8	Withdrawn at General Counsel's request after investigation revealed insufficient evidence of violation
3	Settled by the parties

Types Of ULP Charges Filed In FY 2014	
Cases	Allegations
2	Denial of representation
1	Failure to bargain over ground rules for bargaining
1	Failure to respond to information request
1	Union's breach of duty of fair representation
1	Employing office's facilitation of union's breach of duty of fair representation

APPENDIX

APPENDIX A: ACRONYMS

Administrative Dispute Resolution: ADR

Americans with Disabilities Act: ADA

Architect of the Capitol: AOC

Capitol Visitor Center: CVC

Congressional Accountability Act of 1995: CAA

Congressional Budget Office: CBO

Congressional Management Foundation: CMF

Employee Polygraph Protection Act: EPPA

Fair Labor Standards Act: FLSA

Family and Medical Leave Act: FMLA

General Counsel of the Office of Compliance: GC

Genetic Information Nondiscrimination Act: GINA

Government Accountability Office: GAO

Government Printing Office: GPO

Library of Congress: LOC

Occupational Safety and Health: OSH

Occupational Safety and Health Act: OSHAct

Office of Compliance: OOC

Risk Assessment Code: RAC

Uniformed Services Employment and Reemployment Rights Act: USERRA

Veterans' Employment Opportunities Act: VEOA

APPENDIX B: STRATEGIC PLAN 2013–2015

GOAL I:

Educate and communicate to the covered community the rights and responsibilities under the CAA, and the services and technical expertise provided by the OOC.

The Congressional Accountability Act requires the Office of Compliance to educate Legislative Branch employing offices—including Members of Congress—on the laws that apply to them under the CAA. The CAA also requires the OOC to inform covered employees—including applicants and former employees, where appropriate—of their rights under these laws. Although the OOC has always provided services in conjunction with this mandate, we only have a small staff dedicated to administering these services. The education and outreach program has experienced significant cuts in funding over the years, which have hampered the activities of the program. This strategic plan provides for an increase in services in this area. Recognizing that this mandate spans across the entire agency, OOC intends to give more attention and focus to our education and outreach efforts. It is a major component of our vision for the upcoming fiscal years, and we place great emphasis on this goal in the strategic plan. We envision more outreach, improved methods of communication, easier ways for the Congressional community to access our services and publications, and technologically advanced tools to reach Members and employing offices.

We anticipate meeting this goal by means of the following:

A. Utilize current social media to better inform and to become more-easily accessible to the Congressional community.

   As communication methods change and improve, so should agencies' efforts to reach out to their communities. The OOC will utilize Facebook to reach out to the Congressional community through the most popular and widely used form of social media. The OOC's Facebook page will provide individuals with OOC's website information, education and training opportunities, the latest news for the safety and health community, as well as news articles relevant to the rights of those in the Congressional workplace. We will also use this medium to post the latest reports, press releases, notification of rights, and publications produced by the OOC.

   The OOC will also utilize Twitter to reach out to communities far beyond that of Capitol Hill. The OOC will "tweet" the posting of our latest publications, Board decisions, OOC Congressional testimony, CAA-related legislative activity, the latest education and outreach information, and other news that pertains to the CAA. Utilizing Twitter to provide a real-time updating aspect to the Agency and to immediately inform the community of activity involving rights and responsibilities will keep the Legislative Branch workforce up to date on workplace rights, safety, health, and accessibility issues.

B. Target training for employing offices to assist in resolving those issues that are of particular importance to them and their staff.

   The OOC recognizes that there may be a gap in what we believe to be necessary for the Congressional community and what the Congressional community is actually seeking from our Agency. We want to be responsive to the training needs expressed by employing offices and equip these offices and their employees with the tools they need to create a working environment envisioned by the CAA. To that end, our training will be focused on making available to employing offices workshops and seminars designed to meet a particular need of the employing office and its staff, or address a current topic of interest expressed by an employing office. We will also research the feasibility of partnering with the Federal Circuit Bar and the House Learning Center to develop on-line training tools that provide valuable information, applicable exercises, and an education resource for its managers and staff.

