



Office of Compliance

FY 2007 Annual Report

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

March 2008



From the Chair of the Board of Directors:



Since my appointment to the Board of Directors in 1999, the Office of Compliance has made extraordinary strides both in accomplishing its statutory mission under the Congressional Accountability Act and in evolving from a nascent independent entity to an integral legislative branch contributor, poised for mature future accomplishment.

During these years, significant progress has been made by our Office to improve the safety of the legislative branch; recognize and implement the rights of employees; respond to the rights and needs of persons with disabilities; and educate our constituency on the mandates of civil rights and fair labor standards law.

Ensuring the safety of the Capitol complex for both employees and visitors is a paramount concern of the Board of Directors. As this Report will detail, significant progress has been made this Fiscal Year. We count as accomplishments not only the resolution of long-standing citations but also the increasing effectiveness of a comprehensive inspection system. As the Fiscal Year ended, the Board was poised to appoint a new executive team, fulfilling one of our statutory mandates and energizing the Office with new possibility. We continued to perform our appellate function in the statutorily-created employee dispute resolution process by issuing more final decisions than in the prior two years, hopefully laying solid foundation for enforcement of legal rights on the Hill. We moved closer to adopting and submitting for Congressional promulgation regulations with enormous benefit to veterans and legislative branch employees who serve in the military, yet another component of our statutory duties. These are important and meaningful roles, and we approach them with care and commitment.

The Board of Directors takes enormous pride in the work of the professional staff and the many accomplishments of the Office. We echo the words of our Executive Director: this is a collective undertaking, with and for the 30,500 employees of the legislative branch; its 1200 offices nationwide; the 1.3 million annual visitors to the Capitol; and the infrastructure of the Capitol itself. We are confident that our significant contributions and our successful performance of mission will only continue to grow in the years ahead.

Susan S. Robfogel, Esq.



From the Executive Director:



It is often said that the success of the Office of Compliance is directly correlated to the heartfelt commitment-to-mission of its staff. Indeed, we are unwaveringly pledged to:

- ensuring the safety and health of workers and visitors on Capitol Hill;
- guaranteeing that the workplace of Hill employees is a fair one; and
- providing assistance to Congress and its instrumentalities and agencies in meeting their workplace demands. Never was this commitment better exemplified than in the past fiscal year.

The Office began FY 2007 with a new strategic plan, grounded in this critical mission. The Office improved communication with major stakeholders and was used as expert resource on issues ranging from health and safety on Capitol Hill, including the proposed Capitol Visitor Center, to public access under the Americans with Disabilities Act. Our premier accomplishment this year must be achieving settlement with the Architect of the Capitol of our complaint alleging serious health and safety hazards in the US Capitol Power Plant tunnels and significant fire hazards elsewhere in the Capitol complex. Additionally, we have provided mediation and counseling in sensitive and highly-confidential dispute resolutions, and we have encouraged our mediators and hearing officers -- themselves experts in their field as current and former judges -- to improve the service we provide to the legislative branch.

Our staff can count many accomplishments this past fiscal year for our stakeholders and towards our efforts to become a model employer ourselves:

- closing 41 requestor-initiated Occupational Safety & Health inspection cases that were over a year old, along with 18 newer cases, ultimately reducing our backlog by 81%;
- reducing the time between biennial inspections and issuance of findings by 77%;
- increasing our survey response rate in our mediation program by 79%;
- increasing downloads of our *Fast Facts* (as of April 2007) by 45%; increasing hits on the website (as of April 2007) by 127%; and
- developing and implementing a telework program contributing to the Capitol's greening initiative.

Our work makes a difference. To our delight, it is being recognized, as well. Our contributions are increasingly viewed by our stakeholders and oversight committees as collaborative. Indeed, during FY 2007, the House Appropriations bill focused on safety and health on Capitol Hill, the very work of our Office. We are proud to be an integral part of the work of this Congress, our constituent and partner.

We acknowledge absolutely that our progress is also directly correlated with the support, respect, and assistance we have received from our Board of Directors; oversight and appropriations committees; stakeholders; and involved agencies. With gratitude, the Office of Compliance applauds our collective success. This Annual Report is testimony.

Tamara E. Chrisler, Esq.



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Section 301(h) of the Congressional Accountability Act requires the Office of Compliance to:

“... compile and publish statistics on the use of the Office by covered employees, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of covered employees who initiated proceedings with the Office under this Act and results of such proceedings, and on the number of covered employees who filed a complaint, the basis for the complaint, and the action taken on the complaint.”

Additionally, this report is submitted to report annual progress against our new Strategic Plan. To continue and enhance our operational efficacy and mission goals, and to establish baselines against which to measure future success, the Office of Compliance has drafted a successor to our first such plan, now covering FY 2007 through FY 2009. See www.compliance.gov for full text.

All information and statistics in this report, unless otherwise specified, cover the period October 1, 2006 to September 30, 2007.



About the Congressional Accountability Act

The Congressional Accountability Act (CAA), enacted in 1995, was the first piece of legislation passed by the 104th Congress. The CAA, which received broad bipartisan support, requires covered legislative branch entities to follow many of the same employment and workplace safety laws applied to businesses and the federal government.

The CAA protects more than 30,500 employees of the legislative branch, including employees of the House of Representatives and the Senate, the Capitol Guide Service, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance (OOC), and the United States Capitol Police. Certain provisions of the CAA also apply to the Government Accountability Office (GAO) and the Library of Congress (LOC). The CAA protects both current employees and job applicants, and in certain instances, former employees and members of the public.

The CAA, as amended, is implemented through the federal Office of Compliance. Included in the CAA's ambit are twelve civil rights, labor, and workplace safety laws, including:

The Age Discrimination in Employment Act of 1967

The Americans with Disabilities Act of 1990

Title VII of the Civil Rights Act of 1964

The Employee Polygraph Protection Act of 1988

The Fair Labor Standards Act of 1938

The Family and Medical Leave Act of 1993

Chapter 71 of the Federal Services Labor-Management Relations Act

The Occupational Safety and Health Act of 1970

The Rehabilitation Act of 1973

Uniformed Service Members Employment and Reemployment Rights under Chapter 43, Title 38 of the U.S. Code

The Worker Adjustment and Retraining Notification Act of 1989

The Veterans Employment Opportunities Act.



About the Office of Compliance

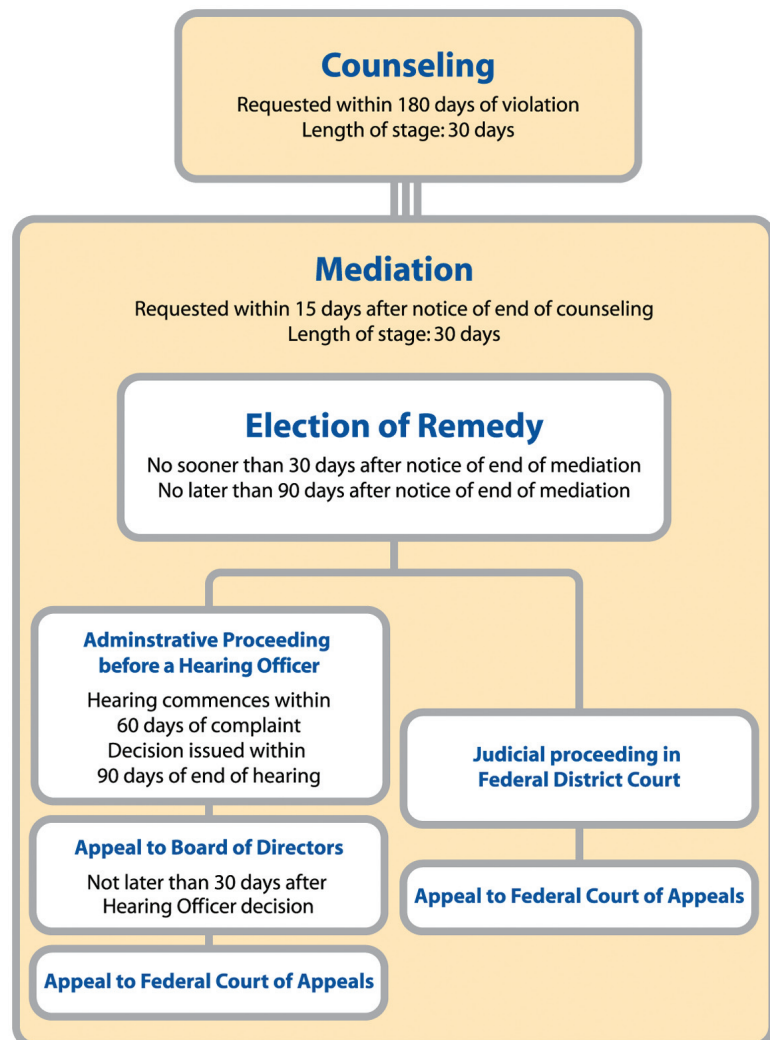
The Office of Compliance advances safety, health, and workplace rights in the U.S. Congress and the legislative branch. Established as an independent agency by the Congressional Accountability Act of 1995, the Office educates employees and employing offices about their rights and responsibilities under the Act, provides an impartial dispute resolution process, and investigates and remedies violations of the Act.

