

Office of Compliance



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

April 2004

Strategic Plan

2004-2006

INTRODUCTION

This Strategic Plan is established to guide the Office of Compliance (Office) for the current fiscal year through FY 2006. Neither this plan, nor the specific work assignments promulgated to implement it in the near term are required to remain static through the three-year time frame set forth here. Rather, we intend to review and make necessary modifications to this Plan as necessary to respond to changing circumstances or unforeseen exigencies. We will establish work plans for the staff of the Office to guide our implementation of the Strategic Plan each year. In FY 2006, we will undertake a comprehensive review of this Plan, and develop a successor Strategic Plan involving the active participation of all Office staff and input from our stakeholders.

MISSION

“The Office of Compliance advances safety, health, and workplace rights for employees and employers of the Legislative Branch, as mandated by the Congressional Accountability Act.”

In the nine years since the passage of the Congressional Accountability Act (CAA), the Office has made significant progress toward: 1) improving health and safety in the Legislative Branch, 2) educating the Legislative Branch community regarding the rights and responsibilities of the 12 laws incorporated under the Act, 3) enforcing the rights of employees and the rights of access of persons with disabilities. In fact, with 15 employees and a part-time Board of Directors, we serve the functions of multiple agencies in the Executive Branch – the EEOC, the Department of Labor (OSHA, as well as Wage and Hour) and the Federal Labor Relations Authority.

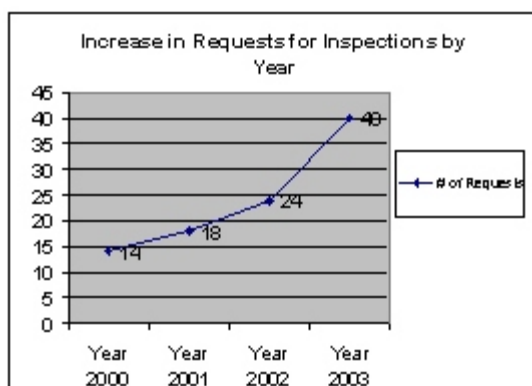
One highly visible benefit from the passage of the Act can be witnessed in the extensive and continuing improvements that have been made in health and safety within the Legislative Branch since 1995. This improvement in working conditions has dramatically reduced the number of work-related injuries on Capitol Hill, which in turn has generated significant savings in healthcare costs and lost work time. Less publicly, the Office has efficiently administered the confidential dispute resolution process mandated by the Act, allowing for the prompt settlement of employee-employer disputes.

In furtherance of its mission, the Office has established three long-term goals.

GOAL I

Protect the health and safety of Legislative Branch employees and assure equal access to individuals with disabilities.

The CAA applies the provisions of the Occupational Safety and Health Act (OSH Act) and the public access provisions of the Americans with Disabilities Act (ADA) to most of the Legislative Branch.



All such OSHA and ADA public access cases are investigated and prosecuted, if necessary, by the Office of the General Counsel (OGC), a division of the Office of Compliance. Enforcement of safety and health and equal access for the disabled, particularly in the post 9/11 environment, remains a crucial and expanding aspect of our mission. The number of safety and health investigations and required follow-up assessments to assure abatement of hazards has continued to increase dramatically in recent years. Hundreds of violations have been identified and numerous citations issued. While

significant corrective measures have been undertaken by Legislative Branch employing offices, unremediated hazardous conditions remain.

To meet this challenge, the Office of Compliance uses a multi-pronged approach to enforcement. The Office uses voluntary means where possible, and enforcement where necessary, to maximize compliance with the law. Collaborative approaches to enforcement require greater consultation, coordination, and transparency in both the investigatory and enforcement phases. These activities focus on fostering a cooperative partnering approach to achieving compliance with regulatory standards without diminishing our statutory mandate to enforce the law.

