



Office of Compliance

advancing safety, health, and workplace rights in the legislative branch

**Dispute Resolution Under the
Congressional Accountability Act**


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What is the CAA?

The Congressional Accountability Act (CAA) applies 12 civil rights, labor, and workplace safety laws to the U.S. Congress and Legislative Branch employees.

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What Does the CAA Mean to Legislative Branch Employees?

- Protection from discrimination in employment based on race, color, religion, sex, national origin, age, or disability
- Protection from discrimination with regard to access by the disabled to public services and accommodations
- Wage and labor standards required under the Fair Labor Standards Act (FLSA)
- The right to time off provided by the Family and Medical Leave Act (FMLA)
- The right to receive adequate notice of mass layoffs and office closings
- Protection from unsafe or unhealthy working conditions
- Protection against the use of polygraphs (lie detectors) in the workplace
- Protection against employment discrimination for those who serve in the uniformed services
- The right to organize and engage in collective bargaining

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Who is Covered by the CAA?

- House of Representatives and Senate (including district offices)
- All committees of Congress
- Architect of the Capitol
- Capitol Police
- Capitol Guide Service
- Congressional Budget Office
- Office of the Attending Physician
- Office of Compliance

*Refer to www.compliance.gov or to 2 U.S.C. 1301 et seq. for specific information on the application of each law to individual employing offices in the Legislative Branch employees.

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How Are Disputes Resolved?

The CAA provides a mandatory dispute resolution process emphasizing counseling and mediation for the settling of disputes.

If the parties involved are not able to resolve their dispute through counseling and mediation, an employee may either pursue a non-judicial administrative hearing process with the Office of Compliance or file suit in Federal Court.

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How Are Disputes Resolved?

The dispute resolution process is a multi-step process beginning with counseling and mediation.

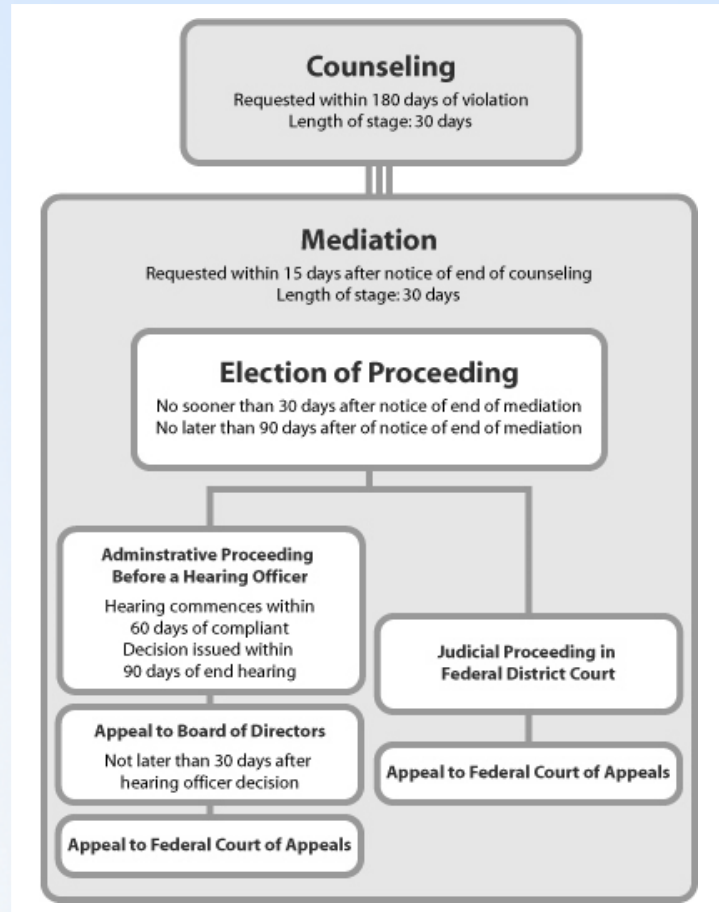
All employees, including district office staff, must follow established dispute resolution procedures in order to process their claims under the CAA.

The failure to follow these procedures or to meet established time lines may jeopardize any claims raised under the CAA.

