



*Office of Compliance*  
**FY 2005 Annual Report**

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

*January 2006*





# Office of Compliance

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## FY 2005 Annual Report

William W. Thompson, II  
Executive Director

January 2006

This report is prepared pursuant to Section 301(h) of the Congressional Accountability Act, which requires that the Office of Compliance:

“... 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.” All information and statistics in this report, unless otherwise specified, cover the period of October 1, 2004 to September 30, 2005.

This report is also prepared pursuant to the February 2004 Government Accountability Office (GAO, formerly the General Accounting Office) report, “Office of Compliance: Status of Management Control Efforts to Improve Effectiveness.” This audit recommends that the Office of Compliance improve communication with Legislative Branch stakeholders and strengthen our own internal strategic initiatives. To that end, we have prepared this document so that our stakeholders may have a comprehensive view of our progress in our strategic planning efforts.

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.



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## **Board of Directors**

The Office of Compliance has a five-member, non-partisan Board of Directors appointed by the Majority and Minority Leaders of both the House of Representatives and the Senate. The Board Members come from across the United States and are chosen for their expertise in labor and employment law.

### **Susan S. Robfogel Chair, Board of Directors**

Susan Robfogel is a partner in the Rochester and New York City offices of Nixon Peabody LLP. Since 1984, Mrs. Robfogel has been a Member of the New York State Data Protection Review Board; she chaired the Board in 1990 and is currently its Vice Chair. She is also a fellow of the College of Labor and Employment Lawyers and served three terms as a member of the Federal Service Impasses Board. Mrs. Robfogel has been a member of the New York State Bar Association House of Delegates and is Past Chairman of the New York State Bar's Health Law Committee. She is a fellow of the American Bar Foundation and a member of the Labor Law Section of the New York State and American Bar Associations. Mrs. Robfogel is a graduate of Smith College and holds a J.D. from Cornell Law School. Mrs. Robfogel was first appointed to the Board of Directors of the Office of Compliance in 1999 and was reappointed for a second five-year term in 2004.

### **Barbara L. Camens Member, Board of Directors**

Barbara L. Camens is the proprietor of the Washington, D.C. law firm of Barr & Camens. Ms. Camens has extensive litigation experience in Federal court before federal administrative agencies and in arbitration. Ms. Camens is a member of the District of Columbia Bar (Labor and Employment Section) and is a frequent speaker on the topics of labor and employment law. Ms. Camens is a graduate of Ohio State University and received her law degree from the University of Pennsylvania Law School. Ms. Camens was appointed to the Board of Directors of the Office of Compliance in 2000. She was reappointed to a second five-year term in 2005.

### **Alan V. Friedman Member, Board of Directors**

Alan Friedman is a partner in the Los Angeles firm of Munger, Tolles & Olson LLP. Mr. Friedman served in the office of the Solicitor of the U.S. Department of Labor and has chaired the Civil Service Commission of Los Angeles. He was also Labor Relations Counsel to the 1984 Los Angeles Olympic Organizing Committee. Mr. Friedman is a member of the American Bar Association (Labor and Employment Law Section), the California Bar Association, and the Los Angeles County Bar Association (Labor and Employment Law Section). He is a Past President of the Labor Law Section of the Los Angeles County Bar Association. A graduate of the University of Pennsylvania, he received his J.D. from Case Western Reserve University Law School, and an L.L.M. from the Georgetown University Law Center. Mr. Friedman was first appointed to the Board of Directors of the Office of Compliance in October 1999 and was reappointed for a second five-year term in 2004.



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**Roberta L. Holzwarth**  
**Member, Board of Directors**

Roberta L. Holzwarth is a partner in the Rockford, Illinois law firm of Holmstrom & Kennedy, P.C. She is also a Certified Mediator for the Circuit Court in Winnebago County, Illinois. She has served as the Secretary of the Board of Fire and Police Commissioners of the City of Rockford, Illinois since 1990. Ms. Holzwarth is a member of the Winnebago County Bar Association, where she served as its President from 1999 to 2000. She is a member of the American Bar Association and its Labor and Employment Law Section, as well as the Illinois Bar Association. Ms. Holzwarth graduated from Stanford University with a Bachelors of Arts degree and received her J.D. from the University of Illinois College of Law. Ms. Holzwarth was appointed to the Board of Directors of the Office of Compliance in 2000. She was reappointed to a second five-year term in 2005.

**Barbara Childs Wallace**  
**Member, Board of Directors**

Barbara Childs Wallace is a shareholder in the Jackson, Mississippi law firm of Wise, Carter, Child & Caraway, where she chairs the firm's labor and employment section. Prior to joining Wise, Carter, Child & Caraway, she served as a law clerk to the Honorable Roger Robb and George E. MacKinnon of the United States Court of Appeals for the District of Columbia Circuit. Ms. Wallace also served for many years as Chairman of the Civil Rights Reviewing Authority for the United States Department of Education. Ms. Wallace is a member of the American Bar Association (Labor and Employment Section), the District of Columbia Bar, and the Hinds County Bar Association. She is the Vice President of the Labor and Employment Section of the Mississippi Bar Association. Ms. Wallace graduated from Purdue University (B.A.), Loyola University of Chicago School of Law (J.D.), and the National Law Center of George Washington University (L.L.M.). Ms. Wallace was first appointed to the Board of Directors of the Office of Compliance in October 1999 and was reappointed for a second five-year term in 2004.

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## Key Staff

Four statutory employees appointed by the Board of Directors carry out day-to-day management functions of the Office of Compliance. These employees include an Executive Director, two Deputy Executive Directors, and a General Counsel.

### **William W. Thompson, II** Executive Director

William W. Thompson, II was appointed by the Board of Directors of the Office of Compliance to the position of Executive Director in March 2001. Prior to his appointment as Executive Director, Mr. Thompson served as the President and a principal stockholder of the Washington, D.C. and Northern Virginia law firm of Zwerdling, Paul, Leibig, Kahn, Thompson & Wolly, P.C. With Zwerdling, Paul since 1986, Mr. Thompson represented not-for-profit employers, Federal sector, public sector, and private sector employees, and employee organizations throughout the United States. From 1981 to 1986, Mr. Thompson was a principal stockholder with Paul and Thompson, P.C., a labor and employment firm in Arlington, VA. Prior to this, he served as General Counsel for the American Federation of School Administrators and was responsible for the overall legal policies, institutional defense, and litigation strategies of the organization. Mr. Thompson graduated from Amherst College and earned his J.D. from Columbia University School of Law. Legislation was passed and signed by the President authorizing the Board of Directors to reappoint Mr. Thompson at the end of his term in April 2006.

### **Peter Ames Eveleth** General Counsel

Peter Eveleth was appointed by the Board of Directors of the Office of Compliance to the position of General Counsel in June 2003. Prior to his appointment, Mr. Eveleth served as Senior Special Counsel to the General Counsel of the National Labor Relations Board (NLRB). During his career with the NLRB, Mr. Eveleth also served as Assistant General Counsel of the Contempt Litigation Branch, the office responsible for assuring nationwide compliance with court-enforced NLRB orders. Prior to 1994, Mr. Eveleth was Of Counsel to the Washington office of Akin, Gump, Strauss, Hauer and Feld where he represented management clients in a broad range of labor and employment matters. Mr. Eveleth is a graduate of Cornell University's School of Industrial and Labor Relations and earned his J.D. from the University of Pennsylvania Law School.

