



State of the Congressional Workplace

2020 Annual Report

A Report on Workplace Rights, Safety
and Health, and Accessibility under
the Congressional Accountability Act

Office of Congressional Workplace Rights

The Congressional Accountability Act of 1995 (CAA) applies workplace protections to the more than 30,000 employees of the legislative branch, including unpaid staff.¹ The Office of Congressional Workplace Rights, or OCWR, administers and ensures the integrity of the CAA through its programs of education, dispute resolution, inspection, and enforcement. This Annual Report covers the OCWR's activities and accomplishments from January 1, 2020 to December 31, 2020.

¹Enacted on December 21, 2018, the Congressional Accountability Act of 1995 Reform Act (Reform Act) changed the name of the Office of Compliance (OOC) to the Office of Congressional Workplace Rights (OCWR).



Table of Contents

- 5 Statement from the Chair of the Board
- 6 Statement from the Executive Director
- 8 Advancing Workplace Protections in the Legislative Branch
- 10 Education and Outreach
- 12 Administrative Dispute Resolution
- 18 Board of Directors
- 20 From the Office of the General Counsel
- 24 Supporting Success
- 26 Acronyms

Congressional Workplaces Covered by the CAA



Architect of the Capitol



Commission on Security and Cooperation in Europe (Helsinki Commission)



Congressional Budget Office



Congressional-Executive Commission on China



Government Accountability Office²



Library of Congress

Office of Attending Physician



Office of Congressional Accessibility Services



Office of Congressional Workplace Rights



Office of Technology Assessment



Stennis Center for Public Service



United States Capitol Police



United States-China Economic and Security Review Commission



United States Commission on International Religious Freedom



United States House of Representatives



United States Senate

² Certain provisions of the CAA do not apply to the Government Accountability Office (GAO); however, GAO employees may have similar legal rights under different statutory provisions.

Your Rights in the Congressional Workplace

Legislative branch employees are protected by the CAA. Please visit ocwr.gov for further information about the rights cited below by Section of the CAA, or contact the OCWR at (202) 724-9250. All contacts are confidential.

Protection From Unlawful Discrimination

Prohibits harassment and discrimination in personnel actions based on race, color, national origin, sex, religion, age, or disability.

2 U.S.C. § 1311 (Section 201)

Family and Medical Leave

Provides rights and protections for employees taking or requesting leave for specified family and medical reasons.

2 U.S.C. § 1312 (Section 202)

Fair Labor Standards

Requires the payment of minimum wage and overtime compensation to nonexempt employees, restricts child labor, and prohibits sex-based wage differentials.

2 U.S.C. § 1313 (Section 203)

Polygraph Testing Prohibition

Generally, prohibits requiring or requesting that an employee take a lie detector test; using, accepting, or inquiring about the results of a lie detector test; or firing or discriminating against an employee based on the results of a lie detector test or for refusing to take a test.

2 U.S.C. § 1314 (Section 204)

Notification of Office Closings and Mass Layoffs

Under certain circumstances, requires that employees be notified of an office closing or of a mass layoff at least 60 days in advance of the event.

2 U.S.C. § 1315 (Section 205)

Uniformed Services Rights and Protections

Protects the job rights of individuals who leave employment positions to undertake military service and prohibits discrimination on the basis of present or past membership in the uniformed services.

2 U.S.C. § 1316 (Section 206)

Protection for Exercising Workplace Rights

Prohibits employing offices from intimidating or retaliating against employees who exercise their rights under the CAA.

2 U.S.C. § 1317 (Section 208)

Accessibility

Protects members of the public with qualified disabilities from being denied access to public services, programs, activities, or places of public accommodation in the legislative branch.

2 U.S.C. § 1331 (Section 210)

Hazard-free Workspaces

Requires employing offices to comply with occupational safety and health standards and to provide workplaces free of recognized hazards.

2 U.S.C. § 1341 (Section 215)

Collective Bargaining and Unionization

Protects the rights of certain legislative branch employees to form, join, or assist a labor organization or to refrain from such activity.

2 U.S.C. § 1351 (Section 220)

Genetic Information Nondiscrimination and Privacy

Prohibits the use of genetic information as a basis for personnel actions.

2 U.S.C. § 1302(c) (Section 102(c))

Veterans' Employment Opportunities

Gives eligible veterans enhanced access to certain job opportunities and establishes a redress system in the event that their veterans' preference rights are violated.

2 U.S.C. § 1316a (VEOA SEC. 4(c))

Statement from the Chair of the Board



On behalf of the Board of Directors, I am pleased to present the Office of Congressional Workplace Rights' (OCWR) Annual Report for 2020. This year marks the 25th anniversary of the passage of the Congressional Accountability Act (CAA), and the first full year implementing the provisions of the CAA Reform Act. I am happy to report that, despite the challenges of 2020 and the onset of the COVID-19 pandemic, the OCWR ably sustained its many programs and services for the benefit and protection of the legislative branch community.

When the CAA was enacted in 1995, it established the Office of Compliance (OOC), now the OCWR, as an independent office of the legislative branch. For the first time ever, staff had an impartial office dedicated to safeguarding health and safety protocols and administering important workplace protections, including the right to work free from discrimination and harassment.

