



*Office of Compliance*

# **FY 2006 Annual Report**

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

*February 2007*





## Office of Compliance

---

### Fiscal Year 2006 Annual Report

Tamara E. Chrisler  
Acting Executive Director

February 2007

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, 2005 to September 30, 2006.

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.



---

## Table of Contents

### Staff

Board of Directors . . . . .	4
Executive Staff . . . . .	5
Office of Compliance Staff . . . . .	7

### Background

The Congressional Accountability Act . . . . .	8
The Office of Compliance . . . . .	9

### Fiscal Year 2006

FY 2006 Year in Review . . . . .	12
Government Accountability Office Report . . . . .	14
Strategic Plan: Goal One . . . . .	14
Strategic Plan: Goal Two . . . . .	18
Strategic Plan: Goal Three . . . . .	22
Internal Office Initiatives . . . . .	25

### Statistics

Statistics on the Use of the Office of Compliance . . . . .	27
Results of Proceedings . . . . .	30
Additional Statistics on Proceedings . . . . .	33
Unfair Labor Practices . . . . .	39

### Contact

Contact Information . . . . .	40
-------------------------------	----

### Figures

<b>Figure 1:</b> Office of Compliance Dispute Resolution Process . . . . .	9
<b>Figure 2:</b> Office of the General Counsel Process of Request for OSHA or ADA Inspection . . . . .	10
<b>Figure 3:</b> Bases of Administrative Complaints to the Office of Compliance, FY 2006 . . . . .	35
<b>Figure 4:</b> Office of Compliance Board of Directors Action Under Section 220, FY 2006 . . . . .	35



---

## Tables

<b>Table 1:</b>	Summary of Contacts to the Office of Compliance by Group, FY 2006 . . . . .	27
<b>Table 2:</b>	Summary of Contacts to the Office of Compliance by Section of the Law, FY 2006 . . . . .	28
<b>Table 3:</b>	Summary of Contacts to the Office of Compliance by Issue, FY 2006 . . . . .	29
<b>Table 4:</b>	Office of Compliance Counseling Cases, FY 2006 . . . . .	30
<b>Table 5:</b>	Office of Compliance Counseling Results, FY 2006 . . . . .	30
<b>Table 6:</b>	Office of Compliance Mediation Cases, FY 2006 . . . . .	31
<b>Table 7:</b>	Office of Compliance Mediation Results, FY 2006 . . . . .	31
<b>Table 8:</b>	Office of Compliance Complaints, FY 2006 . . . . .	32
<b>Table 9:</b>	Requests for Counseling to the Office of Compliance by Office and Organization, FY 2006 . . . . .	33
<b>Table 10:</b>	Total Requests for Counseling Alleging Violations Under Sections of the CAA, FY 2006 . . . . .	33
<b>Table 11:</b>	Workplace Issues Raised to the Office of Compliance by Employees Requesting Counseling, FY 2006 . . . . .	34
<b>Table 12:</b>	Total Requests to the General Counsel of the Office of Information and Assistance by Section of the CAA, FY 2006 . . .	36
<b>Table 13:</b>	Action Under Section 210 of the Congressional Accountability Act, FY 2006 . . . . .	37
<b>Table 14:</b>	Action Under Section 215 of the Congressional Accountability Act, FY 2006 . . . . .	38
<b>Table 15:</b>	Inspection by Category, FY 2006 . . . . .	39
<b>Table 16:</b>	Action Under Section 220 of the Congressional Accountability Act, FY 2006 . . . . .	39



---

## Board of Directors

### **Susan S. Robfogel** **Chair, 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 is a partner in the Rochester, NY 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, for which has also served as the Chair and 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 Panel. Mrs. Robfogel has been a member of the New York State Bar Association House of Delegates and is Past Chair of the New York State Bar 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 Chair for a second five-year term in 2004.

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

Barbara L. Camens is the proprietor of the Washington, DC 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, the Los Angeles County Bar Association (Labor and Employment Law Section), and is also a past President of the Labor Law Section of the Los Angeles County Bar Association. A graduate of the University of Pennsylvania, Mr. Friedman received a 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 to a second five-year term in 2004.



---

**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 Chair 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.

**Executive 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. The Executive Director position was vacated in April 2006, and the position has not been filled to date.

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

Tamara E. Chrisler was appointed to a five-year term as Deputy Executive Director for the Senate by the Board of Directors of the Office of Compliance in June 2005, and has served as Acting Executive Director since April 2006. Prior to joining the Office of Compliance, Ms. Chrisler served as a labor and employment attorney for the Federal Bureau of Prisons. 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. 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.

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

Peter Ames 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 second five-year term as Deputy Executive Director for the House in September 2006. 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 worked at the U.S. Department of Labor from 1993 through 1999. Other key positions include Legislative Assistant to former Congressman Esteban E. Torres (CA-34), Director of 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.