C. Collaborate with Congress to mandate training for employing offices, including online modules, utilizing the Federal Circuit Bar and the House Learning Center as a supplemental resource.

   In its 2010 Report to Congress on recommended improvements to the Congressional Accountability Act, the Office of Compliance Board of Directors recommended amending the CAA to require training for all Congressional staff on the rights and protections under the CAA. The Executive Branch of the Federal government and some states require periodic training on workplace rights. To achieve comparable training in the Legislative Branch, the OOC will continue to work with our oversight committees in both the House and the Senate, as well as other interested stakeholders, in an effort to raise awareness of the need for mandatory training and continue the dialogue for implementing the Board's recommendation. We will also research different on-line tools to provide for mandatory training, utilizing the Federal Circuit Bar and the House Learning Center, if appropriate, as resources in achieving online efforts.

D. Offer periodic columns for Hill newspapers on CAA issues.

   The Office of Compliance administers workplace rights laws and enforces safety and health and public accessibility standards on Capitol Hill. As such, our staff are the experts in

these areas and maintain a wealth of knowledge on workplace issues of interest to the Congressional community. OOC staff will write columns and/or articles for Capitol Hill publications in order to provide information and assistance to Congress and its instrumentalities on safety and health, public access, and workplace rights issues that may affect the Congressional workplace. Because Hill publications are read widely by the Congressional community, such columns will lead to greater awareness of the CAA and best practices on dealing with its requirements in the Congressional workplace.

E. Provide information to new Member Offices.

The OOC has had success in providing educational material to, and informing new Members of Congress about the laws and procedures of the CAA and the OOC. One of the main vehicles for dissemination of this information is through in-person visits to new Member offices. The OOC will continue to provide newly elected Members and their staff with information about the rights and responsibilities covered in the CAA and the services provided by the OOC. We will carry on our practice of involving all levels of staff to engage with stakeholders in these visits, to increase the visibility of the Agency, to invite discussion from new Members' staff, and to answer questions about the CAA and the OOC.

F. Create a new item on the OOC website media stream that spotlights member offices.

One of OOC's annual publications was its newsletter. This newsletter featured articles from the OOC's Executive Director and General Counsel, as well as from Members of the House of Representatives and the Senate. This newsletter was mailed to the home of every Congressional employee each year. The information contained in the newsletter was beneficial to employees and in line with the CAA's mandate to educate employees, but the weight combined with the wide distribution of the newsletter made the mailing cost-prohibitive. In an effort to produce and disseminate educational material in a more cost-effective manner, and via methods that are easy for our stakeholders, OOC replaced its newsletter with an annual mailer that provides notice to employees of their rights under the CAA. This one-page mailer identifies the statutory rights provided employees by the CAA but does not include a feature article written by Members.

With this initiative, we seek to recreate the Member-authored feature article that was lost when we discontinued our newsletter. We will work with Member offices to develop articles that pertain to the subject matter of the work of the OOC and the substantive protections of the CAA. We will feature these articles on OOC's website twice a year.

G. Research procedures for the dissemination of educational material to public areas within the Congressional campus.

Though the web and email are preferred ways to disseminate educational information and materials, a large portion of the covered community does not have access to email or the web. In an effort to reach all of the covered community in a cost-efficient manner, the OOC will inquire about sharing our printed educational material with entities responsible for disseminating such material in public areas of the covered community: lounges, cafeterias, and lobbies of Congressional buildings. If appropriate, we will develop and implement protocols to disseminate OOC brochures, reports, and other printed material.

H. Emphasize technical assistance by utilizing the inspections process to explain hazards as they are identified.

We will strive to leverage all contact made with employing offices and employees during the inspections process to educate on the application of standards and to discuss or demonstrate potential abatement options.

