



LABOR REPRESENTATION
COLLECTIVE BARGAINING
RIGHTS IN THE
CONGRESSIONAL WORKPLACE

OFFICE OF COMPLIANCE—ADVANCING
WORKPLACE RIGHTS, SAFETY, HEALTH, AND
ACCESSIBILITY IN THE LEGISLATIVE BRANCH



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THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 (CAA) APPLIES EMPLOYMENT, LABOR, SAFETY, HEALTH, AND ACCESSIBILITY LAWS TO THE LEGISLATIVE BRANCH, WHICH INCLUDES CONGRESS AND ITS AGENCIES. UNDER THESE LAWS, THE CAA PROVIDES CONGRESSIONAL EMPLOYEES WITH MANY OF THE SAME RIGHTS AND PROTECTIONS AS EMPLOYEES IN THE PRIVATE SECTOR AND THE FEDERAL EXECUTIVE BRANCH.

WITH REGARD TO LABOR RIGHTS, THE CAA GRANTS CERTAIN LEGISLATIVE BRANCH EMPLOYEES THE RIGHT TO JOIN A LABOR ORGANIZATION FOR THE PURPOSE OF COLLECTIVE BARGAINING UNDER CHAPTER 71 OF THE FEDERAL SERVICES LABOR-MANAGEMENT RELATIONS ACT. THE CAA PROTECTS THESE EMPLOYEES' RIGHTS TO FORM, JOIN, OR ASSIST A LABOR ORGANIZATION WITHOUT FEAR OF PENALTY OR REPRISAL. THE RIGHTS OF EMPLOYEES WHO CHOOSE NOT TO JOIN OR PARTICIPATE IN A LABOR ORGANIZATION ARE ALSO PROTECTED.

WHO IS ELIGIBLE FOR LABOR REPRESENTATION?

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

SEEKING REPRESENTATION BY A LABOR ORGANIZATION

If employees of a particular employing office would like to have a labor organization represent them, a labor organization must first file a representation petition with the Office of Compliance (OOC). This petition must show that at least 30 percent of employees of an appropriate bargaining unit wish to be represented for the purpose of collective bargaining by an exclusive representative.

If the OOC certifies the validity of the signatures on the petition, an election will be held so that employees can vote to choose whether or not to join the labor organization. After the initial petition is filed, any other labor organization can gain a place on the ballot by filing a petition showing they are supported by at least 10 percent of employees in the bargaining unit. Employees will have the opportunity to choose which labor organization they would like to represent them.

Labor representation elections are held at a time and in a manner agreed to by both the labor organization and the employing office. The election is conducted and overseen by the OOC. If a majority of the voting employees vote to be represented by a particular labor organization, the Board of Directors of the OOC will certify the labor organization as the employees' exclusive representative.

EMPLOYEE AND EMPLOYER OBLIGATIONS

Upon the certification of a labor organization as an exclusive bargaining representative, an employing office is under an obligation to recognize the labor organization as the bargaining agent of its employees. The employing office and the labor organization are required to negotiate in good faith over terms and conditions of employment, in order to reach a collective bargaining agreement.

As the exclusive representative of employees, a labor organization has both the right and the obligation to negotiate in good faith with an employing office over conditions of employment. A labor organization is responsible for representing the interests of all employees in the unit it represents, regardless of whether an employee is a member of the union.

WHAT IS COLLECTIVE BARGAINING?

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

UNFAIR LABOR PRACTICES

The CAA prohibits many types of unfair labor practices by both employing offices and labor organizations.

Employing offices are prohibited from:

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

Labor organizations are prohibited from:

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

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

DISPUTE RESOLUTION FOR VIOLATIONS OF FEDERAL LABOR LAWS

An employing office, a labor organization, or an individual may file an unfair labor practice charge with the General Counsel of the OOC. The General Counsel investigates and prosecutes unfair labor practice charges before a hearing officer and the OOC Board of Directors. The charge must be filed within six months from the date the alleged unfair labor practice occurred.

The Board of Directors of the OOC has the authority to issue final decisions on union representation and elections issues, questions of arbitrability, and exceptions to arbitrator's awards. The Board also serves as the appellate body for hearing officer decisions on unfair labor practice complaints.