---

## Staff of the Office of Compliance

### Staff of the Executive Director

**Selviana B. Bates,**  
Case Processing Manager

**Beth Hughes Brown,**  
Administrative and Budget Officer

**Kisha Harley,**  
Executive Assistant

**Teresa James,**  
Director, Dispute Resolution

**Rachel Berg Scherer,**  
Writer/Congressional Affairs Officer

### Staff of the General Counsel

**James Abbott,**  
Deputy General Counsel

**Michelle Davy,**  
Staff Attorney

**Carol Griffith,**  
Paralegal/Administrative Assistant to the General Counsel

**Luis Guzman,**  
Health and Safety Specialist

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

**Kate Tapley,**  
Senior Attorney

**James Valentine,**  
Staff Attorney

**David Young,**  
Management/Program Analyst





## About the Congressional Accountability Act

The Congressional Accountability Act (CAA), enacted in 1995, was the first piece of legislation passed by the 104th 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 of 1967
- ◆ The Americans with Disabilities Act of 1990
- ◆ Title VII of the Civil Rights Act of 1964
- ◆ The Employee Polygraph Protection Act of 1988
- ◆ The Fair Labor Standards Act of 1938
- ◆ The Family and Medical Leave Act of 1993
- ◆ Chapter 71 of The Federal Services Labor-Management Relations Act
- ◆ The Occupational Safety and Health Act of 1970
- ◆ The Rehabilitation Act of 1973
- ◆ Uniformed Service Members Employment and Reemployment Rights under Chapter 43, Title 38 of the U.S. Code
- ◆ The Worker Adjustment and Retraining Notification Act of 1989

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, DC and State or District staff), as well employees of the Capitol Guide Service, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the United States Capitol Police. Certain provisions of the CAA also apply to the Government Accountability Office (GAO) and the Library of Congress (LOC). The CAA protects both current employees and job applicants, and in certain instances former employees and members of the public.



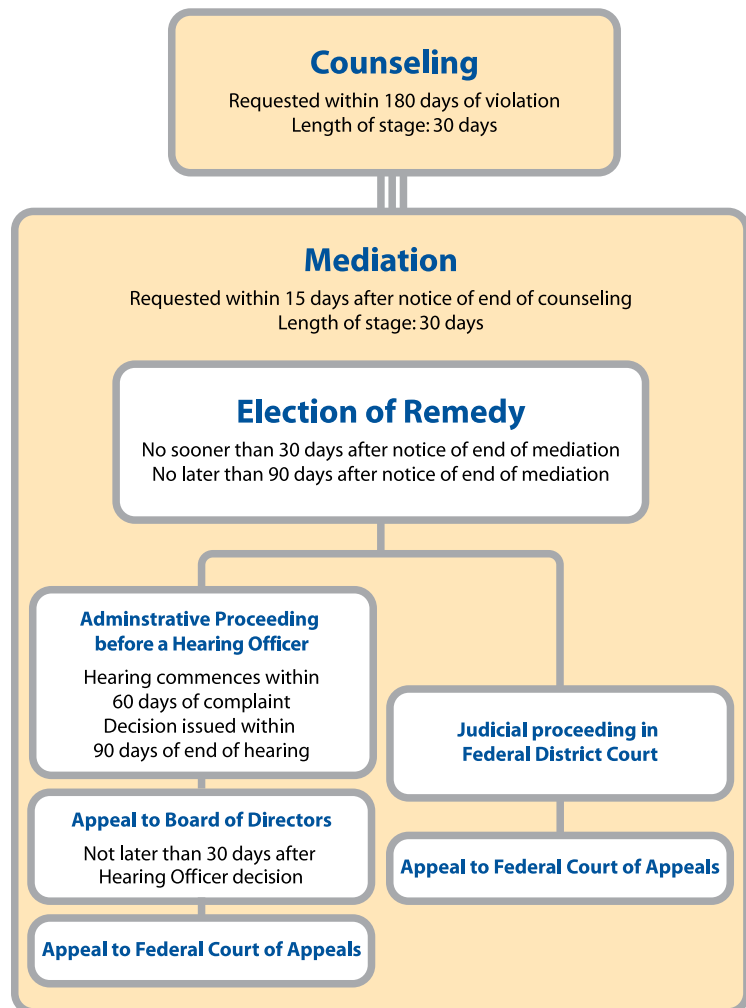
## About the Office of Compliance

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 core functional responsibilities:

### Dispute Resolution

The Office of Compliance administers the CAA’s mandatory dispute resolution process of counseling and mediation. 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 Graphic*

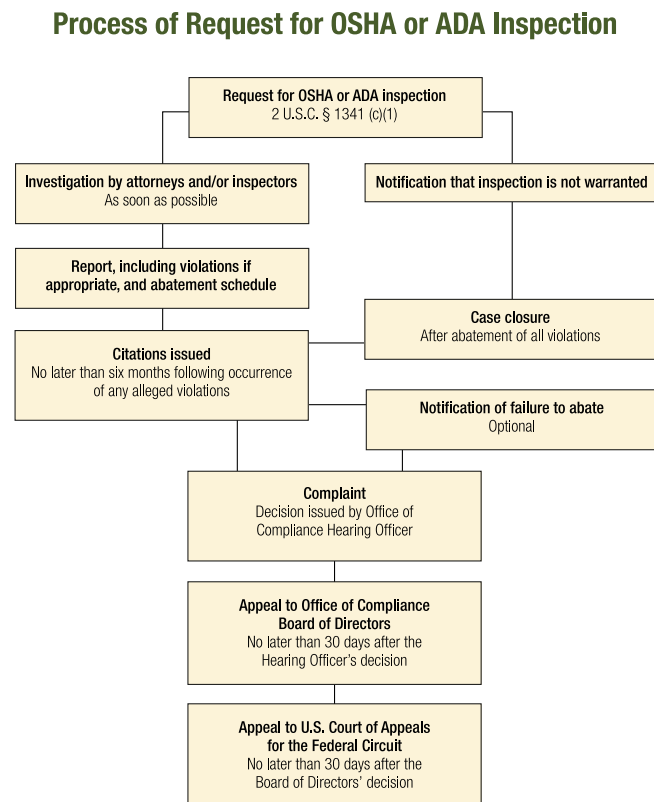




## Requestor-Initiated Safety and Health Inspections

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.