We will continue to hold Opening Conferences prior to biennial and requestor-initiated inspections to discuss coordination of the inspections and what the inspections entail, and to explain how the OSH standards apply to a particular inspection.

At the end of each day of the biennial inspection, OOC inspectors will continue to review their findings with representatives of the employing office and the Office of the Architect of the Capitol. We will also continue to provide written reports with detailed findings to employing offices and the AOC's Building Superintendents after the inspection team completes its inspection of a given jurisdiction. Closing conferences will continue to be offered to employing offices to highlight the more serious hazards that inspectors identify, as well as those that they find more frequently. As a result, employing office staff will be in a position to address safety concerns more quickly and, in certain instances, institute preventive measures.

I. Create a link on OOC's website to media stories, studies, and reports pertaining to the work of OOC and the laws of the CAA.

The OOC will utilize its website as a repository of information for the covered community. Where an article, news story,

academic study, or agency report features information relevant to workplace rights, safety and health, or public access issues facing Congressional employing offices, the OOC will link to this information and include in the streaming mechanism of our website the ones where the feature specifically includes the OOC or the CAA.

J. Continue efforts to obtain email access to Senate employees as was done with House of Representative employees.

In the last Strategic Plan, one of OOC's main goals was to increase the awareness by the covered community of the rights and protections under the CAA as well as the services provided by the OOC. The OOC worked with its House oversight committee to obtain the capability to email directly House employees. This ability is significant in the sense that the CAA mandates direct communication between the OOC and covered employees, and emailing is not only a cost-efficient way to reach employees, but a survey conducted by the OOC found it was employees' preferred way to be contacted. Our success in the House leads OOC to continue its efforts with the Senate to obtain similar access so that Senate employees are equally aware of their rights, and the protections and services available to them under the CAA.

GOAL II:

Facilitate the identification and resolution of workplace disputes and issues involving claims arising under the Congressional Accountability Act, including discrimination, safety and health, accessibility, veterans' rights, LMR, and other statutory rights.

The Agency is mandated by the Congressional Accountability Act to administer the substantive protections of the Act. One of the ways that we meet this responsibility is by processing claims that are filed pursuant to the protections of the Act: discrimination claims, OSHA claims, unfair labor practice charges, and other such claims. The Office of Compliance Procedural Rules set forth the parties' requirements for filing and the OOC's methods for processing claims. The OOC's infrastructure, however, provides the necessary resources for processing claims and administering the laws under the Act.

This goal focuses on strengthening the Agency's infrastructure to increase our ability to provide quality case administration and advancements.

A. Develop a plan/framework/protocols to implement an e-filing system.

Advancements in technology provide opportunities to streamline practices and procedures, and the OOC remains vigilant in ensuring our processes use current technologies. We seek to ensure our procedures are cost-efficient. In an age where "paperless" is the norm, we seek to reduce our paper consumption. We will explore the feasibility for developing an e-filing system for all of the cases we process: dispute resolution, OSH, ADA, and unfair labor practices. If it is feasible and appropriate to create an e-filing system for any/all of our programs, we will develop a case-processing framework for its implementation.

B. Build IT capability to allow improved applications on OOC's website, provide improved case management systems, and create the ability to implement an e-filing system.

Though the Agency's IT capability has seen great advancements in the last few fiscal years, we are still limited in certain respects. We will analyze our current IT capabilities and determine what upgrades are needed to support improvements to OOC's web applications to allow for increased user capabilities and efficiencies. We will also explore our internal IT needs to allow for the improvement of our case management systems. As part of this evaluation, we will identify the comprehensive case management needs for each program and determine whether a global system or individual case management systems would be more beneficial to the Agency. Finally, the OOC will determine what is technologically necessary from an IT perspective to support the anticipated e-filing system.