In 2019, the OCWR had fully implemented new and significant reforms to the CAA. Reforms included extending certain workplace protections to unpaid staff, mandating annual training on workplace protections, and implementing the first legislative branch-wide survey of the

workplace climate. The results of this unprecedented survey will provide insight and direction to ensure that all legislative branch staff benefit from a diverse, safe, and supportive work environment as they perform their important work for the American people.

The OCWR's accomplishments in 2020 were greatly assisted by the continued support it received from the congressional community. Whether it was monthly meetings with its oversight committees, staff briefings on appropriations issues, or meetings with covered employers and employees to address safety and health hazards, the OCWR's efforts to advance workplace rights, safety, health, and public access in the legislative branch were furthered by the support and cooperation of its many stakeholders.

This report examines the OCWR's activities and achievements in 2020, and reports on the progress made toward the goals outlined in its Strategic Plan. Going forward, the Board will join staff to develop a new Strategic Plan that more fully aligns with the CAA Reform Act and provides a renewed vision for the OCWR.

Sincerely,
Barbara Childs Wallace
Chair, Board of Directors

Statement from the Executive Director



It is my privilege to present the 2020 Annual Report for the Office of Congressional Workplace Rights (OCWR). In my fourth year as the Executive Director, I am honored to serve with a talented and motivated staff. This year has been unlike any other as the OCWR began remote operations in March and continued to operate remotely through 2020 and into 2021. As we weathered our first full year under the changes brought by the Congressional Accountability Act Reform Act of 2018, meetings, mediation, hearings, and training moved into the virtual world. I could not be prouder of our staff for its many outstanding accomplishments. This Annual Report provides an opportunity to share valuable information on the progress we have made as we move to a new Strategic Plan.

This year, the OCWR concluded the first-ever legislative branch-wide workplace climate survey. This statutory requirement involved working closely with House and Senate oversight committees to create a comprehensive survey for over 30,000 legislative branch employees, which included questions on the respondents' attitudes toward sexual harassment. Implementing the survey was a success, and the data produced will provide important information to ensure a safe and

productive workplace culture within our community.

We recognize that education merely addressing the letter of the law is insufficient to effect real change in the workplace. For true change to occur, we also must educate our workforce on the underlying practices, biases, and behaviors that could lead to discrimination, cause retaliation, and create a hostile work environment. OCWR training and outreach efforts continue to thrive in 2020 with the hiring of two full-time educators to meet the increasing demand for novel tools in a virtual environment, such as our unconscious bias and bystander intervention webinars and online courses. We delivered new courses on racial justice and civility and inclusion to meet the growing consciousness of the environment in which we now live and work.

As we all began working from our homes, our daily work continued uninterrupted. Claims were timely processed, and meetings and conferences were conducted via web-conferencing. The OCWR's Office of the General Counsel carried on its important work to ensure that all legislative branch employees work in an environment that is free from safety hazards and unfair labor practices, and that individuals with disabilities do not encounter barriers when accessing legislative branch facilities and services.

After undergoing two audits by the U.S. Government Accountability Office (GAO), the OCWR continues to address recommendations issued in late 2019. As a result of this study, in 2020 we rebuilt our strategic planning, including goals for performance and initiatives to advance these goals, and will continue to report on our progress in our next Annual Report.

Despite all of these changes, our renewed vision at the OCWR remains constant: a respectful, safe, healthy, and accessible congressional workplace with equal employment opportunity and treatment for all. It is with continued pride that we serve the legislative community in our capacities as a partner and a resource toward these goals.

Sincerely,

Susan Tsui Grundmann
Executive Director



In 2020, despite the many challenges presented by the COVID-19 pandemic, the OCWR continued to support and protect important workplace rights for staff and offices of the legislative branch. This Annual Report provides a comprehensive review of the activities and accomplishments of the OCWR and documents the progress made toward its strategic goals and initiatives.

Advancing Workplace Protections in the Legislative Branch

The Congressional Accountability Act (CAA) applies provisions of 13 workplace laws to employees of Congress and its instrumentalities, and it establishes the Office of Congressional Workplace Rights (OCWR) as an independent office within the legislative branch to administer these provisions.

Strategic Goal I—
Advance the principles of the Congressional Accountability Act, as amended by the Congressional Accountability Act of 1995 Reform Act

With its vision of a legislative branch free of discrimination and harassment, safety and health hazards, accessibility barriers, and employment and labor violations, it is the OCWR's mission to effectively and efficiently implement and enforce the provisions of the CAA.

The OCWR administers several programs to safeguard the rights of employees to a safe and inclusive work environment. It also monitors legislative activity and, through the OCWR Board of Directors (Board), makes recommendations to Congress concerning laws and regulations that should be made applicable to the legislative branch. Among its services, the OCWR administers a program of education and outreach that serves to inform the covered community of its workplace rights, protections, and responsibilities under the CAA.

Another important program is the OCWR's safety and health program. The OCWR's team of occupational safety and health specialists inspects workplace facilities to ensure a legislative branch free from recognized hazards and inspects and enforces the mandate that public services and accommodations under Titles II and III of the Americans with Disabilities Act (ADA) remain accessible.

Noteworthy is the OCWR's administrative dispute resolution (ADR) program that provides, on a confidential basis, advice and information to covered employees seeking information on their rights in relation to their unique work environment. This program provides a fair and impartial process to resolve employee claims of violations of their workplace protections.