**Figure 2:**  
Office of the General Counsel  
Process of Request for OSHA  
or ADA Inspection



## 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 briefings, workshops and conferences; 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.

Sections 210(f)(2) and 215(e)(2) of the CAA require that the General Counsel of the Office of Compliance submit biennial reports to Congress on the results of the periodic Americans with Disabilities Act and Occupational Safety and Health inspections, respectively.

## Disability Access Inspections

The Office of 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 Office of 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 Office of 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.



## FY 2006 in Review

As Fiscal Year 2006 comes to a close, the Office of Compliance looks back on a most productive year. Mid-fiscal year, former Executive Director William Thompson resigned his position with the Office of Compliance, and Deputy Executive Director for the Senate Tamara Chrisler was appointed Acting Executive Director. During this interim period of administration, we focused on strengthening communication with stakeholders to allow for better service to the covered community. In addition, we reviewed major office functions to ensure that our operations efficiently allow us to meet our mandate, both to provide a fair and prompt dispute resolution program for the covered community, and to ensure a safe and healthy workplace for legislative branch employers, employees, and visitors.

In Fiscal Year 2006, the Committee on Appropriations of the House of Representatives mandated that the Office of Compliance report on employment dispute resolution procedures among agencies in the legislative branch since the Office of Compliance began operations. The purpose of the report was to determine a more cost-efficient way to resolve employment disputes. As a result, our Office led discussions with each of the included agencies to gather information and draft the report for the Committee. This collaborative effort allowed for open communication with the affected agencies, and resulted in a report that accurately reflected the agencies' procedures. This project and its transparent process allowed us to build and strengthen relations with certain stakeholders and strengthen relations with others.

We remained focused on communication as we moved further with collaborative efforts in drafting proposed regulations for the Veterans Employment Opportunities Act. During Fiscal Year 2006, Office staff and the Board of Directors continued extensive discussions with stakeholders to ensure that the particular workings and procedures of the legislative branch are captured in the regulations. This interactive approach has allowed us to work in conjunction with stakeholders to craft proposed regulations that will fit the practices and procedures of the varying entities in the covered community.

Fiscal Year 2006 also marked the end of our first strategic planning period. We began preparation for our next strategic plan with total staff input, both outlining our major goal of focusing on meeting the workplace needs of the legislative branch, and positioning ourselves to act as a resource for the covered community. At the end of the calendar year, we finalized a plan which covers Fiscal Years 2007-2009, with focused efforts on communication and collaboration with agencies and employing offices, and providing technical guidance as needed. As with the last strategic plan, this plan reflects not only our view on the needs of the covered community, but also the community's view. Continuing with best practices, we again engaged in direct consultation with employing offices and agencies to ascertain whether the initiatives as listed in the plan correspond to the community's needs. We received positive feedback



---

on our plan's goals, initiatives, and measures, as well as helpful suggestions to ensure that the plan addressed issues of importance to our stakeholders.

In Fiscal Year 2006, we undertook an effort to disseminate a baseline survey to our constituents. This survey will act as an instrument for the Office to gauge the community's general knowledge of the Office, their rights and responsibilities under the CAA, and their general satisfaction with the Office. This initiative ultimately will result in the first comprehensive reading on the Office's education efforts and services. The Office anticipates that this initial survey, followed by focus groups and additional surveys, will result in feedback and pointed data to allow the Office to perform a concentrated effort to improve and target services to fit the needs of the community.

The Office of the General Counsel was equally engaged during Fiscal Year 2006. We completed our first baseline inspection of the Capitol complex. This achievement was due largely to the funding which generously was appropriated by Congress. The completion of the baseline inspection is significant in that the results not only allow us to assist employing offices in creating a healthy, safe, and accessible working environment, but also allow us to focus on abatement of hazardous conditions to ensure that safety and health risks are at a minimum.

Significantly, the Office of General Counsel was called upon to provide technical guidance on a number of notable issues concerning the Capitol complex in Fiscal Year 2006: in particular, the shoring and asbestos issues involving the utility tunnels of the Capitol complex. After the filing of a historic complaint in Fiscal Year 2006, the General Counsel has been involved in negotiations with the Office of the Architect of the Capitol to resolve these very serious hazards. In preemptive discussions about the Capitol Visitor Center, the Government Accountability Office sought the opinion of the General Counsel. During subcommittee hearings on the progress of the Capitol Visitor Center, the Senate Appropriations Committee requested that the General Counsel provide testimony on health and safety issues related to the project.

The Office approached Fiscal Year 2006, a year replete with change and challenges, with verve and determination to provide continued service not only to the covered community, but also to our own employees. To ensure that our Office functions as efficiently as possible, we have engaged in the initial phases of a human capital plan. We anticipate that this plan will assist in a thorough evaluation of our daily operations, allowing for focused direction in continuing to meet our goals and mission.



## Our Strategic Plan and GAO's 2004 Report

In 2004, the GAO conducted a review of the Office of Compliance to assess its overall effectiveness and efficiency. The GAO made several recommendations in its report, "Office of Compliance: Status of Management Control Efforts to Improve Effectiveness," (GAO-04-400) suggesting that we strengthen our strategic planning process, facilitate communications with legislative branch stakeholders, and build a controlled management environment internally.