C. Efficiently and thoroughly conduct requestor-initiated safety and health inspections and investigate charges of ADA public access discrimination, conduct biennial risk-based OSH and ADA public access inspections, and investigate and prosecute OSHAct, ADA, and unfair labor practice violations.

These core statutory functions of the Office of General Counsel require continued effort. Budget cuts have significantly limited the OOC's ability to conduct these activities. To the extent our funding will permit, we will continue to prioritize inspector resources to requestor-initiated inspection cases, biennial inspections, LMR cases, ADA access barriers that pose the most serious OSH risks to Legislative Branch employees, and access barriers to visitors to Capitol Hill. Additional safety and health inspection staff and resources would allow us to expand our investigations and inspections of additional high-risk OSH operations and ADA barriers and lower-risk hazards and barriers. We would also be able to follow up with employing offices to assure

prompt and fully compliant abatement of high-risk hazards identified through inspections, and improve our requestor case investigations, allowing us to investigate cases more quickly, resulting in more prompt resolution and abatement of identified hazards.

D. Increase efforts to have Congress implement the Board of Directors' 102b recommendations.

Since 1996, the Board of Directors of the Office of Compliance has made biennial recommendations to Congress, pursuant to Section 102b of the Congressional Accountability Act, regarding the applicability of Federal law to the Legislative Branch. These recommendations have appeared in what has been called the Board of Directors' "102b Report", and most recently has been termed "Recommendations for Improvements to the Congressional Accountability Act." Over the years, the reports have seen little success in raising the discussion of the Board's recommendations. The Agency plans to improve the drafting and publication of this report so that it is innovative, forward-looking, and a living document. We will increase efforts to meet with interested stakeholders to explain and promote the Board's recommendations contained in the report. We intend to utilize the report as a strong tool in obtaining Congressional approval of the Board's recommendations, which include, among others:

- obtaining the authority to investigate all claims arising under the CAA;
- obtaining investigative subpoena authority for the Office of General Counsel;
- requiring training for employees and employers as in the Executive Branch and certain areas of the private sector; and
- mandating the posting of rights under the CAA.

E. Continue to explore the implementation of efficiencies and cost-savings tools in dispute resolution processes.

The Congressional Accountability Act required the Board of Directors to study and report on whether the protections afforded by the CAA, its regulations, and its procedures, should be applied to the Government Accountability Office (at the time of the study, the Government Accountability Office was called the General Accounting Office), the Government Printing Office, and the Library of Congress. The study, completed on December 31, 1996, focused on comprehensiveness and effectiveness of the above-named agencies' programs. The Board determined that, at the time, "the rights, protections, procedures, and relief afforded … [the employees of the above-named agencies] are, in general, comprehensive and effective when compared to those afforded other Legislative Branch employees covered under the CAA."[1] As "rights, protections, procedures, and relief" have changed since 1996 (by, e.g., passage of the Lilly Ledbetter Fair Pay Act, Genetic Information Nondiscrimination Act, amendments to the Fair Labor Standards Act), it is necessary to evaluate whether employees of the GAO, GPO, and the LOC still benefit from an enforcement framework that is comprehensive and effective. The OOC will assess whether the current "rights, protections, procedures, and relief" for GAO, GPO, and LOC employees are "comprehensive and effective," and make necessary recommendations to the Board of Directors that would advance those goals in as cost-effective a manner as possible.

GOAL III:

Build relationships and expand support among the covered community and the public, to advance the mission of the Agency.

The Agency recognizes that the success of many of its efforts is dependent upon the relationships it builds. In order to provide useful services, we have to fully appreciate the needs of the community we serve. Sharing information about the programs we have available and understanding the needs of the community are fundamental to developing and providing services to our constituents. We especially note the importance of collaboration in furthering transparency in the work that we do. It is important that our processes be transparent in order to build confidence among our stakeholders that our programs are administered fairly.