Strategic Initiative

Advance the goals of the CAA through trusted relationships with congressional stakeholders

The OCWR remains a trusted and expert resource for employees and offices of the legislative branch. Serving the same functions as multiple agencies in the executive branch, including the Equal Employment Opportunity Commission, the Department of Labor, the Department of Justice (regarding public access for persons with disabilities), and the Federal Labor Relations Authority, the OCWR has a broad and significant statutory mandate.

Through trusted relationships with stakeholders, the OCWR has successfully expanded



workplace protections. Through the CAA Reform Act, Congress implemented many of the Board's prior recommendations for statutory change, as set forth in their Section 102(b) reports, such as the recommendation that anti-discrimination, anti-harassment and anti-retaliation training be mandatory for all Members, offices, and employees, and that workplace protections extend to unpaid staff. Mandatory posting of workplace rights notices, and important changes to the ADR process also resulted from the Board's ongoing recommendations to Congress. The responsiveness shown by Congress to the Board's 102(b) recommendations well illustrates that the OCWR has become a trusted partner in the legislative branch.

Building and maintaining strong relationships with key stakeholders, including staff organizations, employing offices, oversight committees, and advocacy groups, is critical to understanding and serving

the needs of the entire community. It is through these trusted relationships that the OCWR is able to effectively promote a fair, safe, and accessible legislative branch.

Strategic Initiative

Provide comprehensive recommendations to Congress regarding substantive changes to the CAA and pursue congressional adoption of the Board's regulations

The ongoing commitment of Congress to apply to itself the same laws that it applies to the private sector and the executive branch of the federal government is captured in Section 102(b) of the CAA. As discussed above, this provision requires the OCWR Board to report on whether and to what degree provisions of federal law, relating to the terms and conditions of employment and access to public

services and accommodations, apply to the legislative branch—or should apply to the legislative branch.

To ensure that the Board's recommendations are relevant and impactful, the OCWR regularly monitors legislation that may guide the implementation of the CAA and develops thorough and well-reasoned analyses to support the Board's key reform recommendations in its reports to Congress. The Board continues to recommend further statutory reform to ensure that employees be protected from discrimination for serving on a jury or declaring bankruptcy, and that they be provided whistleblower protection from reprisal for reporting violations of laws, rules, regulations, or gross mismanagement. The Board's ongoing recommendations to Congress seek to ensure that the CAA remains current with the employment needs of the legislative branch. The Board's 102(b) recommendations to the 117th Congress are available on the website at ocwr.gov.

Education and Outreach

Training Catalog OCWR



The Congressional Accountability Act of 1996 (CAA) applies 13 federal workplace rights, safety, and accessibility laws to the legislative branch. The Office of Congressional Workplace Rights (OCWR) provides a program of education and training to inform legislative branch staff of their workplace rights and protections under the CAA. All OCWR training is intended to promote a safe, civil, and productive workplace. For more information on OCWR training programs, email the office at ocwctraining@ocwr.gov or call 202-724-9250.

Training Webinars

- 1 BYSTANDER INTERVENTION**

When in the presence of offensive conduct, bystanders may, for a variety of reasons, choose not to get involved. This is known as the "bystander effect." This training module defines the concept of the bystander effect and bystander intervention theory. It helps attendees recognize the importance of intervention, provides strategies for when and how they may safely intervene, explains the impact of bystander intervention on positive, professional workplace culture, and applies bystander intervention techniques through instructor-guided scenarios.
- 2 THE CONGRESSIONAL ACCOUNTABILITY ACT AND THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS**

This training module explains the role of the OCWR in addressing the rights and responsibilities of covered employees. OCWR's administrative dispute resolution procedures and the employee's role in the process with OCWR.
- 3 THE CONGRESSIONAL ACCOUNTABILITY ACT AND PREVENTING DISCRIMINATION AND HARASSMENT**

This training module outlines the rights and responsibilities of legislative branch staff under the CAA. Additionally, this training module examines different types of harassment and discrimination that can occur in the workplace. The module includes a 50-minute video that explains the supervisor's role and employing office obligations under the CAA, discusses employing office liability, and examines strategies for preventing discrimination and harassment.
- 4 CIVILITY AND INCLUSION**

The legislative branch employs over 30,000 employees nationwide. This training module reviews the core concepts of civility and inclusion, examines best management practices in multiple workplace environments, and fosters a climate of inclusion in the legislative workplace.
- 5 CIVILITY, IMPLICIT BIAS, AND INCLUSION**

Implicit biases are psychological shortcuts that influence our perceptions and actions. They may be conscious or unconscious. This training module examines implicit bias and its associated impacts on the workplace. The module includes a 50-minute video that explains the effects of implicit bias on individual behaviors and conflict management practices in the workplace and proposes strategies to create and foster a climate of inclusion.
- 6 IMPLICIT BIAS**

All humans have implicit biases – psychological "shortcuts" that influence our perceptions and actions. These biases are not always conscious or intentional, but they can become problematic if they result in a person engaging others differently. This training module identifies the origins of implicit bias, examines the connection between implicit bias and workplace culture, and explores strategies to address implicit bias in the workplace.
- 7 IMPLICIT BIAS FOR MANAGERS**

Individual awareness is essential in mitigating the effects of implicit bias. This training module, which is a professional development opportunity, provides a more in-depth look at implicit bias. The presentation begins with a discussion of the subject of implicit bias, then provides a series of strategies designed to aid managers in managing the positive impact of employees and the manifestations of their own implicit bias.
- 8 RACIAL EQUITY**

The Civil Rights Act of 1964 was signed into law over 50 years ago. While racial equity has not ended, it has shifted toward a focus on equity. This training module summarizes key concepts of racial equity, explores the subjects of race and racial equity, provides best practices for addressing racial bias, and identifies opportunities and next steps for advancing racial equity.