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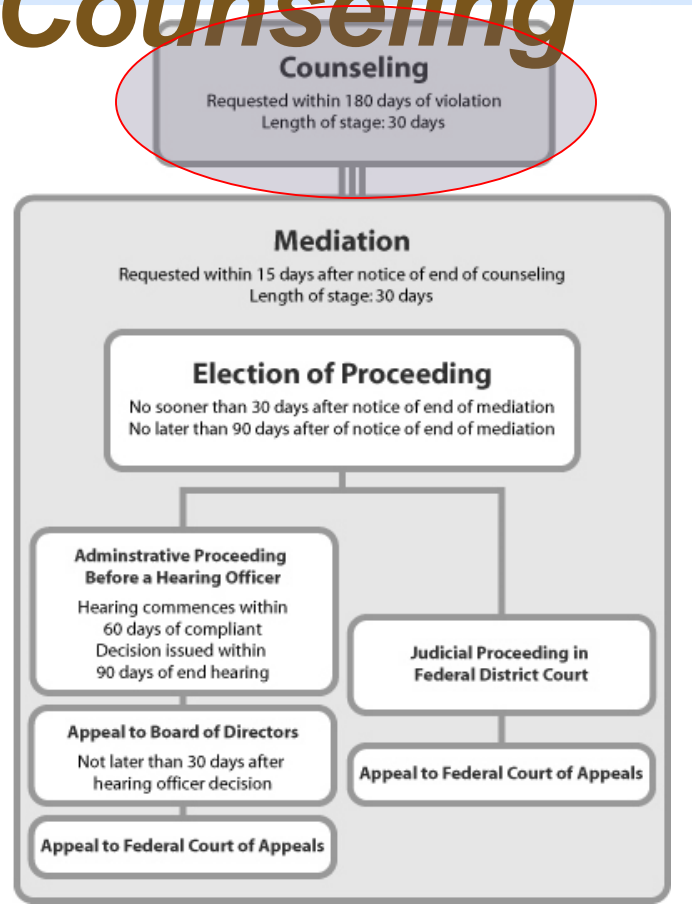
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The Dispute Resolution Process



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Dispute Resolution, Step One: *Counseling*



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Dispute Resolution, Step One: *Counseling*

If a violation of the CAA is alleged, a request for counseling must be made within 180 days after the date of the event. The counseling period normally lasts for 30 days.

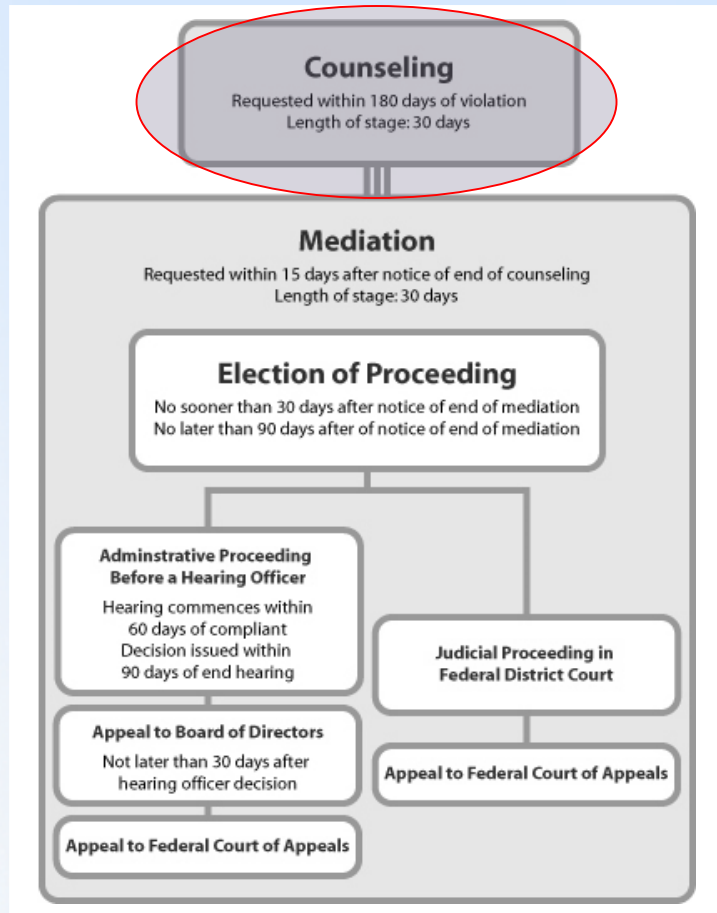
During the counseling period, an Office of Compliance counselor will discuss an employee's concerns and inform the employee of his or her rights under the law. The counselor does not serve as a representative or advocate, only as an advisor to help an individual understand how the law works and to clarify facts and issues.