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

### 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
  - ◆ *Interim Performance Measure: Reduce by 25% the number of unresolved requestor-initiated OSH/ADA inspections which have been open for twelve months or more*
  - ◆ *Interim Performance Measure: Reduce by 5% the average time between the inspection and the delivery of the charts tabulating the results of the inspection to the responsible employing office*
- ◆ Addressing the periodic fluctuation in Occupational Safety and Health (OSH) inspection workload
  - ◆ *Interim Performance Measure: Complete an OSH/ADA inspection of 100% of the covered premises in the Washington, DC metropolitan area*
- ◆ 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 Occupational Safety and Health Administration (OSHA) and Americans with Disabilities Act (ADA) related cases, and completing input/conversion of prior case data**

In FY 2006, the Office of the General Counsel effectively utilized the upgraded software implemented in FY 2005, more accurately and completely tracking our case load. As was foreseen in our strategic planning more than three years ago, the software has proven to be a great asset, helping to accurately record violations and monitor and prioritize abatement according to assigned risk assessments.

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

Recognizing that section 215(e) of the Congressional Accountability Act requires that the Office of Compliance conduct periodic inspections of all facilities “at least once each Congress,” the GAO recommended that the General Counsel “work with the Congress to develop a strategy to ensure that all facilities under OOC’s jurisdiction...are covered as part of the biennial safety inspections required by the CAA.” (*GAO-04-400, p 31*)

In response to this recommendation, the Office of the General Counsel established two interim performance measures for FY 2006: (1) Reduce by 25% the number of unresolved requestor-initiated OSH-ADA inspections which have been open for twelve months or more, and (2) Reduce by 5% the average time between the inspection and the delivery of inspection findings tabulating the results of the inspection to the responsible employing office.

The Office of the General Counsel is pleased to report that both of these interim performance measures were met in FY 2006. We closed 21 requestor-initiated cases in FY 2006, 20 of which were more than one year old, thus meeting the 25% measure. Additionally, we completed a near-96% complete biennial inspection during the 109<sup>th</sup> Congress, documenting roughly 13,000 violations. Even more impressive, this baseline was actually completed in only nine months, and was accomplished ahead of schedule and within budget.

Neither of these significant accomplishments would have been possible without the amended appropriation from our Appropriations committee. The increased funds not only enabled us to perform our historic near-baseline inspection, but it also allowed for two full-time employee positions to be filled. The Office of the General Counsel now employs an Occupational Safety and Health Specialist and a Management/Program Analyst. Both positions will help ensure that all future inspections are completed with the same thorough efficiency as those in the most recent inspection cycle.





---

## **Addressing the periodic fluctuation in Occupational Safety and Health (OSH) inspection workload**

With the recent acquisition of a full-time Management/Program Analyst, we were able to establish an official inspection calendar to ensure that inspections are completed in a timely and orderly fashion. We also increased communications with parties involved in the inspection process by posting the inspection calendar on our web site and communicating more frequently with key stakeholders involved in the inspection process. We also resolved other outstanding cases in FY 2006, including a pending case with a District Office and close to half of our pending Labor Management Relations (LMR) cases.

## **Providing increased safety and health and ADA technical assistance focusing on the service needs of the regulated community**

FY 2006 was a historic year for the Office of Compliance, as the Office of the General Counsel filed our first-ever complaint after the Office of the Architect of the Capitol failed to address a citation issued in 2000. We entered into negotiations for a Settlement Agreement soon after filing the Complaint, which remain ongoing.

As progress on the Capitol Visitor Center (CVC) continued in FY 2006, our Office was called upon to lend expertise to the project. The Office of the General Counsel conducted pre-inspection of the Capitol Visitor Center and consulted with the Architect of the Capitol regarding Americans with Disabilities Act and Occupational Safety and Health issues. General Counsel Peter Ames Eveleth was also called before the Senate Appropriations Subcommittee on the Legislative Branch to testify on health and safety issues related to the CVC.

Staff members' expertise on the CVC project and other health and safety issues, as well as our historic complaint filing, were the focus of many news articles in FY 2006, particularly in April when articles and stories appeared in various news outlets for six consecutive days. We continued to provide educational information through other mediums in FY 2006, including regular presentation briefings that were added to our web site.

## **Facilitating coordination among campus-wide agencies for safety and health issues**

In FY 2006, the Office of the General Counsel continued to conduct regular health and safety presentation briefings in an attempt to reach out to the covered community. At the January meeting, General Counsel Peter Ames Eveleth presented seven Member offices with Certificates of Recognition for



---

maintaining safe, healthy and accessible workplaces during the Congress inspections. The offices recognized had perfect safety inspections during the most recent complete inspection cycle at that time, or the 108<sup>th</sup> Congress. Recipients included the offices of Senator Wayne Allard (CO), Senator George Allen (VA), Representative Dan Boren (OK-02), Representative Jerry Costello (IL-12), Representative Doris Matsui (CA-05), Representative Major Owens (NY-11), and Representative Roger Wicker (MS-01).

The Office of the General Counsel established a new level of collaborative effort during the research, writing and production of its ADA and OSHA Reports on the 108<sup>th</sup> Congress. We consulted with representatives of the Department of Justice and United States Capitol Police to receive technical assistance in the research process, and we worked with several stakeholders during the writing process to determine which information was appropriate for release to the general public. After the reports were completed and distributed in FY 2006, the Office evaluated the processes with stakeholders in an after-action report. We will incorporate these findings into the drafting process of our 109<sup>th</sup> Congress ADA and OSH Reports.