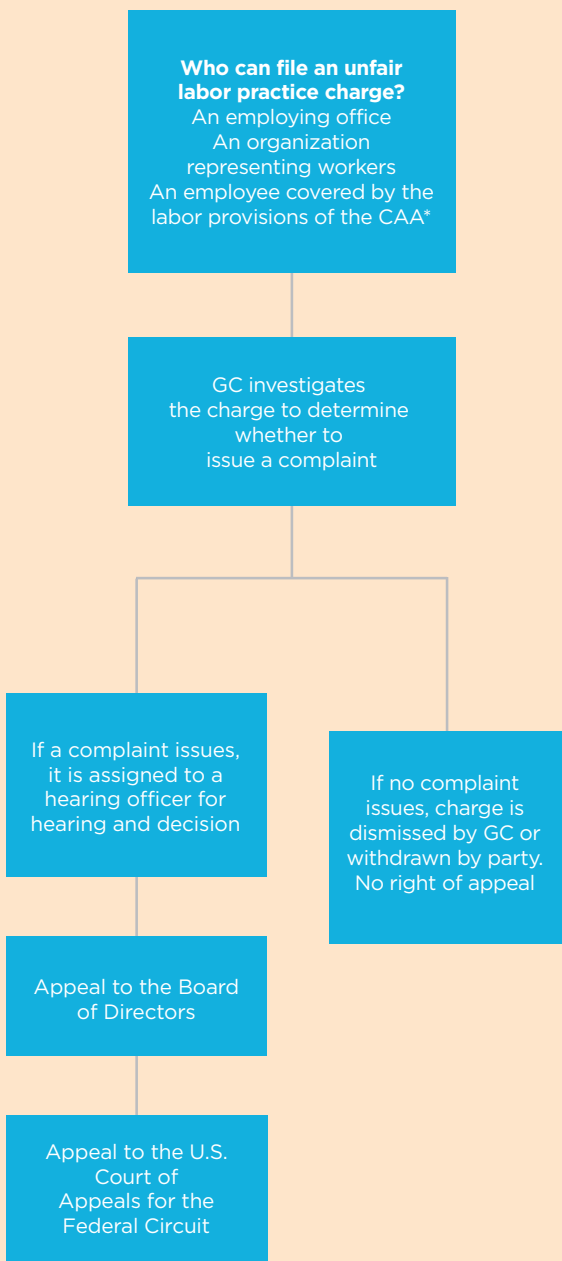
FOR FURTHER INFORMATION

This pamphlet is a basic guide to the CAA's labor rights provisions. For more information about the CAA and labor rights, please contact the OOC.

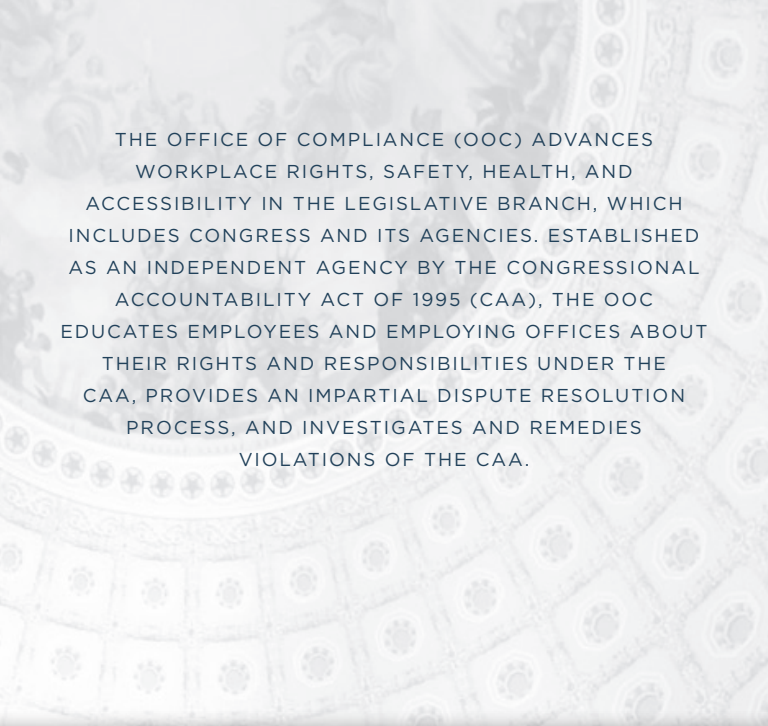
Information is also available online at

www.compliance.gov.

DISPUTE RESOLUTION FOR UNFAIR LABOR PRACTICE CHARGES



***Not all Congressional employees are covered by Chapter 71 of the Federal Service Labor-Management Relations Act.**



THE OFFICE OF COMPLIANCE (OOC) ADVANCES WORKPLACE RIGHTS, SAFETY, HEALTH, AND ACCESSIBILITY IN THE LEGISLATIVE BRANCH, WHICH INCLUDES CONGRESS AND ITS AGENCIES. ESTABLISHED AS AN INDEPENDENT AGENCY BY THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 (CAA), THE OOC EDUCATES EMPLOYEES AND EMPLOYING OFFICES ABOUT THEIR RIGHTS AND RESPONSIBILITIES UNDER THE CAA, PROVIDES AN IMPARTIAL DISPUTE RESOLUTION PROCESS, AND INVESTIGATES AND REMEDIES VIOLATIONS OF THE CAA.

OFFICE OF COMPLIANCE

110 2ND ST, SE ROOM LA-200
WASHINGTON, D.C. 20540-1999

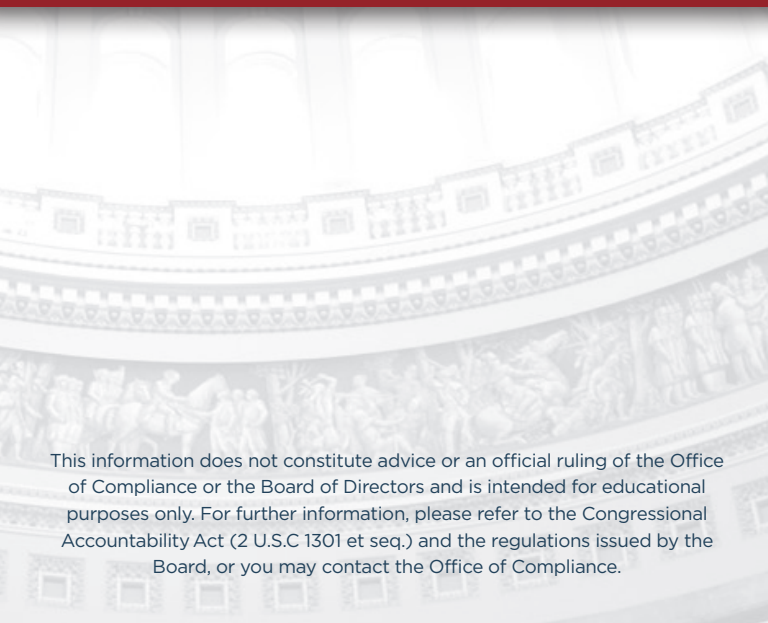
T: 202-724-9250

F: 202-426-1913

TDD: 202-426-1912

RECORDED INFORMATION LINE: 202-724-9260

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