Goal I will be advanced by means of the following Strategic Initiatives:

A. Acquire and install a new comprehensive record keeping system for OSHA and ADA related cases, and complete data input/conversion of prior case data:

In order to better monitor the improvement of health and safety conditions throughout the regulated community, the OGC has identified the need for a comprehensive software program to efficiently track and access its safety and health cases. The lack of such a capability has hampered the OGC's inspection, abatement, and enforcement processes. By acquiring and installing the new OGC case tracking system in FY 2004-5, the OGC will be able to:

- ▶ Gauge its overall case handling effectiveness.
- ▶ Adopt and refine measures related to ranking and prioritizing the severity of identified

hazards; setting enforcement priorities; increasing the rate at which major deficiencies are corrected by a given percent per year; and reducing the number of injuries resulting in loss of work by a given percent per year.

- ▶ Undertake a comparative study of comparable enforcement agencies; systematically review and revise current practices; enhance targeting and utilization of Office resources; and establish appropriate time frames and outcome-related goals in order to achieve greater efficiencies and effectiveness in monitoring and enhancing health and safety and disability access.

B. Complete all required health and safety and public access inspections:

The OGC will conduct comprehensive inspections of all facilities within its jurisdiction. It is essential to its mission that the Office ensure the quality and comprehensiveness of the data we provide to Congress and to regulated agencies with regard to existing OSH and ADA conditions and practices within the Legislative Branch. To do so requires that the OGC more thoroughly conduct investigations and inspections than heretofore. A major initiative this year is to complete inspections of all facilities within the Washington, D.C. metropolitan area. Further, we will evaluate the adequacy of regulated employing offices' safety programs as part of the biennial inspections as time and resources permit. Should we experience a dramatic increase in requests for inspections, or the need to respond to a general emergency, our ability to complete this objective could be seriously impacted.

C. Address the periodic fluctuation in OSH inspection work load:

Currently, biennial inspections are conducted and reports to Congress are prepared during the second year of each Congress. This compression of highly labor intensive actions crowds a high level of activity into a relatively short period of time. As a result, requestor-initiated inspections have been deferred and backlogs created during such periods. This pressure will only be exacerbated as the Architect of the Capitol brings under his jurisdiction in the near future an additional 1.5 million square feet of facilities. Accordingly, we intend to re-examine our practice of deferring until the second year biennial inspections in order to enhance their quality and comprehensiveness, provide more time to work with employing offices regarding issues of hazard identification and abatement and safety practices, and reduce current fluctuations in Office work flow. We will explore spacing out the biennial inspections evenly over both years of each Congress. We intend to involve the employing offices in these discussions as part of the ongoing process of developing protocols with them over the next two years.

D. Provide increased safety and health and ADA technical assistance, focusing on the service needs of the regulated community:

The ultimate responsibility for assuring equal access for disabled members of the public and a safe and healthy work environment for Legislative Branch employees rests, of course, with the employing offices. In recognition of this reality, and in response to the Office's educational

mandate under Section 301(h)(1) of the Act, the Office intends to provide increased outreach services to employing offices. More specifically, the Office intends to:

- ▶ Conduct Legislative Branch health and safety conferences. The first ever and highly successful Legislative Branch health and safety conference in February 2004 was well received by the employing offices. We intend to continue to hold such conferences on a periodic basis. By increasing the level of health and safety and disability access awareness on a Legislative Branch-wide basis, it is anticipated that the Office will be able to leverage its technical expertise while continuing its case-by-case enforcement of applicable laws and regulations.
- ▶ Establish communications/conditions for leveraging use of DOL/private sector resources to improve safety and health compliance. OSHA has established a successful program that provides mentoring services from the private sector at little or no cost to employers who are seeking to improve their health and safety programs. The effect of bringing these types of services to employing offices within the Legislative Branch will be to increase the ability of the Office to achieve effective safety and health regulation at little or no cost.
- ▶ Develop relationships with leading organizations and experts in occupational safety and health to establish the Office as a repository of information and technical guidance. We recognize that the field of workplace health and safety is dynamic, and intend to maximize our ability to keep the regulated community aware of current best practices. To that end, we will develop a plan of action and identify resources to establish the Office of Compliance as a repository of information and technical guidance for sharing research, lessons learned, and best practices in all disability access and health and safety categories covered by the Act. The effect of this will be to provide a resource that will enhance voluntary compliance with the Act.