### **Alma R. Candelaria** Deputy Executive Director for the House

Alma R. Candelaria was appointed by the Board of Directors of the Office of Compliance to serve a five-year term as Deputy Executive Director for the House in September 2001. Prior to joining the Office of Compliance, Ms. Candelaria served as the Senior Advisor to the Associate Deputy Administrator for Management and Administration at the U.S. Small Business Administration and from 1993 through 1999 worked at the U.S. Department of Labor. Other key positions include Legislative Assistant to former Congressman Esteban E. Torres (CA-34), Director of





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Leadership Development and Government Affairs at the National Association of Latino Elected and Appointed Officials, and Programs Director with the Congressional Hispanic Caucus Institute. Ms. Candelaria received her Bachelor of Arts degree in political science from the University of California, Santa Barbara and a Master's Degree in Public Administration from American University in May 2005.

**Tamara E. Chrisler**  
**Deputy Executive Director**  
**for the Senate**

Tamara E. Chrisler was appointed to a five-year term as Deputy Executive Director for the Senate by the Chair of the Board of the Office of Compliance in June 2005. Prior to joining the Office of Compliance, Ms. Chrisler served as a labor and employment attorney for the Federal Bureau of Prisons, representing the interests of the government, as well as administrative agencies, in claims brought by employees before the Federal court. After less than two years of serving as a staff attorney, Ms. Chrisler was selected to join in managing the Labor Law Branch of the Bureau of Prisons as Deputy Associate General Counsel. Ms. Chrisler also served as Prevention of Sexual Harassment Coordinator for the Bureau of Prisons. From 1993-1997, Ms. Chrisler served as an Assistant State's Attorney in the Cook County State's Attorney's Office in Chicago, Illinois. In the State's Attorney's Office, she represented the People of the State of Illinois in child abuse and neglect cases, juvenile felony and misdemeanor cases, and adult felony cases. Ms. Chrisler served as a Special Prosecutor in the Juvenile Justice System, prosecuting high profile habitual and violent juvenile felony offenders. Ms. Chrisler completed her professional education at the University of Illinois in Urbana, Illinois, earning a Bachelor of Arts in French Literature in 1990 and a Juris Doctor in 1993.



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## Staff of the Office of Compliance

### *Staff of the Executive Director*

Selviana B. Bates,  
Case Processing Manager

Beth Hughes-Brown,  
Administrative and Budget Officer

Sarah Buckbee,  
Assistant Systems Administrator

Teresa James,  
Director, Counseling and Mediation

Keela Jones,  
Receptionist

G. Ann Woodbury,  
Executive Assistant to the Executive Director

### *Staff of the General Counsel to the Office of Compliance*

James Abbott,  
Deputy General Counsel

Michelle Davy,  
Staff Attorney

Carol Griffith,  
Paralegal/Administrative Assistant to the General Counsel

Luis Guzman,  
Health and Safety Specialist

Kisha Harley,  
Legal Technician

Stephen Mallinger,  
Special Assistant to the General Counsel/Lead Safety  
and Health Inspector

Kate Tapley,  
Senior Attorney

James Valentine,  
Staff Attorney



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## About the Congressional Accountability Act

The Congressional Accountability Act (CAA), enacted in 1995, was the first piece of legislation passed by the 104<sup>th</sup> Congress. The CAA, which received broad bipartisan support, requires covered Legislative Branch entities to follow many of the same employment and workplace safety laws applied to businesses and the Federal Government. The CAA also established a dispute resolution procedure that emphasizes counseling and mediation for the resolution of disputes.

The CAA applies twelve civil rights, labor, and workplace safety laws to covered Legislative Branch entities. These laws include:

- The Age Discrimination in Employment Act
- The Americans with Disabilities Act
- Title VII of the Civil Rights Act of 1964
- The Employee Polygraph Protection Act
- The Fair Labor Standards Act
- The Family and Medical Leave Act
- The Federal Services Labor-Management Relations Act
- Occupational Safety and Health Act of 1970
- The Rehabilitation Act of 1970
- Uniformed Service Members Employment and Reemployment Rights under Chapter 43, Title 38 of the U.S. Code
- The Worker Adjustment and Retraining Act

The CAA was amended in 1998 to include the provisions of the Veterans Employment Opportunities Act.

The CAA protects over 30,000 employees of the Legislative Branch, including employees of the House of Representatives and the Senate (both Washington, D.C. and state district office staff); the Office of the Architect of the Capitol; the Capitol Police; the Capitol Guide Service; the Congressional Budget Office; the Office of the Attending Physician; and the Office of Compliance. Certain provisions of the CAA also apply to the Government Accountability Office (GAO) and the Library of Congress. The CAA protects both current employees and job applicants, and in certain instances former employees or members of the public may also be covered.



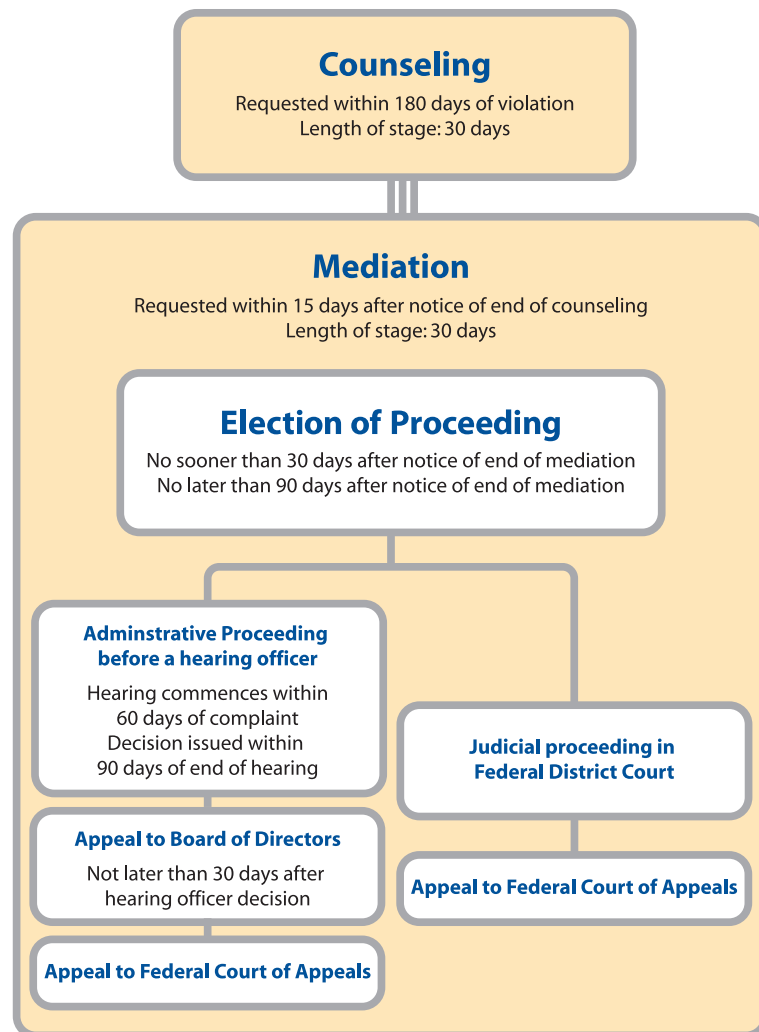
## About the Office of Compliance

The Office of Compliance is an independent agency established by the CAA to administer and enforce the Act. The Office of Compliance has a number of primary functional responsibilities:

### Dispute Resolution

The Office of Compliance administers the CAA's mandatory dispute resolution process of counseling and mediation for the settling of disputes. If the parties involved are not able to resolve their dispute through counseling and mediation, an employee may either pursue a non-judicial administrative hearing process with the Office of Compliance or file suit in Federal court. The administrative hearing process offers more efficient resolution and greater confidentiality than a Federal civil suit while still offering the same remedies that a court can provide.