A covered employee may retain representation at any time during the dispute resolution process.

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Step Two: *Mediation*



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Step Two: *Mediation*

If an employee chooses to continue with a claim after the counseling period, the next step is to request mediation.

Mediation must be requested within 15 days of receiving notification of the completion of the counseling period and lasts for 30 days unless both parties request an extension of time.

During mediation, the Office of Compliance appoints one or more neutral mediators who will meet with the parties to the dispute to seek a solution to the problem that is acceptable to both parties.

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Step Two: *Mediation*

The goal of mediation is a voluntary resolution acceptable to all. Mediated settlements are always voluntary and can never be imposed by the mediator.

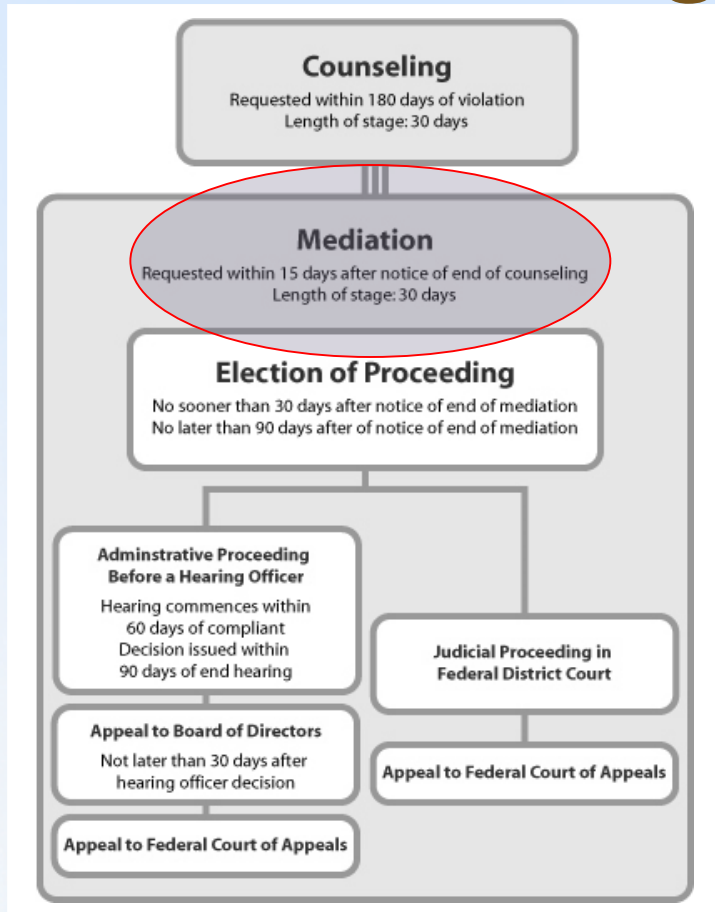
Mediation permits both employees and their employing office to come together with a neutral third party to attempt to resolve a dispute under mutually acceptable terms.

The advantage of a mediated settlement is that it allows both parties to a dispute to take an active role in reaching a settlement rather than having one imposed upon them by a Hearing Officer or judge.