Strategic Goal IV— Educate the legislative branch community on its rights and responsibilities under the Congressional Accountability Act and promote courtesy and respect in the congressional workplace

Among the OCWR's most significant responsibilities is the duty to inform and educate employees and employing offices of the legislative branch on their rights and protections under the laws applied by the CAA.

Strategic Initiative

Foster compliance with the CAA through a program to educate the covered community and promote respect in the congressional workplace

Fourth Quarter 2020 OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

e-Newsletter

Click on details of workplace rights, safety and health, and accessibility in the legislative branch

Two New OCWR Programs to Combat Stress in the Remote Workspace

The COVID-19 pandemic has greatly altered the work environment for many on Capitol Hill. As the number of staff assigned to full-time telework status has increased, employees are experiencing less social and physical support. While telework has its benefits, some employees are experiencing increased feelings of isolation and stress. A decreased sense of community and belonging is often associated with higher levels of emotional exhaustion, cynicism, and cognitive and musculoskeletal stress.

To address these issues, the OCWR is developing two new programs related to office operations in the remote work environment: new ergonomics guidance to assist employing offices in developing or updating their own in-house ergonomics programs, and workplace civility and inclusion training that includes a special component related to the remote work environment.

The upcoming ergonomics guidance will focus on designing ergonomic office spaces that provide many key advantages for both employees and employers, including 1) increased employee focus, attention, and engagement, 2) enhanced productivity and work quality, 3) improved employee morale, mood, and energy level, 4) reduced employee stress, 5) lowered risk of developing musculoskeletal disorders, and 6) minimized business costs associated with employee injuries and absenteeism.

Added to the unique physical issues inherent in today's teleworking lifestyle are new office etiquette issues, which require a reexamination of our traditional concepts of workplace civility. From emails to video and voice-only teleconferencing calls, the remote office has suddenly and dramatically changed. The OCWR is addressing these changes with a new training module on workplace civility and inclusion that highlights workplace courtesy and best practices and addresses issues specific to the telework environment.

Be on the lookout for these innovative and helpful programs coming soon from the OCWR or call the office for more details.

The OCWR also offers other virtual, live training sessions on Understanding Implicit Bias, The Congressional Accountability Act, and Racial Justice in the Workplace. For more information, go to the OCWR training page at ocwr.gov (<https://www.ocwr.gov/resources-and-training/>) or contact the OCWR.

And please check out our Fast Fact, Working From Home During A Pandemic. This information sheet outlines the challenges of full-time teleworking and the benefits of creating a structured and ergonomically safe at-home work environment.

The FFCRA Is Set to Expire on December 31

The Families First Coronavirus Response Act (FFCRA), which provides paid leave for either a covered legislative branch employee's own health needs or to care for family members during the COVID-19 pandemic, is currently set to expire on December 31, 2020. This important legislation ensures that covered employees are not forced to choose between their paychecks and public health measures. More detailed information on the FFCRA can be found at ocwr.gov/coronavirus or by contacting the OCWR.

Don't miss updates: e-Alerts, Twitter, Instagram, LinkedIn, and Facebook

Office of Congressional Workplace Rights
John Adams Building | 110 2nd Street SE, Room LA 200 | W
OCWR • 110 Second Street SE, Room LA 200, Washington, DC 20540 • 202-724-9250 • www.ocwr.gov

An informed staff promotes compliance with workplace protections and helps ensure a safe and productive work environment. To provide impactful training, the OCWR continually researches and reviews information from numerous sources. In 2020, training materials were created or revised to expand training options and promote positive change in the legislative workplace.

With the onset of the pandemic, the Office quickly moved training, previously conducted in person, to the remote work environment, using reliable web-conferencing tools to enable remote learning.

In June 2020, the OCWR onboarded two workplace rights

specialists to train legislative branch staff on the provisions of the CAA and to promote best practices in the workplace. The specialists immediately used video platforms to effectively conduct training for staff in Washington, D.C. and in state and district offices around the country.

The OCWR created training materials that promote civility in the workplace. Courses included Recognizing and Preventing Implicit Bias, a course that focuses on enhancing the workplace environment. This training examines the formation of implicit bias, its effect on the workplace, and strategies to mitigate its impact. A separate training module on implicit bias for managers focuses on identifying and addressing implicit bias in the workplace.

The Office also launched a course on Civility and Inclusion that centers on promoting civil behavior, managing conflict, and supporting an inclusive workplace. The Office also developed a training module on Racial Equity to effectively counteract racial bias and to identify opportunities for constructive dialogue.

Conducting training in the remote work environment presented several initial challenges, including the potential for audience disengagement. To overcome this obstacle, the Office formulated training to encourage participation and interaction. Although the virtual education medium presented challenges, it also brought notable benefits including convenient and easy scheduling, the option to record sessions for later use, and the use of survey features to collect the comments of participants and track the effectiveness of programming. But perhaps the greatest benefit of the remote training was that it enabled

employees located in employing offices throughout the country to attend office-wide training sessions together.

