

Office of Compliance



advancing safety, health, and workplace rights in the legislative branch

February 2004

Annual Report 2003

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EIGHTH ANNUAL
REPORT TO
CONGRESS

ANNUAL REPORT OF THE OFFICE OF COMPLIANCE
JANUARY 1, 2003 - DECEMBER 31, 2003

OFFICE OF COMPLIANCE MISSION

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.

I. About this Report

Section 301(h) of the Congressional Accountability Act (CAA) requires that the Office of Compliance (OOC):

" . . . compile and publish statistics on the use of the Office 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 under this Act and results 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."

This annual report provides a brief overview of the activities and successes of the OOC over the previous year. In keeping with Section 301(h), this report also provides statistics concerning the contacts and proceedings initiated by covered employees. Due to the CAA's strict confidentiality requirements, the case handling information provided in this report is of a statistical nature only.

II. Overview

The Office of Compliance ended 2003 as an organization in the latter stages of transition. While still focused on its core missions – education and training, occupational safety and health enforcement, and dispute resolution – the OOC is progressing beyond the early years of its initial formation. Building on its past successes, the OOC is offering enhanced services to its regulated community.

Fundamental to the ongoing transition was the initiation in 2003 of a new strategic planning process for the OOC. The Office leadership, working with the entire staff, is in the final stages of developing a strategic plan to guide the OOC for the next five years. This plan provides overarching goals for the whole organization, as well as a framework for a detailed work plan to guide staff in accomplishing OOC initiatives.

The OOC instituted a number of other changes in 2003. A new employee evaluation process was implemented to provide greater feedback to staff on goals and results, and a comprehensive review of the OOC's use of information technology was put into motion. An internal task force is studying all aspects of the OOC's computer systems in order to determine how best to leverage current and emerging technologies to improve efficiency and outreach to the regulated community.

The OOC's five member Board of Directors also began several major new initiatives during the past year that will continue into 2004. The Board authored changes to OOC procedural rules, and has also begun the process of drafting comprehensive regulations to implement the rights and protections of the Veterans Employment Opportunities Act. Stakeholder input will be sought on these draft regulations prior to their implementation.

EDUCATION AND OUTREACH

The education and outreach program in 2003 implemented the OOC's effort to educate the Congressional community in more expansive ways. While maintaining the successful efforts of the past, a comprehensive program to clarify the image of the OOC and make the educational products more user-friendly was begun in 2003 and will continue into 2004. The goal of this effort is to ensure understanding and complying with the CAA is easier for covered employees and employers.

One of the early successes in this effort was the launch of a completely redesigned web site, www.compliance.gov. Designed to improve online access to information about the CAA and to meet new disability access standards, the site now offers employees plain English summaries of their CAA rights, a description of the dispute resolution process, and a complete catalog of OOC publications and forms. The web site is updated regularly with new content and special focus sections on particular aspects of the CAA.

A thorough redesign and updating of all educational brochures was completed in 2003, and the Office of Compliance *Bulletin* was transformed into a quarterly publication to provide quick information on individual topics of interest to Legislative Branch staff. *Bulletin* topics in 2003 included Section 508 compliance and emergency action plans. Three special editions of the *Bulletin* were published in conjunction with the U.S. Capitol Police. The OOC's newsletter, *CAA News*, was reintroduced with a completely new style and mailed to the homes of over 20,000 covered employees as required by the CAA.

The past year also included the OOC's launch of the new *eResources* initiative, aimed at making access to information about the CAA more readily accessible in electronic form. *eResources* offers a new suite of online tools to aid in complying with the CAA and electronic distribution of the *Bulletin* and other informational materials.

