

LEGISLATIVE UPDATE FROM THE OFFICE OF COMPLIANCE

The 115th Congress has been one of the busiest legislative sessions for the Office of Compliance (OOC) since its creation in 1995. In the midst of a national debate regarding the prevalence of sexual harassment in the workplace, Congress was compelled to take action to address allegations of sexual harassment and discrimination in congressional offices. This has resulted in mandatory anti-harassment and anti-discrimination training for Members of Congress and their staff and proposed reforms to the Congressional Accountability Act.



new

H. RES. 630

All House employees, including interns, fellows, and detailees, are required to complete anti-harassment and anti-discrimination training in-person within 90 days after a session of Congress begins. New employees must complete the training within 90 days of their start day.

The training will be “one hour in length, focus on creating a more civil workplace, and cover the prevention of harassment, discrimination, retaliation, and how to recognize situations of harassment.”

Participants must submit a certificate of completion to the Committee on House Administration.

Training will be provided beginning May 2018 by a private contractor. Contact the Committee on House Administration for more information.

All House employing offices are also required to prominently post a statement of employee rights and protections under the CAA. Email ooctraining@compliance.gov to request a poster.

S. RES. 330

All Senate employees (including interns) are required to complete anti-harassment and anti-discrimination training every session. New employees must complete the training within 60 days of their start date. Each Senate office is required to submit a certification of completion to the Secretary of the Senate during each Congress.

Training can be provided by the OOC, Senate Chief Counsel for Employment (SCCE), or other entity. The OOC’s “Recognizing and Preventing Discrimination and Harassment in the Workplace” training module, which is available on our website, will satisfy S. Res. 330’s requirements.

The OOC will provide in-person training sessions to offices at their request. Please email ooctraining@compliance.gov or call 202-724-9250 to schedule.

H.RES. 724

House Resolution 724 created an Office of Employee Advocacy in the Office of the CAO to provide assistance to House employees in proceedings before the OOC and Committee on Ethics.

House Resolution 724 also requires House employing offices to establish an anti-discrimination and anti-harassment policy; prohibits sexual harassment, unwelcome sexual advances, and sexual relationships between House Members and employees; and bars Members Representational Allowance (MRA) funds from being used to settle matters involving conduct prohibited by the CAA. Regulations implementing these provisions will be issued by June 1, 2018.

2018 OMNIBUS

The 2018 Consolidated Appropriations Act expanded the OOC's jurisdiction to cover employees of the Library of Congress. No other significant reforms were included in the bill.



pending

There have been several bills filed in Congress proposing major changes to the CAA and the OOC's procedures.

H.R. 4924, which passed the House on February 6, 2018, would: eliminate the "counseling, mandatory mediation, and cooling off period" in the OOC's administrative dispute resolution program; institute a 180-day formal OOC hearing process with full investigation and subpoena powers; make Members of Congress personally responsible for financial liability if an investigation finds they committed harassment; and require the OOC to report every six months on settlements paid out, among other things.

Similar reform legislation has been filed in the Senate (S. 2236 and S. 2401). No legislation has passed the Senate at this time.

If you would like to stay informed about any additional developments impacting the OOC in the 115th Congress and receive our reports, practical tips, and new training information, sign up for updates on our website.