## 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
  - ◆ *Interim Performance Measure: Increase by 25% the number of responses to the mediation survey during FY 2006*
- ◆ Conducting education and outreach efforts to improve the voluntary compliance with workplace laws and to improve the quality of the employing office-employee relationship
  - ◆ *Interim Performance Measure: Increase by 10% the average monthly number of hits on the web site during FY 2006*
  - ◆ *Interim Performance Measure: Increase by 10% the average monthly downloads per visit to the OOC web site during FY 2006*
- ◆ 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

The dispute resolution program continues to operate smoothly with a cadre of experienced mediators who assist disputants in resolving their claims filed under the CAA in a fair and efficient way.

In its 2004 management audit of the Office of Compliance, GAO recommended that we consider "improvements on how it measures its activities and workload" in order to "obtain a fuller understanding of the [dispute resolution] process and [its] implications." (*GAO-04-400, p 23*) As a response to this recommendation, and to obtain important feedback on the implementation of the mediation program, we created a survey instrument whereby information is obtained on participants' satisfaction with the mediation experience. This information helps us target resources to improve the program where deficiencies have been noted, and to maintain or expand those aspects that are most effective.

We established an Interim Performance Measure in FY 2006 to increase responses to this survey by 25%. We are still striving to obtain a significant



number of completed surveys, and amended the survey in FY 2006 to meet this goal. It was reduced to one page, the questions were revised to an easy-answer format, and the surveys were distributed in several ways to better serve the parties.

As a result of the more aggressive efforts to meet this measure, we did see an increase in the number of returned surveys in FY 2006. However, we recognize that a greater rate of return is still necessary to obtain satisfactory information. We will continue to work toward this goal in FY 2007.

### **Conducting education and outreach efforts to improve the voluntary compliance with workplace laws and to improve the quality of the employing office-employee relationship**

The Office of Compliance's education effort has grown significantly since its inception in 1996. We began by strictly adhering to the letter of the law in creating a program of education for Members of Congress and other employing authorities of the legislative branch of the federal government respecting the laws made applicable to them. Today, we have developed our education and outreach efforts to include increased organizational visibility, centralized communications and leveraged reporting responsibilities. All the while, we have focused on building and maintaining relationships, and being as responsive as possible.

The education and outreach highlight of FY 2006 was the design of the first-ever baseline survey of the legislative branch, as well as the arrangement for its implementation. Strategic planning for a mission-driven service organization like the Office of Compliance requires up-to-date information on its customer base. In our case, that base is over 30,000 customers strong. With limited funds and staff, we approached this project in phases, beginning with House and Senate Member Offices and Committees. In order to prioritize education and outreach efforts, and to gauge effectiveness, we need to know both where we stand in the community, and the community's level of knowledge. The survey objectives will help target limited education and outreach funds, establish a baseline level of knowledge and understanding among the covered communities surveyed, help define quantifiable measures, and establish a vehicle for continual engagement.

Voluntary compliance with workplace laws requires products that work for all parties. In FY 2005, most of our product line underwent a complete revision. In FY 2006, we continued upgrading, and focused efforts on the redesign of the most frequently used forms. We also studied the distribution of these materials. In addition, we redesigned and regularized "Fast Facts," the real-time product that highlights issues found in health and safety inspections. The recent practice of posting a new "Fast Facts" to the Office's web site each month has greatly increased both the site hits and downloads. It is the most visited section of the web site, and it is the most downloaded publication.



We established two interim strategic measures in this area in FY 2006: increase both the monthly web site hits and downloads by 10%. We exceeded both expectations by setting record highs in both areas. Web site hits reached an all-time high of 377,310 in September 2006, with an overall average increase of 26.4% over FY 2005. Downloads also reached an all-time high of 34,174 in September 2006, with an overall average increase of 32.4% over FY 2005.

Office staff also spent considerable time in FY 2006 working with the covered community on the design of an emergency preparedness forum. While the event was held in the first quarter of FY 2007, the planning of the event was largely performed in FY 2006. The forum was innovative in that it was set up to leverage private sector lessons learned on a public policy level, yet was still specifically tailored to meet the needs of Capitol Hill's Emergency Measures Task Force.

The education and outreach staff also spent a significant amount of time in FY 2006 documenting internal processes for Office staff. As a growing and complex organization, standardizing processes from lessons learned on major projects into Congressional protocols are important milestones in our history. Transparency, integrity and meeting expectations are all fundamental process issues that an organization such as the Office of Compliance must model.

### **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.

While the concept of a "clearinghouse" has not come to fruition, we have been able to leverage our new relationships as strategic resources in our everyday work. In recognition of our efforts in this regard, General Counsel Peter Ames Eveleth was asked to become a Government Advisor to NSC's Board of Delegates in FY 2006.

Our "Fast Facts" continued to be the most frequently downloaded publication in FY 2006. As a result, portions of the web site were redesigned this fiscal year to highlight this popular product. Moreover, the product underwent an extensive redesign so that it fits stylistically with the rest of our suite of materials. We hope that "Fast Fact" downloads increase even more after all past editions undergo the redesign in FY 2007.



---

## **Promoting mediation as a better, more comprehensive tool for resolving workplace disputes**

Following up on the success of the Office's first-ever conference on dispute resolution, the Office plans to utilize surveys and focus groups to promote the use of ADR in the legislative branch. The Office also continues to foster relationships with stakeholders in other agencies to strengthen its own ADR program. For example, the results garnered from the report mandated by the Committee on Appropriations of the House of Representatives on dispute resolution systems has given us a valuable sense for the manner in which our covered community handles employment disputes. This report is discussed in greater detail in the Goal III narrative.

## **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**

FY 2006 marked a banner year for the Office of Compliance, as we finally had available resources to commission the baseline survey of our covered community. Staff members worked collaboratively and contracted with the Congressional Management Foundation to formulate the survey and determine how best to disseminate it.

