

FAQS:

WHAT IS THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 REFORM ACT?

The Congressional Accountability Act of 1995 Reform Act (CAA) was enacted on December 21, 2018. Among its many significant changes to the 1995 Act, the Reform Act renamed the Office of Compliance (OOC) the Office of Congressional Workplace Rights (OCWR) to better reflect the mission of the Office. The Reform Act also revised the process to resolve workplace claims and extended protections of the Act to unpaid staff. Notably, the Reform Act requires Members of Congress to be personally liable for awards and settlements resulting from acts of harassment and retaliation committed by them, and requires offices to post notices informing employees of their rights and protections under the Act and to implement anti-discrimination and anti-harassment policies and training programs.

WHEN DOES THE CAA REFORM ACT TAKE EFFECT?

Most provisions of the Reform Act take effect on June 19, 2019, 180 days after the date of enactment. If you have filed a claim under the CAA, or if you will file a claim before the effective date of the new legislation, your claim will proceed under the Office's current Administrative Dispute Resolution (ADR) procedures.

DOES THE CAA REFORM ACT INCLUDE THE SAME WORKPLACE PROTECTIONS FOR LEGISLATIVE BRANCH EMPLOYEES?

Yes. The same substantive provisions of the CAA are applied under the CAA Reform Act. For example, employees will continue to be protected from discrimination and harassment and receive job protection under the family and medical leave provisions.

WILL EMPLOYEES BE ABLE TO CONTACT THE OCWR CONFIDENTIALLY TO DISCUSS WORKPLACE CONCERNS WITHOUT FILING A CLAIM?

Yes. When the provisions of the Reform Act become effective on June 19, 2019, covered employees will still be able to speak to the OCWR confidentially. Employees may meet with the OCWR's Confidential Advisor to discuss their claims, learn about the process to resolve workplace disputes, and file a claim if they choose.

JANUARY 2019

FREQUENTLY ASKED QUESTIONS: CAA REFORM ACT



WHAT WILL THE OCWR'S CONFIDENTIAL ADVISOR DO?

The Confidential Advisor is designated by the OCWR's Executive Director to provide, on a confidential basis, consultation and assistance to covered employees regarding proceedings before the OCWR. The Confidential Advisor informs employees on their rights under the CAA Reform Act, and the roles, responsibilities, and authority of the OCWR. The Advisor also consults on factual allegations and relative merits of a claim, explains procedural options, and may assist in drafting claims. The Advisor does not represent employees during proceedings.

DOES THE REFORM ACT CHANGE HOW CLAIMS OF DISCRIMINATION AND HARASSMENT ARE PROCESSED?

Yes. The Reform Act still requires that a claim be filed within 180 days of an alleged violation. However, when the Reform Act becomes fully effective on June 19, 2019, claims processed through the Office's ADR process will be handled differently. For example, the new process eliminates mandatory counseling and makes mediation optional.

WHAT WILL THE NEW PROCESS BE FOR HANDLING WORKPLACE RIGHTS CLAIMS UNDER THE CAA REFORM ACT?

When an employee timely files a claim alleging a violation of the Reform Act, OCWR will provide a copy of the claim to the employing office and appoint a hearing officer to conduct a preliminary review of the claim. Generally not later than 30 days after a claim is filed, the parties are provided a report on the preliminary review conducted. If the preliminary report concludes that the employee is covered and has stated a claim under the Act, then the employee has 10 days to request a confidential administrative hearing with the OCWR.

ARE PARTIES REQUIRED TO MEET IN MEDIATION TO DISCUSS A CLAIM?

The Reform Act makes mediation optional. Either party may request to mediate a matter, but mediation will only occur if both parties agree to mediation.

WILL A COVERED EMPLOYEE BE ABLE TO PURSUE HIS OR HER CASE IN FEDERAL COURT?

Yes. An employee who has timely filed a claim with the OCWR may file a civil action in federal district court within 70 days of filing the claim or, if the employee has not already requested a hearing, may file a civil action within 90 days of receiving a written notice from OCWR that the employee is not covered by the Act or has not stated a claim upon which relief may be granted.

I'VE ALREADY FILED A CLAIM WITH THE OCWR (OR OOC) WHAT HAPPENS NOW?

Proceedings or payments of awards or settlements relating to a claim that is currently pending before the OCWR, or that is pending before the effective date of the Reform Act's ADR provisions, will be completed under the same procedures as applied when the proceeding was initiated.

HOW CAN I FIND OUT MORE ABOUT THE CAA REFORM ACT AND MY RIGHTS AS A LEGISLATIVE BRANCH EMPLOYEE?

If you would like to speak to someone at the OCWR regarding an employment concern or would like more information on the Reform Act, please call the Office at (202) 724-9250.



OCWR
ocwr.gov
202.724.9250