Figure 1: Office of Compliance Dispute Resolution Process





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## **Education and Information**

The Office of Compliance educates covered employees and employing offices in the Legislative Branch about their rights and responsibilities under the CAA. Education and information activities include developing and distributing written materials and publications, maintaining a web site, conducting conferences, workshops and briefings, and providing referrals and information to employees and employing offices on an individual or group basis.

## **Reports and Recommendations to Congress**

Section 102(b)(2) of the CAA requires the Board of Directors to submit a biennial report to Congress on the applicability to the Legislative Branch of any employment laws not already made applicable by the CAA. Section 301(h) of the CAA requires an Annual Report to Congress presenting statistics on the use of the Office of Compliance by covered employees and employing offices in the Legislative Branch. Beginning in FY 2004, this Annual Section 301(h) Report has been utilized as a mechanism to report statistical information and report on annual progress toward achievement of strategic goals outlined in our organizational strategic plan.

## **Periodic Safety and Health Inspections**

The CAA requires the General Counsel of the Office of Compliance to inspect facilities in the Legislative Branch for compliance with safety and health standards at least once each Congress and to report those findings to Congressional Leadership.

## **Requestor Initiated Safety and Health Inspections**

The CAA's safety and health provisions give covered employees and offices the right to request inspections of potentially hazardous conditions in work areas. When a Request for Inspection is received, the General Counsel of the Office of Compliance initiates an on-site investigation and sends a detailed report to the employing office explaining any steps that may be needed to remedy the problem. If the General Counsel finds a violation, a notification or citation may be issued to the offices responsible for correcting the problem. If the violation is not corrected once a citation has been issued, the General Counsel may file a complaint before an independent Hearing Officer with the Office of Compliance.

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### **Disability Access Inspections**

The General Counsel of the Office of Compliance is required to conduct inspections at least once each Congress to determine compliance with the rights and protections against discrimination in the provision of public services and accommodations established by the Americans with Disabilities Act (ADA). The General Counsel is also responsible for investigating charges of disability access discrimination. If an investigation reveals that a violation has occurred, the General Counsel may request mediation to resolve the dispute or may file a complaint before an independent Hearing Officer with the Office of Compliance against the entity responsible for correcting the alleged violation.

### **Collective Bargaining Representation**

The Executive Director of the Office of Compliance receives, reviews and processes requests for collective bargaining representation by an employee organization as the exclusive bargaining representative for units of employees.

### **Unfair Labor Practices**

The General Counsel of the Office of Compliance is responsible for investigating allegations of unfair labor practices and for filing and prosecuting complaints of unfair labor practices before an independent Hearing Officer with the Office of Compliance.



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## FY 2005 in Review

Two pieces of legislation introduced and passed in FY 2005 had a major positive impact on the institutional stability and management continuity at the Office of Compliance. As the fiscal year began, the House and Senate passed H.R. 5122, which authorized the current Board of Directors of the agency to serve for a second five-year term. Board Chair Susan Robfogel of New York, and Board Members Alan Friedman of California, Barbara Childs Wallace of Mississippi, Barbara Camens of Washington, D.C., and Roberta Holzwarth of Illinois were reappointed by the bipartisan leadership of both houses.

In the summer of 2005, at the request of the Board of Directors, H.R. 3071 was introduced and passed. H.R. 3071 provides the Board authority to reappoint the current executive leadership staff for second five-year terms, including the Executive Director, General Counsel, and two Deputy Executive Directors. Both pieces of legislation respond to several recommendations regarding term limits made by the Government Accountability Office in its February 2004 Report. The Office appreciates the support offered by the Congressional Leadership and by the Chairs and Ranking Members of the Office's oversight committees: the Committee on House Administration, Senate Committee on Rules and Administration, and the Senate Committee on Homeland Security and Governmental Affairs. The Office is a stronger and more responsive institution as a result of these measures.

FY 2005 was a year of continued significant accomplishment for the Office of Compliance in other respects as well. We continued to implement and follow through with our strategic planning, we completed reorganizations of the administrative support staff and of the Office of the General Counsel's Occupational Safety and Health enforcement structure, and we continued to enhance education and outreach efforts throughout the congressional community. These efforts helped adopt Interim Performance Measures for FY 2006, and also formed the basis for a major increase in the Office's OSH enforcement appropriation and additional educational initiatives for FY 2006.

The Office of Compliance web site, [www.compliance.gov](http://www.compliance.gov), now provides visitors even more user-friendly information, and includes new navigational features that make access to every aspect of the Office's activities, from appellate decisions by the Board of Directors to *Fast Facts* discussions of employee rights and responsibilities, easier and more accessible. The agency's hard copy materials, particularly the new *CAA Handbook*, provide more comprehensive information in a far more efficient format. Stakeholders across Capitol Hill and in congressional district offices have commented that our web site is one of the best small agency web sites in Government, and our written materials are both easy to read and informative. While we are

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pleased by such feedback, our operating philosophy remains committed to “continuous improvement.” We continue to invite comments and criticisms from anyone who uses or is impacted by the activities of this agency. You are invited to submit comments or criticisms to me directly at [bthompson@loc.gov](mailto:bthompson@loc.gov) or 202-724-9250.

The Office’s administrative dispute resolution program continues to produce a high rate of successful voluntary settlements of employment disputes involving employers and employees in both houses of Congress, as well as most of the congressional agencies. Controversies involving alleged violations of many of the 12 statutes administered and enforced by the Office were successfully resolved during FY 2005 without resort to formal adversarial proceedings. We continue to search for ways to improve our dispute resolution assistance.

Perhaps the most visible aspect of the Office’s multiple responsibilities is its administration and enforcement of the Occupational Safety and Health Act. The Office’s OSHA jurisdiction includes the physical safety and security of Legislative Branch employees, as well as the assurance that emergency response plans and procedures are adequate to meet the many and varied threats to the safety and security of everyone who works in or visits Capitol Hill. In the past, the agency’s resources have been unequal to this task. Nevertheless, we continued to make major progress in FY 2005, both in the quality and range of our health and safety inspections, and in our facilitation of health and safety improvements by Legislative Branch agencies. FY 2005 saw the successful groundwork laid within the Office of the General Counsel for a major increase in the Office’s safety and health inspections and enforcement resources for FY 2006.

In summary, FY 2005 was a year in which this agency continued to strengthen its operational infrastructure, its education and outreach efforts, and its active engagement with stakeholders across the Legislative Branch in improving the workplace for both employers and employees.





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## **Our Strategic Plan and GAO's 2004 Report, "Office of Compliance: Status of Management Control Efforts to Improve Effectiveness"**

In 2004, the GAO conducted a review of the Office of Compliance to assess the Office of Compliance's overall effectiveness and efficiency (*GAO-04-400*). The GAO made several recommendations to the Office, including strengthening our strategic planning process, facilitating communications with our Legislative Branch stakeholders, and building a controlled management environment within the Office.