The Office of Compliance has a number of core functional responsibilities:

Dispute Resolution

The Executive Director of the Office of Compliance administers the CAA's mandatory dispute resolution process. 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. The administrative hearing process offers quicker resolution and greater confidentiality than a Federal civil suit while still offering the same remedies that a court can provide.

Figure 1: Office of Compliance Dispute Resolution Process



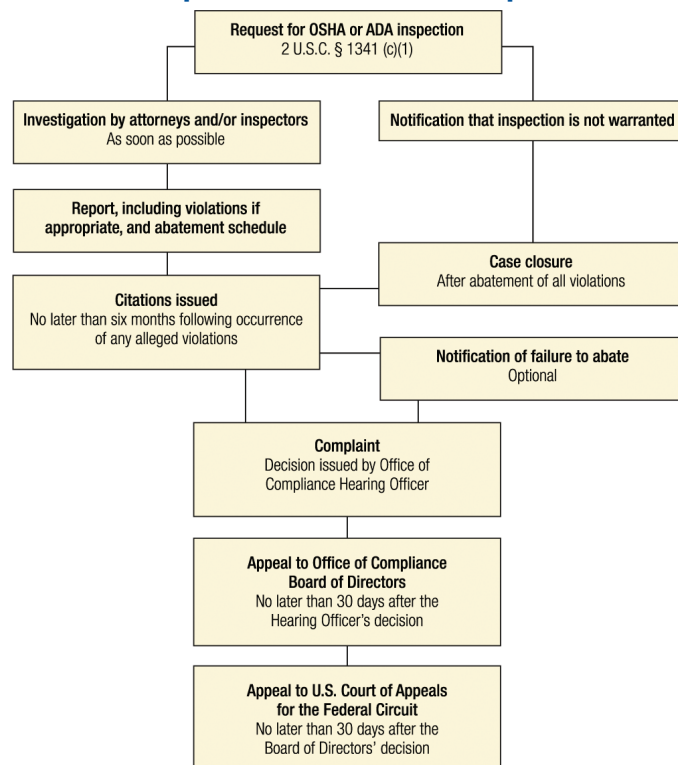
Safety and Health Inspections

The General Counsel of the Office of Compliance is required to inspect covered employing office facilities in the legislative branch for compliance with safety and health standards at least once each Congress and to report those findings to Congressional Leadership. The CAA also gives covered employees and offices the right to request inspections of potentially hazardous conditions in work areas. When a Request for Inspection is received, the General Counsel of the Office of Compliance initiates an on-site investigation and sends a detailed report to the requestor and employing office explaining any steps that may be needed to remedy the problem. If the General Counsel finds a violation, either as a result of a biennial or requestor-initiated inspection, a notification or citation may be issued to the offices responsible for correcting the problem. If the violation is not corrected once a citation has been issued, the General Counsel may file a complaint before an independent hearing officer with the Office of Compliance.

Disability Access Inspections

The General Counsel is required to conduct inspections at least once each Congress to determine compliance with the rights and protections against discrimination in the provision of public services and accommodations established by the Americans with Disabilities Act (ADA). The General Counsel is also responsible for investigating charges of disability access discrimination. If an investigation reveals that a violation has occurred, the General Counsel may request mediation to resolve the dispute or may file a complaint before an independent hearing officer with the Office of Compliance against the entity responsible for correcting the alleged violation.

Figure 2: Office of the General Counsel Process of Request for OSHA or ADA Inspection



Education and Information

The Office of Compliance educates covered employees and employing offices in the legislative branch about their rights and responsibilities under the CAA. Education and information activities include developing and distributing written materials and publications; maintaining a website; conducting briefings, workshops and conferences; and providing referrals and information to employees and employing offices on an individual or group basis.

Reports and Recommendations to Congress

Section 102(b)(2) of the CAA requires the Board of Directors to submit a biennial report to Congress on the applicability to the legislative branch of any employment laws not already made applicable by the CAA. Section 301(h) of the CAA requires an annual report to Congress presenting statistics on the use of the Office of Compliance by covered employees and employing offices in the legislative branch.

Sections 210(f)(2) and 215(e)(2) of the CAA require that the General Counsel of the Office of Compliance submit biennial reports to Congress on the results of the periodic Americans with Disabilities Act and Occupational Safety and Health inspections, respectively.

Labor-Management Relations

The Office carries out the Board of Directors' investigative authorities under Section 220 of the CAA concerning the appropriateness of bargaining units for labor organization representation, the duty to bargain, and exceptions to arbitrators' awards. The Board exercises adjudicatory authority over these matters, including Unfair Labor Practices complaints at the appellate stages.

Unfair Labor Practices

The General Counsel is responsible for investigating allegations of unfair labor practices and for filing and prosecuting complaints of unfair labor practices before an independent hearing officer with the Office of Compliance.



Office of Compliance: FY 2007 Goals and Accomplishments

To inform and structure this Annual Report, reference is made to the goals established by our Strategic Plan, and to the initiatives and measures we identified therein as the agents for accomplishing those goals. The Office of Compliance is proud to report both our significant accomplishments and our continuing challenges during the period October 1, 2006 to September 30, 2007:

Goal One:

Protect the health and safety of legislative branch employees, assure equal access for individuals with disabilities, and provide for the prompt and fair resolution of labor relations disputes.

Goal One Initiatives:

- A. Improve overall case-handling effectiveness and monitoring abatement of inspection violations.
- B. Maintain and enhance the existing Occupational Safety and Health Act (OSH Act) and Americans with Disabilities Act (ADA) violation record-keeping system (FMA), and complete data input/conversion of prior case data.
- C. Expand the scope of the data monitored to improve compliance with safety and health and disability access requirements.
- D. Provide increased safety and health and ADA technical assistance, focusing on the service needs of the regulated community.

Goal One Measures (FY 2007):¹

1. From the FY 2006 total, reduce by 25% the number of OSH and ADA Requestor-initiated cases and citations open for twelve months or more
2. Reduce the average time between the inspection and the delivery of the Office of the General Counsel charts tabulating the inspection findings to the responsible employing office by 30% over FY 2006.

Discussion Goal One:

Initiatives:

A. Improve overall case-handling effectiveness and monitoring abatement of inspection violations.

In 2004, the Office of the General Counsel of the Office of Compliance (OGC) first initiated an inspection program to assure that complete and comprehensive health and safety biennial inspections are conducted of all covered facilities. Priority is given to accelerating abatement of life-threatening conditions to both employees and visitors.

¹ The OOC recognizes that quantifiable measures tied to program goals are essential as we track our progress. The FY 2007 measures were largely transitional and, in addition to enhancing Office operational efficiency, permitted culling data essential to development of true outcome-based measures. We will, of course, revisit the Plan in FY 2008 and annually thereafter to determine if new or replacement initiatives are necessary to remaining consonant with the strategic long-term goals we have identified to best fulfill our mission.



