



The Honorable Robert A. Brady,
Chairman

The Honorable Dan Lungren,
Ranking Member



From the Committee on House Administration

The Office of Compliance (OOC) is an invaluable resource in our efforts to ensure that the House provides a safe and positive work environment. The OOC has been an important partner in our efforts to expand accessibility within the Capitol Complex. As the Chairman and Ranking Member of the Committee on House Administration, we work in a bipartisan fashion to make the House of Representatives a good and safe place to work. We were pleased that the most recent annual report by the Office of Compliance highlighted some of our shared success.

The average number of hazards identified in Congressional Member Offices has decreased dramatically over the past several years. Much of that decline can be attributed to ongoing efforts to increase awareness of workplace safety issues in Member offices, as well as increased diligence by the Office of the Architect of the Capitol.

The OOC report cited expansion of OOC funding to facilitate expanded inspections and aggressive action by Member Offices to proactively address and mitigate potential hazards. These are significant accomplishments and the Office of Compliance acknowledged these efforts by awarding Safe Office Awards to 154 Member Offices in 2010, a dramatic increase over the number awarded in the 110th Congress.

We continue to expand our efforts to make the U.S. Capitol Complex open and accessible to anyone who wishes to visit. Recent efforts have focused on physical enhancements to ensure ADA compliance, as well as improving safety and emergency evacuation procedures for individuals with disabilities. Construction of accessibility ramps, improved curb access and other infrastructure enhancements continue.

Despite these efforts, we know that a lot of work remains to be done. We continue to work closely with the Office of Compliance to ensure that workplace protections are extended to House employees. Part of this effort has included ensuring that House employees are aware of the resources available through the Office of Compliance. In July of this year, a letter was sent to all House staff encouraging them to learn more about the Office of Compliance and its support services. We have also expanded our outreach efforts to the more than 10,000 House employees working here within the Capitol Complex, as well as the various District offices throughout the nation.

We have initiated efforts to expand access to OOC information through standard House communication tools including the House email system, internal information resources, all-staff pay stub inserts, and direct communication with Member Office Chiefs of Staff. These efforts are designed to ensure that House employees are aware of the resources available through the Office of Compliance and that they have all of the tools necessary to access those resources.

All of these efforts are focused on ensuring that the Capitol Complex and the U.S. House of Representatives are well positioned to meet the needs of our constituents - the American people. Ensuring workplace safety, facility access and fostering a positive, productive work environment are important objectives and we, along with our colleagues, are committed to these goals.



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WORKPLACE RIGHTS AND PROTECTIONS UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT

The Congressional Accountability Act applies thirteen civil rights, labor, and workplace safety laws to the U.S. Congress and Legislative Branch employees and protects covered employees from reprisal and intimidation.

Access to Public Health

Section 210 of the CAA protects qualified individuals with disabilities from discrimination with regard to access to public services, programs, activities, or place of public accommodation in covered locations and offices. These protections extend to both employees and members of the public.

Age Discrimination

Section 201 of the CAA provides that all personnel actions affecting covered employees shall be free from age discrimination for those forty years old or older. This includes hiring, discharge, promotion, pay, benefits, reassignment, and other personnel actions affecting the terms and conditions of employment.

Collective Bargaining and Unionization

Section 220 of the CAA permits certain Legislative Branch employees to form, join, and assist a labor organization. Once a labor organization becomes the exclusive bargaining representative of employees, an employer is obligated to negotiate the terms and conditions of employment with that organization.

Disability Discrimination

Section 201 of the CAA provides protection against discrimination in all personnel actions of qualified individuals with a disability. Personnel actions include hiring, discharge, promotion, pay, benefits, reassignment, and other actions affecting the terms, conditions, and privileges of employment. Employing offices may be required to make a "reasonable accommodation" for an otherwise qualified individual with a disability.

Equal Employment Opportunities

Section 201 of the CAA requires that all personnel actions involving covered employees must be free from discrimination based on race, color, religion, sex, or national origin. Personnel actions include hiring, discharge, promotion, pay, and benefits.

