

Advancing
workplace
rights, safety
and health, and
accessibility in
the legislative
branch

Know Your Rights

IN THE
LEGISLATIVE
BRANCH



[OCWR.gov](https://ocwr.gov)



ABOUT THE OCWR

The Office of Congressional Workplace Rights (OCWR) is an independent, nonpartisan legislative branch office established to administer and enforce the Congressional Accountability Act (CAA).

WHAT WE DO

- Inform and educate the congressional workforce on workplace rights and responsibilities
- Provide an administrative dispute resolution (ADR) program to resolve workplace claims arising under the CAA
- Investigate, enforce, and resolve matters concerning safety and health, public access, and labor-management laws applied to the legislative branch
- Advise Congress on enhancing workplace and accessibility protections in the legislative branch



WHO IS COVERED BY THE CAA?

The CAA protects legislative branch staff in the following offices:*

- U.S. House of Representatives
- U.S. Senate
- Commission on Security and Cooperation in Europe (U.S. Helsinki Commission)
- Congressional Budget Office
- Congressional-Executive Commission on China
- Government Accountability Office**
- Library of Congress***
- Office of Attending Physician
- Office of the Architect of the Capitol
- Office of Congressional Accessibility Services
- Office of Congressional Workplace Rights
- Office of Technology Assessment
- Stennis Center for Public Service
- United States Capitol Police
- U.S.-China Economic and Security Review Commission
- U.S. Commission on International Religious Freedom

**Certain workplace protections also apply to unpaid staff, job applicants, and former employees, and the public accessibility laws also apply to members of the public with disabilities who wish to access legislative branch programs, facilities, and services.*

***Certain provisions of the CAA do not apply to Government Accountability Office employees.*

****Library of Congress employees are covered except under Section 1351 of the CAA.*

WHAT IS THE CAA?

The CAA applies employment, labor, safety and health, and accessibility laws to the legislative branch. These workplace rights and protections include:



Protection from Unlawful Discrimination and Harassment

Section 201 (2 U.S.C. § 1311) applies provisions of Title VII of the Civil Rights Act of 1964, the Rehabilitation Act, Title I of the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA). These provisions require that all personnel actions, such as hiring, termination, promotion, and benefits, occur free from unlawful discrimination and harassment based on race, color, religion, sex (including sexual orientation and gender identity), national origin, age, and disability.



Protected Family and Medical Leave

Section 202 (2 U.S.C. § 1312) applies provisions of the Family and Medical Leave Act (FMLA), which entitle eligible employees to take up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons, such as the birth or placement of a child for adoption or foster care, an employee's serious health condition, or the care of a family member with a serious health condition.

Employees may also be eligible for up to 12 weeks of paid parental leave in connection with the birth or placement of a child for adoption or foster care.



Fair Labor Standards

Section 203 (2 U.S.C. § 1313) applies provisions of the Fair Labor Standards Act (FLSA), which require the payment of a minimum wage and overtime compensation to nonexempt employees, restrict child labor, and prohibit wage discrimination based on sex.



Polygraph Testing Protections

Section 204 (2 U.S.C. § 1314) applies provisions of the Employee Polygraph Protection Act (EPPA). These provisions prohibit employing offices from requiring or requesting that a polygraph test be taken and from firing or discriminating against an employee based on the results of a polygraph test or for refusing to take a test.



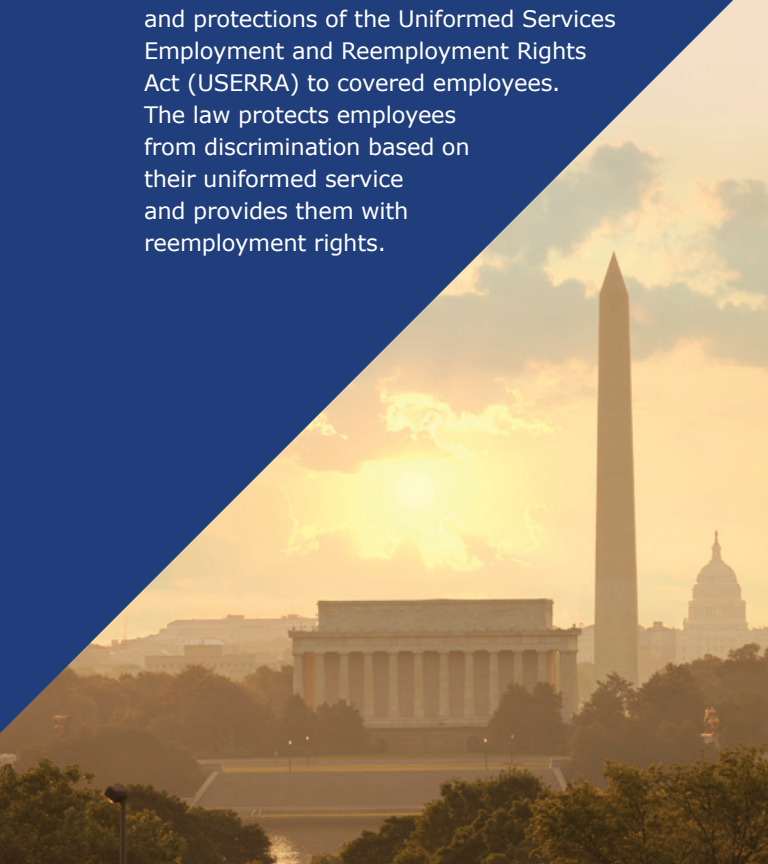
Notification of Office Closings and Mass Layoffs

Section 205 (2 U.S.C. § 1315) applies the rights and protections of the Worker Adjustment and Retraining Notification (WARN) Act that require advance notice of certain office closings or layoffs.