The seminal accomplishment of FY 2007 was the formal settlement with the Architect of the Capitol (AOC) of a February 2006 complaint alleging serious health and safety hazards in the U.S. Capitol Power Plant utility tunnels and fire safety hazards in major facilities located throughout the Capitol complex. Both of these were the subject of unabated citations issued in 2000 and 2001. The complaint alleged falling concrete, lack of a reliable communications system to enable monitoring the status of employees working in the tunnels, and insufficient egress points in the tunnels to assure prompt rescue of workers in emergency situations. The settlement provides for full abatement within five years pursuant to an agreed-upon Site Management Plan of these and other hazards, including exposure to friable asbestos and extreme temperature conditions within the tunnels. Full-time liaisons have been appointed by each party to monitor progress in achieving complete abatement of all hazards existing in the tunnels. By year-end, significant progress was achieved in conducting regular quarterly tunnel inspections and in developing specific requirements and time tables for achieving compliance under the AOC's abatement plan.

Our second hazard abatement priority was increased efforts to accelerate abatement of fire safety citations issued in 2000 and 2001 to various Capitol, House and Senate Office Buildings, and the Library of Congress facilities. Abatement of some of these violations -- many of which involve open stairwells that are not protected from rising smoke -- is complicated because of the need to accommodate and preserve architectural features of these historic buildings while still achieving Fire Code-compliant abatement. In several instances, completion of abatement was not projected by the AOC to be completed until 2014.

Given the seriousness of these hazards, the OGC has been working with stakeholders during this Report period to determine ways to accelerate abatement, while respecting the historic beauty of these buildings, and to initiate effective interim measures to protect building occupants until full abatement can be achieved. The OGC has had ongoing discussions with the various responsible jurisdictions, Congressional Committees, and other stakeholders. Detailed reports respecting abatement plans for each of these facilities are being developed, analyzed and revised to accomplish these objectives.

To meet our ongoing inspection obligations, additional inspector resources were sought and provided by Congress in FY 2006. As a result, more rigorous inspections were undertaken in FY 2007, identifying in excess of 13,000 serious hazards. The General Counsel has placed increased emphasis on monitoring the progress made by employing offices in achieving abatement, particularly of long-standing hazards posing the most serious risks to employees and visitors.

B. Maintain and enhance the existing OSH and ADA violation record-keeping system (FMA), and complete data input/conversion of prior case data.

The development and utilization of our Facility Management Assistant (FMA) record-keeping system has improved our understanding and handling of the backlog of safety violations uncovered by our office for the last two biennial inspections. We



have continued to work with the AOC and other employing offices to achieve a greater degree of interoperability between the respective record-keeping systems of these offices in order to reduce duplicative and time-consuming efforts in the exchange of hazard findings and abatement data.

Additionally, our computerized case-tracking software (E-Case) has enabled OGC attorneys to track and more promptly resolve requestor-initiated OSH inspection cases. In FY 2007, we successfully resolved and closed 41 open cases that were more than a year old.

C. Inspect new facilities to improve compliance with safety and health and disability access requirements.

To ensure against unnecessary delay in the scheduled November 2008 opening of the Capitol Visitor Center (CVC), the OGC has worked diligently during FY 2007 with the AOC, scheduling pre-inspections to identify and correct any hazards.

Likewise, in advance of opening a new legislative branch facility, the OGC conducted a limited inspection concerning the handling of rolls of cellulose nitrate film at the Library of Congress' Packard Campus in Culpeper, VA. That facility, once operational, will store hundreds of thousands of rolls of this historic, but highly hazardous, film. A more comprehensive inspection of the Packard Campus will be conducted in FY 2008 to assure compliance with OSHA regulations and National Fire Protection Association (NFPA) fire codes to store this material.

The CAA requires that the General Counsel inspect all covered facilities at least once each Congress. These facilities encompass not only Washington, DC legislative branch offices, but also district and state Member offices and other buildings located outside of the Washington, D.C. metropolitan area. Regrettably, they have not been inspected, despite the statutory mandate, due to insufficient funds. We have requested enhanced appropriations to develop and initiate a self-certification health and safety and disability access program for district and state offices. During FY 2007, we began to develop office inspection checklists to assist in this proposed self-inspection process.

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

Our Office continued to provide a series of Safety and Health *Fast Facts* for distribution to employing offices about common health and safety violations found during our inspections. These *Fast Facts*, published on www.compliance.gov, are typically our most frequently downloaded products. Topics published in FY 2007 include "Fire Door Safety," "Asbestos," and "Methylene Chloride." We also redesigned the suite of *Fast Facts* this FY to make them more illustrative of the identified hazards and to ensure that they complement our



suite of educational products. In FY 2008, we will continue to provide additional Safety and Health *Fast Facts* on subjects of general concern.

In FY 2007, the Office created a plan for flu pandemic preparedness. When finalized in FY 2008, this plan may be a resource for other employing offices.

Near the conclusion of FY 2007, the OGC issued its *Report on Americans with Disabilities Act Inspections Relating to Public Services Accommodations*. This report is, a summary of the biennial ADA inspection of covered employing offices on Capitol Hill, which was conducted during the 109th Congress pursuant to Section 201(f)(2) of the CAA. The report noted many improvements in access and emergency egress since the previous biennial inspections, and it also highlighted areas that continue to require attention. See: www.compliance.gov under “Reports and Studies.”

Shortly after the release of that report, the OGC issued to employing offices for review and comment our draft *Report on Occupational Safety and Health Inspections*. These inspections were conducted in the legislative branch during the 109th Congress pursuant to Section 215(e)(2) of the Congressional Accountability Act. The final version of the report will incorporate, as appropriate, changes suggested by the employing offices before being issued to congressional leadership, relevant committees, and other stakeholders. A public version of this report, redacted for police security sensitive information, will also be available at www.compliance.gov under “Reports and Studies.”

Measures:

1. Our Strategic Plan calls for a 25% reduction in open backlogged cases: we exceeded this goal by 81% in FY 2007. Use of our E-Case case tracking system to manage OSH and ADA cases, increased emphasis on faster resolution of cases, and additional inspector resources from increased FY 2006 appropriations have resulted in a dramatic decrease in the backlog of unresolved requestor-initiated health and safety cases. In FY 2007, we resolved and closed 41 cases that were more than a year old, along with 10 newer cases. We also resolved more open citations, closing 11 in FY 2007 compared to 10 in FY 2006.

2. Our Strategic Plan calls for a reduction in the time between the inspection and the issuance of the OGC report of hazard findings to the employing offices by 30% during the 110th Congress biennial inspection. In FY 2007, we reduced that time by 77%. In prior years, many months often passed between the conduct of biennial inspections of individual buildings and the issuance to the responsible covered employing offices of hazard findings respecting those buildings. Commencing in FY 2007, the turnaround time has been as little as a few days in some instances, with an average of four weeks, depending on the size of the facility and the number of hazards identified.

In FY 2007, employees and labor organizations filed 22 Requests for Inspection with



our office. These cases involved a variety of health and safety issues, including, *inter alia*, the handling and storage of cellulose nitrate film, friable asbestos, hazard communications programs, hazardous materials response, deteriorating asbestos, construction at the CVC, building evacuation procedures, and indoor air quality. In FY 2006, 20 such cases were filed.

In FY 2007, the AOC and the CAO assisted the biennial inspection process by proactively identifying and fixing problems before the OGC inspections began. Employing offices in both the House and the Senate conducted pre-inspections of their facilities, substantially reducing the number of hazards found thus far during the 110th Congress, compared to the 109th Congress biennial inspections.

Moreover, the Facility Management Assistant software and its individualized application to the legislative branch have dramatically improved the OGC's ability to more promptly inform responsible offices of health and safety violations and disability barriers. Because the responsible offices are more quickly alerted to the existence of such problems, they can more efficiently and rapidly initiate abatement actions.

Goal Two:

Assist employees and employing offices to achieve the model workplace envisioned by the Congressional Accountability Act by fairly and promptly resolving disputes.