In response to these suggestions, the Office created a Strategic Plan for FY 2004-2006. The pages that follow seek to provide our stakeholders with a comprehensive outline of our performance during FY 2005 as it relates to this Strategic Plan. Many of the goals and objectives referenced in the GAO's major management audit are provided in these pages, and will also provide the secondary source document for this agency's blueprint for the future.

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## Strategic Plan Goal One

Protect the health and safety of Legislative Branch employees and assure equal access to individuals with disabilities, by:

- Acquiring and installing a new comprehensive record-keeping system for Occupational Safety and Health Administration (OSHA) and Americans with Disabilities Act (ADA) related cases, and completing input/conversion of prior case data
- Completing all required health and safety and public access inspections
- Addressing the periodic fluctuation in Occupational Safety and Health (OSH) inspection workload
- Providing increased safety and health and ADA technical assistance focusing on the service needs of the regulated community
- Facilitating coordination among campus-wide agencies for safety and health issues

### **Acquiring and Installing a New Comprehensive Record Keeping System for OSHA and ADA Related Cases, and Completing Input/Conversion of Prior Case Data**

In FY 2005, the Office of the General Counsel (OGC) successfully upgraded our information technology capabilities by implementing computer software acquired after an exhaustive comparative study. This software allows the OGC to perform its mandated functions - including monitoring compliance with OSHA and ADA public access and public accommodations-related matters - more effectively. The upgraded software also allows us to monitor whether cases have been successfully closed, track the time taken to address all violations, and effectively sort all violations into categories such as nature, location, severity, and type. This system further enables the OGC to carry out our enforcement program by allowing us to easily view the violations that have been remedied and the citations that remain outstanding. Further, this system allows us to electronically access findings from inspections prior to 2004.

### **Completing All Required Health and Safety and Public Access Inspections**

The Congressional Accountability Act (CAA) requires that the Office of Compliance's General Counsel enforce OSHA standards by performing periodic inspections of all facilities covered by the CAA. In FY 2005, Office of Compliance officials worked closely with Congressional Appropriations Committees to ensure that sufficient resources were available for such



necessary inspections. As a result, both the House and Senate approved an amended FY 2006 budget request, which provides a significant increase in health and safety inspector resources so that we may conduct full campus-wide inspections during the 109<sup>th</sup> Congress.

Inspections conducted in FY 2005, while not fully comprehensive, were far more thorough than in years past. The Office of the General Counsel also made a substantial effort to reduce the backlog of open cases initiated by specific requests, while continuing its mandated biennial inspection of the 108<sup>th</sup> Congress. As part of the FY 2005 inspections, approximately five million square feet of the 17 million Capitol Hill complex facilities were inspected. The Office identified over 2,600 violations, as opposed to only 350 violations in the 107<sup>th</sup> Congress inspection cycle. We hope to maintain this increased level of productivity, but we will continue to require adequate funding in order to do so.

In an effort to increase productivity and effectively communicate OSH-ADA inspection findings to stakeholders, the Office of the General Counsel adopted the Risk Assessment Code (RAC), a standardized system used to evaluate safety and fire hazards. The RAC is an industry-wide evaluation system used by the Department of Defense and others. We also utilized measures established by the National Fire Protection Association (NFPA) to evaluate fire risk in Legislative Branch facilities. The NFPA standards consider such factors as age, quality, and coverage of alarm and sprinkler systems. Both evaluation systems help eliminate the subjectivity of the inspection process and enable the General Counsel and his inspection team to take a more methodical approach to enforcement priorities.

Utilizing these new evaluation systems, the Office of the General Counsel's inspection of the 108<sup>th</sup> Congress found significant problems in numerous areas, including potentially fire hazardous unenclosed stairwells, breaches in fire barriers, non-rated fire doors, and exposure to lead, asbestos, and electrical hazards. Many of the worst violations were in areas identified as serious hazards in prior inspection reports.

### **Addressing the Periodic Fluctuation in OSH Inspection Workload**

The Office of the General Counsel began our inspections of the 109<sup>th</sup> Congress in June 2005. As was documented in the FY 2004 Annual Report, the scheduling of the periodic inspections no longer occurs in the second half of the congressional session. This decision reduces compression of the inspection calendar by allowing the use of the entire congressional term, increasing the quality of inspections and avoiding "down time" in the inspection process. The Office now operates a continuous inspection regimen.

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In FY 2005 the General Counsel's inspection team gave priority attention to those facilities that had not been inspected during the 108th Congress inspection period. Because inspections are often delayed while Congress is in session, the inspection squad maximized recess periods in FY 2005. In particular, teams began inspections of Member and Committee offices in both the Senate and House while Members were on summer recess.

### **Providing Increased Safety and Health and ADA Technical Assistance Focusing on the Service Needs of the Regulated Community**

The Office of the General Counsel continues to receive a substantial increase in the number of requests for specific inspections by employing offices, unions, and employees regarding OSHA and ADA issues. The inquiries range from the nature of accommodations to the reporting of hazards.

The Office of Compliance provided increased formal and informal technical assistance to the Legislative Branch in FY 2005. One of our most effective tools for providing technical assistance has been our *Fast Facts* publications. *Fast Facts* were created in FY 2004 as a "real time" educational tool to address and highlight reoccurring safety problems our inspectors found during periodic campus-wide inspections. Web site traffic on this tool alone increased exponentially in FY 2005. We have collected a variety of anecdotal testimonials from our covered community and external sources on the usefulness of this easy-to-read publication, and we plan to use our *Fast Facts* material to help target and develop training for employing offices.

The Office of the General Counsel has completed our congressionally mandated biennial OSHA and ADA Reports, and we expect them to be issued in December 2005. The General Counsel also anticipates building on the success of the 2004 Conference on Workplace Safety and Health by conducting another such meeting in 2006.

### **Facilitating Coordination Among Campus-wide Agencies for Safety and Health Issues**

One clear result from the increased collaborative nature of our periodic inspection process has been better communication between the OOC and our covered community. In FY 2005, the Office of the General Counsel made major progress toward implementation of a Memorandum of Understanding (MOU) with the U.S. Capitol Police Board. The purpose of the recently signed MOU is to clarify roles, responsibilities and processes for all parties involved. The Office of the General Counsel intends to establish appropriate protocols campus-wide with each of our major stakeholders, thus



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establishing a clearer understanding of our agency's processes. We hope such open dialogue will ease communications. Communication and coordination are especially critical in the safety and health arena.

Another General Counsel vehicle to facilitate coordination on Capitol Hill was the Legislative Branch Safety and Health Group. An outgrowth of the April 2004 Legislative Branch Safety and Health Conference, this group serves as a working group and mechanism to disseminate ADA and safety and health information campus-wide. Given limitations to scheduling, funding and resources, we were unable to implement the FY 2005 quarterly meeting schedule. We hope to return to our regular schedule during FY 2006.