Fair Labor Standards and the Minimum Wage

Section 203 of the CAA applies the Fair Labor Standards Act of 1938 (FLSA) to covered employees. These rights and protections require payment of the minimum wage and overtime compensation to nonexempt employees, restrict child labor, and prohibit sex discrimination in wages paid to men and women.

Family and Medical Leave

Section 202 of the CAA applies certain rights and protections of the Family and Medical Leave Act of 1993 (FMLA) to covered employees. Eligible employees are entitled to take up to twelve weeks of leave in a twelve month period for certain family and medical reasons. Employees on leave continue to receive health insurance benefits and should be restored to their former position at the conclusion of leave.

Notification of Office Closings or Mass Layoffs

Section 205 of the CAA applies certain rights and protections of the Worker Adjustment and Retraining Notification (WARN) Act to covered employees. This section of the CAA requires that employees must be given prior notice of an office closing or of a mass layoff. With limited exceptions, notice must be timed to reach the required parties at least 60 days in advance of the event.

Occupational Safety and Health

Section 215 of the CAA requires that all workplaces be free of recognized hazards that might cause death or serious injury. Both employing offices and employees must comply with these workplace safety requirements.

Protection from Polygraph Testing

Section 204 of the CAA applies provisions of the Employee Polygraph Protection Act to the Legislative Branch. Requiring or requesting that lie detector tests be taken; using, accepting, or inquiring about the results of a lie detector test; or firing or discriminating against an employee based on the results of a lie detector test or for refusing to take a test are all prohibited.

Uniformed Services Rights and Protections

Section 206 of the CAA applies certain rights and protections of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) to covered employees. USERRA protects employees performing service in the uniformed services from discrimination and provides certain benefits and reemployment rights upon the completion of service.

Veterans' Employment Opportunities Act

Section 4(c) of the Veterans' Employment Opportunities Act of 1998 (VEOA) applies some of the same rights and protections that are currently enjoyed by veterans in the Executive Branch to preference eligible employees in the Legislative Branch. As discussed in our 2009 Newsletter, implementing regulations await Congressional approval.

Genetic Information and Nondiscrimination Act

Section 207(c) of the Genetic Information Nondiscrimination Act (GINA) protects employees from employment discrimination and denial of health insurance based on that employee's genetic information.

Reprisal and Intimidation

An employer may not intimidate, retaliate, or discriminate against employees who exercise their rights applied by the CAA. This protection includes opposing practices made unlawful by the CAA; initiating proceedings; making a charge; providing testimony; or participating in a proceeding brought under the CAA. Those individuals who assist others in these activities are also protected.



ANNUAL NEWSLETTER

Office of Compliance - -

Advancing workplace rights, safety, health, and accessibility in the Legislative Branch

Celebrating 15 Years on Capitol Hill

This year will mark the 15th Anniversary of the Office of Compliance (OOC). The OOC was established to administer and enforce key provisions of the Congressional Accountability Act of 1995 (CAA), a statute that applied federal employment, labor, accessibility, and health and safety laws to the Congressional workplace for the first time. The OOC has made great strides in fulfilling its mission to educate Congressional Members, employing offices and employees about their rights and obligations under federal workplace laws. The OOC also continues to ensure a safe and healthy Congressional workplace and to improve access on Capitol Hill for people with disabilities.

The OOC's redesigned website at www.compliance.gov provides the most up-to-date information and educational resources about workplace rights in the Legislative Branch.

The OOC Releases Its Annual Report – “State of the Congressional Workplace”

The OOC recently released its fiscal year 2009 annual report entitled, “State of the Congressional Workplace.” This new report is an important resource for Congressional Members, employees, and the American public about the state of safety, health, accessibility, and workplace rights in Congress and about the application of laws to Congress vis-a-vis the application of those laws to the private and public sectors. The response to the report has been overwhelmingly positive. It is the OOC's most widely-read publication to date.