E. Facilitate coordination among campus-wide agencies for safety and health issues:

As an outgrowth of the February 2004 safety and health conference, we intend to initiate and support other forums for encouraging ongoing dialogue between Legislative Branch instrumentalities about health and safety practices. The effect of this will be to coordinate health and safety efforts while facilitating information sharing among regulated agencies. This will result in more effective health and safety programs in the workplace and sharing of best practices. Furthermore, in recognition of the fact that in certain situations, different entities within the Legislative Branch may have complimentary and at times overlapping jurisdictions with respect to health and safety matters, it is essential that the level of understanding and cooperation between these entities be increased. This is especially important in the area of emergency preparedness.

GOAL II

Improve knowledge and understanding of rights and responsibilities under the CAA, and promptly/fairly resolve disputes.

Although the Office of Compliance has one of the best devised and most efficient alternative dispute resolution (ADR) processes in the nation, we feel that there are still areas in which we may improve the process and the systems and practices that support it.

The CAA sets out time frames for each sequential step in the ADR process (counseling, mediation, hearings, and appeals). The Office, to date, has met virtually all of the strict deadlines mandated in the CAA. However, there are certain additional measures we intend to undertake to improve the way the process is actually used that will both positively affect case outcomes and – ultimately – save staff time and taxpayer money. These include: evaluating our case tracking system for ways to cull increasingly useful data from it (such as data about large single-issue groups of cases); educating ADR process users about the broader workplace benefits of mediation; more fully educating employees and employers covered by the CAA to proactively prevent issues requiring our services; and making additional efforts to contact employees in high-turnover positions.

Goal II will be advanced by means of the following Strategic Initiatives:

A. Administer the Office's dispute resolution process in an efficient and effective manner, and evaluate the effectiveness of the dispute resolution process:

- ▶ Conduct an assessment of the needs and reporting requirements of the dispute resolution process to evaluate the automated case tracking system. Such an assessment will guide the Office in upgrading the system and/or tailoring the way we use the system to better meet our needs and the needs of our stakeholders.
- ▶ Conduct a comprehensive baseline study to ensure that we are optimally using our resources for educational purposes. This baseline survey of our regulated population will enable the Office to assess their relative knowledge of the CAA and the impact of the Office's regulatory system. The findings will be used to design additional educational/outreach programs using specific measures geared to increase knowledge and understanding among the regulated community.
- ▶ Explore the implementation of a comparison study to gauge the efficiency and effectiveness of the Office's case processing system *vis-a-vis* comparable Executive Branch administrative dispute resolution systems.
- ▶ Undertake an evaluation of the mediation experience of parties and mediators. While few employees file complaints following mediation, an exact explanation for this phenomenon remains elusive. This evaluation will help determine whether the failure to

pursue claims past mediation is because the employees receive a satisfactory explanation from the employing office during mediation, have a lack of understanding of the process, are afraid of retribution, or have reached an informal settlement not reported to the Office.

To obtain information on the effectiveness and efficiency of the dispute resolution process, the Office will have to rely on feedback from its stakeholders, defined for these purposes as the covered employees and employing offices of the Legislative Branch. Significant feedback would include “user satisfaction” with the process, as well as resolution or outcome information.

A thorough analysis of the process includes feedback from the mediators to identify barriers to effective mediation, evaluate individual effectiveness of the mediators, and assess the process. The Office sponsored a roundtable discussion among mediators for this purpose. A newly developed feedback mechanism is being implemented, and the data will be analyzed and used to improve the mediation process.

- ▶ Improve the processing and reporting of multiple filings concerning same or similar issues. The Office will implement mechanisms to identify, analyze, and report non-confidential data about single-issue large group filings. Providing our stakeholders with more transparent and complete information will increase their understanding of our workload and funding decisions.

B. Conduct education and outreach efforts to improve voluntary compliance with workplace laws, and to improve the quality of the employing office-employee relationship.

