



Dispute Resolution

**Asserting Workplace Rights
in the Legislative Branch**



Office of Congressional Workplace Rights

Promoting a legislative branch free of discrimination and harassment, safety and health hazards, accessibility barriers, and employment and labor law violations.



The Congressional Accountability Act of 1995 (CAA) applies employment, labor, safety and health, and accessibility laws to the legislative branch of the federal government.

The CAA, as amended in 2018 by the CAA Reform Act, establishes an administrative dispute resolution (ADR) program for resolving allegations of CAA violations. The Office of Congressional Workplace Rights (OCWR) administers the ADR program. To initiate a claim with the OCWR, a covered legislative branch employee must first file a claim form with the OCWR within 180 days of the alleged violation.

Unpaid staff, job applicants, and former employees also share some of the CAA's protections.

Some employing offices have internal complaint procedures that employees may use to resolve workplace disputes instead of filing claims with the OCWR. The OCWR encourages employees to explore their options to determine which procedures would best fit their needs.

What types of claims are covered by the CAA?

Legislative branch staff are protected by provisions of the following laws:

- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act (ADEA)
- Title I of the Americans with Disabilities Act (ADA)
- Rehabilitation Act
- Family and Medical Leave Act (FMLA)
- Fair Labor Standards Act (FLSA)
- Uniformed Services Employment and Reemployment Rights Act (USERRA)
- Veterans Employment Opportunities Act (VEOA)
- Genetic Information Nondiscrimination Act (GINA)
- Employee Polygraph Protection Act (EPPA)
- Worker Adjustment and Retraining Notification Act (WARN Act)

In addition, all allegations of reprisal, intimidation, or discrimination in retaliation for asserting workplace rights under the CAA must be initiated by filing a claim with the OCWR.





Confidential Advising

The OCWR offers privileged and confidential advising services to covered employees interested in pursuing their rights under the CAA. The confidential advisor is an experienced employment law attorney who functions independently and advises covered employees about their rights and responsibilities under the CAA and the procedural options available to them.

The confidential advisor offers the following information, guidance, and assistance:

- Information on the rights of legislative branch employees under the CAA
- Explanation of the roles, responsibilities, and authority of the OCWR
- Advice and consultation on the facts supporting an employee's belief that workplace rights have been violated and on any potential claims an employee might have
- Discussion of the relative merits of the available procedural options and of the employee's decision to proceed with or without a representative
- Assistance in drafting a claim form to be filed with the OCWR

The confidential advisor is not an employee's attorney or advocate. The OCWR may not represent a party in any OCWR proceeding. Covered employees may designate an attorney or a non-attorney representative to represent them in the ADR process. If a covered employee is represented by an attorney, the confidential advisor may not provide the services listed above, but may provide the attorney with general assistance and information.

Administrative Dispute Resolution

Filing a Claim

Regardless of whether an employee wishes to participate in the OCWR's ADR program or file a complaint in federal court, the employee must first file a claim form with the OCWR within 180 days of the alleged violation. An employee may request the assistance of the confidential advisor in preparing the claim form.

The OCWR encourages claimants to use the online filing system available at <https://socrates.ocwr.gov>, but claim forms may also be filed using other methods, such as email, mail, facsimile, and hand-delivery as described on the OCWR website.

Mediation

Mediation is a voluntary, confidential, and interactive process in which the parties meet with a mediator, either jointly or separately, to discuss their concerns and resolve the claim on mutually agreeable terms. Mediators are independent and experienced neutrals trained in dispute resolution. The goal of mediation is to achieve a prompt and mutually acceptable resolution of a claim without the need for further litigation.

After a claim form is filed with the OCWR, either the claimant or the employing office may request mediation up until either a hearing officer issues a decision on the merits of the claim or a complaint is filed in federal court. If both parties agree to mediate, then the mediation process lasts 30 days, unless the parties agree to extend it for an additional 30 days. Claim processing deadlines are stayed during mediation. There is no cost to the parties for mediation services.



Preliminary Review

Each claim form filed with the OCWR undergoes a preliminary review by an independent hearing officer to determine whether the claimant is a covered employee who may be entitled to relief under the CAA. A report on the preliminary review is generally issued within 30 days after the claim is filed.

If the hearing officer determines during preliminary review that the claimant is not a covered employee who has stated at least one claim for which relief can be granted under the CAA, then the claimant is notified that he or she is not entitled to an administrative hearing with the OCWR, and the only option is to file a complaint in federal district court.





Administrative Hearing

If during preliminary review the hearing officer determines that the claimant is a covered employee who has stated a claim under the CAA, then the claimant has 10 calendar days to request an administrative hearing with the OCWR. The administrative hearing must commence within 90 days after a hearing is requested, unless the parties agree to a 30-day extension.

An administrative hearing is a formal legal proceeding. During the hearing each party may present evidence, including documents and witness testimony. The hearing officer conducts the hearing, rules on procedures and evidence, and issues a decision on the merits of the case. Employees who prevail in their claims may be awarded monetary and/or non-monetary relief.

Appeals

A hearing officer's decision on the merits may be appealed to the OCWR Board of Directors by the filing of a petition for review. After review, the Board will issue a written decision. The Board's decision may be appealed to the U.S. Court of Appeals for the Federal Circuit.

District Court Option

After filing a claim form with the OCWR, instead of requesting an administrative hearing, a claimant may choose to initiate a civil action in federal district court. If a claimant chooses this option, the claimant must file a district court complaint within 70 days after the claim form was filed with the OCWR. Once a court complaint is filed, the claimant may no longer pursue the claim at the OCWR. If the claimant waits for the preliminary hearing officer's report and receives notification that no claims passed preliminary review, an administrative hearing is not available, and the claimant has up to 90 days from receipt of the notice to file a complaint in federal court.

Who can use the OCWR's dispute resolution procedures?

The CAA protects over 30,000 legislative branch employees on Capitol Hill and across the country in the following employing offices:

U.S. House of Representatives

U.S. Senate

Office of Congressional Accessibility Services

United States Capitol Police

Congressional Budget Office

Office of the Architect of the Capitol

Office of the Attending Physician

Office of Congressional Workplace Rights

Library of Congress

Office of Technology Assessment

Stennis Center for Public Service

U.S.-China Economic and Security Review Commission

Congressional-Executive Commission on China

**Commission on Security and Cooperation in Europe
(U.S. Helsinki Commission)**

Legislative branch staff with questions about their rights under the CAA may contact the OCWR.

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The information contained in this brochure 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.

