

Who is eligible?

Certain employees of the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Accessibility Services, and the United States Capitol Police are eligible to form or join a labor organization. Not all Congressional employees are permitted to seek representation through a labor organization. For example, managers and supervisors cannot be represented by a labor organization. Employees of certain other offices, including the personal staff of Members of Congress and the staff of Congressional committees, are also not eligible for representation.

More information

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This information does not constitute advice or an official ruling of the Office of Congressional Workplace Rights or the Board of Directors and is intended for educational purposes only. For further information, please refer to the Congressional Accountability Act of 1995 [2 U.S.C. 1302 et seq.] and the regulations issued by the Board, or you may contact the Office of Congressional Workplace Rights.

LABOR REPRESENTATION

Collective Bargaining Rights in the Congressional Workplace

OCWR.GOV

SEEKING REPRESENTATION



The Congressional Accountability Act of 1995 [CAA] grants certain legislative branch employees the right to form or join a labor organization for the purpose of collective bargaining under Chapter 71 of the Federal Services Labor-Management Relations Act. The CAA Reform Act 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.

If employees of a particular employing office who are eligible for representation by a labor organization would like to have a labor organization represent them, a labor organization must file a representation petition with the Congressional Workplace Rights [OCWR]. This petition must show that at least thirty percent of employees of an appropriate bargaining unit wish to be represented for the purpose of collective bargaining by an exclusive representative. The OCWR will certify the validity of the signatures on the petition and hold an election. After the initial petition is filed, any other labor organization can gain a place on the ballot by filing a petition showing they are supported by at least ten [10] percent of employees in the bargaining unit. Employees will have the opportunity to vote to choose which labor organization they would like to represent them. Labor representation elections are held at a time and in a manner agreed to by both the labor organization and the employing office. The election is conducted and

overseen by the OCWR. If a majority of the voting employees vote to be represented by a particular labor organization, the OCWR Board of Directors will certify the labor organization as the employees' exclusive representative.

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Employee and Employer Obligations

Upon the certification of a labor organization as an exclusive bargaining representative, an employing office is under an obligation to recognize the labor organization as the exclusive representative of its employees. The employing office and the labor organization are required to negotiate in good faith over terms and conditions of employment, in order to reach a collective bargaining agreement. As the exclusive representative of employees, a labor organization has both the right and the obligation to act for and to negotiate in good faith with an employing office over conditions of employment. A labor organization is responsible for representing the interests of all employees in the bargaining unit it represents, regardless of whether an employee is employee is a dues-paying member of the labor organization.



What is collective bargaining?

“Collective bargaining” is the performance of the mutual obligation of the employing office and the exclusive representative of employees to meet at reasonable times and consult and bargain in a good faith effort to reach agreement on personnel policies, practices, and matters affecting working conditions.

Unfair labor practices

The CAA prohibits many types of unfair labor practices by both employing offices and labor organizations. Employing offices are prohibited from:

- Interfering with, restraining, coercing, or taking reprisals against employees in the exercise of the labor organizing rights provided by the CAA;
- Encouraging or discouraging membership in a particular labor organization;
- Refusing to consult or negotiate in good faith with a labor organization over terms and conditions of employment.

Labor organizations are prohibited from:

- Interfering with, restraining, coercing, or taking reprisals against employees in the exercise of their labor organizing rights provided by the CAA;
- Discriminating against an employee with regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or non-preferential civil service status, political affiliation, marital status, or handicapping condition;
- Refusing to consult or negotiate in good faith with an employing office;
- Going on strike.

This is not a complete list of prohibited labor practices. Please contact the OCWR or visit its website for further information on labor practices prohibited by the CAA.

For more information

This pamphlet is a basic guide to the CAA's labor rights provisions. For more information about the CAA and labor rights, please contact the OCWR. Information is also available online at www.ocwr.gov.

Dispute resolution for violations of the CAA

An employing office, a labor organization, or an individual may file an unfair labor practice charge with the OGC. The OGC investigates and prosecutes unfair labor practice charges before a hearing officer and the OCWR Board. The charge must be filed within six months from the date the alleged unfair labor practice occurred. The Board has the authority to issue final decisions on union representation and elections issues, questions of arbitrability, and exceptions to arbitrator's awards. The Board also serves as the appellate body for hearing officer decisions on unfair labor practice complaints.