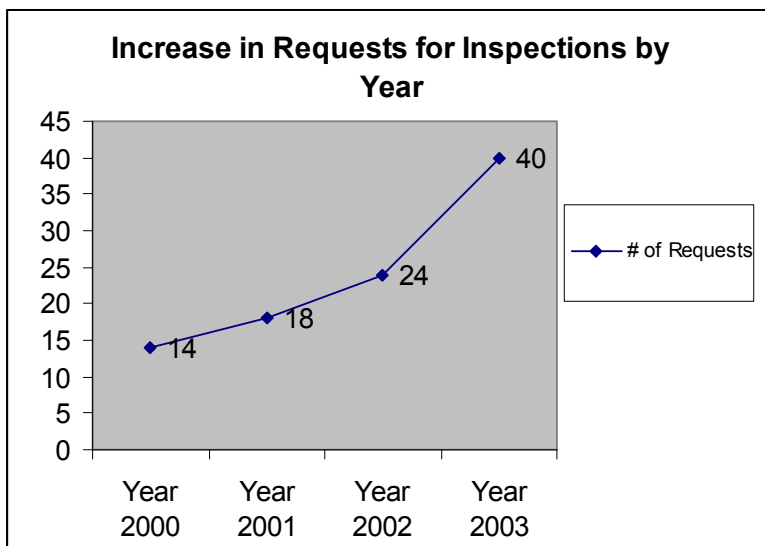


OFFICE OF THE GENERAL COUNSEL

The Office of the General Counsel gained new leadership in 2003. Peter Ames Eveleth was appointed as the new General Counsel by Office of Compliance Board of Directors Chair Susan S. Robfogel. Mr. Eveleth will serve a five-year term, and replaces Gary Green, whose term expired in December 2002. The General Counsel has independent investigatory and enforcement authority for certain violations of the Act, including public services and accommodations under the

Americans with Disabilities Act; occupational safety and health; and labor management relations and unfair labor practices. The General Counsel also represents the OOC in all judicial proceedings brought under the CAA.

As has been the case in recent years, the General Counsel's Office experienced a significant increase in its caseload during 2003. With respect to OSHA-related cases, the General Counsel received 40 requests for safety and health inspections, an increase of 67% from the previous year's 24 requests, and more than twice the number received in 2001. On the basis of these requests, 39 inspections were initiated. Many of these inspections involved significant health and safety issues,



such as asbestos removal, effectiveness of chemical-biological respirators, and appropriateness of the use of elevators for evacuating disabled employees during fire emergencies. *[For a full description of caseload statistics, please see Section III]*

The General Counsel's staff also provided advice and assistance to several employing offices during the year, including health and safety advice and assistance to the U.S. Capitol Police. One such project involved the development of a fire safety hazard recognition presentation. Another

involved an extensive research effort resulting in analysis and recommendations on CBRN (Chemical-Biological-Radiological-Nuclear) escape masks. The General Counsel's Office intends to develop additional training tools for the Capitol Police related to health and safety, as resources allow.

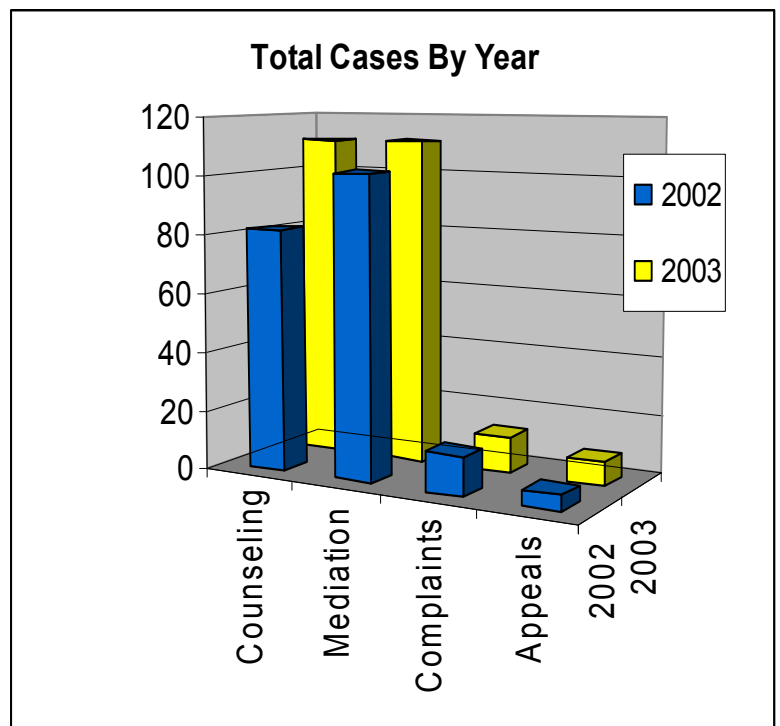
The General Counsel's Office is working cooperatively with the regulated community in order to increase voluntary compliance and foster best practices in health and safety management. As part of this effort, the OOC began planning in 2003 for the first-ever Capitol Hill-wide health and safety conference for all Legislative Branch employing offices. The conference, to be held in February 2004, is designed to lay the groundwork for organization-wide health and safety programs within Congressional employing offices.