Training included practical tools and strategies to be both impactful and personally relevant to the attendees and their workplace experiences. To maximize the effectiveness of the modules, the OCWR consulted with employing offices to understand their unique circumstances and tailored the presentations to meet their needs. Engaging with employing offices during the research and development stage ensured that the training was relevant to their particular work environment.

Consistent with the recommendations contained in a study conducted by GAO of the OCWR management practices, the OCWR asked attendees to respond to an anonymous survey following their training sessions. The survey questions explore the relevance of the information presented to their work environment, inquire whether the information was presented clearly, and whether the OCWR trainers were responsive to questions. Going forward, the OCWR will use this information to evaluate the effectiveness of its education and outreach efforts.

Strategic Initiative

Create opportunities to engage with employing offices, staff associations, and other legislative branch organizations to effectuate the mission of the OCWR

In addition to conducting training sessions virtually, the OCWR developed and uploaded tutorials and training videos for stakeholders to freely access. Short videos feature enactments of workplace scenarios,

and explain how the provisions of the CAA may apply in each situation and the process for staff seeking to assert their workplace rights.

The OCWR also created and distributed newsletters, brochures, and fact sheets to inform staff of their workplace protections. In 2020, the OCWR also launched a successful social media campaign to raise awareness and promote compliance.

The OCWR used its newly acquired web-conferencing capabilities to meet regularly with leadership, including committee staff and executive management. The Office also conducted remotely its annual ADR Summit on September 3, 2020, to engage directly with its service providers and share best practices for adjudicating and mediating cases during the pandemic and post-Reform Act. The Summit provided an opportunity for meaningful dialogue among critical stakeholders.

The OCWR recognizes its website, ocwr.gov, as a readily available and highly effective resource for broad stakeholder engagement, and updates the site regularly. The website remains an important source of information for employees seeking to learn about their workplace rights and the process to resolve workplace disputes. Stakeholders can find reports, decisions of the Board, regulations, and other informational publications on the site. In addition, staff and other stakeholders may visit the site to access our training catalog for courses on Recognizing and Preventing Discrimination and Harassment, Preventing Sexual Harassment in the Workplace, and Bystander Awareness. Important information on filing a claim with the OCWR is also available on the website.

Administrative Dispute Resolution

Strategic Goal II—Provide an efficient and effective administrative dispute resolution program

An independent, nonpartisan office of the legislative branch, the OCWR administers and enforces the CAA of 1995, as amended by the Reform Act. As part of its mission to foster a legislative branch free of discrimination and harassment, safety and health hazards, accessibility barriers, and employment and labor violations, the OCWR administers and ensures the integrity, efficiency, and effectiveness of the administrative dispute resolution (ADR) program to resolve workplace disputes arising under the CAA.

Confidential Advising

Employees covered by the CAA may contact the OCWR before filing a claim to seek information and advice about their rights and the procedures under the CAA. The OCWR offers privileged and confidential advising services to covered employees at no cost to them. The confidential advisor is an independent, experienced employment law attorney who advises covered employees about their rights and responsibilities under the CAA and the procedural options available to them to resolve their workplace disputes.

The OCWR's confidential advisor is not the employee's attorney

or advocate. Covered employees may designate an attorney or a non-attorney to represent them in the ADR process.³ If an employee is represented by an attorney, the confidential advisor may only provide limited services, such as providing the employee's designated attorney with general assistance and information.

The Processing of a Claim

A claim of violation of the CAA must be filed within 180 days of the date of the incident. What follows is a summary of what happens to a claim after it is filed with the OCWR.

Filing a Claim

Regardless of whether an employee wishes to continue with proceedings through the OCWR's ADR process or file a civil action in federal court, the employee must first file a claim with the OCWR. Employees may use OCWR's secure online filing system available at <https://socrates.ocwr.gov/>, or use other methods such as e-mail, facsimile, and hand-delivery to submit a downloadable claim form.

The OCWR, after it receives a claim, provides the claimant with information about the CAA and transmits a copy of the claim to the employing office and the

³ Employees of the U.S. House of Representatives also may contact the Office of Employee Advocacy to request free representation.

employing office's representative. There are additional notification requirements for claims filed that allege misconduct personally committed by current or former Members of Congress.

Preliminary Review

Each claim undergoes a preliminary review by an independent preliminary hearing officer to determine whether the claimant is a covered employee who has stated a claim for which, if the allegations contained in the claim are true, relief may be granted under the CAA. The preliminary hearing officer then must issue a report on their preliminary review. The report must be submitted to the House or Senate Ethics Committee whenever a claim is filed against a Member of the House of Representatives or a Senator for 1) unlawful harassment in violation of 2 U.S.C. § 1311(a) or 1316(a)⁴ or 2) unlawful intimidation, reprisal, or discrimination under 2 U.S.C. § 1317 that was taken against a covered employee because of a claim alleging unlawful harassment in violation of 2 U.S.C. § 1311(a) or 1316(a).

If the preliminary hearing officer determines that the claimant is not a covered employee who has stated a claim for which relief may be granted under the CAA, the claimant is notified that an administrative hearing at the OCWR is not an available option, and the only way to pursue the case is to file a civil action in federal district court. If an employee files a civil action in district court before the preliminary hearing officer concludes his or her review, the administrative processing is terminated at the OCWR.

