INTRODUCTION

The Congressional Accountability Act (CAA) generally applies provisions of eleven federal labor and employment laws to over 20,000 covered congressional employees and employing offices. The CAA establishes the Office of Compliance (Office), an independent agency in the legislative branch of government, to administer and enforce the CAA and provide a process for speedy, confidential resolution of workplace disputes. Section 301(h) of the CAA 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 the result 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.”

This first report provides the information for the period from January 23, 1996 through December 31, 1996. Future reports will be issued soon after the end of each calendar year, beginning in January 1998. The report begins with a summary of the authority and responsibilities of the Office of Compliance.

OFFICE OF COMPLIANCE AUTHORITY & RESPONSIBILITIES

The CAA establishes the Office of Compliance with a Board of five members, who serve on a part-time basis, and four statutory appointees: the Executive Director, Deputy Executive Director for the Senate, Deputy Executive Director for the House, and the General Counsel. The Office is charged with providing alternative dispute resolution procedures, as well as adjudicative hearings and appeals, for covered legislative branch employees and education and information on the CAA to members of Congress, other employing offices, and employees of the legislative branch. The Board is required to adopt substantive regulations for implementation of certain provisions of the CAA. The Executive Director is required to adopt rules governing the procedures of the Office. The Office of the General Counsel enforces the provisions of sections 210 and 215, relating to health and safety and public access requirements, including investigation and prosecution of claims under these sections, and periodic inspections to ensure compliance. Additionally, the General Counsel investigates and prosecutes unfair labor practices under section 220 of the CAA.
The CAA applies the rights and protections of provisions of the following eleven labor and employment statutes to covered employees within the legislative branch: title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, title I of the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, the Family and Medical Leave Act of 1993, the Fair Labor Standards Act of 1938, the Employee Polygraph Protection Act of 1988, the Worker Adjustment and Retraining Notification Act, chapter 43 of title 38 of the U.S. Code (relating to veterans' employment and reemployment), the Americans with Disabilities Act of 1990 relating to public services and accommodations, the Occupational Safety and Health Act of 1970, and chapter 71 of title 5 of the U.S. Code (relating to federal service labor-management relations).

On January 23, 1996, key provisions of the law took effect covering the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and their employees. On October 1, 1996, section 220, the labor management section of the CAA, took effect, as did the OSHA and ADA sections on January 1, 1997.

**USE OF THE OFFICE OF COMPLIANCE**

Section 301(h) of the Congressional Accountability Act mandates 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 the result 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.”

The following statistics provide this data on the use of the Office by covered employees from January 23, 1996, when the CAA generally took effect, to December 31, 1996. (Given the statutory time frames, proceedings initiated in 1996 may still be in the dispute resolution process as of December 31, 1996.)

**Number and Types of Contacts Received: 1677**

Employees and employing offices may, at any time, seek informal advice and information on the procedures of the Office and the rights, protections, and responsibilities afforded under the CAA. The Office responds to all inquiries on a confidential basis.
1677 requests for information from covered employees, employing offices, the public unions, and the press were made by phone and in person from January 23, 1996 to December 31, 1996. Contacts were made by:

Employees 652
Employing offices 603
Public 107
Unions 36
Press 44
Recorded Information line 235

Total requests for information 1677

Reasons for Employee Contacts

652 covered employees contacted the Office asking questions under the following sections:

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Contacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>202</td>
<td>Rights and protections under the Family and Medical Leave Act of 1993</td>
<td>26</td>
</tr>
<tr>
<td>203</td>
<td>Rights and protections under the Fair Labor Standards Act of 1938</td>
<td>155</td>
</tr>
<tr>
<td>204</td>
<td>Rights and protections under the Employee Polygraph Protection Act of 1988</td>
<td>0</td>
</tr>
<tr>
<td>205</td>
<td>Rights and protections under the Worker Adjustment and Retraining Notification Act</td>
<td>73</td>
</tr>
</tbody>
</table>

1 Aggregate numbers will not necessarily match totals as a single contact may involve more than one section or subsection of the CAA, and/or more than one issue or alleged violation.
206 Rights and protections relating to veterans' employment and reemployment 3
207 Prohibition of intimidation or reprisal 8
210 Rights and protections under the Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations 1
215 Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations 4
220 Application of chapter 71 of title 5, United States Code, relating to federal service labor-management relations 13

CAA Questions regarding the general application of the CAA 128

Additionally, the office received 150 questions from employees on matters which were not cognizable under the CAA.