- ▶ The Office will encourage and facilitate positive change in the employment cultures within the regulated community to stimulate compliance with the entire Act. Data on recurring problems will be analyzed in order to develop training that targets specific populations and issues.

C. Establish the Office as a repository of information and technical guidance.

- ▶ The Office will develop a plan of action and identify the necessary resources to establish this agency as a repository of information and technical guidance for sharing research, lessons learned, and best practices in all workplace, access, and health and safety categories covered by the CAA. The effect of this will be to provide a resource that will enhance voluntary compliance with the CAA.

D. Promote mediation as a better, more comprehensive tool for resolving workplace disputes.

- ▶ The Office will facilitate the development and delivery of a training module in order to better educate our stakeholders on the mediation process and its potential benefits. This is for the purpose of enhancing understanding and appreciation of the value of mediation in transforming relationships and resolving disputes.

E. Undertake or commission studies and research to foster improvements in knowledge and sophistication of the regulated community regarding their rights and responsibilities under the statutes applied through the CAA.

- ▶ In addition to the evaluation of the mediation process described above, additional subject areas under the Office's jurisdiction will be evaluated, with the cooperation with stakeholders where appropriate, with the intention of reducing the occurrence of workplace disputes and encouraging the equitable resolution of such disputes.

In order for us to maximize stakeholder buy-in with regard to the findings and recommendations of each study, many of these efforts will be conducted in partnership with the Legislative Branch agencies most impacted by the pertinent issues. We will maximize our use of private and public expertise in each such study, particularly of Executive Branch agencies with missions that correlate closely with our own.

GOAL III

Provide legislative and regulatory recommendations and assistance to Congress to improve the administration of the Congressional Accountability Act.

The Office of Compliance serves Congress in many ways. Along with administering the dispute resolution process and providing a program of education for our covered community, the Office of Compliance also reports to Congress on a regular basis, recommends procedural and substantive changes to the Congressional Accountability Act, and commissions studies on an as-needed basis for the improvement of workplace practices. To this end, the OOC highlights Goal III to keep the Legislative Branch current, allow the Legislative Branch to lead by example, and make accountability transparent to all interested parties.

Goal III will be advanced by means of the following Strategic Initiatives:

A. Pursue the implementation of existing reports and recommendations from the Board of Directors to Congress:

- ▶ Identify the Office's legislative recommendations. Once each Congress, the Board of Directors submits to Congress a report on the recommendations for changes to the Congressional Accountability Act. Now, nearly ten years later, a series of recommendations have been presented to Congress which require attention and consideration.
- ▶ Complete the pre-publication vetting of new proposed Veteran's Employment Opportunities Act (VEOA) rules. The effect will be to make progress toward implementing the VEOA, which is applicable to the Legislative Branch, but is not being enforced because there are no implementing rules.

B. Monitor and recommend new legislation to maintain Congressional accountability.

- ▶ Continually monitor workplace legislation to ensure Legislative Branch coverage under the Congressional Accountability Act.

C. Complete projects that enhance the Office's interaction with stakeholders:

- ▶ Complete the adoption of amendments to procedural rules. The effect will be to clarify areas of confusion and improve the quality and efficiency in the processing of cases.
- ▶ Establish and launch Congressional and agency protocols which will govern the Office's work with covered entities. Congressional and Agency protocols will supplement procedural rules and will provide clearly defined transparent policies and practices on how the Office will interact with covered agencies in the performance of its work.

D. Learn from administrative and regulatory experience to identify any gaps, shortcomings, or barriers in existing and enabling law and regulations.

- ▶ The substance of subsection (A) in Goal III directly relates to the Office’s experience. This feedback mechanism is an important element in keeping the CAA current and relevant to all involved.

E. Conduct or commission research on workplace practices among employing offices as a basis for future education and recommendations for improvement of workplace practices.

- ▶ As an independent office whose mission is to advance safety and workplace rights for employees and employers of the Legislative Branch, the Office contemplates a “think-tank” role in this area.