Though building relationships was a component of our last Strategic Plan, we focused our outreach efforts on improving our written materials to make them more content-dynamic and professional-looking, and to garner reader interest from the outset. We improved the substance of our reports to make them more readable, so that their statistical and technical information is more easily understood. We also focused on enhancing our website in order to make it easier for the covered community and the public to access information about the CAA, OOC, and Board decisions.

Now that our written materials have been revised and our website enhanced, the OOC will focus on creating new relationships and building on existing ones to strengthen our foundation in the Congressional community. Building relationships within the covered community, creating an appreciation for our programs,

[1] Section 230 Study—Study of Laws, Regulations, and Procedures at the General Accounting Office, The Government Printing Office, and the Library of Congress, Prepared by the Board of Directors of the Office of Compliance, Pursuant to Section 230 of the Congressional Accountability Act of 1995, (PL 104-1), December 31, 1996, p.iii.

and partnering with different employing offices, associations, and organizations is necessary to reach our goals and achieve our mission.

We anticipate meeting this goal by means of the following:

A. Develop relationships with Member offices and increase contacts and visits.

   We intend to build relationships with Members in the DC, MD, and VA commuting areas. These Members have constituents who live and work in and around Capitol Hill. We want to ensure that these Members, as well as others, are aware of the services we provide their constituents.

B. Develop and maintain relationships with organizations of interest.

   As with the previous initiative, building relationships with organizations that show an interest in or have expertise in the subject matter covered by the CAA will further the OOC's efforts to advance the mission of the Agency. The OOC will develop relationships with advocacy groups that are supportive of the substantive protections contained in the CAA. We will reach out to Executive Branch agencies that perform work similar to the work of the OOC to gain support. The OOC will contact non-governmental organizations to determine their awareness of our agency and develop relationships with them. The OOC will reach out to employee interest groups and labor organizations to collaborate on best practices to educate the covered community about the rights and protections under the CAA.

C. Build on established relationships with oversight committees and appropriations committees.

   Over the years, the OOC has developed relationships with its oversight committees in the House and the Senate: Committee on House Administration, Senate Rules and Administration Committee, and Senate Homeland Security and Governmental Affairs Committee. We have also developed relationships with the staff on the House and Senate Appropriations Subcommittees on the Legislative Branch. We keep these staff apprised of the work that we do, inform them of our need for their assistance, and are responsive to their inquiries into OOC's activities. The OOC will maintain and build on these relationships to increase the support and understanding of the Agency and its mission.

D. Build and maintain relationships with the media to foster accurate and responsible reporting.

   Because the media is an important source of public information, building relationships with the media helps the Agency ensure accurate and fair coverage of OOC's reports, activities, and statistics. Because OOC's reports and information are provided to the public via its website, and because the Agency is responsible for enforcing anti-discrimination and safety and health laws on Capitol Hill, the media has, in the past, taken an interest in the work that we perform. As a result, stories about the OOC and its work have appeared in print media as well as on television, the web, and the radio. Developing, maintaining, and strengthening relationships with the media will not only help ensure the accuracy of the media's reporting, but will allow the OOC to meet its mandate of educating and informing the covered community of the rights and responsibilities under the CAA.

E. Share technical resources from outside agencies.

   In a time when budgets continue to be cut, economies of scale, shared services, and shared resources have become best practices in ensuring that agencies continue to meet their respective missions with limited funding. The OOC is no exception. With repeated cuts to our funding, OOC has had to be creative in ensuring that all of its responsibilities are met. To this end, the OOC will utilize the expertise of other Legislative Branch agencies, where appropriate, in contracting for services, addressing procurement needs, and arranging travel for employees. In addition, we will ensure that our core accounting services are being provided with the help of shared services from the Library of Congress.

GOAL IV:

Provide opportunities for the professional development of the Agency's workforce.