Once the instrument has been finalized and distributed to targeted Capitol Hill staff members in FY 2007, we will have a clear picture of our current effectiveness among stakeholders and the areas in which we need to improve. Never before has the Office of Compliance had such a succinct picture of its place among the Capitol Hill community.

After securing this valuable baseline data, we will be able to make better use of limited resources by targeting specific audiences with the issues most important to them. We look forward to reporting on the outcomes of this baseline instrument in future reports, and incorporating the findings into future strategic planning efforts.



## 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

As mandated in section 102(b) of the Congressional Accountability Act, each Congress the Office of Compliance Board of Directors provides a report to Congress recommending amendments to the CAA. These amendments typically focus on federal law and regulation regarding terms and conditions of employment, safety and health issues, and other matters relevant to the mission of the Office. The report for the 109<sup>th</sup> Congress focused on two areas of importance: health and safety issues and veterans' rights.

In the report prepared in FY 2006, the Board reminds Congress of the efforts made by the Office of the General Counsel and the Office of the Architect of the Capitol to eliminate safety and health hazards that exist in the covered community. The collaborative efforts of both offices have been successful in ensuring safe and healthy working conditions on Capitol Hill. However, certain safety issues and certain hazards may only be successfully addressed by the use of other mechanisms, such as specific retaliation protections for whistleblowers, preliminary injunctive relief, investigative subpoenas, and the General Counsel's ability to investigate and prosecute OSH claims of retaliation. The Board of Directors recommends that Congress amend the CAA to allow for whistle-blower protections, as well as the other necessary tools presented by the Board in its 102(b) Report.

In the same report, we also recommend that Congress adopt our drafted regulations for the application to the legislative branch of both the Veterans' Employment Opportunities Act and the Uniformed Services Employment and Reemployment Act. In passing these laws, Congress provided protections for military personnel entering and returning to federal and other civilian work-



forces, and ensured that military service will not prevent individuals from remaining professionally competitive with their civilian counterparts. Congress has enacted protections for these soldiers, so that in certain circumstances, they receive a preference for selection to federal employment. In our 102(b) Report, the Board notes that regulations for these laws have been implemented in the executive branch, and encourages Congress to implement corresponding regulations in the legislative branch.

During FY 2006, the Board also continued with our extensive informal discussions on VEOA with various stakeholders across Congress and the legislative branch. These discussions have provided a forum to receive suggestions and comments from stakeholders, thereby allowing us to craft proposed regulations that will fit the practices and procedures of the varying entities in the covered community. We anticipate submitting the proposed regulations for approval during the first session of the 110th Congress with their publication in the *Congressional Record*.

We are also currently drafting proposed regulations for USERRA's application to the legislative branch. During the 110th Congress, we will present a draft of the Board of Directors' proposed regulations to stakeholders and engage in similar consultations. We anticipate that this interactive and collaborative approach will allow us to ascertain the concerns and particular demands with respect to the application of these regulations.

### **Monitoring and recommending new legislation to maintain congressional accountability**

The Board of Directors continues to monitor legislation related to workplace, safety and disability access issues. While this task fell upon a single OOC staff member in FY 2005, we were able to procure a partial Congressional Quarterly subscription for the entire staff in FY 2006. Increased resources are still needed before we can be fully on par with most other organizations.

We also continued efforts to expand the Congressional Accountability Act to better protect legislative branch employees and visitors in FY 2006. For example, we supported legislation proposed by Senator Chuck Grassley of Iowa that would "amend the Congressional Accountability Act of 1995 to apply whistle-blower protections available to certain executive branch employees to legislative branch employees." (*S. 3676*)

### **Completing projects that enhance the Office's interaction with stakeholders**

In FY 2006, the Committee on Appropriations of the House of Representatives mandated that the Office of Compliance address "the duplicate costs





resulting from the continuing multiplicity of employment dispute resolution procedures in the legislative branch since the creation of the Office of Compliance.” Pursuant to that mandate, we engaged in extensive collaborative consultations with each of the affected agencies (Office of the Architect of the Capitol, the Congressional Budget Office, the Government Accountability Office, Government Printing Office, the Library of Congress, the United States Capitol Police, and the Office of Compliance) to ascertain their procedures and practices in employment dispute resolution.

This report allowed us to engage with other agencies, build relationships, strengthen rapport, and engage in beneficial discussion. The report also provided us with the opportunity to gather information about the agencies in order to educate both ourselves and our appropriators. The report concluded with a recommendation that the Committee direct officials from across the legislative branch involved in employment dispute resolution to engage in collaborative efforts to explore and implement measured improvements to build a sense of shared mission and trust.

### **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 Section 102(b) Report include our collective experience and expertise in the areas of safety and health, workplace rights, and dispute resolution. We have supplemented this Report by testifying before Congress and taken any other opportunity to speak to individual Members and Congressional Leadership as time allows and issues warrant.

### **Conducting or commissioning research on workplace practices among employing offices as a basis for future education and recommendations for improvement of workplace practices**

The Office of Compliance Board of Directors supports the implementation of the Office’s historic baseline survey, and appreciates the information garnered from the mandated report on other agencies’ employment dispute resolution systems. The Board looks forward to utilizing the information from these efforts.



---

## Internal Office Initiatives

In addition to our three formal Goals, we feel it important to also include internal initiatives in the areas of financial management, information management, and human capital. To underscore the importance, we created two interim performance measures in this area: (1) All staff achieve at least the FY 2005 “average” staff score of 78 on the Office’s basic IT skills test during FY 2006, and (2) Establish a baseline during FY 2006 for staff satisfaction with Office IT resources. This baseline will be established through the development and administration of an IT satisfaction survey to the entire staff of the Office, and will become the baseline for improvement measures in future years.