Here are some of the report's highlights:

- The OOC projected a 30 percent reduction in hazards during the 111th Congress compared to the 9,250 hazards found during the 110th Congress.
- New workplace protections (like the Genetic Information Nondiscrimination Act) were enacted for Congressional employees, while the OOC continues to work with Congress to ensure approval of regulations to give eligible veterans preference rights in the Legislative Branch.
- Most employment claims by Congressional employees relate to discrimination and/or harassment based on protected traits such as sex, race, disability, or age.

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Message from OOC Board of Directors Chair, Barbara L. Camens



Welcome to the Office of Compliance Annual Newsletter. It is my pleasure to address you as Chair of the Board of Directors for the Office of Compliance. This has been a very busy year for the OOC. We trust that you will find the information in this publication helpful and informative.

We have spent the last year working with Congress to ensure a safe and healthy work environment for all who work on Capitol Hill and within the Legislative Branch. This year, we held our most successful Safe Office Awards ceremony to date, and we applaud those Members for their hard work in ensuring safe work environments.

In this issue, you will notice that the OOC is celebrating its fifteenth year on Capitol Hill. We are so excited to be reaching this milestone, and we look forward to what lies ahead in the years to come. During our time on the Hill, we have been able to provide education and outreach to employees and employing offices regarding our dispute resolution process, discrimination training, and new Member visits. We continue to work with the Congressional Research Service to provide information for state and district workers so that those employees staffed in Members' offices back home will be aware of their rights under the Congressional Accountability Act and the services OOC provides.

I am honored to serve as Chair of the Board of Directors for the OOC. My fellow Board Members and I look forward to seeing all that the OOC will accomplish in the upcoming Congress. The OOC is here to serve you, answer any questions you may have about training and your workplace rights, and promote safe and healthy work environments for staff and visitors alike.

Take a moment to visit our newly redesigned website, www.compliance.gov, where you can find information on our agency and your rights. As always, if you have additional questions you may contact the OOC at 202-724-9250. Our information line is available 24/7 at 202-724-9260.

We remain available to assist with your workplace needs.

Barbara L. Camens

Ongoing Success in Accessibility for People with Disabilities

With the opening of the Capitol Visitor Center and the creation of the Office of Accessibility Services, access to the United States Capitol for persons with disabilities has significantly improved. In addition, the OOC's inspections found improvements in emergency action and evacuation plans for persons with disabilities. The OOC worked with various Legislative Branch agencies to develop Emergency Action Plans for the protection of all Legislative Branch employees, including those with disabilities. Furthermore, "Push-to-Talk" devices have been installed in the U.S. Capitol and are being dispersed throughout the campus. This device, used primarily by those with mobility and communication impairments, provides a direct two-way communication link with the United States Capitol Police and identifies the location of the person activating it.

You can read and download our full Americans with Disabilities Act Biennial Inspection Report at www.compliance.gov.

CVC Workers Unionize

The American Federation of State, County, and Municipal Employees (AFSCME), Council 26, filed a representation petition with the Office of Compliance on Friday, June 25, 2010, seeking to represent Visitor Assistants and Capitol Guides employed by the Capitol Visitor Center (CVC) for the purposes of collective bargaining. The OOC processed the petition and worked with the parties to discuss and resolve issues raised by the petition.

On September 16 and 17, 2010, officials from the OOC conducted the secret ballot election at the CVC. The OOC oversaw and ensured the integrity of the election.

A majority of the valid ballots were cast for AFSCME, Council 26, and without objection, on September 27, 2010, the OOC certified the selection and designation of AFSCME, Council 26, as the exclusive representative for Visitor Assistants and Capitol Guides at the Capitol Visitor Center. Approximately 140 employees will be affected by the election results.