During these tight fiscal times, the OOC has had to adjust how we do business: we have reorganized, reduced some services and eliminated others. We have restructured our priorities and have adjusted methods of providing our services so that we may continue to meet our mission despite decreased funding. OOC's programs have felt the impact of reduced funding over the last several fiscal years … and so have our staff. With fewer resources to conduct our business, OOC's staff have had to work harder in an effort to meet our mission. Our staff are our strongest resource, and we strive to provide tools for their continued professional development.

A. Involve staff in identifying individual training needs and availability of training by exploring low-to-no cost training

opportunities, partnering with other agencies where appropriate, and promoting in-house training and education sessions.

The Agency recognizes that maintaining a certain level of expertise requires continual professional education. Though current funding levels will not allow the Agency to offer a vast variety of training, there remain opportunities for staff to receive on-going training in their subject matter area. We will work with our staff to identify their training needs, and we will involve staff in our efforts to discover low-to-no cost training opportunities. As other Federal government agencies have felt the need to cut costs and bring training in-house, there may exist opportunities for the OOC to share in-house services with agencies of the Legislative Branch or Executive Branch. We will partner with other agencies, where appropriate, to share in their in-house training and provide support and assistance to the OOC to provide its own in-house training on topics of interest to OOC staff.

B. Identify positions where cross training and mentoring are appropriate and necessary to build capacity within the organization and ensure consistency in program operations by matching up mentors and individuals, developing protocols, and establishing concrete goals and outcomes for each mentoring relationship.

Recognizing the need to build institutional knowledge and to fortify its own staff as its strongest resource, OOC will coordinate among its managers to determine where cross-training and mentoring would be appropriate for certain staff to learn procedures, protocols, and substance of other programs within the Agency. OOC managers will identify these positions; match up mentors and individuals interested in and eligible for the program; develop protocols, concrete goals and outcomes; and oversee the mentoring relationships.

C. Identify wellness measures that would benefit OOC staff by exploring available wellness services from other agencies, discounted private wellness programs, or wellness fairs that offer free services to attendees; and by utilizing no-cost tools and materials available from OPM, other Federal agencies, and appropriate outside resources.

MEASURING SUCCESS

To determine the level of success achieved in the above-outlined goals, the Office of Compliance will monitor feedback received from its stakeholders: employees, employing offices, oversight and appropriations committees, labor organizations, and the public, to determine whether we have increased the level of awareness of our services and programs. Our initiatives involving social media will allow for more measureable data on contacts with the Agency. Tracking who accesses our Facebook page, for example, or the number of followers on Twitter will allow more accurate feedback than our current methods. An increased number of contacts to our office, requests for services, and requests for information will be indicators that the OOC has achieved a level of success in educating the covered community about their rights and responsibilities under the Congressional Accountability Act.

The OOC will see achievement under this plan when we have readied ourselves to utilize additional resources: developed plans to implement e-filing, improved case tracking, and more efficient case management systems. Once additional funding is provided to move forward with these initiatives, the OOC will be better positioned to implement them quickly and effectively. In addition, increased dialogue with Congressional stakeholders about the Board's 102b recommendations will be positive steps toward Congressional approval of the Board's recommendations.

We will evaluate the strength of relationships that we have created or enhanced within the Congressional community and with public interest groups to determine whether we have been successful in generating an interest in and appreciation for the work of the OOC. An increase in overall partnerships and strengthened relationships will measure the success of our outreach and our message of collaboration and transparency.

Finally, a survey measuring staff's level of satisfaction with their professional development will inform the OOC of its success in providing training, mentorship, and wellness initiatives to staff. The Agency will perform a baseline survey of staff satisfaction in these areas, and with the implementation of the initiatives outlined in Goal IV above, we will survey staff at the end of each fiscal year of the Plan to see a continued increase in satisfaction, or to maintain a level of 75% employee satisfaction.

Office of Compliance
110 Second Street, SE, Room LA 200
Washington, DC 20540-1999
202.424.9250 (t)
202.426.1913 (fax)
202.426.1912 (tdd)
202.724.9260 (recorded information)
www.compliance.gov