

Correcting the record:

Filing claims with the OOC



In recent weeks there have been many media reports about the process for employees in the legislative branch to file claims with the Congressional Office of Compliance (OOC) under the Congressional Accountability Act of 1995 (CAA). Several of those reports contain incorrect information about that process. The questions and answers below address the most common misconceptions about the OOC; more detailed information is available [here](#).

Q: I read that the CAA requires an employee alleging sexual harassment to seek “counseling” with the OOC. What does that mean?

A: “Counseling” is the name given to the OOC’s intake process. To file a claim of harassment (or any other violation of workplace rights under the 13 statutes incorporated by the CAA), you must request counseling within 180 days of the date of the alleged violation. Although the OOC counselor does not provide you with advice about the strength or merits of your case, upon receipt of the counseling request, she considers the information that you provide and gives you information on your workplace rights and the administrative procedures under the CAA.



Q: I read that I have to sign a nondisclosure agreement in order to initiate a claim with the OOC. Is that true?

A: No. The confidentiality aspect of counseling means that the OOC will not notify your employing office or anybody else that you have contacted the OOC. If you wish, you may permit the OOC to contact your employing office to seek an immediate solution to your concerns, but this is strictly up to you..

Q: I heard that I can’t even tell my family or friends that I have filed a claim with the OOC. Is this true?

A: No. The decision whether to tell someone that you have contacted the OOC is yours alone, and there is no restriction on whom you can tell.

Q: Do I have to attend intake counseling in person?

A: No. Neither the CAA nor the OOC’s procedural rules require your in-person attendance at counseling. You may participate in the counseling process over the telephone, or by similar means, and you may have someone else represent you in your absence. Your designated representative can be, but is not required to be, a lawyer.

Q: I heard that the intake counseling process takes 30 days. Is this true?

A: Not necessarily. The CAA provides that “[t]he period for counseling shall be 30 days unless the employee and the [OOC] agree to reduce the period.” Therefore, you can request to shorten the intake counseling period.

Q: If my claim is not resolved during the counseling phase, and I want to pursue the matter, does the CAA require that I file a request for mediation with the OOC?

A: Yes.

Q: If I initiate mediation, will I be under a “gag order”?

A: No. At the beginning of the mediation process, all parties sign an agreement to keep confidential all communications, statements, and documents that are prepared for the mediation. Information obtained, exchanged, or imparted during mediation may not be disclosed by the mediator or any party to the mediation. This means that you can’t discuss what was said during mediation or share information you learned for the first time through mediation. The purpose of this limited confidentiality obligation is to encourage the parties to share information in order to seek resolution of the claim. The CAA does not prohibit discussing with others the underlying harassment or other actions that brought you to the OOC in the first place.

Q: Do I have to attend mediation in person?

A: No. Contrary to some inaccurate reports in the media, there is no requirement that the employee be in the same room – or even in the same building – as the accused harasser during mediation. You may participate in the mediation process over the telephone, or by similar means, and you may have someone else represent you in your absence. Your designated representative can be, but is not required to be, a lawyer.



The Congressional Accountability Act created a unique process to resolve workplace disputes in the legislative branch. The OOC is an independent, nonpartisan office with experts trained in dispute resolution.

Q: I have a sexual harassment claim. I have heard that unless I continue to work in the workplace with my harasser, I cannot pursue a claim with the OOC. Is this true?

A: No. You do not have to continue to work in the same workplace, or even in the legislative branch at all, in order to pursue a claim before the OOC. Just remember that your request for counseling must be filed within 180 days of the alleged harassment.

Q: I've read that legislative branch employees have to go through a longer and more cumbersome process than victims of sexual harassment in the private sector or the executive branch. Is that true?

A: No. Employees outside of the legislative branch are required to exhaust administrative remedies by going through a multi-step process with the Equal Employment Opportunity Commission and/or the Merit Systems Protection Board, and those procedures can take as long as – or longer than – the OOC's process.

Q: Do I have to report harassment to my supervisor or employing office before filing with the OOC?

A: No. The CAA does not require an employee to do so in order to initiate a claim. Nonetheless, an employee may be required to report discriminatory harassment under an employing office's published anti-harassment policy and give it a chance to fix the situation, where it would be reasonable to do so.

Q: All of the media reports seem to be focusing on the sexual harassment of women. I am a male – can I file a claim if I've been sexually harassed?

A: Yes.

Q: I read that the OOC would require me to sign a nondisclosure agreement in order to settle my harassment claim. Is this true?

A: No. Whether and how to settle a claim are matters for the parties to decide. The OOC does not have any standardized language that parties are required to include in their settlement agreements, and it does not require parties to include nondisclosure provisions in those agreements. The contents of settlement agreements—including any provisions governing disclosure—are solely determined by the parties and their representatives. The only statutory requirement for settlement agreements in the CAA is that they be in writing. Under current law, the OOC is not authorized to release information about individual awards and settlements.

Q: If a settlement results in a payment to the complainant, where do the funds come from?

A: Awards and settlements are paid from an account in the U.S. Treasury of the United States, pursuant to Section 1415 of the CAA.

Q: I have read reports that have cited the OOC saying that between 1997 and 2014, the U.S. Treasury has paid \$15.2 million in 235 awards and settlements for workplace violations. Were these all settlements of sexual harassment claims in Congress?

A: No. A large portion of cases before the OOC come from employing offices in the legislative branch other than the House of Representatives or the Senate, and involve various statutory provisions incorporated by the CAA, such as the overtime provisions of the Fair Labor Standards Act, the Family Medical Leave Act, and the Federal Service Labor Management Relations Act.

The statistics on payments are not further broken down because settlements may involve cases that allege violations of more than one of the 13 statutes incorporated by the CAA.

Statistics about types of claims are available on our website as a part of our annual report. Sexual harassment claims are included with gender discrimination and pregnancy issues.