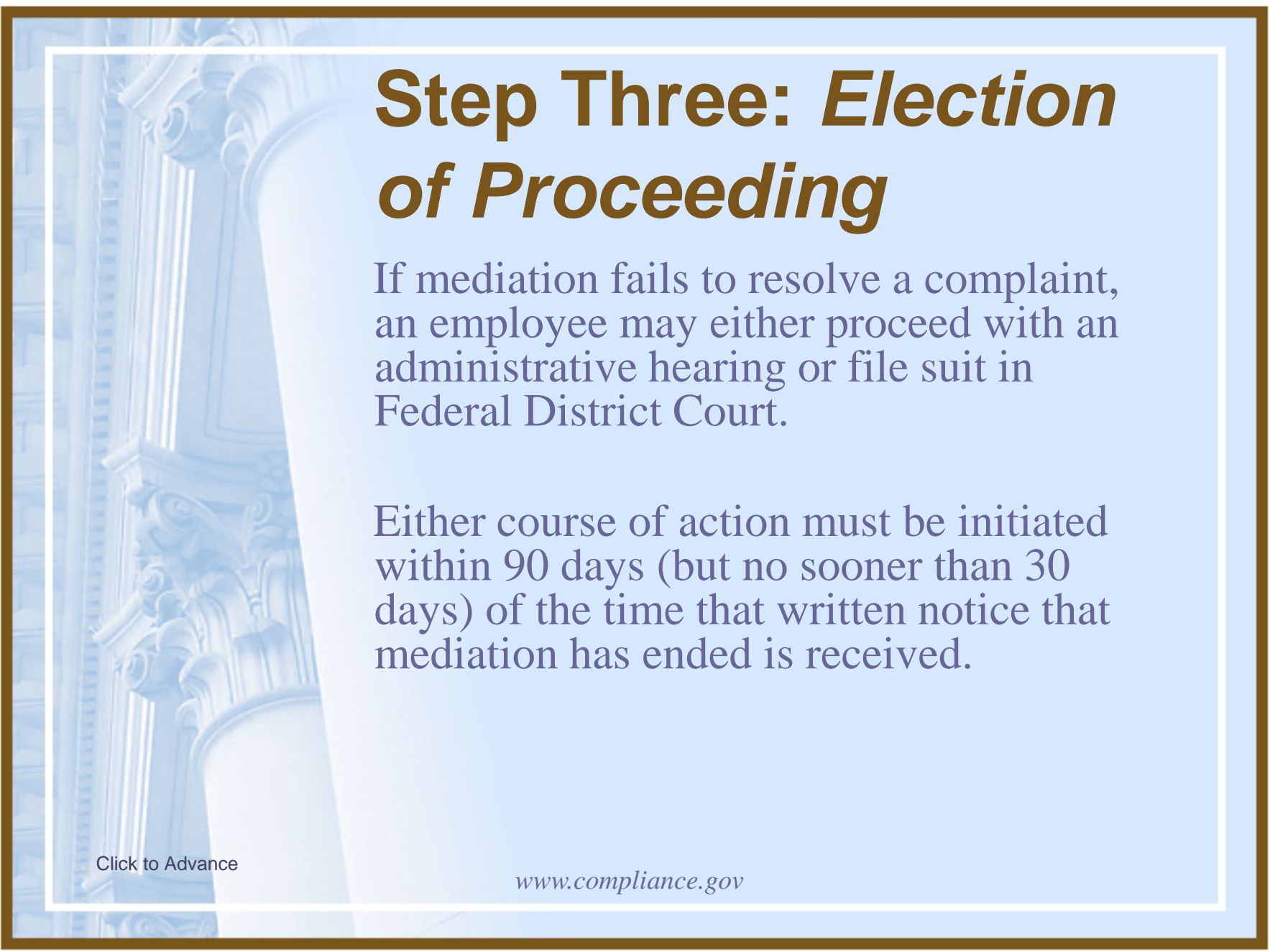
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Step Three: *Election of Proceeding*



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Step Three: *Election of Proceeding*