### Financial Management

We worked to find a system that would be amenable to all staff by rewriting the current financial management document to make it more user-friendly. This new, comprehensive document was tailored to the Office’s use of the multi-agency Momentum accounting system.

### Information Management

We also continued to make progress toward our internal goal of improved information management in FY 2006, though we did not retest staff’s basic information technology skills as referenced in the above measure. Instead, we initiated an exhaustive study of what word processing software and desktop suite we should convert to, including a survey of staff about their experience, expertise, and preferences. Our IT Task Force considered staff morale, on-board expertise, cost of software licenses, time and cost of converting historical documents, ease of conversion to/from other software, and ease of troubleshooting. After this study, we are now developing a plan of conversion to Word, and we intend to include funds for the new word processing suite in our FY 2008 budget request.

We also have not yet administered the IT satisfaction survey referenced in the interim performance measure above. Staff and management have noted that IT satisfaction should not be the only internal element measured. Rather, we plan to prepare a more comprehensive office satisfaction survey, measuring all internal support functions. We have included this initiative in our new FY 2007-2009 Strategic Plan, and we hope to develop and administer the survey as soon as possible.

One of the largest projects undertaken in this area in FY 2006 was the development and subsequent implementation of a “workflow management system,” designed to more quickly and efficiently move the General Counsel’s staff through the many stages of its cases. This system was created specifically for our office, and has already proven to be very beneficial.



---

## Human Capital

In FY 2006, we undertook a study to align the skill set of our workforce with the work and performance needs of our Office. We consulted with the Government Accountability Office to ascertain best practices to approaching such a venture, and ultimately the secured services of GRA to assist with this endeavor. At the end of the fiscal year, GRA completed an initial assessment of the duties performed by our staff, as well as a desk audit of each staff member. We anticipate utilizing this data to develop a workflow analysis, which is necessary to determine whether we are appropriately staffing our workforce to best meet our internal needs of the agency.

Work on a Strategic Plan more in-step with the current pace of our Office was also a significant human capital step in FY 2006. From the onset of the process at the beginning of the calendar year, staff members worked closely with each other and key stakeholders to craft a plan that will ultimately shape the day-to-day work experience of each staff member.



## Statistics on the Use of the Office of Compliance in FY 2006

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 2006, the Office of Compliance received 358 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 2006**

Contacts by Group	Number of Contacts
Employees	264
Employing Offices	29
Public	62
Unions	3
<b>Total</b>	<b>358</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 2006, from questions 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 "Contacts by Group" section.

In FY 2006, the covered employees who contacted the Office of Compliance discussed sections of the law as illustrated below:



**Table 2: Summary of Contacts to the Office of Compliance by Section of the Law, FY 2006**

Section	Description	Number of Contacts
201	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	132
202	Family Medical Leave Act	25
203	Fair Labor Standards Act	9
205	Notification of Office Closings or Mass Layoffs	1
206	Rights and protections under the Uniformed Service Employment and Reemployment Rights Act	4
207	Prohibition of intimidation or reprisal	38
210	Public access and accommodations under the Americans With Disabilities Act of 1990	1
215	Occupational Safety and Health Act of 1970	8
220	Unfair labor practices under chapter 71 of Title 5, U.S. Code	11
---	CAA General	80
---	Questions not directly related to the CAA	49
<b>Total</b>		<b>358</b>

*(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 36.)*



## Contacts by Issue

Employees typically contact the Office of Compliance with questions ranging from the application of the CAA to specific work issues. Employee contacts in FY 2006 raised issues as illustrated below:

**Table 3: Summary of Contacts to the Office of Compliance by Issue, FY 2006**

Issue	Number of Contacts
Assignments	11
Benefits	3
Compensatory Time	4
Compensation	28
Demotion	7
Discipline	44
Harassment	87
Hiring	4
Leave	12
Leave Eligibility	21
Overtime Pay	8
Promotion	14
Reasonable Accommodation	6
Reinstatement	2
Selection	3
Termination	42
Terms and Conditions of Employment	73

*(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 2006. This figure includes 54 new requests for counseling and 13 cases pending in counseling from the previous year as illustrated below:

**Table 4: Office of Compliance Counseling Cases, FY 2006**

Case	Number of Cases
Pending in Counseling as of 10/1/05	13
Counseling requests received	54
<b>Total</b>	<b>67</b>

**Table 5: Office of Compliance Counseling Results, FY 2006**

Result	Number of Cases
Closed during or after counseling, but before mediation	11
<i>Settled</i>	1
<i>No further action</i>	10
Mediation requests received	52
Pending in counseling and will continue into the next reporting period	4



## Mediation

A total of 69 cases reached mediation during FY 2006. This figure includes 52 new requests for mediation, 9 cases pending at the beginning of the reporting period, and 8 cases that had completed mediation but were still within the time period for filing a complaint on September 30, 2006, as illustrated below:

**Table 6: Office of Compliance Mediation Cases, FY 2006**

Case	Number of Cases
Pending in mediation on 10/1/05	9
Pending in open period for filing a complaint on 9/30/06	8
Mediation requests received	52
<b>Total</b>	<b>69</b>

**Table 7: Office of Compliance Mediation Results, FY 2006**

Result	Number of Cases
Closed during or after counseling, but before mediation	43
<i>Settled</i>	19
<i>No further action</i>	22
<i>District court suit</i>	2
Administrative complaints filed after mediation ended	7
Pending in mediation on 9/30/06	11
Mediation completed, but still within the open period to file a complaint on 9/30/06	8
<b>Total</b>	<b>69</b>