PERFORMANCE MEASURES

In order to assess the Office's progress toward achieving its Strategic Goals, the Office is developing quantifiable performance measures. Until now, the Office's efforts to quantify our results have been generally described using "outputs" rather than "outcomes." The Office intends to obtain base line data regarding several dimensions of our impact on work place practices which will enable us to establish true, quantifiable measures of the success of this agency. These performance measures will track the Office's performance in addressing aspects of each of the three Strategic Goals, as follows:

Goal I: Protect the health and safety of Legislative Branch employees and assure equal access to individuals with disabilities.

In the area of OSH inspection and enforcement, the Office's measures will relate to the speed of responses to requests for inspections, the efficiency of follow up by the Office when violations are identified, the comprehensiveness and quality of investigations and the length of time taken to achieve remediation of violations. Each of these measures will be viewed from the dimensions of relative complexity of remediation and severity of each violation.

In the area of education and outreach, as well as voluntary compliance, measures will be related to the number of reported on-the-job injuries or job-related illness, and their relative severity.

Goal II: Improve knowledge and understanding of rights and responsibilities under the CAA, and promptly/fairly resolve such disputes.

This goal concerns the Office's administration of the dispute resolution process for all 12 statutes included under the Congressional Accountability Act. Measures for promptly/fairly resolving disputes include the speed with which cases are processed through each stage of the administrative process: counseling, mediation, hearing, and appeal to the Board of Directors; and the number of cases which are concluded at each stage. These measures are also viewed from the dimension of the quality of the administrative process as measured by the satisfaction of the participants.

Measures for gauging improvement in knowledge and understanding of workplace rights and responsibilities will be related to the surveyed level of satisfaction reported by employees regarding the quality of the employment experience in categories related to the statutes applied through the Congressional Accountability Act.

In the area of education and outreach, the Office's measures relate to the surveyed level of relative knowledge and understanding among members of the regulated community regarding rights and responsibilities under the laws covered by the Congressional Accountability Act, and of the remedial processes provided by this Office.

Goal III: Provide legislative and regulatory recommendations and assistance to Congress to improve the administration of the Congressional Accountability Act.

Measures in this area will be related to the level of activity and successful enactment/implementation of proposed legislative or regulatory recommendations.

COOPERATION AND COLLABORATION TO LEVERAGE RESOURCES

As a very small agency with a broad substantive mandate, the Office of Compliance seeks to bring greater expertise and depth of knowledge to the accomplishment of its mandates by leveraging the resources of other organizations and entities. Where possible, the Office seeks such outside resources at a reduced cost. The Office's experience with such leveraging efforts is growing; and we seek to expand this aspect of our service to the regulated community in the future.

Current or recent examples of such leveraging cooperation and collaboration include the following:

- ▶ Use of a senior OSH investigator on long-term detail from the OSH Administration of DOL at no cost to the Office of Compliance.
- ▶ Use of lab and research resources of the National Institutes of Occupational Safety and Health for expert assistance in bio-hazard and emergency response issues, at no cost to the Office.
- ▶ Use of Congressional Management Foundation expertise to help plan and present conferences.
- ▶ Use of Safety and Health experts from NIOSH, NASA, and DoD for OSH conference presentations at no cost to the Office.
- ▶ Develop a partnership with the National Safety Council to use NSC expertise and materials to assist in the Office's OSH education and outreach activities.
- ▶ Use of GAO strategic planning expertise to assist the Office in preparing and implementing its Strategic Plan at no cost to the Office.
- ▶ Agreement with the University of Maryland for the services of graduate student interns to assist in OSH related activities.
- ▶ Use of the U.S. Office of Government Ethics to assist the Office of Compliance in developing standards of conduct.
- ▶ The Office contracts for the services of mediators and hearing officers to operate our dispute resolution process.

