



fast facts

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

Labor-Management Relations

May 2008

Provisions Under the CAA

The Congressional Accountability Act (CAA) was enacted in 1995 to provide certain rights, protections, and responsibilities to legislative branch employees and employers, including those afforded under the Federal Labor Relations Act (FLRA).

The following checklist has been developed to assist employers and employees in filing unfair labor practice charges with the Office of Compliance Office of the General Counsel. An unfair labor practice charge must be filed within **180** days of its occurrence.

Steps for Filing an Unfair Labor Practice Charge with the Office of Compliance

Is the employee/employer covered under the CAA?

Covered employers include but are not limited to:

- The Architect of the Capitol;
- United States Capitol Police;
- Capitol Guide Service;
- Congressional Budget Office;
- Office of the Attending Physician;
- Office of Compliance.

The Office of Compliance does **not** have jurisdiction over labor-management issues for the Library of Congress or its employees, or employees of members of Congress.

Has there been an unfair labor practice committed? Employing Offices are prohibited from:

- Interfering with, restraining, coercing, or taking reprisals against employees in the exercise of their labor organizing rights under the CAA;
- Encouraging or discouraging membership in a particular labor organization;
- Refusing to consult or negotiate in good faith with a labor organization.

Examples of prohibited actions include: threats of reprisal, refusing to consult or bargain in good faith with the union, or making threatening statements to discourage filing of representation petitions.

Labor Organizations are prohibited from:

- Interfering with, restraining, coercing, or taking reprisals against employees in the exercise of their labor organizing rights under the CAA;
- Discriminating against an employee with regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or non-preferential civil service status, political affiliation, marital status, or handicap;
- Refusing to consult or negotiate in good faith with an employing office.

Examples of prohibited actions include: discriminating against an employee with regard to membership in the union, failing to adequately represent its members, and refusing to consult or negotiate in good faith with an employing office.

If you are a covered employee or employer and would like to file an unfair labor practice charge:

- Contact the Office of Compliance.
- Obtain a charge form and submit it to the Office of Compliance with a notice of service.
- The charge form must contain a clear and concise statement of facts alleged to constitute an unfair labor practice.
- A copy of the charge form must be sent to the party against whom the charge is filed and notice of service provided to the Office of Compliance.

Investigatory Steps followed by the Office of Compliance

- A 15-day period to encourage the parties to settle begins to run from the date the charge is filed with the Office of Compliance (when both the charge form and notice that the charge has been given to the charged party have been received).
- At the completion of the 15-day period, the Office of the General Counsel begins its investigation.
- Ordinarily, the General Counsel will ask for the following information when conducting an investigation:
 - Position statements from each of the parties;
 - Copies of applicable collective bargaining agreements;
 - Copies of any information relevant to the charge.
- At the end of the investigation, the Office of Compliance will review the information received and make a determination either to issue a complaint or dismiss the charge.

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.

If you have any questions, please do not hesitate to contact the Office of Compliance:

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