Goal Two Initiatives:

- A. Utilize the new dispute resolution case tracking system to increase case-processing efficiency and better direct resources.
- B. Assist disputants in successfully resolving workplace disputes at the earliest possible step in the Alternative Dispute Resolution (ADR) process. Early resolution reduces the stress on the disputants, eases tension in the workplace, and saves tax-payer dollars.
- C. Continue to survey the stakeholders who have participated in the ADR process to obtain information on the administration of the dispute resolution program.
- D. Endorse and enhance the ADR program to support the recent increase in mediated settlement agreements.
- E. Realize the Board of Directors' rulemaking authority by monitoring its existing procedural rules and recommending substantive regulations for approval from Congress.

Goal Two Measures (FY 2007):

- 1. In FY 2007, the Office will increase by 25% the number of responses to the mediation survey over the 2006 baseline response.



Discussion Goal Two:

A. Utilize the new dispute resolution case tracking system to increase case-processing efficiency and better direct resources.

For the past twelve years, the OOC fully utilized a custom-built case tracking system that was created when the dispute resolution program was initially implemented. Seeking to update our ADR database capabilities, staff reviewed the electronic case tracking needs and developed a statement of work, then issued a request for proposals, reviewed case tracking systems, and selected a new system in FY 2007.

Dispute resolution staff developed a process map for the new system, and detailed standard operating procedures for the ADR processes, subsequent to contracting with the new system's provider late in FY 2007.

The office's new system will provide additional functionality and enhance operational efficiency while safeguarding confidentiality. In addition, the new system will allow us to track subject matter trends more effectively, thereby targeting our education program to address the issues identified and better assist our covered community.

B. Assist disputants in successfully resolving workplace disputes at the earliest possible step in the Alternative Dispute Resolution (ADR) process. Early resolution reduces the stress on disputants, eases tension in the workplace, and saves tax-payer dollars.

Our staff provides guidance and information on the Office's procedures and on the protections, rights and responsibilities under the Act to covered employees, employing offices, and the general public. Every contact provides an opportunity to assist in resolving workplace disputes. The office's ADR professionals apply dispute resolution principles and techniques to all aspects of the process, from helping disputants understand specific applications of the CAA for an early resolution of a dispute to more in-depth processing of disputes. Dispute resolution skills are also utilized to resolve labor-management claims filed with the office, and to facilitate internal policies and programs.

Resolving claims filed under the CAA without the need for expensive and protracted litigation minimizes the strain on the parties and on taxpayers. We seek and obtain mediators and hearing officers who bring varying skill sets to the program in order to enhance results. We encourage negotiated settlements as early in the dispute resolution process as possible and at the hearing stage when it is feasible to do so. Over the summer, we convened a meeting among our mediators and hearing officers to provide them with an opportunity to share best practices with each other and to give our staff important feedback on our administration of the program.

In FY 2007, 38 cases were resolved by formal settlement agreement and of these cases, 25 cases resulted in monetary awards totaling over \$4 million. Many more cases were resolved during or after the mediation process because the parties



were able to fully discuss their concerns, come to a mutual understanding of the issues, and resolve the dispute without requiring a formal settlement agreement.

C. Continue to survey the stakeholders who have participated in the ADR process to obtain information on the administration of the dispute resolution program.

In FY 2007, we continued to survey mediation participants and mediators for feedback on their experiences in the mediation process and to uncover potential barriers to resolution. The survey, developed in 2004 and continuously refined, provides the Office with information on the mediation program, identifying areas that are working well and areas where improvement is needed. In FY 2007, we increased the number of survey responses by 79% over the FY 2006 baseline response, dramatically exceeding the short-term measure (25%) set out in our current Strategic Plan.

D. Endorse and enhance the ADR program to support the recent increase in mediated settlement agreements.

This year, we provided ongoing education to our stakeholders—both one-on-one and in formal briefings—to enhance their understanding and utilization of the ADR process in resolving workplace disputes. An additional component of the program includes educating the public and foreign dignitaries on the application of the ADR program in resolving disputes that arise in the legislative branch of the federal government. We have briefed many visitors who are extremely interested in learning about the application of labor and employment laws to the offices of elected officials.

In FY 2007, subsequent to coordination with FMCS and data analysis from prior events, we developed a training agenda for our ADR conference scheduled for 2008. The purpose of the conference is to train legislative branch offices in dispute resolution skills to enhance their ability to identify and successfully resolve problems at the earliest stage possible. The early resolution of disputes minimizes the harm that can result when disputes escalate and productivity consequently declines.

In its report on the FY 2007 Legislative Branch Appropriations Bill, the US House of Representatives Committee on Appropriations directed that the agencies of the legislative branch, exclusive of the House and Senate, “establish a council to serve as a coordinating body to engage in collaborative efforts to explore and implement improvements in efficiency and effectiveness, reductions of redundancies, and sharing of functions”, and directed the OOC to convene and facilitate the establishment and operation of the Employment Dispute Resolution Council (EDR Council). To that end, we have contacted each of the agencies to discuss areas of interest and benefits of collaboration, and will schedule the first EDR Council meeting in FY 2008.



E. Realize the Board of Directors' rulemaking authority by monitoring its existing procedural rules and recommending substantive regulations for approval from Congress.

In FY 2007, the Board of Directors continued rulemaking for the Veterans' Employment Opportunities Act (VEOA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA) provisions of the Congressional Accountability Act. The Board completed stakeholder discussions on the draft VEOA regulations, which would define veterans' preference and the administration of veterans' preference as applied to federal employment in the legislative branch, and anticipates early final adoption and submission to Congress in FY 2008. The negotiated rulemaking process for the draft USERRA regulations will continue in FY 2008, as well. .

Measures:

As indicated above, we exceeded threefold our measure for improved response rate for surveys regarding effectiveness of our mediation process. In FY 2007, we increased our response rate 79% over FY 2005 and 2006 baselines. With the resulting broader statistical sample, we now have a foundation for a measure that is more outcome-based in FY 2008.

Goal Three:

Improve knowledge of rights and responsibilities under the CAA, both on Capitol Hill and in State or District offices throughout the country.

Goal Three Initiatives:

- A. Complete and implement Phase I of a baseline survey to gauge the needs of stakeholders and shape future education and outreach efforts.
- B. Increase the overall visibility of the Office of Compliance.
- C. Prioritize communication and outreach to all State or District offices.

Goal Three Measures (FY 2007):

- 1. Increase by 5% from the previous FY the number of hits to our website.
- 2. Increase by 5% from the previous FY the number of *Fast Facts* downloads from our website.

Discussion Goal Three:

A. Complete and implement Phase I of a baseline survey to gauge the needs of stakeholders and shape future education and outreach efforts.

In FY 2006, we began developing and implementing the first-ever baseline survey of the legislative branch. Strategic planning for a mission driven service organization like the OOC requires up-to-date information on its customer base, and ours is approximately 30,000 strong. Such a survey will help us systematically measure progress in improving awareness and knowledge of



the Congressional Accountability Act and the Office of Compliance. We will also be able to gauge work climate in the legislative branch. With full implementation and analysis of survey results, the Office will be better able to establish quantifiable measures to track progress periodically. These results, in turn, will allow the Office to target funding to areas where improvement is needed.

With limited funds and staff, the OOC approached this project in phases beginning with House and Senate personal and committee staffs. In FY 2007, we commenced work with representatives from the Congressional Management Foundation (CMF) to craft the text for the survey, utilizing recognized survey methods and considering our own desired outcomes throughout the process. We also shared sample surveys with a focus group, comprised of a representative group of Capitol Hill employees. They provided us with valuable insight and a perspective that neither we nor CMF could have otherwise obtained.

At the end of FY 2007, the survey was in its preliminary implementation phases. Funding to implement and complete the survey through the entirety of the covered community has been requested.

B. Increase the overall visibility of the Office of Compliance.

In FY 2007, we continued to promote our mission to our constituents: a safe, healthy, accessible and fair workplace. We redesigned several existing products to complement the balance of our suite of products stylistically. These include: *Fast Facts*, consistently one of the most popular products on our website; the *Understanding the CAA* presentation on our website; and other frequently-used items. The data received from the baseline survey in FY 2008 will shape our continuing efforts to increase our office's visibility.