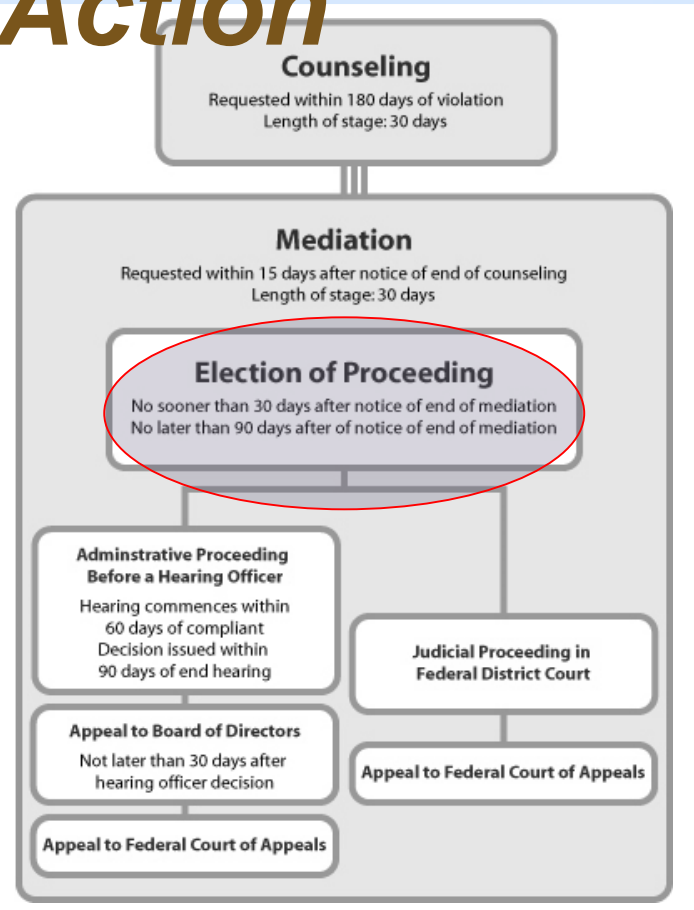
If mediation fails to resolve a complaint, an employee may either proceed with an administrative hearing or file suit in Federal District Court.

Either course of action must be initiated within 90 days (but no sooner than 30 days) of the time that written notice that mediation has ended is received.


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Election of Proceeding: *Civil Action*



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Election of Proceeding: *Civil* *Action*

If an employee chooses to proceed with a civil action after mediation, the suit and any appeals will proceed under the rules that normally apply to actions in Federal court.

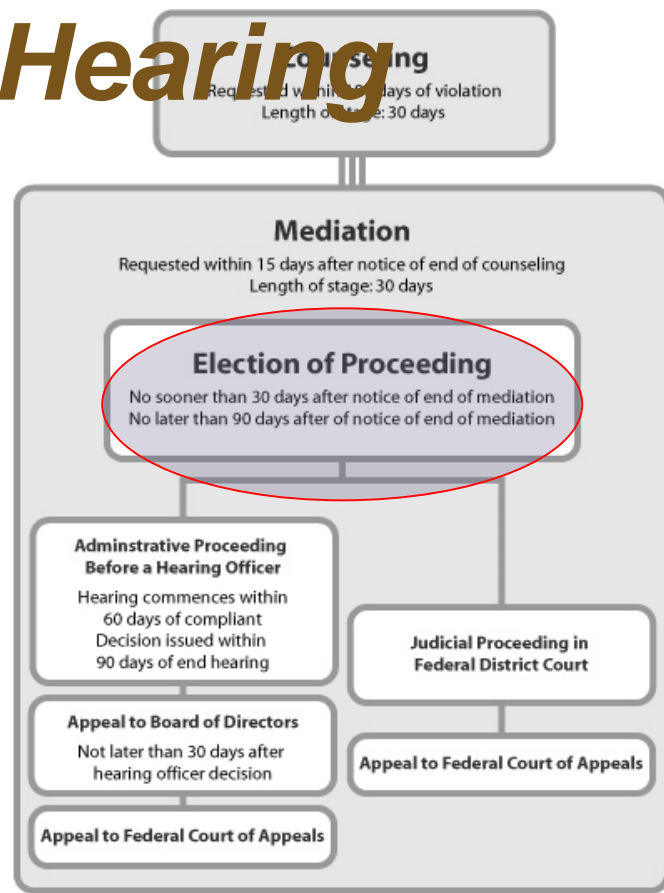
Employees who work on Capitol Hill who choose to file a civil suit after mediation normally must do so with the U.S. District Court for the District of Columbia.

Employees who work outside of the District of Columbia may choose to file suit in the U.S. District Court where they work.

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Election of Proceeding: Administrative Hearing



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Election of Proceeding: *Administrative*

Hearing If an employee chooses to pursue an administrative hearing after mediation, a formal complaint must be filed with the Office of Compliance in writing.