In keeping with the overall OOC strategy to make better use of technology, the General Counsel's Office began work in 2003 to acquire or design new software programs in order to more effectively and efficiently deal with a rising caseload. A new case management system developed in-house is in the final stages of design and testing, and software designed to aid in the reporting and tracking of inspections and citations is being considered for acquisition and installation in 2004.

OFFICE CONTACTS AND THE DISPUTE RESOLUTION SYSTEM

The OOC continues to receive a substantial number of contacts from covered employees and employers. The OOC's newly redesigned web site received over 53,000 hits during 2003, numbers that demonstrate that it continues to be a useful means for covered employees, employing offices, and the general public to access information on the CAA. Two hundred forty-five (245) employees from throughout the Legislative Branch contacted the Office for advice and assistance during the year, and contacts by employing offices rose to 33, an increase of 22% from 2002 levels. *[For a full description of total contacts with the Office, please see Section IV]*

The number of cases in the OOC's dispute resolution system grew in the past year compared to 2002 levels. Requests for counseling jumped by 35%, growing from 82 cases in 2002 to 111 cases in 2003. Cases in mediation also increased over last year's level, and new appeals to the Board increased by a dramatic 60%. In fact, the Board issued more decisions on review from Hearing Officer determinations in 2003 than in any year since the establishment of the Office. *[For a full description of caseload statistics, please see Section V and VI]*



To deal with the increasing caseload, the OOC undertook a review of its case management system

and case processing database. The Office also held its first focus group session with mediators in 2003. Five of the OOC's contract mediators attended the sessions to discuss and assess how the dispute resolution process established by the CAA is working in Congress. The Office is planning similar sessions for the attorney bar and employing offices.

III. OSHA, ADA, and Unfair Labor Practice Proceedings

The Office of the General Counsel 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.

The General Counsel's Office experienced a significant increase in its caseload in 2003.

TOTAL REQUESTS FOR INFORMATION AND ASSISTANCE

Requests for information and assistance grew from a total of only 53 in 2002 to 235 in 2003. The requests for information and technical assistance were made under the following sections of the law:

<u>Section</u>	<u>Description</u>	<u>Requests</u>
Section 210	Public Services and Accommodations under the Americans with Disabilities Act of 1990	10
Section 215	Occupational Safety and Health Act of 1970	200
Section 220	Unfair Labor Practices under chapter 71, of title 5, United States Code	25

ACTION UNDER SECTION 210: PUBLIC SERVICES AND ACCOMMODATIONS

Section 210 of the CAA protects qualified individuals with disabilities from discrimination with regard to access to public services, programs, activities, or places of public accommodation in covered locations and offices. These protections extend to both employees and members of the public. Offices of the Senate and the House of Representatives; joint committees of Congress; the Capitol Police; the Congressional Budget Office; Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Compliance; and the Capitol Guides Service all must comply with Section 210's requirements in their dealings with employees and the public.

Individuals who feel their rights under this provision have been violated can file a charge of discrimination with the General Counsel of the Office of Compliance. This charge must be filed within 180 days of the alleged discrimination. After a charge is filed, the General Counsel will conduct an investigation. If the investigation reveals that a violation has occurred, the General Counsel may either request mediation to resolve the dispute or file a formal complaint with the Office of Compliance.

<u>Action Under Section 210</u>	<u>Totals</u>
- Charges Filed	1
- Cases Closed	1
- Cases Pending as of December 31, 2003	1

ACTION UNDER SECTION 215: OCCUPATIONAL SAFETY AND HEALTH

Section 215 of the CAA requires that Legislative Branch workplaces be free of recognized hazards that might cause death or serious injury. Both employing offices and employees must comply with all applicable occupational safety and health standards. An employing office may be responsible for correcting a violation even if it does not have an employment relationship with the covered employees who are exposed to the hazard.