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## Strategic Plan Goal Two

Improve knowledge and understanding of rights and responsibilities under the CAA, and promptly/fairly resolve disputes by:

- **Administering the Office’s dispute resolution process in an efficient and effective manner, and evaluating the effectiveness of the dispute resolution process**
- **Conducting education and outreach efforts to improve the voluntary compliance with workplace laws and to improve the quality of the employing office-employee relationship**
- **Establishing the Office as a repository of information and technical guidance**
- **Promoting mediation as a better, more comprehensive tool for resolving workplace disputes**
- **Undertaking or commissioning studies and research to foster improvements in knowledge and sophistication of the regulated community regarding their rights and responsibilities under statutes applied through the CAA**

### **Administering the Office’s Dispute Resolution Process in an Efficient and Effective Manner, and Evaluating the Effectiveness of the Dispute Resolution Process**

To measure progress in the area of effectiveness and efficiency, the Office took a multi-pronged approach. First, we surveyed participants in our dispute resolution process. Second, we reviewed our software and hardware systems, and we analyzed how we procure contractual services. Third, the General Counsel’s office focused attention on “interest-based” resolution of pending unfair labor practice caseload. These progress measurements spanned both FY 2004 and FY 2005, and are explained in greater detail in the following paragraphs:

First, in FY 2004, the Office initiated a survey of participants in the case mediation experience. Our aim was to gauge the Office’s effectiveness regarding participants’ experience in the mediation process. This first effort proved unsuccessful due to a low response rate, but we used the experience to refine the survey instrument and delivery method.

In FY 2005, the Office enlisted the assistance of the Government Accountability Office to review the restructured and redesigned mediation survey. The survey is now more user-friendly and has better enabled us to capture the participants’ level of satisfaction with our process. We also revised the survey distribution process by requiring mediators to disseminate the survey to the parties immediately upon conclusion of the final mediation session. The Office continues to assess whether the immediate distribution of the



survey will further increase the response rate. We anticipate that the data received from the survey will provide a sound overview of the participants' experience, enabling us to improve the mediation process for employers and employees.

Second, we reviewed our case tracking system. We currently utilize a 10-year-old software package to track the processing of disputes that are filed with the Office through the various stages. This software system is several generations behind currently available systems. Accordingly, we have determined that an updated case tracking system is critical to maintain the efficient processing of claims through the dispute resolution program. We convened a planning team in FY 2005 to review and analyze various software programs. Our comprehensive review includes both off-the-shelf systems and interviews with case managers from similar-sized organizations. Our ultimate goal is to upgrade services while meeting the unique processing requirements of the Congressional Accountability Act and the Office's Procedural Rules.

A systematic review of efficiency in our case handling processes has resulted in an operational review of our contractual services of mediators and Hearing Officers. This in-depth review resulted in the Office amending its contracts for mediators and Hearing Officers beginning in FY 06. These changes allow for more cost-efficiency without compromising accountability.

Third, the Office of the General Counsel focused on "interest-based" resolution of pending unfair labor practices. This approach, which encourages a full review of each party's "interests" as well as their arguments, was successful in achieving resolution of 13 cases, eight of which were long-standing where no progress had previously been made. Our efforts resulted in a better focus on the remaining unfair labor practice cases with significant merit.

### **Conducting Education and Outreach Efforts to Improve Voluntary Compliance With Workplace Laws and to Improve the Quality of the Employing Office-Employee Relationship**

The Office of Compliance continues to educate employees and employing offices about their rights and responsibilities under the CAA, and we strived to become even more pro-active in this area in FY 2005. Significant accomplishments in the education area include the addition of a powerful search engine on the agency's web site, an update of all educational products, a complete reprint and redesign of the text of the CAA, a completely revamped version of the Office of Compliance Regulations, a new educational resource manual and accompanying CD-Rom, and a new printing of the Office of Compliance Procedural Rules. Our products are improved, easier



to read and are more thorough. An additional benefit is uniformity of appearance of all materials by incorporating a new Office of Compliance logo and organizational identity.

The redesign of the web site - an integral part of the new suite of materials - was a sweeping change and vast improvement. The web site is the online component for the information contained in the CAA Handbook and eHandbook, integrating the content of all office products in one place. Other significant features include new pages on events and press releases, an integrated section for tools and educational resources, and a powerful search engine to aid in the use of the site.

The most dramatic accomplishment relating to this aspect of the Strategic Plan was the launch of a new suite of innovative educational products, the CAA Handbook, and the eHandbook on CD-Rom. These materials were a complete departure from previous office products, emphasizing ease of use and greater access to in-depth information for readers. Both products also incorporate identical language on all topics, ensuring that major office materials are uniform and consistent in content.

The eHandbook on CD-Rom was the greatest departure from previous products. A companion to the CAA Handbook, the eHandbook is an electronic reference library of materials related to the CAA. It offers our readers quick access to all of the information in the CAA Handbook, as well as additional reference material previously available only online or not at all. The CD-Rom permits easy access to all significant Office of Compliance reference information for those who do not have easy access to the Internet or do not wish to make use of our web site. The eResources' initiative is aimed at providing online tools and educational resources like new Power-Point presentations, posters, and publications.

The increased visibility resulting from these improvements has caused our products and resources to gain broader attention across the Legislative Branch and beyond. For example, the effort to provide more content online and offer more tools and resources on the web site has resulted in major increases in web site traffic, with total hits to the site increasing by well over 100% compared to FY 2004. Future success of similar endeavors relies heavily on the Office of Compliance's ability to acquire additional resources, and to solicit additional cooperation from the Legislative Branch.

As a complement to these education efforts, our outreach efforts in FY 2005 included attendance and participation at educational briefings and the House Service Fair and AOC's Safety and Health Fair. We also hosted a one-day training conference on dispute resolution in the workplace in June 2005. In



preparation for the event, an Office of Compliance contractor interviewed covered community members to identify needs, assess how Capitol Hill agencies handle dispute resolution “in-house,” and later held a focus group to validate findings. The workshop proved to be quite successful, not only because it was so well-received, but also because it demonstrated the effectiveness of communication through live education and training. Attendees appreciated the depth of knowledge of our facilitators and the opportunity to apply lessons learned. Such sentiments were reflected in participant evaluations.

We hope that the primary focus of education efforts for FY 2006 will be the implementation of a baseline survey to help the office systematically measure progress in improving awareness and to help gauge knowledge of the laws and procedures administered by the Office among the employing offices and employees. By establishing a baseline for the level of awareness and knowledge among the population served, the Office of Compliance will be able to establish quantifiable measures to periodically track our progress.

### **Establishing the Office as a Repository of Information and Technical Guidance**

One of GAO’s recommendations to the Office of Compliance in its management audit included the establishment of a clearinghouse for shared best practice information on topics covered by the CAA (*GAO-04-400 p. 32*). In FY 2005, we opened discussions with private sector and not-for-profit organizations such as the National Safety Council (NSC), and the Voluntary Protection Programs Participants’ Association (VPPPA) to receive insight from best practice organizations in the private, public and government sectors. These relationships have proven to be instrumental resources for future partnership activities. For example, our discussions with VPPPA will hopefully lead to a pilot program to help Legislative Branch agencies utilize the expertise of safety personnel from Fortune 500 organizations. Discussions with the NSC, a congressionally chartered organization and leader in safety and health advocacy, has laid the groundwork for a comprehensive safety and health survey and another safety and health conference.

While we have been unable to formally establish a “clearinghouse,” we have been able to leverage these relationships as strategic resources in our everyday work. In recognition of the Office’s efforts in this regard, Executive Director Thompson was asked to become a Government Advisor to NSC’s Board of Delegates.

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### **Promoting Mediation as a Better, More Comprehensive Tool for Resolving Workplace Disputes**

As previously referenced, we approached our June 2005 workplace dispute resolution conference as a means of communicating the benefits of mediation to covered community members. In preparation, staff and contractors interviewed targeted community members and surveyed the general community before the workshop. We are convinced that such live, interactive educational outreach efforts are needed on a sustained basis to help stakeholders learn to resolve issues before they come to the OOC. We plan to use all available methods - including training, partnerships, our web site, and our publications - to continue to promote mediation as a systematic means of solving workplace disputes.