Additionally this FY, we took initial steps to obtain the House and Senate intranet and email access needed to most effectively communicate OOC's message directly to our covered community. We perceive these communications vehicles essential to mission success and hope to receive assistance permitting implementation in FY 2008.

While increasing our visibility among those who benefit from our services is important, we also recognize the importance of establishing relationships and increasing visibility with our peers and fellow agencies. The Office continues to make major efforts to broaden and deepen our consultation and communication with Congressional oversight bodies and other stakeholders. We continue to be a member agency of the Chief Administrative Officers' Council and its subcommittees: the Legislative Branch Procurement Group, the Internal Controls Subcommittee, and the Human Capital Shared Services Subcommittee, which our Executive Director chairs.



In addition to our participation in the Financial Managers Council and its subcommittees, we also participated in the legislative branch-wide Emergency Planners workgroup and continued the work of the Safety Council we initially convened in FY 2006. We have benefited from these groups in several ways – from the exchange of information, from cost savings due to joining our larger sister agencies’ contract vehicles, and from our increased visibility. We have also added unique value to several of these groups, from the safety and health and dispute resolution perspectives, clearly, but also from the “small agency” perspective, as well.

We also participated in the Legislative Branch Financial Managers Council and its subcommittees: the Government Performance & Results Act Subcommittee, the Internal Controls Subcommittee, and the Website Subcommittee, which our Budget and Administrative Officer chairs. We urged this Council to consider a website that would allow various agencies and workgroups to share information more efficiently, thus eliminating duplication of efforts and facilitating communication.

Reflecting OOC’s increasing respect and expertise in the field, representatives from our office were again called upon for public presentations. We testified before Congress on safety and health issues; briefed foreign dignitaries from Europe, China, and around the globe on dispute resolution; and shared our Crisis Communications Plan with neighboring counties.

C. Prioritize communication and outreach to all State or District Offices.

We continue to promote our website, www.compliance.gov, as the most comprehensive source of information for our covered community, no matter the jurisdiction. We also continue to educate state and district office staff via, among other tools, our *Understanding the CAA* presentation at the Congressional Research Service’s quarterly Institute.

Measures:²

1. Website “hits”: In FY 2006, our website received an average of 174,611 hits. By April of FY 2007, our website had already received an average of 396,114 hits -- an increase of approximately 127%, well in excess of the 5% marker we established for the entire year. March 2007, with 478,927 hits, set an all-time monthly record..

2. *Fast Facts* downloads: In FY 2006, our Safety and Health *Fast Facts* were downloaded an average of 7,382 times. By April of FY 2007, *Fast Facts* had already been downloaded an average of 10,667 times, an increase of approximately 45% and another significant excess-over-5%-marker.

In addition to these encouraging statistics, we have received positive feedback regarding the content of our website—our most visible and comprehensive

² The FY 2007 numbers reported in this section cover only the first seven months of the Fiscal Year, through April 2007, because of the Government Printing Office “Web Trends” reporting schedule. Even with the shortened time period, our FY 2007 measures were exceeded.



educational tool. For example, our Safety and Health *Fast Facts* have received worldwide recognition throughout the health and safety community for their readability and technical expertise.

Goal Four:

Foster employee satisfaction and employee capability in order to enhance productivity.

Goal Four Initiatives:

- A. Develop and implement a clearly defined Human Capital Plan.
- B. Enhance organizational efficiency and effectiveness through the acquisition of technological equipment and tools required to enhance the Office of Compliance's competitive edge as an employer and the efficiency of its day-to-day operations.
- C. Maximize employees' capabilities through training, development, and opportunities to facilitate upward mobility.
- D. Enhance the working environment of the Office of Compliance to maximize organizational efficiency and effectiveness and employee satisfaction.
- E. Develop and implement the use of telework and alternative work schedule arrangements.

Discussion Goal Four:

A. Develop and implement a clearly defined Human Capital Plan.

In FY 2007, the Office continued its efforts to develop a comprehensive human capital plan. In FY 2006, under phase one of the contract, a consultant provided us position classification audits and recommended functional changes to maximize the efficiency of the agency. The consultant also developed a skills inventory and classification structure based on pay banding and cross-walked the current Office positions into the pay bands. In FY 2007, our management team held a human capital strategic planning session that established our five-year vision and goals related to this Plan.

B. Enhance organizational efficiency and effectiveness through the acquisition of technological equipment and tools required to enhance the Office of Compliance's competitive edge as an employer and the efficiency of its day-to-day operations.

Software and hardware: Our office-wide plan to convert to Microsoft Word was developed in fiscal year 2007 and is in progress. We will take the next steps in this important conversion in FY 2008. We tested Microsoft's new Vista operating system, which we found to have interoperability issues with much of our software.



In fiscal year 2007, we also added new ISDN phones and upgraded employees' personal computers. For the first time in our agency's history, no employee has a computer procured more than 18 months ago. We installed a new copier to replace a ten-year-old model, and procured a new server to replace the aging GroupWise server, which is out of space. This fiscal year, we also established desktop Internet access for all employees and virtually all contractors.

Although the Office had planned to evaluate its effectiveness in this area in two ways — measure the basic IT capabilities of all staff, and measure the satisfaction of internal customers with IT services — we did not retest staff's basic information technology skills as originally planned in FY 2007. We plan to retest skills and satisfaction levels after we have converted to the Word suite.

Emergency notification: The Office installed the Computer Emergency Notification System (CENS), the Library of Congress' emergency notification system on PCs throughout the agency.

Momentum accounting system: In FY 2007, the Office upgraded to a new version of Momentum, the web-based accounting system we share with the Library of Congress and the Congressional Budget Office. In connection with the upgrade to a new version of Momentum, we developed and delivered training on the new program to many staff members, several of whom had never used Momentum previously. We also delivered extensive training to our program managers on the legislative branch budget process and timelines.

Interagency contracting: As a member of the Legislative Branch Procurement Group, the agency collaborated with the eight other agencies to develop methodologies to share contracts, and measure the savings that resulted from procurement sharing. The Office uses the LOC's contracted rate to realize savings with our new contract for legislative tracking with *Congressional Quarterly*.

C. Maximize employees' capabilities through training, development, and opportunities to facilitate upward mobility.

Compensation and upward mobility:

- In fiscal year 2007, we requested an Internal Promotion provision, which passed as H.R. 3571 under the auspices of House and Senate oversight committees.
- We prepared and submitted a provision to Senate and House Appropriations Subcommittees regarding increasing salary limitations for top agency executives and the Board of Directors, which was signed into law in the FY 2008 Appropriations Bill.
- We requested Administrative Provisions that would 1) allow our employees to receive the retirement benefits provided to Members of Congress, their staff, and most congressional agencies and instrumentalities; 2) allow



incentive awards that are allowed for all executive branch and virtually all legislative branch employees, and 3) afford our employees the training opportunities that are analogous to those enjoyed by executive branch and most legislative branch employees. (Regrettably, the FY 2008 Legislative Branch Appropriations Bill included none of these provisions.)

Training and development:

- Within budget confines, throughout this FY, staff members—from OSH inspectors to ADR attorneys—attended meetings, conventions and trainings on best practices and new industry standards. The OOC serves as a resource for lawmakers, tens of thousands of employees, and the general public: it must be both expert and exemplar.
- In response to employee requests and an increased turnover rate this fiscal year, we developed materials for and conducted our first comprehensive new employee orientation. This proved to be an efficient and beneficial way to comprehensively introduce our new staff to the mission and operations of the OOC.

D. Enhance the working environment of the Office of Compliance to maximize organizational efficiency and effectiveness and employee satisfaction.

- We developed a list of space, information technology, and infrastructure requirements in fiscal year 2007 as we contemplate securing additional, much-needed office space. As our office continues to grow, we anticipate that our current space in the Library of Congress Adams building will no longer be sufficient.
- By performing an office-wide ergonomic audit, we began to address employee needs. As a result of these findings and other conclusions, we upgraded and updated much of our equipment and several pieces of furniture. We replaced our Groupwise server, installed a new copier, upgraded phones, and purchased new furniture, including employee desk chairs and conference room chairs.