Upon receipt of a written request for inspection, the General Counsel of the Office of Compliance inspects and investigates places of employment under the jurisdiction of employing offices. Inspection findings are then assembled in a written report. Where appropriate, the General Counsel issues a citation, or a notification where the entity has failed to correct a violation for which a citation was issued.

Due to increased security and safety and health concerns on Capitol Hill, the largest single expansion in caseload for the General Counsel's Office in 2003 came in the area of occupational safety and health. Requests for inspections rose from 24 to 40, a 67% increase over 2002 levels, and more than twice the number received in 2001.

During 2003, the General Counsel's Office was also required to catch up on a backlog of requests for inspections that were delayed as a result of involvement in conducting the 2002 biennial inspections. Because of the increased level of requests, open safety and health cases rose from 32 at the beginning of 2003 to 54 cases at the end of the year. Nonetheless, 18 inspection cases were closed in 2003, compared to only four closures in 2002. In six instances in 2003, the General Counsel issued citations to employing offices.

<u>Action Under Section 215</u>	<u>Totals</u>
- Requests for Inspection Filed	40
- Citations Issued	6
- Cases Closed	18
- Cases Pending as of December 31, 2003	32

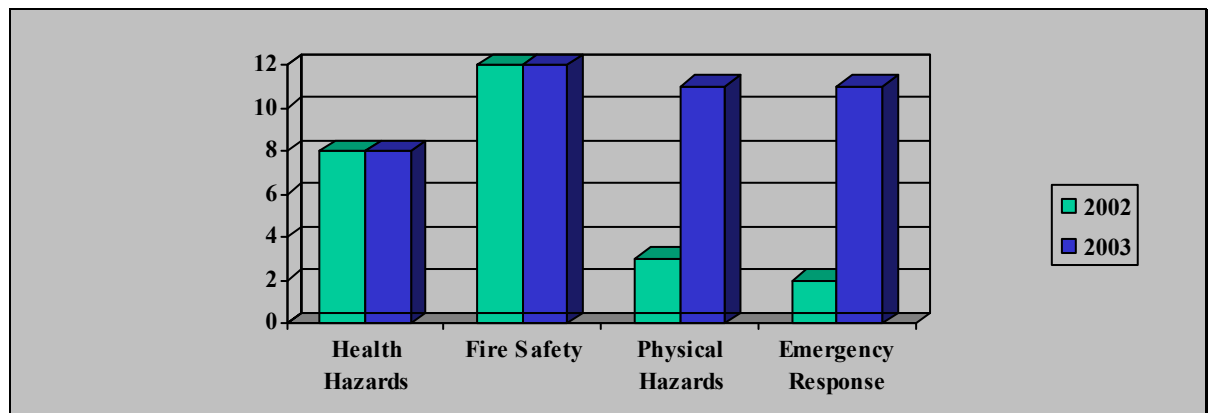
ACTION UNDER SECTION 215 (Continued)

Requests for inspections can be broken down into four main categories: health hazards; fire safety; physical hazards; and emergency response.¹ Each inspection is a multi-part effort involving opening and closing conferences with the affected employing offices; conducting research on the hazards found; taking environmental samples and having them analyzed; explaining to employing offices what the regulations and codes require; preparing comprehensive reports of the results of the inspections, the violations found, and the steps required for abatement; and following up with the employing offices to assure that the violations have been abated.

<u>Inspections by Category</u>	<u>Totals</u>
Health Hazards	8
Fire Safety	12
Physical Hazards	11
Emergency Response	11

(Note: aggregate numbers for inspections do not match total requests for inspection because individual requests for inspection can involve more than one category)

Requests for inspection increased in two areas: physical hazards and emergency response.



¹ *Health hazards* includes potential exposures to airborne asbestos fibers, lead, and bloodborne pathogens. *Fire safety hazards* include life safety issues, such as deficient building design, sprinkler systems, and fire alarm problems. *Physical hazards* include the operation of powered industrial trucks, lack of machinery guards, or cold and heat stress. *Emergency response* includes the lack of an emergency action plan, deficiencies in emergency response, and plans and procedures for chemical or biological hazards.