If the preliminary hearing officer determines that the claimant is a covered employee who has stated a claim for which relief may be granted under the CAA, the claimant may request an

administrative hearing with the OCWR or file a civil action.

Mediation

Mediation is a process that enables the parties to resolve a claim through dialogue and agreement, rather than litigation. 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. Additionally, if requested by either party, the parties must be separated during the mediation session.

Strategic Initiative

Ensure that ADR processes meet statutory and regulatory mandates, including mandates for maintaining confidentiality

Administrative Hearing

A claimant may proceed to an administrative hearing with the OCWR only if the hearing officer conducting the preliminary review determines that a valid claim has been stated and the claimant timely submits a request for an administrative hearing. Once a hearing has been requested, an independent merits hearing officer is assigned to conduct the hearing.

Appeals

After an administrative hearing is conducted, the merits hearing officer will issue a decision. A party dissatisfied with the merits hearing officer's decision may file a petition for review with the OCWR's Board. The Board consists of five independent members appointed by Congress on a nonpartisan basis, who are experts in labor and employment law. After its appellate

review, the Board will issue a written decision, along with its reasoning for the decision, which is typically published. A decision of the Board may be appealed to the U.S. Court of Appeals for the Federal Circuit for further review.

District Court Filing

After an employee has filed a timely claim with the OCWR, the employee may file a civil action in federal district court. However, an employee who has requested an administrative hearing with the OCWR may not also file a civil action.

If an employee files a civil action during preliminary review, review of the claim will terminate at the OCWR. An employee also may wait until the preliminary hearing officer concludes the preliminary review before deciding whether to file in district court. If the preliminary hearing officer in the report determines that the employee has not stated a claim for which relief may be granted, the report provides notice that the employee has a right to file a civil action.

An employee first must file a claim with the OCWR before the employee may file a civil action in federal district court.

Awards, Penalties, and Attorneys' Fees

Depending on the law and the facts in the case, the merits hearing officer, the OCWR's Board, or a federal court may order monetary awards and other appropriate remedies for the prevailing party, such as reinstatement, promotion, or back pay. Attorneys' fees, expert witness fees, and certain other costs also may be awarded. No civil penalties or punitive damages may be awarded for any claims under the CAA.

⁴ See page 4 of this report for the full list of workplace protections applied by the CAA to the legislative branch of the federal government.

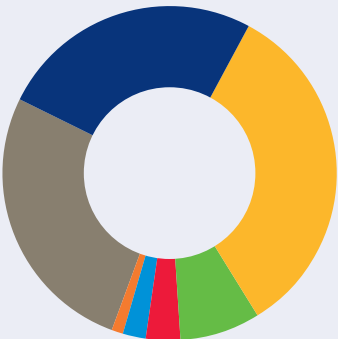
ADMINISTRATIVE DISPUTE RESOLUTION STATISTICS

(January 1, 2020 to December 31, 2020)

As required by Section 301(h) of the CAA, this Annual Report includes statistics on the use by congressional staff of the OCWR's ADR program, including statistics on the types of claims brought against congressional employing offices.

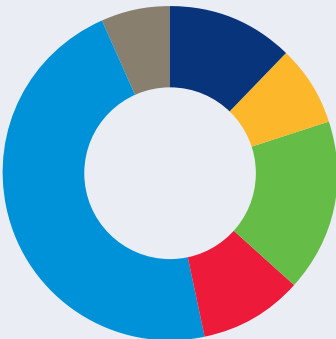
Confidential Advising Requests for Information by Section of the CAA: 90

Information



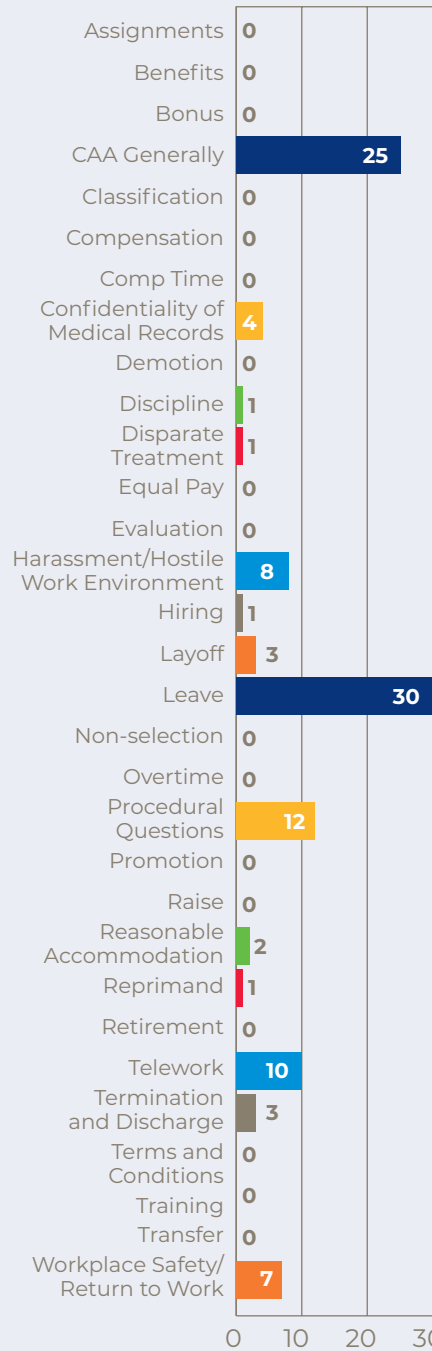
- Title VII, ADA, and ADEA (2 U.S.C. § 1311): **23**
- FMLA (2 U.S.C. § 1312): **30**
- Reprisal (2 U.S.C. § 1317): **7**
- GINA (2 U.S.C. § 1302(c)) : **3**
- Hazard-free Workspace (2 U.S.C. § 1341): **2**
- Collective Bargaining/ Unionization (2 U.S.C. § 1351): **1**
- CAA Generally: **25**