E. Develop and implement the use of telework and alternative work schedule arrangements.

In keeping with a GAO recommendation and in step with recent efforts to “green” Capitol Hill, we developed and implemented a formal telecommuting policy. We also drafted an alternative work schedule policy as a means of providing an alternative benefit for those employees who may not be able to avail themselves of telecommuting. Our first official telecommuter began work in FY 2007. We look forward to reporting on this program’s continued success in years to come.



Statistics on the Use of the Office of Compliance in FY 2007

These statistics are provided pursuant to Section 301(h) of the Congressional Accountability Act, which requires that the Office of Compliance compile and publish statistics on the use of the office by covered employees.

Summary of Office Contacts

Employees and employing offices covered under the CAA may contact the Office of Compliance in person or by telephone to receive informal advice and information on the procedures of the office and learn about the rights, protections, and responsibilities afforded them under the CAA. The Office of Compliance's website is the most complete resource for information on the CAA for employees and employing offices. An automated telephone information line with recorded information about the CAA and the Office of Compliance is also available for those who do not have ready access to the Internet. During FY 2007, the Office of Compliance received 330 contacts by covered employees, employing offices, unions, and the public requesting information. Contacts were made both in person and by phone and internet as illustrated below:

Table 1

Summary of Contacts to the Office of Compliance by Group, FY 2007

Contacts by Group	Number of Contacts
Employees	252
Employing offices	25
Public	40
Unions	11
Press	2
Total	330

Table 2

Summary of Automated Contacts to the Office of Compliance, FY 2007

Automated Contacts	Number of Contacts
Telephone information line	54
Website "hits" (6 months/average per month)	396,114
Website downloads (6 months/average per month)	10,667

(Note: These figures do not include contacts made directly with the General Counsel of the Office of Compliance or with the staff of the General Counsel's office.)



Contacts by Section of the Law

Employees contacted the Office of Compliance for a variety of reasons in FY 2007, from questions concerning the application of particular provisions of the law, to matters that may constitute a violation of the CAA. Each individual contact may involve several distinct portions of the law, which is why the total number of contacts in this section is higher than the total number of contacts in the “Contacts by Group” section. In FY 2007, the covered employees who contacted the Office of Compliance discussed sections of the law as illustrated below:

Table 3 Summary of Contacts to the Office of Compliance by Section of Law, FY 2007

Section	Description	Number of Contact
201	Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and Title I of the Americans With Disabilities Act of 1990	103
202	Family Medical Leave Act	35
203	Fair Labor Standards Act	25
206	Rights and protections under the Uniformed Service Employment and Reemployment Rights Act	2
207	Prohibition of intimidation or reprisal	45
210	Public access and accommodations under the Americans With Disabilities Act of 1990	1
215	Occupational Safety and Health Act of 1970	6
220	Unfair labor practices under chapter 71 of Title 5, U.S. Code	25
---	CAA General	62
---	Questions not directly related to the CAA	94
Total		398

(Note: Aggregate numbers will not necessarily match category totals, as a single contact may involve more than one issue or alleged violation. These figures do not include contacts made directly with the General Counsel of the Office of Compliance. These statistics are located on subsequent pages.)



Contacts by Issue

Employees typically contact the Office of Compliance with questions ranging from the application of the CAA to specific work issues. Employee contacts in FY 2007 raised issues as illustrated below:

Table 4

Summary of Contacts to the Office of Compliance by Issue, FY 2007

Issue	Number of Contacts
Assignments	3
Benefits	2
Compensatory Time	16
Compensation	26
Demotion	3
Discipline	47
Equal Pay	2
Harassment	99
Hiring	6
Hostile Work Environment	3
Leave	14
Leave Eligibility	27
Overtime Pay	17
Promotion	19
Reasonable Accommodation	13
Selection	2
Termination	38
Terms and Conditions of Employment	63
Other	6

(Note: Total contacts will not necessarily match category totals, as a single contact may involve more than one issue or alleged violation.)



Results of Proceedings

The CAA mandates a dispute resolution process of 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 before an independent Hearing Officer with the Office of Compliance or file suit in Federal court.

Final decisions of Hearing Officers may be appealed to the Board of Directors of the Office of Compliance for review. Upon review, the Board issues a written decision along with its reasons. A party dissatisfied with the decision of the Board may file a petition for review of the Board's decision with the U.S. Court of Appeals for the Federal Circuit.

Counseling

A total of 56 cases were in counseling during FY 2007. This figure includes 52 new requests for counseling and 4 cases pending in counseling from the previous year as illustrated below:

Table 5

Office of Compliance Counseling Cases, FY 2007

Case	Number of Cases
Pending in Counseling as of 10/1/06	4
Counseling requests received	52
Total	56

Table 6

Office of Compliance Counseling Results, FY 2007

Result	Number of Cases
Closed during or after counseling, but before mediation	6
Settled	0
<i>No further action</i>	6
<i>Mediation requests received</i>	44
Pending in counseling and will continue into the next reporting period	6



Mediation

A total of 69 cases reached mediation during FY 2007. This figure includes 50 new requests for mediation, 11 cases pending at the beginning of the reporting period, and 8 cases that had completed mediation but were still within the time period for filing a complaint on September 30, 2007, as illustrated below:

Table 7

Office of Compliance Mediation Cases, FY 2007

Case	Number of Cases
Pending in mediation on 10/1/06	11
Pending in open period for filing a complaint on 9/30/07	8
Mediation requests received	50
Total	69

Table 8

Office of Compliance Mediation Results, FY 2007

Result	Number of Cases
Closed during or after mediation	51
<i>Settled</i>	29
<i>No further action</i>	16
<i>District court suit</i>	6
Administrative complaints filed after mediation ended	7
Pending in mediation on 9/30/07	7
Mediation completed, but still within the open period to file a complaint on 9/30/07	4
Total	69



Complaints

The 7 administrative complaints active during FY 2007 (with no complaints pending from FY 2006) had outcomes as illustrated below:

Table 9

Office of Compliance Complaints, FY 2007

Complaints	Number of Cases
Complaints	
<i>Pending on 10/1/06</i>	0
<i>Filed during FY 2007</i>	7
Hearings	
<i>Hearing Officer decision issued</i>	4
<i>Resolutions without Hearing Officer decision</i>	1
<i>Complaints pending on 9/30/07</i>	2
Board Action	
<i>Cases with appeals pending on 10/1/06</i>	3
<i>Cases with appeals filed</i>	3
<i>Cases with Board decisions issued</i>	4
<i>Resolution without decision</i>	0
<i>Pending on appeal</i>	2
Judicial Review	
<i>Petitions for review pending on 10/1/06</i>	0
<i>Petitions for review filed during FY 2007</i>	4
<i>Resolution without court decision</i>	0
<i>Court decision issued</i>	0
<i>Petitions for review pending on 10/1/07</i>	4



Additional Statistics on Cases Handled by the Office of Compliance in FY 2007 Requests for Counseling with the Office of Compliance by Office and Organization, FY 2007

Table 10

Requests for Counseling to the Office of Compliance by Office and Organization, FY 2007

Office/Organization	Number of Cases
Office of the Architect of the Capitol	25
Capitol Police	18
House (Non-Member or committee office)	1
House (Member office)	6
Office of Compliance	0
Senate (Non Senator or committee office)	1
Senate (Senator office)	1

Table 11

Total Requests for Counseling Alleging Violations Under the Sections of the CAA, FY 2007

Section	Description	Number of Requests
201	Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and Title I of the Americans with Disabilities Act of 1990	64
202	Family Medical Leave Act	20
203	Fair Labor Standards Act	7
207	Prohibition of intimidation or reprisal	44



Table 12**Workplace Issues Raised to the Office of Compliance by Employees Requesting Counseling, FY 2007**

Issue	Number of Requests
Assignments	3
Benefits	1
Compensation	6
Demotion	1
Discharge	1
Discipline	14
Disparate Treatment	2
Equal Pay	2
Harassment	21
Hiring	2
Hostile Work Environment	8
Leave	3
Leave Eligibility	4
Overtime Pay	1
Promotion	9
Reasonable Accommodation	3
Selection	2
Termination	8
Terms and Conditions of Employment	30

(Note: Aggregate numbers will not necessarily match category totals, as a single request for counseling may involve more than one issue or alleged violation.)