ACTION UNDER SECTION 220: UNFAIR LABOR PRACTICES

Section 220 of the Congressional Accountability Act (CAA) prohibits unfair labor practices by both employing offices and labor organizations. The General Counsel of the Office of Compliance is responsible for processing charges that allege an unfair labor practice. If a person believes that an unfair labor practice has been committed, he or she must file a complaint with the General Counsel, who will then conduct a thorough investigation of the charge. If the General Counsel believes that an unfair labor practice has occurred, he will file and prosecute a complaint.

Twenty-two (22) unfair labor practice charges were filed during 2003. This represents a 22% increase over 2002 when 18 charges were filed. Seventeen cases were closed by settlement or were dismissed in 2003.

<u>Action Under Section 220</u>	<u>Totals</u>
- Unfair Labor Practice Charges Filed	22
- Complaints Issued	0
- Board Decisions Issued	0
- Cases Closed	17
- Cases Pending as of December 31, 2003	10

IV. Total Contacts With the Office of Compliance

Employees and employing offices covered under the CAA may contact the OOC in person to receive informal advice and information on the procedures of the Office and learn about the rights, protections, and responsibilities afforded them under the CAA.

Alternative means of contact are also available so that individuals can get information about the CAA anonymously. An automated telephone information line allows callers to listen to general information about the CAA and the Office of Compliance. There were 161 calls made to the information line during the period covered by this report. The OOC's website is another resource to employees and employers for information on the CAA and the OOC. The OOC website homepage received over 53,000 "hits" during the year.

SUMMARY OF OFFICE CONTACTS IN 2003

During 2003, the OOC received 376 contacts by covered employees, employing offices, unions, and the public requesting information. Contacts were made both by phone and in person. (These figures do not include contacts with the staff of the General Counsel's office, visits to the OOC web site, or calls to the telephone information line.)

• Employees	245
• Employing offices	33
• Unions	5
• Public	93
• Total	<u>376</u>

CONTACTS BY SECTION OF THE LAW

Employees contact the Office for a variety of reasons. They may have questions concerning the application of particular provisions of the law, or they may wish to discuss matters they believe constitute a violation of the CAA. Each individual contact may involve several distinct portions of the law.

In 2003, the 245 covered employees who contacted the OOC discussed the following sections of the law:

<u>Section</u>	<u>Description</u>	<u>Totals</u>
201	Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans with Disabilities Act of 1990	101
202	Rights and protections under the Family and Medical Leave Act of 1993	28
203	Rights and protections under the Fair Labor Standards Act of 1938	16
204	Rights and protections under the Employee Polygraph Protection Act of 1988	1
205	Rights and protections under the Worker Adjustment and Retraining Notification Act	0
206	Rights and protections relating to uniformed services employment and reemployment	5
207	Prohibition of intimidation or reprisal	24
210	Rights and protections under the Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations	0
215	Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations	9
220	Application of chapter 71 of title 5, United States Code Relating to Federal service labor-management relations	0
- - -	Questions regarding the general application of the CAA	8
- - -	Questions on matters not cognizable under the CAA	56

(Note: aggregate numbers will not necessarily match category totals as a single contact may involve more than one section or subsection of the CAA, and/or more than one issue or alleged violation)

CONTACTS BY ISSUE

Employees typically contact the Office with questions concerning the application of the CAA to specific work issues. The 245 employee contacts during the covered period raised the following issues:

<u>Issue</u>	<u>Totals</u>
Assignments	11
Benefits	10
Classification	1
Comp Time	2
Compensation	10
Demotion	9
Discipline	24
Disparate Treatment	3
Evaluation	1
General questions regarding statutory requirements	3
Harassment	40
Health	2
Hiring	2
Hostile work environment	1
Inspections (referred to General Counsel)	1
Leave	31

(Note: aggregate numbers will not necessarily match category totals as a single contact may involve more than one issue or alleged violation)

CONTACTS BY ISSUE (continued)

Overtime pay	16
Promotion	8
Reasonable accommodation	17
Reinstatement	1
Selection	10
Termination	49
Terms and conditions of employment	40