## Complaints

The 17 administrative complaints active during FY 2006—including seven new complaints, five that were pending from the previous fiscal year, 2 matters heard on remand, and 3 alleged breaches—had outcomes as illustrated below:

**Table 8: Office of Compliance Complaints, FY 2006**

Complaints	Number of Cases
Complaints	
<i>Pending on 10/1/05</i>	10
<i>Filed during FY 2006</i>	7
Hearings	
<i>Hearing Officer decision issued</i>	7
<i>Resolutions without Hearing Officer decision</i>	10
<i>Complaints pending on 9/30/06</i>	0
Board Action	
<i>Cases with appeals pending on 10/1/05</i>	4
<i>Cases with appeals filed</i>	4
<i>Cases with Board decisions issued</i>	4
<i>Resolution without decision</i>	1
<i>Pending on appeal</i>	3
Judicial Review	
<i>Petitions for review pending on 10/1/05</i>	4
<i>Petitions for review filed during FY 2006</i>	0
<i>Resolution without court decision</i>	0
<i>Court decision issued</i>	4
<i>Petitions for review pending on 10/1/06</i>	0



**Additional Statistics on Cases Handled by the Office of Compliance in FY 2006**

**Table 9: Requests for Counseling with the Office of Compliance by Office and Organization, FY 2006**

Office/Organization	Number of Cases
Office of the Architect of the Capitol	30
Capitol Police	10
House (Non-Member or committee office)	3
House (Member office)	4
Office of Compliance	1
Senate (Non Senator or committee office)	5
Senate (Senator office)	1

**Table 10: Total Requests for Counseling Alleging Violations Under the Following Sections of the CAA, FY 2006**

Section	Description	Number of Requests
201	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	87
202	Family Medical Leave Act	10
203	Fair Labor Standards Act	10
206	Uniformed Services Rights and Protections	2
207	Prohibition of intimidation or reprisal	46



**Table 11: Workplace Issues Raised to the Office of Compliance by Employees Requesting Counseling, FY 2006**

Issue	Number of Requests
Assignments	1
Compensation	2
Demotion	1
Discharge	1
Discipline	4
Disparate Treatment	10
General	1
Harassment	9
Hiring	3
Hostile Work Environment	8
Leave	5
Other	2
Overtime Pay	1
Promotion	8
Reasonable Accommodation	1
Selection	4
Termination	12
Terms and Conditions of Employment	13

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



### Figure 3: Bases of Administrative Complaints to the Office of Compliance, FY 2006

There were a total of seven administrative complaints in process during FY 2006. The bases of these complaints are illustrated below:

- Hostile work environment, unfair terms and conditions, and termination because of reprisal
- Unfair discipline and hostile work environment because of race and retaliation
- Unfair terms and conditions of employment and hostile work environment because of race and retaliation
- Unfair terms and conditions of employment, hostile work environment, and termination because of race and retaliation
- Unfair termination and failure to rehire because of race
- Hostile work environment, unfair terms and conditions, and denial of a reasonable accommodation because of disability and reprisal
- Hostile work environment and failure to promote because of retaliation

## 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. Actions taken under this section in FY 2006 are illustrated below:

### Figure 4: Office of Compliance Board of Directors Action Under Section 220, FY 2006

- Two labor organizations sought to be the exclusive representative of two bargaining units. One election was conducted and the labor organization received a majority of votes cast and were certified by the Office as the exclusive representative. A question of the appropriateness of the bargaining unit arose in the other matter, and a determination is pending.



## 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 2006 are illustrated below:

**Table 12: Total Requests to the General Counsel of the Office of Compliance for Information and Assistance by Section of the CAA, FY 2006**

Section	Description	Number of Requests
210	Public access and accommodations under the Americans with Disabilities Act of 1990	24
215	Occupational Safety and Health Act of 1970	248
220	Unfair Labor Practices under Chapter 71 of Title 5, U.S. Code	27

*(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 Congressional committees, the Capitol Guide Service, the Congressional Budget Office, the Office of the Attending Physician, the Office of Compliance and the United States Capitol Police 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 2006 are illustrated below:

**Table 13: Action Under Section 210 of the CAA, FY 2006**

Action	Number of Cases
Charges Filed	1
Cases Closed	0
Cases Pending as of 9/30/06	2



## 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 2006 are illustrated below:

**Table 14: Action Under Section 215 of the CAA, FY 2006**

Action	Number of Cases
Requests for Inspection Filed	22
Citations Issued	3
Cases Closed	1
Cases Pending as of 9/30/06	66



## Requests for Inspection

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 2006 are illustrated below:

**Table 15: Inspections by Category, FY 2006**

Inspection	Number of Cases
Health Hazards	10
Fire Safety	2
Physical Hazards	7
Emergency Response	3

*(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 2006 is illustrated below:

**Table 16: Action Under Section 220 of the CAA, FY 2006**

Action	Number of Cases
Unfair Labor Practice charges filed	2
Complaints issued	0
Board decisions issued	0
Cases closed	3
Cases pending as of 9/30/06	5





---

## Contact Information

### *Office of Compliance*

Room LA 200, John Adams Building  
110 Second Street, SE  
Washington, DC 20540-1999

Telephone/ (202) 724-9250

TDD/ (202) 426-1912

Fax/ (202) 426-1913

Recorded Information Line/ (202) 724-9260

[www.compliance.gov](http://www.compliance.gov)