### **Undertaking or Commissioning Studies and Research to Foster Improvements in Knowledge and Sophistication of the Regulated Community Regarding Their Rights and Responsibilities Under Statutes Applied Through the CAA**

In FY 2005, we prepared for the dispute resolution workshop discussed earlier by commissioning a study of stakeholder practices and interests. We commissioned the assistance of a management consultant to help assess the state of informal dispute resolution programs already in place internally at other agencies on Capitol Hill. During the summer, the consultant interviewed employing offices regarding their formal and informal methods of addressing employment-related disputes. These interviews helped guide the planning of the workshop. We also held a focus group to refine the workshop agenda and ultimately surveyed employing offices to finalize the workshop agenda.



## Strategic Plan Goal Three

Provide legislative and regulatory recommendations and assistance to Congress to improve the administration of the Congressional Accountability Act, by:

- Pursuing the implementation of existing reports and recommendations from the Board of Directors to Congress
- Monitoring and recommending new legislation to maintain congressional accountability
- Completing projects that enhance the Office's interaction with stakeholders
- Learning from administrative and regulatory experience to identify any gaps, shortcomings, or barriers in existing and enabling law and regulations
- Conducting or commissioning research on workplace practices among employing offices as a basis for future education and recommendations for improvement of workplace practices

### Pursuing the Implementation of Existing Reports and Recommendations From the Board of Directors to Congress

Section 102(b) of the CAA mandates that the Board of Directors recommend improvements in congressional accountability every two years. In December 2004 (FY 2005), the Board of Directors transmitted its sixth Section 102(b) Report, which reiterated the formal recommendations previously submitted since 1996. The Board is actively committed to these proposals for amendment to the Congressional Accountability Act:

On the rulemaking front, the Board was active in FY 2005. Following the Veterans Employment Opportunities Act (VEOA) consultations of FY 2004, the Board acted on comments received and reestablished key stakeholder contact during FY 2005 on the proposed regulations. As FY 2005 came to a close, the Board continued its meetings with stakeholders to ensure that the proposed regulations address their needs. The Board anticipates submitting the proposed regulations for approval during the second session of the 109<sup>th</sup> Congress.

During FY 2004, the Board of Directors submitted proposed amended substantive regulations relating to the changes in the Fair Labor Standards Act (FLSA) regarding exemptions from the payment of overtime. These proposed regulations were prompted by the August 2004 Department of Labor overtime exemption regulations. During FY 2005, the Board of Directors reviewed comments received from stakeholders and transmitted the proposed regulations to Congress for publication in the *Congressional Record*. As of this writing, the Board awaits Congressional action on the proposed regulations.

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## **Monitoring and Recommending New Legislation to Maintain Congressional Accountability**

The Office continues to monitor and track legislation relating to workplace, safety and access issues. In FY 2005, a single staff member had the responsibility to track legislation as part of a larger portfolio. In FY 2006, the Office intends to purchase a subscription to a tracking service to help better fulfill this statutory requirement.

As a result of language included in the FY 2006 Legislative Branch Appropriations bill, the House Appropriations Committee requested that the Office of Compliance review, report, and make recommendations on the dispute resolution programs within the Legislative Branch. The focus of this review is efficiency, effectiveness and possible cost savings. In line with that mandate, the Office of Compliance has begun its overview of all dispute resolution programs available throughout the Legislative Branch.

## **Completing Projects That Enhance the Office's Interaction With Stakeholders**

As an organization with a dual mission of education and enforcement in twelve areas of the law, the Office of Compliance continues to deepen consultations with a broad range of stakeholders. Key to remaining true to all aspects of our mission, we continue to prioritize stakeholder involvement, collaboration and increased communication across our covered community as key areas of growth. This said, engaging our covered community requires an accompanying willingness and acceptance on the part of our partners. The Office of Compliance continues to define its unique role and responsibility on Capitol Hill.

FY 2005 marked a banner year for such ardent stakeholder involvement, as we looked both inward and outward in this regard. The inward review resulted in many systematic analyses of operations and processes. The catalyst for our internal reorganization on both the Executive Director and General Counsel's sides was a direct result of input on how we do our job and ways to do it better. Similarly, streamlining and documenting processes involved internal and external stakeholder input. Overall, clarity and transparency guided our improvement efforts in FY 2005.

All said, collaboration and stakeholder involvement took on many forms in FY 2005. As a result of stakeholder input, the Office improved results in many areas of effort, including topics of publications, focus of conference agendas, clarity of regulations, participation at safety conferences, sharing of resources, leveraging of external relationships, and much more.



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Our proudest achievement in this regard is the Office of Compliance’s collaboration with managers, staff and stakeholders to develop performance measures which will guide our Strategic Plan implementation in FY 2006. These specific, measurable, achievable, results-oriented, and timely measures gauge the Office of Compliance’s effectiveness against several of our strategic goals. These interim measures are a first step to develop more results-oriented performance measures that will adequately reflect our long-term objectives in the areas of safety and health, education and outreach, and dispute resolution.

### **Learning From Administrative and Regulatory Experience to Identify Any Gaps, Shortcomings, or Barriers in Existing and Enabling Law and Regulations**

The recommendations offered in the Board’s December 2004 Section 102(b) Report include their collective experience and expertise in the areas of safety and health, workplace rights, and dispute resolution. Supplementing the formal reports, this Board of Directors has actively approached their responsibilities in the Legislative Branch. Chair Rob-fogel has testified before Congress, has opened each of our educational conferences, and has taken every opportunity to speak to individual Members and Congressional Leadership as time allows and issues warrant. Similarly, other Board Members have played key roles in the negotiated rulemaking efforts during the 108<sup>th</sup> Congress.

### **Conducting or Commissioning Research on Workplace Practices Among Employing Offices as a Basis for Future Education and Recommendations for Improvement of Workplace Practices**

As discussed previously, in FY 2005, we approached our dispute resolution workshop in a comprehensive manner. We procured the assistance of a management consultant to help assess the general state of dispute resolution on Capitol Hill. During the summer we interviewed employing offices regarding their formal and informal methods of addressing employment-related disputes. These interviews helped guide the planning of the workshop. We also held a focus group to refine the workshop agenda. Finally, we surveyed employing offices to finalize the workshop agenda.

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## Internal Office Initiatives

In addition to the Strategic Plan's three overarching performance goals, the Office of Compliance has undertaken a number of internal initiatives. While not a formal part of the Strategic Plan, these initiatives - Financial Management, Human Capital, and Information Management - are vital to the Office of Compliance's continued success.

In FY 2005, the Office of Compliance completed an update of our Employee Handbook, including a Personnel Handbook, Emergency Action Plan, information technology policies, and the newly published Administrative Grievance Procedure. The Office of Compliance also adopted more stringent internal ethics rules of conduct for all employees.

We consider the implementation of each of these products significant accomplishments, because they play such an integral role in our administrative functioning as an agency.

### Financial Management

One of the most resource-intensive initiatives undertaken by the Office during FY 2005 was the transition from a substantially paper-based accounting system to "Momentum," the new web-based accounting system shared with the Library of Congress and the Congressional Budget Office. This electronic system went live on October 1, 2004.

Momentum is the culmination of three years of planning, needs-assessment, documentation, and training. The new paperless system is one of only a handful of accounting systems that is certified to be compliant with all Joint Financial Management Improvement Program (JFMIP) requirements.