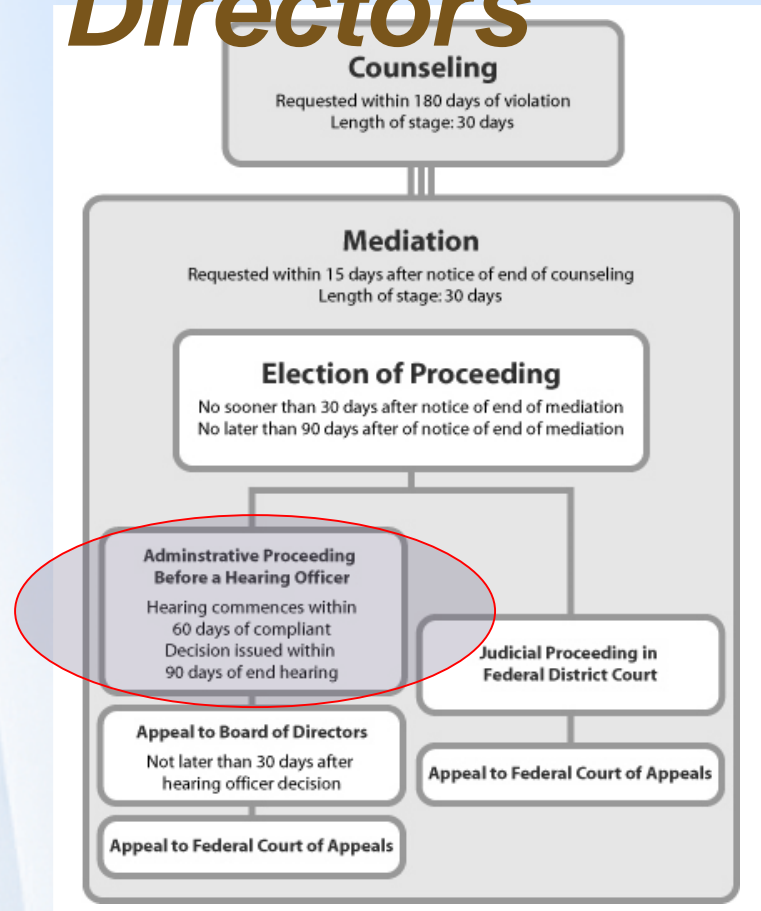
An administrative hearing normally begins within 60 days after a complaint is filed, and the Hearing Officer will issue a written decision no later than 90 days after the hearing's conclusion.

An independent Hearing Officer is assigned to conduct the hearing to determine the facts and may issue subpoenas and require information from the parties involved.

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Step Four: *Review by the Board of Directors*



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Step Four: *Review by the Board of Directors*

If either the employee or employing office is dissatisfied with the final decision of the Hearing Officer, a request may be made to have the Hearing Officer's decision reviewed by the Board of Directors of the Office of Compliance.

A request for review by the Board of Directors must be made within 30 days of the time the Hearing Officer's decision is entered into the records of the Office of Compliance.

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Step Four: *Review by the Board of Directors*

After reviewing the arguments from both sides in a dispute, the Board of Directors will issue a written decision on the case along with its reasoning for the decision.

If either the employee or employing office is dissatisfied with the outcome of the appeal to the Board of Directors, the decision may be appealed to the U.S. Court of Appeals for the Federal Circuit for further review.

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Points to Remember

At any time during the dispute resolution process, the parties involved may choose to settle their dispute before a final decision in the case is made. Settlements must be in writing and must be approved by the Executive Director of the Office of Compliance.

If an employee prevails in a case, the Hearing Officer, Board of Directors, or Federal court may order monetary awards and other appropriate remedies. Attorney's fees, expert fees, and certain other costs may also be awarded. No civil penalties or punitive damages may be awarded for any claims under the CAA.

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Violations Not Subject to This Process

Certain rights applied by the CAA are not enforced through the counseling and mediation process.

The General Counsel of the Office of Compliance may bring an enforcement action when violations of safety and health, unfair labor practices, and access to public services and accommodations rights for the disabled are alleged.

