

Amended Statement of
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Before the Subcommittee on the Legislative Branch,
Committee on Appropriations, United States House of Representatives
Fiscal Year 2019 Budget Request
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Mr. Chairman Yoder, Ranking Member Ryan, and Members of the Legislative Branch Subcommittee, thank you for allowing me the opportunity to submit for the record this statement regarding the budget request for Fiscal Year (FY) 2019 for the Congressional Office of Compliance (OOC). I want to express our appreciation to this Subcommittee for its continued support of the OOC and its mission of advancing workplace rights, safety, health, and accessibility for employees in the legislative branch and members of the public who visit the nation's capital.

The OOC was established by the 1995 Congressional Accountability Act (CAA). It is responsible for enforcing the protections of the CAA for the covered community of employing offices and approximately 30,000 employees in the legislative branch. With 23 FTE positions inclusive of a part-time Board of Directors, the OOC serves the same functions as multiple agencies in the executive branch, including the Equal Employment Opportunity Commission, the Occupational Safety and Health Administration, and the Federal Labor Relations Authority, among others. The OOC administers the alternative dispute resolution (ADR) system established by the CAA to resolve workplace disputes; it carries out a program of education respecting the laws made applicable to employing offices of the legislative branch by virtue of the CAA and to inform individuals of their rights under those laws; and it advises Congress on needed changes and amendments to the CAA. Furthermore, the OOC General Counsel (OCGC) is responsible for inspecting all facilities in the legislative branch for Occupational Safety and Health (OSH) violations and for inspecting the public areas of all facilities in the legislative branch for compliance with Titles II and III of the Americans with Disabilities Act (ADA). The OCGC is also responsible for investigating alleged violations of the OSH Act, the ADA, and the Federal Service Labor Management Relations Statute (FSLMRS), and for filing and prosecuting complaints of OSH, ADA and FSLMRS violations. As a small agency with no redundant staff, the OOC also regularly contracts for the part-time services of other individuals such as mediators, hearing officers, and safety and health inspectors.

The OOC requests \$5,410,089 for FY 2019 operations. This represents a \$451,089, or 9%, increase from the FY 2018 enacted level, and is the amount necessary for the Office's mandated operations, including hearings, mediations, safety and health inspections, unfair labor practice investigations, and ADA inspections. The FY 2019 budget request focuses on supporting the OOC's statutory mandates and improving the delivery of services to the covered community. It also reflects the OOC's immediate need to meet the rapidly increasing demand for it to provide education and training to Members, their staffs, and other legislative branch employees, including developing additional Learning Management System training modules.

The OOC requests five additional FTE positions, and the funding to support them, which would boost the Office's staffing from 23 to 28. Approximately 80% of this request reflects a projected increase in personnel, benefits, and other personnel compensation. The additional FTEs will be devoted to developing and delivering in-person training across the legislative branch and providing administrative support to the office, support the Office's Occupational Safety and Health and ADA public access inspection programs, and assist the Deputy Executive Director in his capacity as solicitor to the Board. The remainder of the requested funds would pay for increases in contract services, including cross-servicing providers, such as the Library of Congress and the National Finance Center, and other services, equipment, and supplies needed to operate the OOC.

In its FY 2019 request, the OOC also requests a total of \$550,000 remain available until September 30, 2020, for the services of essential contractors, including hearing officers, mediators, and safety and health inspectors.

Alternative Dispute Resolution Program

The CAA establishes an ADR process that provides employing offices and covered employees a neutral, efficient, and cost-effective means of resolving workplace disputes through counseling, mediation, administrative hearings, and appeals to the OOC Board of Directors. We strive to ensure that stakeholders have full access to these ADR procedures. The OOC enjoys a 100% affirmance rate by the U.S. Court of Appeals for the Federal Circuit. The OOC maintains a flat rate of pay for contract mediators, a standardized hourly fee for hearing officers, and rate limitations for other outside service providers.

The OOC requests a total of \$275,000 for non-personnel services for FY 2019 for its ADR program. This is an increase of \$85,000 over the FY 2018 enacted level. By its very nature, it is difficult to predict the number of cases that will be filed with the OOC's ADR program in any given year, or to predict the complexity or duration of administrative proceedings. As a result of the FY 2018 Omnibus, however, the OOC's jurisdiction has been expanded to include claims submitted by employees of the Library of Congress alleging employment discrimination or harassment, as well as claims alleging violations of the Family and Medical Leave Act (FMLA), the Fair Labor

Standards Act, and the public services and accommodation provisions of the ADA. With the addition of the Library of Congress, the OOC anticipates an increase in the numbers of employees requesting counseling, mediation sessions, and hearings with the OOC, resulting in a marked increase in our annual caseload.