International Organizations Ask OOC to Share Ideas About Effective Dispute Resolution



On June 1-2, 2010, OOC Executive Director Tamara E. Chrisler was invited to be a featured speaker at the Transatlantic Minority Political Leadership Conference in Brussels, Belgium. The purpose of the conference was to provide discussion on anti-discrimination initiatives and diversity from local to parliamentary politics. Political activists, Members of Parliament, and local scholars also participated in the conference. The conference addressed, among other topics, increased support for anti-discrimination and diversity initiatives in government workforces with a focus on the EU Parliament and U.S. Congress. Ms. Chrisler shared how the OOC provides training and education on diversity in the workplace and how workplace disputes are resolved in Congress.

Earlier this year, the U.S.– China Exchange Council’s Chinese Delegation to the United States visited the OOC to learn about the OOC’s dispute resolution process for resolving employee claims in the Legislative Branch. The Delegation visited the OOC during its tour of agencies devoted to Administrative Dispute Resolution. The Chinese Delegation was additionally interested in how the OOC’s policies and procedures regarding employment rights interplayed with those of the Equal Employment Opportunity Commission and other Federal agencies. The Delegation met with key members of the OOC Executive staff, as well as the head of OOC’s Dispute Resolution Program. It was a privilege for the OOC to be able to share ideas and insight on an international scale.

General Counsel's Inspections Reveal Improvements in Safety and Health

Inspections conducted by the OOC's Office of the General Counsel during the 111th Congress have shown that safety and health conditions in Legislative Branch facilities continue to improve in large part due to the efforts of Members and employing offices.

Again this year, the OOC recognized the improving conditions in Legislative Branch facilities by presenting Safe Office Awards to Members whose offices were found to be free of any safety and health hazards during our inspections. During the 111th Congress, 154 Members received Safe Office Awards. This contrasts sharply with the 110th Congress, when only 37 Members received the award. The contrast with the 109th Congress is even sharper: only 7 Members received the award that year. As you can see, continuing interest and efforts in the areas of employee safety and health are making a real difference.

We have also presented Advocacy Awards to several staffers who have made particularly noteworthy contributions to improving safety and health in the Legislative Branch. In the 111th Congress, those recipients included: Janet Jones, Office of the Senate Chief Counsel for Employment; Rick Rogers, United States Capitol Police; Robert Browne, Library of Congress Safety Services; and Nan Ernst, Library of Congress Professional AFSCME Local 2910.

Exciting Changes Bring Years of Experience to the Office of General Counsel

The OOC is pleased to announce that Faith Perry has joined the staff of the Office of the General Counsel (OGC) as the Occupational Safety and Health (OSH) Program Manager. In this role, Faith will oversee the OSH program. Her efforts will be focused on Requestor Initiated Inspections and planning new safety and health endeavors. Faith most recently worked in the private sector where she audited commercial enterprises for regulatory compliance and best practices in the areas of occupational safety and health, workers' compensation, and risk management. She also has experience in the public sector, having been an Engineer Officer in the U.S. Army and the U.S. Army Reserves.

In addition, the OOC is equally pleased that Terry Wigfall is now serving as the OSH Compliance Manager. She will be responsible for managing the biennial inspection process and inspection team resources. Her focus will be the implementation of the Risk Based inspections. Terry has been working with OOC as a Safety Specialist since November 2007. In the position of Compliance Manager, Terry will be able to draw upon her extensive experience in the areas of safety and compliance for both public and private entities to facilitate the abatement of hazards.

OOC Joins Other Agencies to Present at CRS Training

Over the past year, along with representatives from the U.S. Capitol Police and the House and Senate Employment Assistance Programs, the OOC has participated in Congressional Research Service (CRS) training programs for Congressional employees. During the training sessions, the OOC informs state and district staffers about their workplace rights in the Legislative Branch. The feedback from staffers, who attend CRS training sessions in Washington, DC from all over the United States, has been overwhelmingly positive. The OOC is committed to being an educational resource about workplace rights issues for all Congressional staffers throughout the country.

You can download our full CRS Presentation at www.compliance.gov.