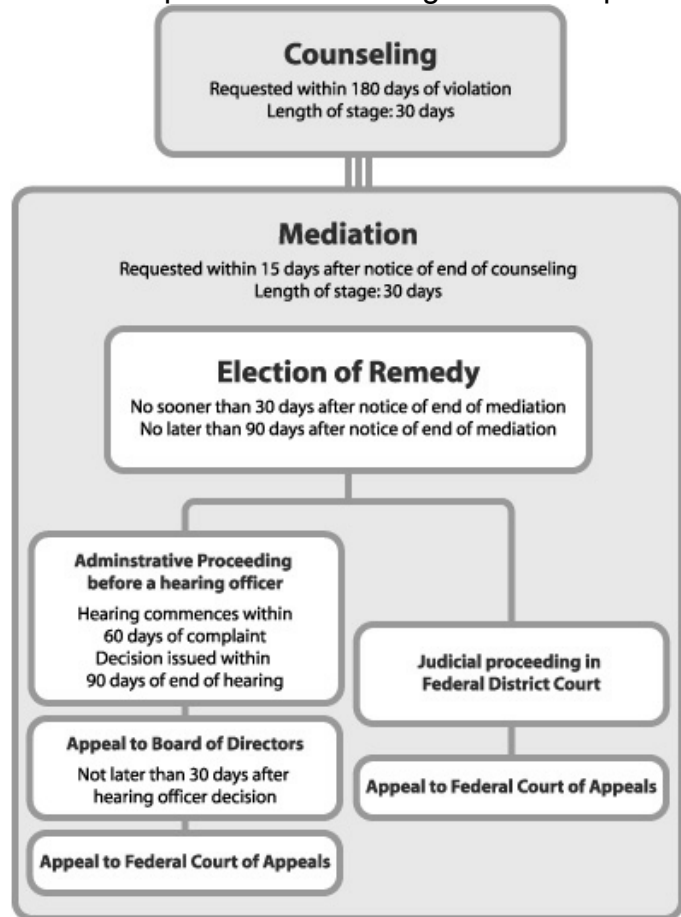
V. Dispute Resolution Proceedings

The OOC administers a dispute resolution program for the effective and efficient resolution of disputes that arise under the CAA. An individual with a question concerning the application of the CAA may contact the Office to discuss their concerns confidentially. Individuals frequently contact the Office seeking informal advice and information on their rights, protections, and responsibilities under the CAA and the procedures of the OOC in pursuing those rights.

In order to initiate a claim alleging a violation of the CAA, a covered employee must request counseling from the Office of Compliance. Counseling must be requested within 180 days of the alleged violation and lasts 30 days. During counseling, the counselor discusses with the employee the dispute resolution procedures, the circumstances that gave rise to the request, and informs the employee of his or her rights under the CAA. The counselor is not a representative, but can help the employee understand how the law works and clarify facts and issues.

Confidential counseling is designed to promote the efficient and effective resolution of claims brought under the CAA. During the counseling period, the counselor may explore other means of resolving a dispute with the employee.

Occasionally, an employee is involved in a dispute that is not actually unlawful discrimination, but is simply the result of poor management or differing communication styles. When that occurs, the employee and the counselor may discuss alternative ways to resolve the dispute.



If a matter is not resolved during the confidential counseling period, an employee who wishes to proceed with their claim must file a request for mediation within 15 days of receipt of the notification of end of counseling. Mediation provides the opportunity for a neutral third party to work with both the employee and employing office to resolve disputes before a formal complaint is filed. The goal of mediation is to facilitate an early and fair resolution of disputes. Mediation may resolve a dispute in several ways. Sometimes, an explanation or an apology is all that is needed to resolve a workplace dispute. An agreement to promote an employee, pay back wages, or provide a letter of reference can often resolve other matters.

If a dispute is not resolved during the mediation process, the employee may elect to either pursue an administrative hearing with the Office of Compliance by filing a formal complaint, or file a civil action in the United States District Court for the District of Columbia or in the District Court where the employee resides. This election must take place no later than 90 days, nor sooner than 30 days, following receipt of the notification of the end of the mediation period.