Figure 3

Bases of Administrative Complaints to the Office of Compliance, FY 2007

There were a total of 7 administrative complaints in process during FY 2007. The bases of these complaints are illustrated below:

Alleged
Demotion and unfair terms and condition of employment because of retaliation
Unfair discipline because of race and age
Leave and termination because of race and age
Compensation, promotion, hostile work environment because of sex
Assignments and terms and conditions of employment because of sex
Non-selection and hostile work environment because of disability and retaliation
Compensation and disparate treatment because of sex

Labor Management Relations

The Office of Compliance carries out the Board of Directors' investigative authorities under Section 220 of the CAA, involving issues concerning the appropriateness of bargaining units for labor organization representation, the duty to bargain, and exceptions to arbitrators' awards. The Board exercises adjudicatory authority over those matters, as well as unfair labor practice complaints at the appellate stage. Action taken under this section in FY 2007 is illustrated below:

Figure 4

Office of Compliance Board of Directors Action Under Section 220, FY 2007

Labor Management Relations
A labor organization had filed a representation petition seeking to be the exclusive representative of a unit of employees. On January 17, 2007, the Board of Directors of the Office of Compliance issued a decision exempting the unit from coverage under Section 220 of the Congressional Accountability Act.
A representation election was conducted to determine whether a labor organization would be the exclusive representative of a unit of employees. The labor organization received a majority of the votes cast, and the labor organization was certified as the exclusive representative.
Two petitions for review of negotiability were filed; one petition was withdrawn and one was pending as of September 30, 2007.



OSHA, ADA, and Unfair Labor Practice Proceedings

The Office of the General Counsel of the Office of Compliance is responsible for matters arising under three sections of the CAA: Section 210 (Public Services and Accommodations Under the Americans with Disabilities Act of 1990), Section 215 (Occupational Safety and Health Act of 1970), and Section 220 (Unfair Labor Practices Under Chapter 71 of Title 5, United States Code). The requests and charges under this section in FY 2007 are illustrated below:

Table 13

Total Requests to the General Counsel of the Office of Information and Assistance by Section of the CAA, FY 2007

Section	Description	Number of Requests
210	Public access and accommodations under the Americans with Disabilities Act of 1990	9
215	Occupational Safety and Health Act of 1970	223
220	Unfair Labor Practices under Chapter 71 of Title 5, U.S. Code	23

(Note: These figures include only contacts made directly with the General Counsel of the Office of Compliance)

Access to Public Services and Accommodations

Section 210 of the CAA protects qualified individuals with disabilities from discrimination with regard to access to public services, programs, activities, or places of public accommodation in covered locations and offices. All offices of the Senate and the House of Representatives, all Congressional committees, the Capitol Guide Service, the Congressional Budget Office, the Office of the Attending Physician, the Office of Compliance and the United States Capitol Police must comply with Section 210's requirements in their dealings with the public.

Individuals who feel their rights under this provision have been violated may file a charge with the General Counsel of the Office of Compliance. This charge must be filed within 180 days of the alleged violation. After a charge is filed, the General Counsel will conduct an investigation. If the investigation reveals that a violation may have occurred, the General Counsel may request mediation to resolve the dispute or file a complaint before an independent Hearing Officer with the Office of Compliance. The actions taken under this section in FY 2007 are illustrated below:



Table 14**Action Under Section 210 of the CAA, FY 2007**

Requests for Inspection	Number of Cases
Cases Pending as of 9/30/06	1
Charges Filed	1
Cases Closed	2
Cases Pending as of 9/30/07	0

Occupational Safety and Health

Section 215 of the CAA requires that legislative branch workplaces be free of safety and health hazards likely to cause death or serious injury. Employing offices must comply with all applicable occupational safety and health standards. An employing office may be responsible for correcting a violation even if it does not have an employment relationship with the employees who are exposed to the hazard.

When a Request for a Safety and Health Inspection is received, the General Counsel of the Office of Compliance initiates an on-site investigation and sends a detailed report to the employing office, explaining any steps that may be needed to remedy the problem. If the General Counsel finds a violation, a notification or citation may be issued to the responsible office. If the violation is not corrected once a citation has been issued, the General Counsel may file a complaint before an independent Hearing Officer with the Office of Compliance. The actions taken under this section in FY 2007 are illustrated below:

Table 15**Action Under Section 215 of the CAA, FY 2007**

Requests for Inspection	Number of Cases
Cases Pending as of 9/30/06	67
Requests for Inspection Filed in FY 2007	22
Cases Closed in FY 2007	51
Cases Pending as of 9/30/07	38



Citations	Number of Citations
Citations Pending as of 9/30/06	34
Citations Issued in FY 2007	4
Citations Closed in FY 2007	11
Citations Pending as of 9/30/07	27

Requests for Inspection

Requests for Inspections can be broken down into four main categories: health hazards, fire safety, physical hazards, and emergency response. Each inspection is a multi-part effort involving opening and closing conferences with the affected employing offices; conducting research on the hazards found; taking environmental samples and having them analyzed; explaining to employing offices the requirements of regulations and codes; preparing comprehensive reports of the results of the inspections, the violations found, and the steps required for abatement; and following up with the employing offices to ensure that the violations have been abated. The actions taken under this section in FY 2007 are illustrated below:

Table 16

Inspection by Category, FY 2007

Inspection	Number of Cases
Health Hazards	15
Fire Safety	3
Physical Hazards	6
Emergency Response	2

(Note: Aggregate numbers do not match total requests for inspection, because individual requests for inspection can involve more than one category.)



Unfair Labor Practices

Section 220 of the Congressional Accountability Act (CAA) prohibits unfair labor practices by both employing offices and labor organizations. The General Counsel of the Office of Compliance is responsible for processing charges that allege an unfair labor practice. If a person believes that an unfair labor practice has been committed, he or she must file a complaint with the General Counsel who will then conduct a thorough investigation of the charge. If the General Counsel believes that an unfair labor practice has occurred, a complaint will be filed and prosecuted before an independent Hearing Officer with the Office of Compliance. The action taken under this section in FY 2007 is illustrated below:

Table 17

Action Under Section 220 of the CAA, FY 2007

ULP Cases	Number of Cases
Cases Pending as of 10/1/06	5
Unfair Labor Practice charges filed	5
Complaints issued	0
Board decisions issued	0
Cases closed	4
Cases pending as of 9/30/07	6



Board of Directors of the Office of Compliance

The Office of Compliance has a five-member, non-partisan Board of Directors appointed by the Majority and Minority Leaders of both the United States House of Representatives and the United States Senate. The Board Members come from across the United States and are chosen for their expertise in labor and employment law.

Susan S. Robfogel, Esq.
Chair, Board of Directors

Susan S. Robfogel is a partner in the Rochester, NY and New York City offices of Nixon Peabody LLP. Since 1984, Ms. Robfogel has been a Member of the New York State Data Protection Review Board, for which has also served as the Chair and Vice Chair. She is also a fellow of the College of Labor and Employment Lawyers and served three terms as a member of the Federal Service Impasses Panel. Ms. Robfogel has been a member of the New York State Bar Association House of Delegates and is Past Chair of the New York State Bar Health Law Committee. She is a fellow of the American Bar Foundation and a member of the Labor Law Section of the New York State and American Bar Associations. Ms. Robfogel is a graduate of Smith College and holds a J.D. from Cornell Law School. Ms. Robfogel was first appointed to the Board of Directors of the Office of Compliance in 1999 and was reappointed Chair for a second five-year term in 2004.