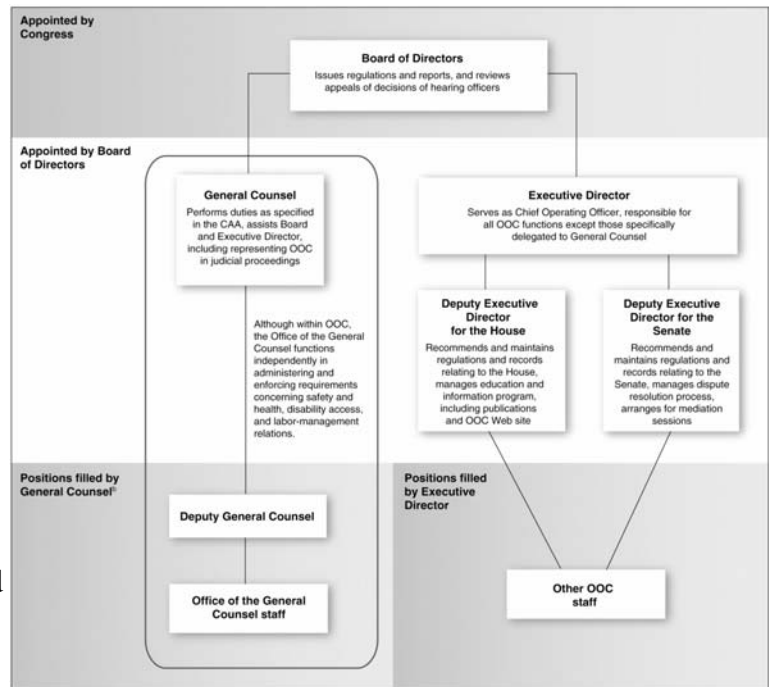
FACTS ABOUT THE OFFICE OF COMPLIANCE

The Office of Compliance was established in 1995 by the Congressional Accountability Act ("CAA") to administer and enforce the Act. The purpose of the CAA is to improve the accountability, and thus the working conditions, for employing offices and employees in the Legislative Branch.

The Congressional Accountability Act applies 12 workplace, employment, public access, and safety laws to Congress and other agencies and Instrumentalities of the Legislative Branch throughout the United States. These laws include: the Occupational Safety and Health Act of 1970; the Federal Service Labor-Management Relations Act; title VII of the Civil Rights Act of 1964; title I and the public services and accommodations provisions 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 Age Discrimination in Employment Act of 1967; the Worker Adjustment and Retraining Notification Act; the Employee Polygraph Protection Act of 1988; and veterans' employment and reemployment rights at Chapter 43 of Title 38 of the U.S. Code. The Act was amended in 1998 to apply the Veterans Employment Opportunities Act.

Currently, the Office has regulatory responsibility for certain employers in the Legislative Branch employing approximately 30,000 employees. The Office is also charged by the CAA with making recommendations to Congress as to whether additional employment and public services and accommodations laws should be made applicable to the employing offices within the Legislative Branch.

The Office is charged with implementing the Act by carrying out its designated functions. Under the direction of the Executive Director, the Office administers an alternative dispute resolution process to resolve disputes and complaints arising under the Act and carries out an education and training program for the regulated community on their rights and responsibilities under the Act. The General Counsel has independent investigatory and enforcement authority with respect to certain of the laws administered under the Act and represents the Office in all judicial proceedings under the Act.



Source: GAO presentation based on OOC documents and the CAA.

The Office has a five-member, nonpartisan Board of Directors appointed by the majority and minority leaders of both Houses of Congress. The Board members, who serve five-year terms on a per diem basis, come from across the United States, and are chosen for their expertise in the laws administered under the Act. The Board acts as an adjudicative body in reviewing appeals by parties aggrieved by decisions of Hearing Officers on complaints filed with the Office and makes recommendations to Congress on needed changes and amendments to the Act.

The Office of Compliance currently has 15 full-time employees. This staff complement must perform the following functions: dispute resolution; safety and health; legal; education, training, and Congressional relations; general fiscal and administrative; and staffing for the Board of Directors. The Office also regularly contracts for the part-time services of mediators, hearing officers, and safety and health investigators. The Office's senior full-time safety and health investigator is on permanent detail from the Department of Labor's Occupational Safety and Health Administration.

For more comprehensive information, visit our web site: **www.compliance.gov**.