Uniformed Services Rights and Protections

Section 206 (2 U.S.C. § 1316) applies the rights and protections of the Uniformed Services Employment and Reemployment Rights Act (USERRA) to covered employees. The law protects employees from discrimination based on their uniformed service and provides them with reemployment rights.





Veterans' Employment Opportunities

The CAA contains a provision (2 U.S.C. § 1316a) that applies rights and protections of the Veterans Employment Opportunities Act (VEOA) to the legislative branch. This provision gives certain veterans enhanced access to job opportunities.



Fair Chance to Compete for Jobs

Section 207 (2 U.S.C. § 1316b) applies the Fair Chance to Compete for Jobs Act, also known as the Fair Chance Act (FCA) or the federal "Ban the Box" law, which prohibits employing offices from asking most job applicants about their criminal history prior to extending a conditional offer of employment.



Genetic Information Nondiscrimination and Privacy

Section 102(c) (2 U.S.C. § 1302(c)) applies Title II of the Genetic Information Nondiscrimination Act (GINA), which prohibits employing offices from using employees' genetic information to discriminate against them in personnel actions such as hiring, discharge, payment, or promotion.



Protection for Exercising Workplace Rights

Section 208 (2 U.S.C. § 1317) prohibits employing offices from intimidating or retaliating against employees who exercise their rights under the CAA, including initiating or participating in OCWR proceedings.



Protections for Pregnant Workers (effective June 27, 2023)

The Pregnant Workers Fairness Act (PWFA) requires employers to provide reasonable accommodations for an employee's known limitations related to pregnancy, childbirth, or related medical conditions.



Access to Public Services and Accommodations

Section 210 of the CAA (2 U.S.C. § 1331) applies Titles II and III of the ADA, which protect members of the public with disabilities from being denied access to public services, programs, activities, or places of public accommodation in legislative branch facilities.

The OCWR's Office of the General Counsel conducts biennial ADA public access inspections, and investigates reports of barriers to access.



Hazard-Free Workplaces

Section 215 of the CAA (2 U.S.C. § 1341) applies the rights and protections of the Occupational Safety and Health Act (OSHAct) to the legislative branch. Under the OSHAct provisions, employing offices must comply with applicable safety standards and provide employees with a workplace free of recognized hazards that may cause death or serious injury.

The OCWR's Office of the General Counsel conducts biennial safety and health inspections, and investigates reports of safety-related incidents or suspected unsafe working conditions.



Collective Bargaining and Unionization

Section 220 of the CAA (2 U.S.C. § 1351) applies provisions of the Federal Service Labor-Management Relations Statute (FSLMRS), which protects the rights of certain legislative branch employees to form, join, or assist a labor organization, or to refrain from such activity.



THE ADMINISTRATIVE DISPUTE RESOLUTION PROCESS

The CAA establishes an administrative dispute resolution (ADR) process to resolve disputes involving alleged violations under 2 U.S.C. §§ 1302(c) and 1311-1317.

- Confidential advising is available to covered employees seeking information on their workplace rights, advice, or assistance with drafting claims.
- A claim alleging a violation of the CAA must be filed with the OCWR within **180 days** of the alleged violation.
- Once a claim is filed with the OCWR, it is submitted to a hearing officer for preliminary review and limited assessment of the claim.
- Mediation is available upon request and by agreement of the claimant and the employing office.
- If a claim passes a preliminary review, then the employee may either pursue an administrative hearing with the OCWR or file a civil suit in federal court. If a claim does not pass preliminary review, the employee may proceed only in federal court.
- The OCWR offers an independent review of the claim and affords the same remedies that a court can provide.
- The OCWR's administrative hearing process offers some advantages over federal court litigation, including faster resolution, greater confidentiality, and fewer evidentiary restrictions.
- The OCWR provides covered employees working outside the Washington, D.C. area with equitable access to its resources and services. To facilitate access for out-of-area employees, the OCWR uses various tools, including videoconferencing.



NOTES

Questions?
Contact
the OCWR
for more
information.

This information is intended for educational purposes only and does not constitute advice or an official ruling of the Office of Congressional Workplace Rights or its Board of Directors. For further information, please refer to the Congressional Accountability Act of 1995 (2 U.S.C. § 1301 et seq.) and the regulations issued by the Board, or contact the Office of Congressional Workplace Rights.

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