Employing Office

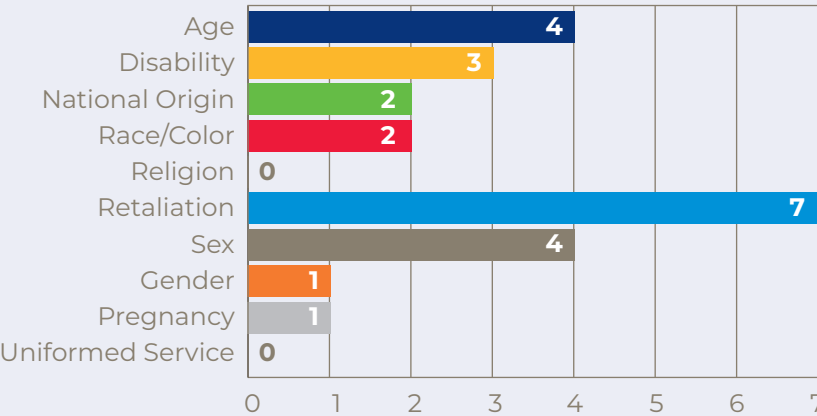


- Library of Congress: **11**
- United States Capitol Police: **7**
- Architect of the Capitol: **15**
- Senate: **9**
- House: **42**
- Employing office not covered: **6**

Workplace Issues Involved

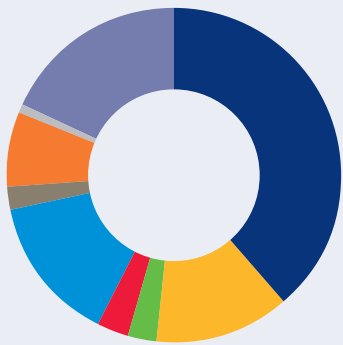


Information Requests by Covered Employees Regarding Discrimination and Retaliation



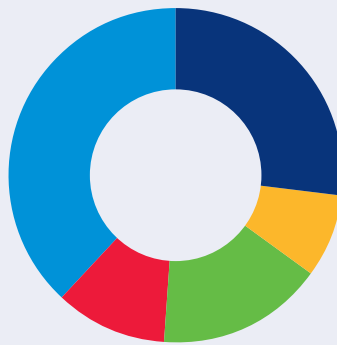
Requests for Confidential Advising: **74**

Advice



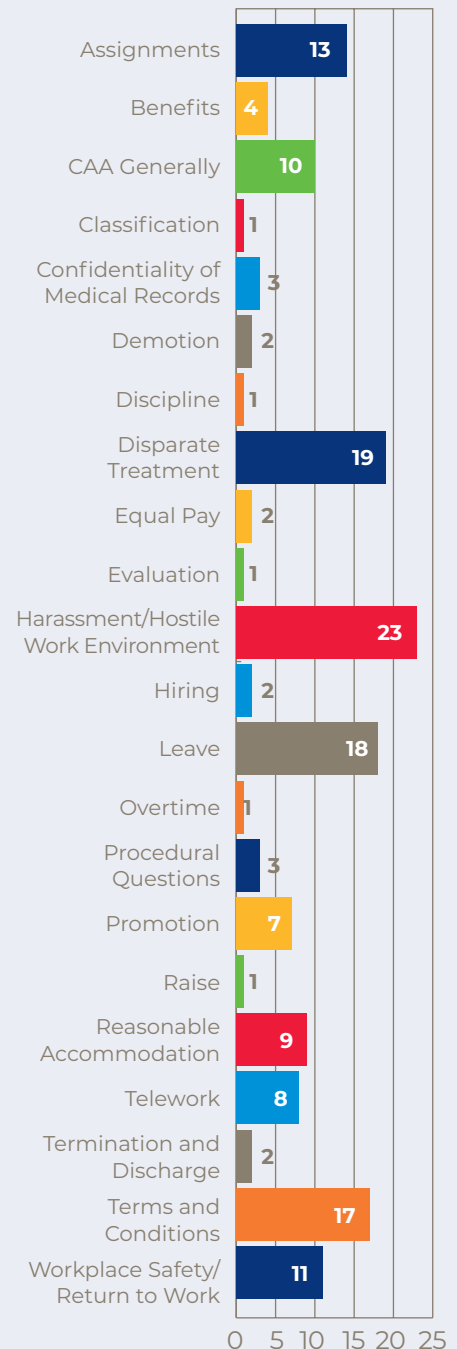
- Title VII, ADA, and ADEA (2 U.S.C. § 1311): **54**
- FMLA (2 U.S.C. § 1312): **18**
- FLSA (2 U.S.C. § 1313): **4**
- USERRA (2 U.S.C. § 1316): **4**
- Reprisal (2 U.S.C. § 1317): **20**
- GINA (2 U.S.C. § 1302(c)): **3**
- Hazard-free Workspace (2 U.S.C. § 1341): **10**
- Collective Bargaining/ Unionization (2 U.S.C. § 1351): **1**
- CAA Generally: **25**