In FY 2016, the Office began the process of replacing our outdated case handling system with a new and more comprehensive case management system. The Office issued amended Procedural Rules in FY 2017, which, among other things, permitted parties to file documents electronically. In this request, the OOC is seeking funds to create a fully electronic filing system that will ensure ease of filing, enhance workflow, and maintain the security of the confidential information submitted by the parties. This functionality will not only provide for more streamlined service delivery to the congressional community, but also facilitate timelier dispute resolution, resulting in cost savings in the long term. The Office also received funding to address its cybersecurity needs in the FY 2018 Omnibus. In FY 2019, the OOC will continue to improve its cybersecurity and requests \$200,000 for recurring costs associated with its planned cybersecurity and electronic filing systems.

Education and Training Programs

The OOC is also responsible for carrying out a program to educate and inform Members of Congress, employing offices, and legislative branch employees of their rights and responsibilities under employment laws made applicable to them through the CAA. The Office has been given the monumental task of educating tens of thousands of congressional employees about the workplace rights that apply to them, including Title VII of the Civil Rights Act of 1964, which covers harassment and discrimination. The Office provides in-person and online training that addresses both discrimination and retaliation, and that also provides clear guidance for employees on how to report sexual harassment and discrimination when it occurs. Through our education and outreach efforts, the Office is laying the foundation to build a strong culture of collegial respect in the legislative branch, which lessens the likelihood that unlawful discrimination or harassment will occur.

Currently, there is a critical need for training for legislative branch employees and employing offices. Demand for training skyrocketed toward the end of FY 2017 and at the beginning of FY 2018. In a 6-week period following the passage of House Resolution 630 and Senate Resolution 330, the OOC saw a triple-digit percentage increase in the number of requests for in-person anti-sexual harassment training; a triple-digit percentage spike in the number of staffers enrolling in online training modules; twice as many visits to the OOC's online information about sexual harassment; and a 12-percent surge in the number of people subscribing to OOC social media platforms to receive updates on rights and responsibilities designed to protect workers against sexual harassment. OOC staff members have also delivered in-person and video-conference training sessions to over 1,500 staff members of the House and Senate since mid-October

2017. These sessions include training on bystander intervention and preventing sexual harassment, and they also provide information about the OOC and other CAA workplace rights. In the past few months, the Office has also been approached by staff associations, offices, committees, and other organizations in the legislative branch requesting our education and outreach services.

The OOC also continues to expand its online presence to reach legislative branch employees throughout the country who do not work on the Capitol Hill campus. Our website, www.compliance.gov, was redesigned to include interactive surveys on safety and health issues and publications for new employees. A third training module on the FMLA was uploaded to the Learning Management System to assist employees and supervisors in navigating this important statute. Moreover, an online training module introducing the OOC was uploaded in November 2017 that serves as an orientation overview for new employees on the responsibilities of the Office and their rights under the CAA.

In FY 2019, OOC is requesting a total of \$176,000, \$16,000 more than FY 2018 level, for non-personnel services for its Education and Outreach Program, and it is also requesting three of the five additional FTEs as educators and administrative support to respond to employing offices' needs for training on workplace rights. Currently, there is no FTE solely dedicated to instructing the entire legislative branch, and current OOC educators provide in-person training as one of many duties of their positions, which also include internal communications, government affairs, litigation, and public relations.

Safety and Health and Public Access

The OOC is requesting a total of \$277,651 for non-personnel services for FY 2019 for its Occupational Safety and Health and ADA public access inspection programs, a slight increase of \$1,551 from FY 2018, and an additional FTE to support its functions. Before the OOC opened its doors in 1996, Capitol Hill buildings had not been subject to even the most basic building codes or regulations. The first inspections led to the discovery of serious fire and other safety hazards in House and Senate buildings and around the Capitol. As a result of OOC inspections, Congress has abated thousands of serious hazards, reduced numerous barriers to access for individuals with disabilities, and dramatically improved the overall safety and accessibility of the Capitol Hill campus. The OOC has been instrumental in the development and implementation of cost-effective solutions to safety and access problems by working directly with the Architect of the Capitol and other offices on the Hill. It is during these inspections that our inspectors, who include some of the best specialists in the area, can work directly with employing offices, providing technical support at the point where assistance is needed. Our budget request will allow us to continue to provide the level of expertise and assistance that the community deserves.

Additional Services

The remaining funds requested in the OOC's FY 2019 request covers increases in contract services, including those furnished by cross-service providers, such as the Library of Congress and the National Finance Center, and other services, equipment and supplies needed to operate the OOC. These services include training development and video production, as well as technical support for the ever-growing social media environment on the Hill, which presents an opportunity to highlight best practices and provide important information to employees.

Thank you very much for providing us with this opportunity to brief you on our FY 2019 budget request. As the Executive Director of the OOC, I am proud of the work that our highly professional and talented staff members perform every day. We are available to answer any questions or to address any concerns that the Chair of the Subcommittee or its Members may have.

Susan Tsui Grundmann
Executive Director