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Contacting the Office of Compliance

All contacts are strictly confidential

Room LA 200, Adams Building
Washington, D.C. 20540

202-724-9250 (voice)

202-426-1913 (fax)

202-426-1912 (TDD)

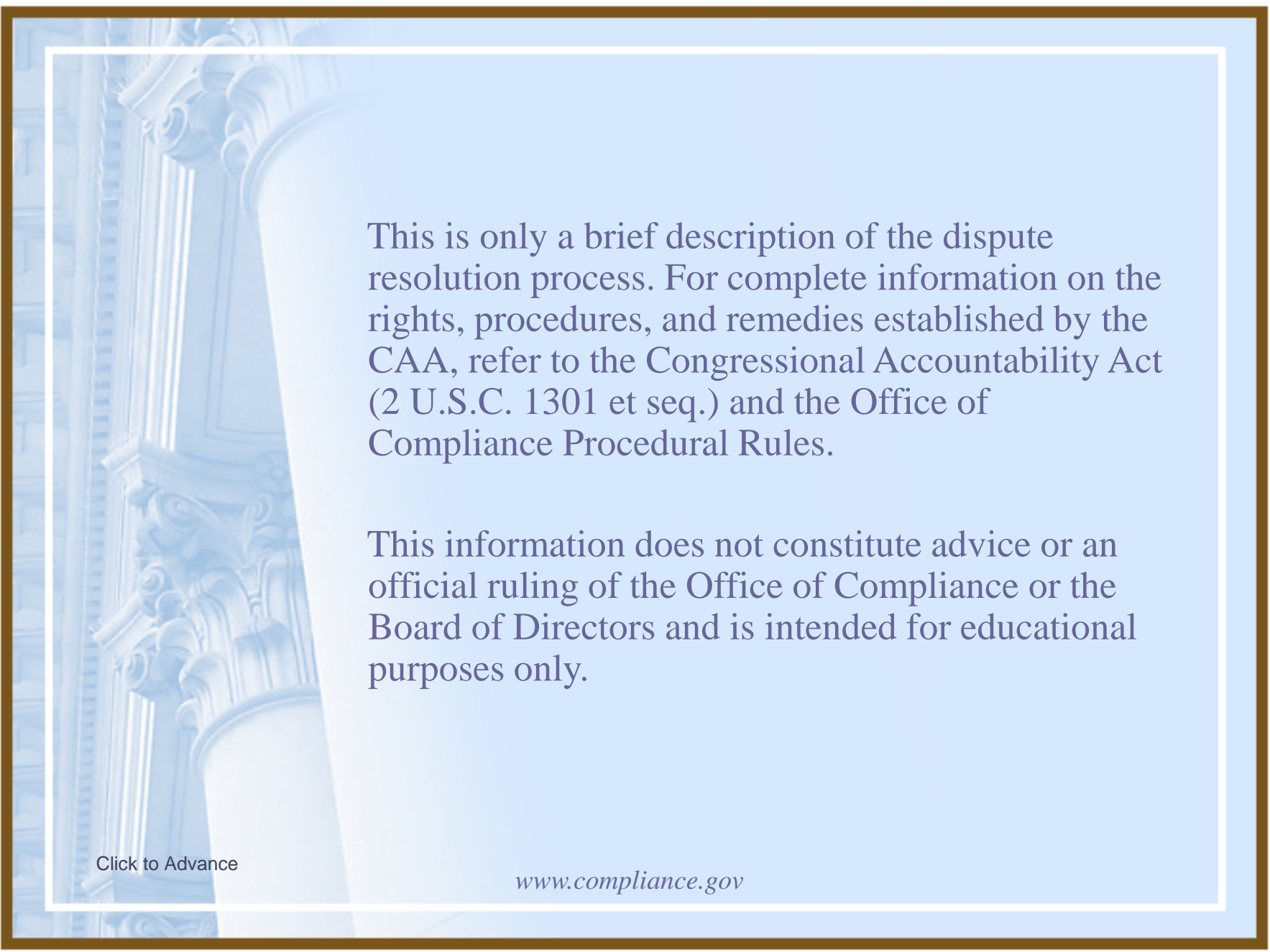
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Contacting the Office of Compliance



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This is only a brief description of the dispute resolution process. For complete information on the rights, procedures, and remedies established by the CAA, refer to the Congressional Accountability Act (2 U.S.C. 1301 et seq.) and the Office of Compliance Procedural Rules.

This information does not constitute advice or an official ruling of the Office of Compliance or the Board of Directors and is intended for educational purposes only.

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