The 652 employee contacts were for information regarding:

# Assignments 4
# Belo contracts 14
# Benefits 1
# Compensatory time off 9
# Compensation 29
# Demotion 8
# Discipline 2
# Equal pay 1
# Evaluation 2
# Exemptions under the Fair Labor Standards Act 42
# General questions regarding statutory requirements 102
# Harassment 14
# Hiring 3
# Hours of work 28
# Inspections 1
Number of Proceedings Initiated by Covered Employees: 95

Pursuant to title IV of the CAA, the Office of Compliance provides dispute resolution in the form of counseling and mediation. A proceeding under the CAA is initiated by a request for counseling alleging a violation of the CAA.

95 employees from the following offices filed requests for counseling:

<table>
<thead>
<tr>
<th>Office</th>
<th>Requests</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Architect of the Capitol</td>
<td>34</td>
</tr>
<tr>
<td>Capitol Guide Service</td>
<td>6</td>
</tr>
<tr>
<td>Capitol Police</td>
<td>2</td>
</tr>
<tr>
<td>Congressional Budget Office</td>
<td>1</td>
</tr>
<tr>
<td>House of Representatives (non-member or committee offices)</td>
<td>39</td>
</tr>
<tr>
<td>House of Representatives (member offices)</td>
<td>7</td>
</tr>
<tr>
<td>Senate Committee</td>
<td>1</td>
</tr>
<tr>
<td>Senate (non-Senator offices)</td>
<td>2</td>
</tr>
<tr>
<td>Senator</td>
<td>3</td>
</tr>
<tr>
<td>Total employee counseling requests</td>
<td>95</td>
</tr>
</tbody>
</table>
These 95 requests for counseling alleged violations under the following sections of the Congressional Accountability Act:²

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>202</td>
<td>Rights and protections under the Family and Medical Leave Act of 1993</td>
<td>8</td>
</tr>
<tr>
<td>203</td>
<td>Rights and protections under the Fair Labor Standards Act of 1938</td>
<td>12</td>
</tr>
<tr>
<td>205</td>
<td>Rights and protections under the Worker Adjustment and Retraining Notification Act</td>
<td>35</td>
</tr>
<tr>
<td>207</td>
<td>Prohibition of intimidation or reprisal</td>
<td>22</td>
</tr>
</tbody>
</table>

Workplace issues raised by the 95 employees requesting counseling fell into the following categories:³

# Assignments                                       7
# Compensatory time off                              1
# Compensation                                       24
# Discipline                                         13
# Fair Labor Standards Act exemptions                 2
# Harassment                                         20
# Hiring                                             4
# Hours of work                                      5

² See note 1, page 4.
³ See note 1, page 4
Results of the Proceedings

Counseling
Of the ninety-five (95) counseling requests received between Jan. 23 and Dec. 31, 1996:

# twenty-six (26) cases closed during or after counseling with no request for mediation
# twenty-nine (29) cases were pending at various stages in the counseling process at the end of 1996
# forty (40) requests for mediation were filed

Mediation
Of the forty (40) mediation requests received between Jan. 23 and Dec. 31, 1996:

# fourteen (14) cases closed during or after mediation
   --eight (8) cases were formally settled
      --in six (6) cases, no further action was taken by the employee after mediation ended
# five (5) cases were in mediation on December 31, 1996
# eight (8) cases had completed mediation and were in the time period when a complaint could be filed
# thirteen (13) complaints were filed after mediation
Complaints and Hearings

If the dispute remains unresolved after counseling and mediation, an employee may elect to file a civil action in the district courts of the United States or to file a complaint with the Office. If a complaint is filed with the Office, a Hearing Officer is appointed to hear the case and issue a decision.

Of the thirteen (13) complaints filed after mediation (between Jan. 23 and Dec. 31, 1996):

# five (5) hearings were scheduled for twelve (12) cases (8 cases being consolidated for one hearing)

# one (1) complaint was pending

Of the five (5) hearings:

# four (4) hearings were completed, covering eleven (11) cases, and Hearing Officer decisions were issued in those four (4) hearings

# one (1) hearing was scheduled but not completed as of December 31, 1996

Basis of Complaints

The thirteen (13) complaints filed involved the following issues:

# Worker Adjustment and Retraining Notification Act: eleven (11) complaints

# Alleged sexual harassment, reprisal, and hostile work environment: one (1) complaint

# Alleged denial of promotion because of color and religion and discrimination based on gender: one (1) complaint
Action Taken on Complaints

Any party aggrieved by a Hearing Officer's decision may file a petition for review of the decision by the Board of Directors of the Office.

As of December 31, 1996, of the four (4) Hearing Officer decisions issued:

# two (2) petitions for review had been filed with the Board

# the appeal period for the other two (2) decisions was still open

No Board decisions were issued in 1996; to our knowledge, no civil actions were filed in Federal Court in 1996 by covered employees.