



If Only “The Apprentice” Had the CAA

In Congress, the “Boardroom” is Not Your Only Option

Avoiding the Boardroom

Have you dreamed of being on “The Apprentice”? Although your application may have been rejected, the good news for you is that workplace disputes in Congress have more avenues for resolution than confronting the Donald in the “Boardroom.” As a Legislative Branch employee, you can settle workplace disputes through your office’s grievance process. And if your dispute involves a matter covered by the law, you can utilize the neutral process established by the Congressional Accountability Act (CAA).

The CAA, passed in 1995, applies 12 civil rights, labor, and workplace safety laws to Congress and Legislative Branch entities and establishes a dispute resolution system emphasizing counseling and mediation for the resolution of disputes. The goal of the CAA’s dispute resolution process is to settle disputes at the soonest possible time and, if possible, in an informal manner that avoids formal administrative processes or legal action. This saves both employees and employers the stress and hassle of formal legal actions.

It is important to remember that garden-variety matters such as interpersonal conflicts, job titles, or vacation and leave policies are not covered by the CAA, and thus are not subject to the CAA’s dispute resolution process. Disputes regarding these issues should be resolved through your employing office’s own grievance process.

Certain rights applied by the CAA are not enforced through the counseling and

mediation process. The General Counsel of the Office of Compliance may bring an enforcement action when violations of safety and health, labor-management relations, and public services and accommodations rights of disabled persons are alleged.

Dispute Resolution Under the CAA

The dispute resolution process under the CAA is a multi-step process beginning with mandatory counseling and mediation. All employees, including district office staff, must follow established dispute resolution procedures in order to process their claims under the CAA.

At any time during the dispute resolution process the parties involved may choose to settle their dispute. Informal resolution may be as simple as offering an apology, but a settlement might involve promoting or providing financial compensation to an employee. All settlements must be in writ-

ing and must be approved by the Executive Director of the Office of Compliance.

Step One: Counseling

The first step in the CAA’s dispute resolution process is to file a written request for counseling with the Office of Compliance within 180 days of the date of the alleged violation. During the counseling period, an Office of Compliance counselor will discuss an employee’s concerns and inform the employee of his or her rights under the law. The counselor is not a representative or advocate, only an advisor to help an individual understand how the law works and to clarify facts and issues.

Step Two: Mediation

If an employee chooses to continue with a claim after the counseling period, the next step is to request mediation with the Office of Compliance. During mediation, the Office of Compliance appoints one or more neutral mediators who will meet with the parties to the dispute in order to attempt to resolve the matter voluntarily.

Mediation provides a confidential, informal means of settling disputes, allowing employees and employers to come together and take an active role in resolving a dispute in a way that is acceptable to both parties.

Step Three: Civil Action or Administrative Hearing

If mediation fails to resolve a complaint, an employee may either proceed with an



Image Source: NBC.com

administrative hearing or file suit in Federal District Court. If an employee chooses to proceed with a civil action after mediation, the suit and any appeals will proceed under the rules that normally apply to actions in Federal court.

If an employee chooses to pursue an administrative hearing after mediation, a formal complaint must be filed with the Office of Compliance in writing and a copy of the complaint will be served on the employing office. After a complaint is filed, an independent Hearing Officer is assigned to conduct a hearing to determine the facts and may issue subpoenas and require information from the parties involved. The Hearing Officer will issue a written decision no later than 90 days after the hearing's conclusion.

The Fourth Step: Review by the Board of the Office of Compliance

If either the employee or 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 Office of Compliance. If either the employee or employing office is dissatisfied with the outcome of the appeal to the Board of Directors, the decision may be appealed to the U.S. Court of Appeals for the Federal Circuit for further review.

Understanding At Will Employment

It is important to remember that most employees in Congress are "at will" employees. This means that you as an employee are not under contract and can leave your job at any time. But, it also means that your employer can fire you at any time and does not necessarily have to provide a reason for the termination. The CAA can protect you only when your firing can be proven to be

motivated by something prohibited by the CAA, such as your race, age, or sex.

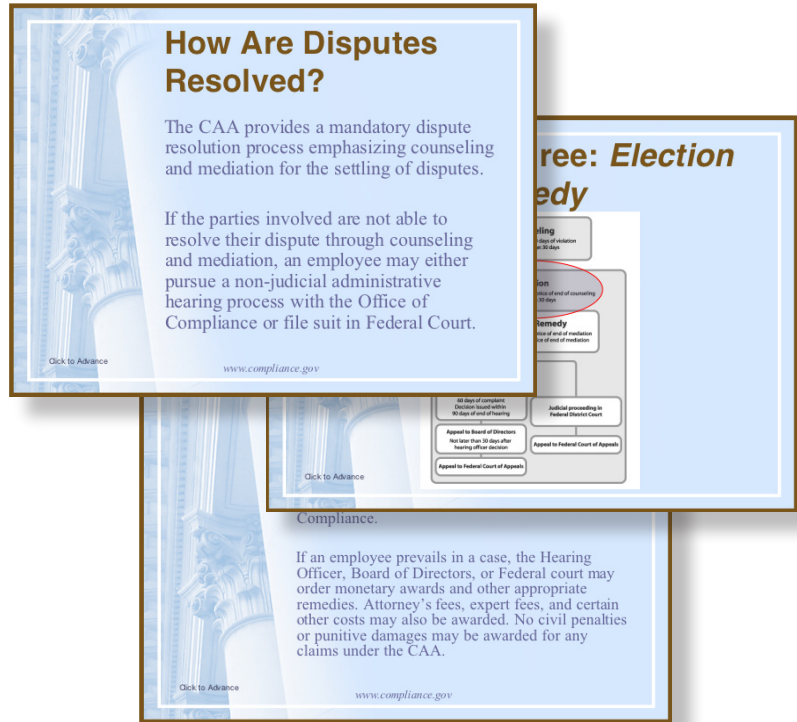
Keep Up to Date on the Dispute Resolution Process

A new addition to the Office of Compliance web site is a downloadable Pow-

erPoint presentation, "Dispute Resolution Under the Congressional Accountability Act." This presentation provides a step-by-step discussion of the dispute resolution process and is a convenient educational tool for both managers and employees.

Learn the Basics of Dispute Resolution

Understanding dispute resolution is easy with our new downloadable PowerPoint presentation.



This and other useful tools can be found online at www.compliance.gov.



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The Office of Compliance advances safety, health, and workplace rights in the U.S. Congress and the Legislative Branch. Established as an independent agency by the Congressional Accountability Act of 1995, the Office educates employees and employing offices about their rights and responsibilities under the Act, provides an impartial dispute resolution process, and investigates and remedies violations of the Act.