

**FAQS:****WHAT IS THE REFORM ACT?**

The Congressional Accountability Act of 1995 Reform Act (Reform Act) was enacted on December 21, 2018. Among its many significant changes to the 1995 Congressional Accountability Act (CAA), the Reform Act renamed the Office of Compliance the Office of Congressional Workplace Rights (OCWR) to better reflect the mission of the Office. The Reform Act also revised the process to resolve workplace claims and extended protections of the Reform Act to unpaid staff. Notably, the Reform Act requires Members of Congress to be personally liable for awards and settlements resulting from acts of harassment and retaliation committed by them. It also requires employing offices to post notices informing employees of their rights and protections under the Reform Act and to implement anti-discrimination and anti-harassment policies and training programs.

**WHEN DID THE REFORM ACT TAKE EFFECT?**

Most provisions of the Reform Act took effect on June 19, 2019, 180 days after the date of enactment.

**DOES THE REFORM ACT INCLUDE THE SAME WORKPLACE PROTECTIONS FOR LEGISLATIVE BRANCH EMPLOYEES THAT THE CAA DID?**

Yes. The same substantive provisions of the CAA are applied under the Reform Act. For example, employees continue to be protected from discrimination and harassment and receive job protection under the family and medical leave provisions.

**MAY EMPLOYEES CONTACT THE OCWR CONFIDENTIALLY TO DISCUSS WORKPLACE CONCERNS WITHOUT FILING A CLAIM?**

Yes. Covered employees may speak to the OCWR confidentially. Employees may meet with the OCWR's Confidential Advisor to discuss their claims, learn about the process to resolve workplace disputes, and file a claim if they choose.

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## WHAT DOES THE OCWR'S CONFIDENTIAL ADVISOR DO?

The Confidential Advisor is designated by the OCWR's Executive Director to provide, on a confidential basis, consultation and assistance to covered employees regarding proceedings before the OCWR. The Confidential Advisor informs employees on their rights under the Reform Act, and the roles, responsibilities, and authority of the OCWR. The Confidential Advisor also consults on factual allegations and relative merits of a claim, explains procedural options, and may assist in drafting claims. The Confidential Advisor does not represent employees during proceedings.

## DID THE REFORM ACT CHANGE HOW CLAIMS OF DISCRIMINATION AND HARASSMENT ARE PROCESSED?

Yes. The Reform Act still requires that a claim be filed within 180 days of an alleged violation. However, under the Reform Act, claims processed through the OCWR's Administrative Dispute Resolution process are handled differently than they were previously. For example, the new process eliminates mandatory counseling and makes mediation voluntary.

## WHAT IS THE PROCESS FOR HANDLING WORKPLACE RIGHTS CLAIMS UNDER THE REFORM ACT?

When an employee timely files a claim alleging a violation of the Reform Act, OCWR will provide a copy of the claim to the employing office and appoint a hearing officer to conduct a preliminary review of the claim. Then the parties are provided a report on the preliminary review, generally not later than 30 days after the claimants filed. If the preliminary report concludes that the employee is covered and has stated a claim under the Reform Act, then the employee has 10 days to request a confidential administrative hearing with the OCWR.

## ARE PARTIES REQUIRED TO MEET IN MEDIATION TO DISCUSS A CLAIM?

OCWR mediation is voluntary, may be requested by either the claimant or the employing office, and may proceed only if the non-requesting party also agrees.



## MAY COVERED EMPLOYEES PURSUE THEIR CASES IN FEDERAL COURT?

Yes. An employee who has timely filed a claim with the OCWR may file a civil action in federal district court within 70 days of filing the claim or, if the employee has not already requested a hearing, may file a civil action within 90 days of receiving a written notice from OCWR that the employee is not covered by the Reform Act or has not stated a claim upon which relief may be granted.

## HOW CAN I FIND OUT MORE ABOUT THE REFORM ACT AND MY RIGHTS AS A LEGISLATIVE BRANCH EMPLOYEE?

If you would like to speak to someone at the OCWR regarding an employment concern or would like more information on the Reform Act, please call the OCWR at (202) 724-9250.