The Office of Compliance is also conducting a pre-audit, which was scheduled to start in September, 2005. This will allow the Office of Compliance to generate a weakness report, which will measure success in complying with mandated financial laws, as well as generally accepted accounting practices (GAAP), and other practices with which the Office of Compliance already complies voluntarily. In FY 2006, the Office of Compliance also hopes to evaluate its own internal controls by these means.

### Human Capital

In FY 2005, the Office largely completed refining its staff performance evaluation system to reflect and support the GAO's recommendation that the Office "establish a modern, effective, and credible performance management system with appropriate safeguards for all OOC employees" (*GAO-04-400 p. 45*). Both the Executive Director and the General Counsel have finalized and im-





plemented their formal performance agreements with the Board of Directors, resulting in semi-annual or annual work plans for most Office of Compliance staff that cascade and establish a “line-of-sight” relating to the goals and objectives of the Strategic Plan.

The Office of Compliance also completed an IT skills inventory of all staff in FY 2005. This assessment measures basic familiarity with computer information technology, and was meant to track the staff’s development of basic IT capabilities. This inventory has become a source document for the Office’s interim Human Capital measures, as the Office hopes all staff will at least meet the average staff score of 78 during FY 2006.

In FY 2006, the Office of Compliance will continue its current efforts to develop a comprehensive Human Capital Plan. We have devised a skills assessment tool that will allow us to compare our current staffing structure with actual needs. The Office of Compliance also plans to administer the skills inventory early in FY 2006 in order to more effectively develop an overall plan.

### **Information Management**

The Office of Compliance’s Information Technology Task Force (IT Task Force) continued its efforts to help better integrate technology into the overall operations of the office in FY 2005. The IT Task Force established an initial three-year plan in FY 2005 that coincides with the office’s Strategic Plan. The plan prioritizes the tasks that remain, and will help the Office of Compliance continue to make progress in achieving overarching areas identified for consideration.

Completing and implementing the IT training plan for current staff is one of the Office of Compliance’s primary tasks for FY 2006. Due to shortfalls of resources for statutorily mandated program areas, funds earmarked for training have been used for other purposes in past years, resulting in the loss of some essential skills.

As a now ten-year-old agency, the Office of Compliance has realized the need for standardizing and organizing both its paper and data files. As a result, the office’s server hardware and software were upgraded in FY 2005, and electronic files were standardized and consolidated. In FY 2006, the Office of Compliance’s paper files will undergo the same reform, as funds have been allocated for the contracted services of an archivist.

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## Statistics on the Use of the Office of Compliance in FY 2005

These statistics are provided pursuant to Section 301(h) of the Congressional Accountability Act, which requires that the Office of Compliance compile and publish statistics on the use of the office by covered employees.

### Summary of Office Contacts

Employees and employing offices covered under the CAA may contact the Office of Compliance in person or by telephone 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.

The Office of Compliance's web site is the most complete resource for information on the CAA for employees and employers. An automated telephone information line with recorded information about the CAA and the Office of Compliance is also available for those who do not have ready access to the Internet.

During FY 2005, the Office of Compliance received 323 contacts by covered employees, employing offices, unions, and the public requesting information. Contacts were made both in person and by phone as illustrated below:

**Table 1: Summary of Contacts to the Office of Compliance by Group, FY 2005**

Contacts by Group	Number of Contacts
Employees	204
Employing Offices	19
Public	97
Unions	3
<b>Total</b>	<b>323</b>

*(Note: These figures do not include contacts made directly with the General Counsel of the Office of Compliance, visits to the Office of Compliance web site, or calls to the telephone information line.)*



## Contacts by Section of the Law

Employees contacted the Office of Compliance for a variety of reasons in FY 2005, from a question concerning the application of particular provisions of the law, to matters that may constitute a violation of the CAA. Each individual contact may involve several distinct portions of the law, which is why the total number of contacts in this section is higher than the total number of contacts in the above “Contacts by Group” section.

In FY 2005, the covered employees who contacted the Office of Compliance discussed sections of the law illustrated below:

**Table 2: Summary of Contacts to the Office of Compliance by Section of the Law, FY 2005**

Section	Description	Number of Contacts
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.	118
202	Rights and protections under the Family Medical Leave Act	20
203	Rights and protections under the Fair Labor Standards Act	20
206	Rights and protections under the Uniformed Service Employment and Reemployment Rights Act	1
207	Prohibition of intimidation or reprisal	17
210	Public access and accommodations under the Americans with Disabilities Act of 1990	7
215	Rights and protections under the Occupational Safety and Health Act of 1970	2
220	Unfair labor practices under chapter 71 of Title 5, U.S. Code	12
---	CAA General	33
---	Questions not directly related to the CAA	148

*(Note: Aggregate numbers will not necessarily match category totals, as a single contact may involve more than one issue or alleged violation. These figures do not include contacts made directly with the General Counsel of the Office of Compliance. For statistics on contacts with the General Counsel, refer to page 38.)*

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## Contacts by Issue

Employees typically contact the Office of Compliance with questions concerning the application of the CAA to specific work issues. Employee contacts during the covered period raised the issues illustrated below:

**Table 3: Summary of Contacts to the Office of Compliance by Issue, FY 2005**

<b>Issue</b>	<b>Number of Contacts</b>
Assignments	8
Benefits	15
Compensatory Time	21
Compensation	21
Discipline	24
Harassment	57
Hiring	12
Leave	9
Leave Eligibility	15
Minimum Wage	1
Overtime Pay	19
Promotion	16
Reasonable Accommodation	9
Reinstatement	3
Selection	1
Termination	35
Terms and Conditions of Employment	58

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



## Results of Proceedings

The CAA mandates a dispute resolution process of counseling and mediation for the settling of disputes. If the parties involved are not able to resolve their dispute through counseling and mediation, an employee may either pursue a non-judicial administrative hearing process before an independent Hearing Officer with the Office of Compliance or file suit in Federal court.

Final decisions of Hearing Officers may be appealed to the Board of Directors of the Office of Compliance for review. 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 67 cases were in counseling during FY 2005. This figure includes 60 new requests for counseling and seven cases pending in counseling from the previous fiscal year as illustrated below:

**Table 4: Office of Compliance Counseling Cases, FY 2005**

Cases	Number of Cases
Pending in counseling as of 10/1/04	7
Counseling requests received	60
<b>Total</b>	<b>67</b>

**Table 5: Office of Compliance Counseling Results, FY 2005**

Results	Number of Cases
Closed during or after counseling, but before mediation	9
<i>Settled</i>	0
<i>No further action</i>	9
Mediation requests received	45
Pending in counseling and will continue into next report period	13

## Mediation

A total of 78 cases reached mediation during FY 2005. The figure below includes 45 new requests for mediation were filed during FY 2005, 24 cases were pending at the beginning of this report period, and 9 cases that had completed mediation but were still within the time period for filing a complaint on September 30, 2005. These figures are illustrated below:

**Table 6: Office of Compliance Mediation Cases, FY 2005**

Cases	Number of Cases
Pending in mediation as of 10/1/04	24
Mediation requests received	45
Pending in open period for filing a complaint on 9/30/05	9
<b>Total</b>	<b>78</b>