Barbara L. Camens, Esq.
Member, Board of Directors

Barbara L. Camens is the proprietor of the Washington, DC law firm of Barr & Camens. Ms. Camens has extensive litigation experience in Federal court, before federal administrative agencies and in arbitration. Ms. Camens is a member of the District of Columbia Bar (Labor and Employment Section), and is a frequent speaker on the topics of labor and employment law. Ms. Camens is a graduate of Ohio State University and received her law degree from the University of Pennsylvania Law School. Ms. Camens was appointed to the Board of Directors of the Office of Compliance in 2000. She was reappointed to a second five-year term in 2005.

Alan V. Friedman, Esq.
Member, Board of Directors

Alan Friedman is a partner in the Los Angeles firm of Munger, Tolles & Olson LLP. Mr. Friedman served in the office of the Solicitor of the U.S. Department of Labor and has chaired the Civil Service Commission of Los Angeles. He was also Labor Relations Counsel to the 1984 Los Angeles Olympic Organizing Committee. Mr. Friedman is a member of the American Bar Association (Labor and Employment Law Section), the California Bar Association, the Los Angeles County Bar Association (Labor and Employment Law Section), and is also a past President of the Labor Law Section of the Los Angeles County Bar Association. A graduate of the University of Pennsylvania, Mr. Friedman received a J.D. from Case Western Reserve University Law School, and an L.L.M. from the Georgetown University Law Center. Mr. Friedman was first appointed to the Board of Directors of the Office of Compliance in 1999 and was reappointed to a second five-year term in 2004.



Roberta L. Holzwarth, Esq.
Member, Board of Directors

Roberta L. Holzwarth is a partner in the Rockford, Illinois law firm of Holmstrom & Kennedy, P.C. She is also a Certified Mediator for the Circuit Court in Winnebago County, Illinois. She has served as the Secretary of the Board of Fire and Police Commissioners of the City of Rockford, Illinois since 1990. Ms. Holzwarth is a member of the Winnebago County Bar Association, where she served as its President from 1999 to 2000. She is a member of the American Bar Association and its Labor and Employment Law Section, as well as the Illinois Bar Association. Ms. Holzwarth graduated from Stanford University with a Bachelors of Arts degree and received her J.D. from the University of Illinois College of Law. Ms. Holzwarth was appointed to the Board of Directors of the Office of Compliance in 2000. She was reappointed to a second five-year term in 2005.

Barbara Childs Wallace, Esq.
Member, Board of Directors

Barbara Childs Wallace is a shareholder in the Jackson, Mississippi law firm of Wise, Carter, Child & Caraway, where she chairs the firm's labor and employment section. Prior to joining Wise, Carter, Child & Caraway, she served as a law clerk to the Honorable Roger Robb and George E. MacKinnon of the United States Court of Appeals for the District of Columbia Circuit. Ms. Wallace also served for many years as Chair of the Civil Rights Reviewing Authority for the United States Department of Education. Ms. Wallace is a member of the District of Columbia Bar, the Mississippi Bar Association, and the Hinds County Bar Association. She is the past Chairman of the Labor and Employment Section of the Mississippi Bar Association. Ms. Wallace graduated from Purdue University (B.A.), Loyola University of Chicago School of Law (J.D.), and the National Law Center of George Washington University (L.L.M.). Ms. Wallace was first appointed to the Board of Directors of the Office of Compliance in 1999 and was reappointed for a second five-year term in 2004.



Executive Staff of the Office of Compliance as of September 30, 2007

Four statutory employees appointed by the Board of Directors carry out day-to-day management functions of the Office of Compliance. These employees include an Executive Director, two Deputy Executive Directors, and a General Counsel. The Executive Director position was vacated in April, 2006, and an Acting Executive Director appointed. The Deputy Executive Director for the House position was vacated in August, 2007. [N.B. All four executive positions were filled in January 2008.]

Tamara E. Chrisler, Esq.
Acting Executive Director
Deputy Executive Director
for the Senate

Tamara E. Chrisler was appointed to a five-year term as Deputy Executive Director for the Senate by the Board of Directors of the Office of Compliance in June, 2005, and has served as Acting Executive Director since April, 2006. Prior to joining the Office of Compliance, Ms. Chrisler served as a labor and employment attorney for the Federal Bureau of Prisons. After less than two years of serving as a staff attorney, Ms. Chrisler was selected to join in managing the Labor Law Branch of the Bureau of Prisons as Deputy Associate General Counsel. Ms. Chrisler also served as Prevention of Sexual Harassment Coordinator for the Bureau of Prisons. From 1993-1997, Ms. Chrisler served as an Assistant State's Attorney in the Cook County State's Attorney's Office in Chicago, Illinois. Ms. Chrisler completed her professional education at the University of Illinois in Urbana, Illinois, earning a Bachelor of Arts in French Literature in 1990 and a Juris Doctor in 1993.

Peter Ames Eveleth, Esq.
General Counsel

Peter Ames Eveleth was appointed by the Board of Directors of the Office of Compliance to the position of General Counsel in June, 2003. Prior to his appointment, Mr. Eveleth served as Senior Special Counsel to the General Counsel of the National Labor Relations Board (NLRB). During his career with the NLRB, Mr. Eveleth also served as Assistant General Counsel of the Contempt Litigation Branch, the office responsible for assuring nationwide compliance with court-enforced NLRB orders. Prior to 1994, Mr. Eveleth was Of Counsel to the Washington office of Akin, Gump, Strauss, Hauer and Feld where he represented management clients in a broad range of labor and employment matters. He has also served as Adjunct Professor at Georgetown University Law Center where he taught courses in equal employment opportunity law. Mr. Eveleth is a graduate of Cornell University's School of Industrial and Labor Relations and earned his Juris Doctor from the University of Pennsylvania Law School.



Staff of the Office of Compliance as of September 30, 2007

Luis Guzman – Health and Safety Specialist

Kisha Harley – Administrative Assistant

Beth Hughes-Brown – Administrative and Budget Officer

Barbara L. Jaffe – Staff Attorney

Teresa James – Director, Dispute Resolution

Marie Joseph, Assistant Systems Administrator

Annie Leftwood – Executive Assistant

Stephen Mallinger – Special Assistant to the General Counsel/Lead Safety and Health Inspector

Kathy Schluter – Executive Assistant to the General Counsel

Kate Tapley – Senior Attorney

Charles Tetreault – Staff Attorney

David Young – Management/Program Analyst

Contact Information

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Index to Figures and Tables

Figures

- Figure 1: Office of Compliance Dispute Resolution Process, page 6
- Figure 2: Office of the General Counsel Process of Request for OSHA or ADA Inspection, page 7
- Figure 3: Bases of Administrative Complaints to the Office of Compliance, FY 2007, page 30
- Figure 4: Office of Compliance Board of Directors Action Under Section 220, FY 2007, page 30

Tables

- Table 1: Summary of Contacts to the Office of Compliance by Group, FY 2007, page 22
- Table 2: Summary of Automated Contacts to the Office of Compliance, FY 2007, page 22
- Table 3: Summary of Contacts to the Office of Compliance by Section of Law, FY 2007, page 23
- Table 4: Summary of Contacts to the Office of Compliance by Issue, FY 2007, page 24
- Table 5: Office of Compliance Counseling Cases, FY 2007, page 25
- Table 6: Office of Compliance Counseling Results, FY 2007, page 25
- Table 7: Office of Compliance Mediation Cases, FY 2007, page 26
- Table 8: Office of Compliance Mediation Results, FY 2007, page 26
- Table 9: Office of Compliance Complaints, FY 2007, page 27
- Table 10: Requests for Counseling to the Office of Compliance by Office and Organization, FY 2007, page 28
- Table 11: Total Requests for Counseling, Alleging Violations Under Sections of the CAA, FY 2007, page 28



- Table 12: Workplace issues Raised to the Office of Compliance by Employees Requesting Counseling, FY 2007, page 29
- Table 13: Total Requests to the General Counsel of the Office of Information and Assistance by Section of the CAA, FY 2007, page 31
- Table 14: Action Under Section 210 of the CAA, FY 2007, page 32
- Table 15: Action Under Section 215 of the CAA, FY 2007, page 32, 33
- Table 16: Inspection by Category, FY 2007, page 33
- Table 17: Action Under Section 220 of the CAA, FY 2007, page 34