Once a formal complaint is filed with the OOC, an independent Hearing Officer is assigned to conduct a hearing to determine the facts and issue a written decision. Any party dissatisfied with the final decision of the Hearing Officer may petition for review of the decision by the five-member Board of Directors of the Office of Compliance within 30 days after the Hearing Officer's decision. Upon review, the Board issues a written decision along with its reasons. 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.

COUNSELING

A total of 113 cases were in counseling during the report period. This figure includes 111 requests for counseling and 2 cases pending in counseling from the previous year.

Results:

- 12 Cases were closed during or after counseling, but before mediation. Of these:
 - 2 Cases were settled
 - 10 Sought no further action after counseling
- 88 Requests for mediation were filed
- 13 Cases remain in counseling and will continue into 2004

MEDIATION

A total of 111 cases reached mediation during the report period. This figure includes 88 new requests for mediation filed during the report period, 5 cases pending at the beginning of this report period, and 18 cases that had completed mediation but were still within the time period for filing a complaint on January 1, 2003.

Results:

- 41 Cases closed during or after mediation. Of these:
 - 13 Cases were settled
 - 21 Sought no further action after the mediation period ended
 - 7 Cases resulted in the employee electing to file suit in District Court
- 21 Cases were pending in mediation at the end of this report period and will continue into 2004
- 37 Cases completed mediation and are still within the time period to file a complaint at the end of the 2003 report period
- 12 Complaints were filed after mediation ended

COMPLAINTS

The 20 complaints active during this report period, which includes 12 new complaints filed and 8 that were pending from the previous report period, had the following outcomes:

Hearings:

- 7 Hearing Officer decisions were issued
- 3 Cases were settled or otherwise resolved before the hearings concluded
- 10 Complaints were pending on December 31, 2003, awaiting a decision by the Hearing Officer

Appeals:

- 5 Petitions for review of Hearing Officer decisions were pending on December 31, 2002
- 8 Petitions for review of Hearing Officer decisions were filed with the Board

Board Action:

- 9 Board decisions were issued
- 4 Petitions for review of a Hearing Officer decision were pending on December 31, 2003

Judicial Review:

- 6 Petitions for review were filed
- 6 Petitions for review were pending on December 31, 2003

VI. Additional Statistics on Proceedings

TOTAL REQUESTS FOR COUNSELING BY OFFICE/ORGANIZATION

<u>Office/Organization</u>	<u>Totals</u>
Architect of the Capitol	29
Capitol Guide Service	1
Capitol Police	41
Congressional Budget Office	0
House of Representatives (<i>not Member offices</i>)	7
House of Representative (<i>Member offices only</i>)	11
Senate (<i>not Member offices</i>)	15
Senate (<i>Member offices only</i>)	4
Office of the Attending Physician	2
Office of Compliance	1
Total	111

REQUESTS FOR COUNSELING BY SECTION OF THE LAW

The 111 requests for counseling alleged violations under the following sections of the Congressional Accountability Act:

<u>Section</u>	<u>Description</u>	<u>Cases</u>
201	Rights and Protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans with Disabilities Act of 1990	118
202	Rights and Protections under the Family and Medical Leave Act of 1993	7
203	Rights and Protections Under the Fair Labor Standards Act of 1938	3
206	Uniformed Services Employment and Reemployment Rights	1
207	Prohibition of Intimidation or Reprisal	74

(Note: aggregate numbers will not necessarily match category totals as a single contact may involve more than one section or subsection of the CAA, and/or more than one issue or alleged violation)

ISSUES RAISED BY EMPLOYEES SEEKING COUNSELING

Workplace issues raised by employees requesting counseling under the CAA fell into the following categories:

• Assignments	8
• Benefits	1
• Compensation	3
• Demotion	5
• Discipline	23
• Harassment	28
• Hiring	14
• Hostile work environment	30
• Leave	5
• Overtime pay	1
• Promotion	26
• Reasonable accommodations	11
• Termination	21
• Terms and conditions of employment	33

(Note: aggregate numbers will not necessarily match category totals as a single contact may involve more than one issue or alleged violation.)