**Table 7: Office of Compliance Mediation Results, FY 2005**

Results	Number of Cases
Closed during or after mediation	43
<i>Settled</i>	24
<i>No further action</i>	17
<i>District Court Suit</i>	2
Administrative complaints filed after mediation ended	9
Pending in mediation on 9/30/05	17
Mediation completed, but still within the open period to file a complaint on 9/30/05	9
<b>Total</b>	<b>78</b>



## Complaints

The 19 administrative complaints active during FY 2005 - including 9 new complaints and 10 that were pending from the previous fiscal year - had the outcomes illustrated below:

**Table 8: Office of Compliance Complaints, FY 2005**

Complaints	Number of Cases
Pending on 10/1/04	10
Filed during FY 2005	9
<b>Hearings</b>	
Cases in which Hearing Officer's decision was issued	4
Resolutions without Hearing Officer decision	5
Complaints pending on 9/30/05	10
<b>Board Action</b>	
Cases in which appeals pending on 10/1/04	5
Cases in which appeals filed	3
Cases in which Board decisions issued	4
Pending on appeal on 9/30/05	4
<b>Judicial Review</b>	
Petitions for review pending on 10/1/04	9
Petitions for review filed during FY 2005	2
Resolution without court decision	1
Court decisions issued	6
Petitions for review pending on 9/30/05	4

## Additional Statistics on Proceedings

Additional statistics on cases handled by the Office of Compliance in FY 2005 are illustrated below:

**Table 9: Total Requests for Counseling with the Office of Compliance by Office and Organization, FY 2005**

Office	Number of Cases
Office of the Architect of the Capitol	34
Capitol Police	16
House (Non-Member or committee office)	4
House (Member office)	1
Office of Compliance	1
Senate (Non-Senator or committee office)	2
Senator	1
Other	1



**Table 10: Total Requests for Counseling to the Office of Compliance by Section of the Law, FY 2005**

<b>Section</b>	<b>Description</b>	<b>Number of Requests</b>
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.	57
202	Rights and protections under the Family Medical Leave Act	6
203	Rights and protections under the Fair Labor Standards Act	2
207	Prohibition of intimidation or reprisal	32

**Table 11: Issues Raised to the Office of Compliance By Employees Seeking Counseling, FY 2005**

<b>Issue</b>	<b>Number of Cases</b>
Assignments	4
Compensation	2
Discipline	21
Disparate Treatment	3
Equal pay	2
Harassment	12
Hiring	5
Hostile Work Environment	23
Leave	1
Leave Eligibility	1
Promotion	9
Reasonable Accommodation	2
Termination	22
Terms and Conditions of Employment	29

*(Note: Aggregate numbers will not necessarily match category totals, as a single request for counseling may involve more than one issue or alleged violation.)*



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## Table 12: Bases of Administrative Complaints to the Office of Compliance, FY 2005

There were a total of 19 administrative complaints in process during FY 2005. The bases of these complaints are illustrated below:

- Alleged placement on AWOL and subsequent discipline because of reprisal
- Alleged placement on sick leave restriction because of reprisal
- Alleged workplace harassment because of race
- Alleged proposal to receive discipline because of reprisal
- Alleged termination because of national origin and gender
- Alleged hostile work environment because of race and reprisal
- Alleged termination because of retaliation
- Alleged failure to hire because of age and sex
- Alleged unfair discipline and demotion because of race, age and reprisal
- Alleged failure to hire because of race, age, sex, color and disability
- Alleged harassment, unfair terms and conditions, and denial of overtime because of sex and reprisal, and in violation of Fair Labor Standards Act
- Alleged termination because of race
- Alleged denial of reasonable accommodation and termination because of disability and reprisal
- Alleged harassment and termination because of race, gender and reprisal
- Alleged intimidation, interference and misrepresentation because of race and reprisal
- Alleged failure to promote because of race
- Alleged unfair application of sick leave benefits because of reprisal
- Alleged harassment because of reprisal
- Alleged denial of promotion and unfair terms and conditions because of reprisal

## Labor Management Relations

The Office of Compliance carries out the Board of Directors' 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. The Board exercises adjudicatory authority over those matters, as well as unfair labor practice complaints at the appellate stage. The action taken under this section in FY 2005 is illustrated below:

**Table 13: Office of Compliance Board of Directors Action Under Section 220, FY 2005**

- Two labor organizations sought to be the exclusive representatives of 2 bargaining units. Two elections were conducted, and the labor organizations received the majority of votes cast.

## OSHA, ADA, and Unfair Labor Practice Proceedings

The Office of the General Counsel of the Office of Compliance 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 requests under this section in FY 2005 are illustrated below:

**Table 14: Total Requests to the Office of Compliance for Information and Assistance by Section of the CAA, FY 2005**

Section	Description	Number of Requests
210	Public Access and Accommodations under the Americans with Disabilities Act of 1990	1
215	Occupational Safety and Health Act of 1970	390
220	Unfair Labor Practices under Chapter 71 of Title 5, U.S. Code	23

*(Note: These figures include only contacts made directly with the General Counsel of the Office of Compliance.)*



## Access to 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. All offices of the Senate and the House of Representatives, all committees of Congress, the Capitol Police, the Congressional Budget Office, the Capitol Guide Service, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance must comply with Section 210's requirements in their dealings with the public.

Individuals who feel their rights under this provision have been violated may file a charge with the General Counsel of the Office of Compliance. This charge must be filed within 180 days of the alleged violation. After a charge is filed, the General Counsel will conduct an investigation. If the investigation reveals that a violation may have occurred, the General Counsel may request mediation to resolve the dispute or file a complaint before an independent Hearing Officer with the Office of Compliance. The actions taken under this section in FY 2005 are illustrated below:

**Table 15: Action Under Section 210, FY 2005**

Action	Number of Cases
Charges Filed	0
Cases Closed	1
Cases Pending as of 9/30/05	1

## Occupational Safety and Health

Section 215 of the CAA requires that Legislative Branch workplaces be free of safety and health hazards likely to cause death or serious injury. Employing offices 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 employees who are exposed to the hazard.

When a Request for a Safety and Health Inspection is received, the General Counsel of the Office of Compliance initiates an on-site investigation and sends a detailed report to the employing office explaining any steps that may be needed to remedy the problem. If the General Counsel finds a violation, a notification or citation may be issued to the responsible office. If the violation is not corrected once a citation has been issued, the General Counsel may file a complaint before an independent Hearing Officer with the Office of Compliance. The actions taken under this section in FY 2005 are illustrated below:

**Table 16: Action Under Section 215, FY 2005**

Action	Number of Cases
Requests for Inspection Filed	16
Citations Issued	1
Cases Closed	12
Cases Pending as of 9/30/05	66

## Requests for Inspection by Category

Requests for inspections can be broken down into four main categories: health hazards, fire safety, physical hazards, and emergency response. 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 the requirements of regulations and codes; 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 ensure that the violations have been abated. The actions taken under this section in FY 2005 are illustrated below:

**Table 17: Inspection by Category, FY 2005**

Inspection	Number of Cases
Health Hazards	5
Fire Safety	4
Physical Hazards	5
Emergency Response	4

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



## 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, a complaint will be filed and prosecuted before an independent Hearing Officer with the Office of Compliance. The action taken under this section in FY 2005 is illustrated below:

**Table 18: Action Under Section 220, FY 2005**

Action	Number of Cases
Unfair Labor Practice Charges filed	4
Complaints Issued	0
Board Decisions Issued	0
Cases Closed	13
Cases Pending as of 9/30/05	7



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## Contact Information:

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