BASIS OF COMPLAINTS

There were a total of 20 complaints in process during this report period, including 12 new complaints filed and 8 complaints pending at the beginning of the reporting period from 2002. The basis of complaints during 2003 included:

Basis:

- Alleged denial of reasonable accommodation based on disability and harassment in retaliation for opposing practices made unlawful by the CAA
- Alleged discrimination based on race and denial of Family and Medical Leave Act rights
- Alleged denial of reasonable accommodation because of disability and retaliation for opposing practices made unlawful by the CAA
- Alleged unfair terms and conditions of employment based on race and national origin, and denial of Fair Labor Standard Act rights
- Alleged harassment and retaliation for opposing practices made unlawful by the CAA
- Alleged harassment and termination of employment based on race, sex, religion, and national origin
- Alleged unfair discipline and unfair terms and conditions of employment in retaliation for opposing practices made unlawful by the CAA
- Alleged denial of reasonable accommodation and termination in retaliation for opposing practices made unlawful by the CAA
- Alleged denial of promotion and unfair terms and conditions of employment in retaliation for opposing practices made unlawful by the CAA
- Alleged denial of promotion based on race
- Alleged harassment and termination based on race, gender, and retaliation for opposing practices made unlawful by the CAA

VII. Labor Management Relations

The Office administers section 220 of the CAA, a provision that extends to covered employees the right to form, join or assist a labor organization.

A labor organization seeking to be the exclusive representative of employees must file a petition, supported by a 'showing of interest' for a representation election with the Office of Compliance. If the labor organization receives a majority of the votes cast in a valid election, it will be certified as the exclusive representative of the employees in the bargaining unit. The labor organization then has the right to bargain with the employing office over certain terms and conditions of employment for employees in the bargaining unit.

The Office carries out the Board's investigative authorities under section 220 of the CAA, involving issues concerning the appropriateness of bargaining units for labor organization representation, the duty to bargain, and exceptions to arbitrators' awards

ACTION UNDER SECTION 220: LABOR-MANAGEMENT RELATIONS

- 2 Petitions were filed in 2003 by labor organizations to amend the certification of representative in covered collective bargaining units
- 1 Negotiability appeal filed by a labor organization was decided by the Board of Directors. In the matter, the Board held the labor organization's disputed bargaining proposal was negotiable under the CAA

ABOUT THE OFFICE OF COMPLIANCE

The Congressional Accountability Act was enacted to bring the rights and protections of twelve civil rights, labor, and workplace safety laws to over 30,000 covered Legislative Branch employees and employing offices. The CAA applies rights and protections of title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967; title I of the Americans with Disabilities Act of 1990; the Rehabilitation Act of 1973; the Family and Medical Leave Act of 1993; the Fair Labor Standards Act of 1938; the Employee Polygraph Protection Act of 1988; the Worker Adjustment and Retraining Notification Act; Chapter 43 of title 38 of the U.S. Code (relating to uniformed services employment and reemployment); the Americans with Disabilities Act of 1990 relating to public services and accommodations; the Occupational Safety and Health Act of 1970; and Chapter 71 of title 5 of the U.S. Code (relating to federal service labor-management relations); and the Veterans Employment Opportunities Act.

The Office of Compliance was created by the CAA as an independent agency in the Legislative Branch to administer and enforce the Act. The OOC 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.

The CAA established the Office of Compliance with a five-member Board of Directors who serve on a part-time basis. The OOC has four statutory appointees: the Executive Director, Deputy Executive Director for the Senate, Deputy Executive Director for the House, and the General Counsel.

The Office of the General Counsel within the Office of Compliance enforces the provisions of CAA sections 210 and 215, relating to health and safety and public access requirements, including investigation and prosecution of claims under these sections, and periodic inspections to ensure compliance. Additionally, the General Counsel investigates and prosecutes unfair labor practices under section 220 of the CAA and represents the OOC in all judicial proceedings brought under the CAA.

TO OBTAIN COPIES OF THE REPORT

The fastest and easiest way to obtain copies of OOC reports is through the Internet. The Office of Compliance Web site, www.compliance.gov, contains reports, studies, and other OOC products.

To request Office of Compliance publications by mail or by telephone, please direct requests to:

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Paul M. Coran
Deputy Executive Director for the Senate