Employing Office

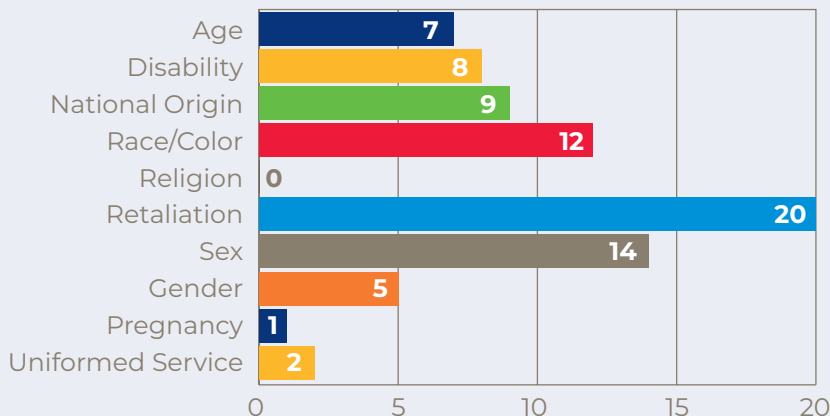


- Library of Congress: **20**
- United States Capitol Police: **6**
- Architect of the Capitol: **12**
- Senate: **8**
- House: **28**

Workplace Issues Involved



Discrimination and Retaliation



**ADMINISTRATIVE
DISPUTE RESOLUTION
PROGRAM STATISTICS
FOR CLAIMS
PROCESSED**

Cases Pending Pre-Reform Act (Cases Filed before June 19, 2019)

Mediation Activity—2020

Cases pending in mediation from previous years	17
New mediation requests	3
Total	20

Cases settled or withdrawn	2
No further action	14
Administrative complaints filed	4

Hearing Activity—2020

Cases pending in hearing from previous years	5
New complaints filed	4
Total	9

Cases settled or withdrawn	4
Hearing officer decision issued	1
Cases pending in hearing phase	1
Decisions appealed	3

Appeal Activity—2020

Cases on appeal filed in previous years	0
New petitions for review filed	3
Total	3

Decision by Board of Directors issued	1
Cases pending in appeal phase at the end of the year	2



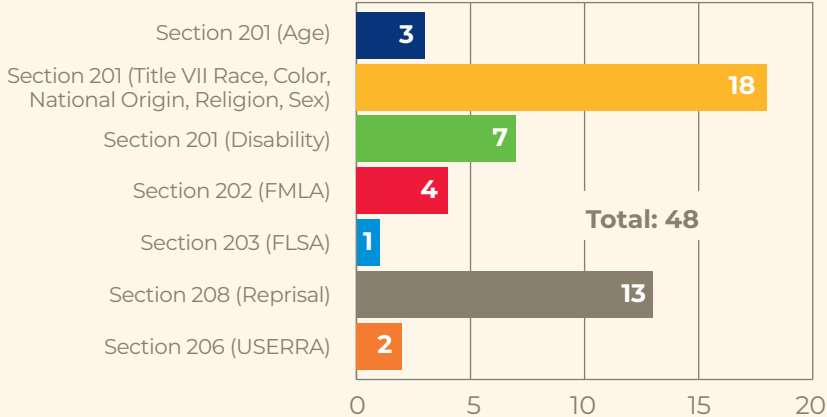


Post-Reform Act (from January 1, 2020 through December 31, 2020)

Activity for Claims Filed

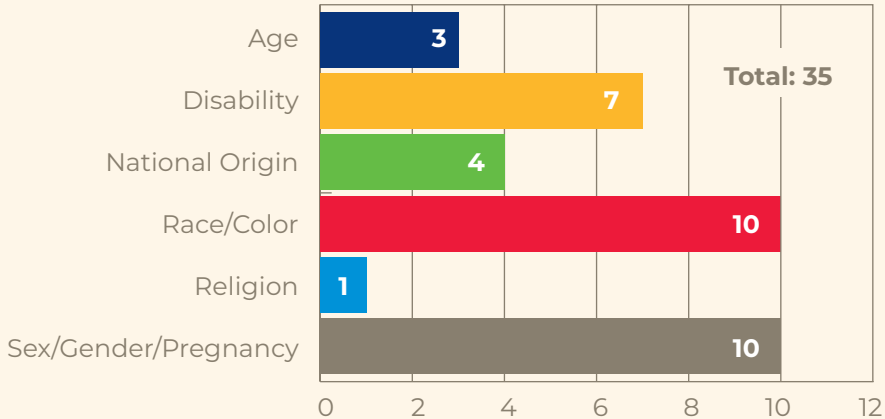
Claims filed 2020	21
Preliminary review	21
Reports of preliminary review issued	18
Claims failed preliminary review	3
Claims passed preliminary review	16
Claims withdrawn during preliminary review	0
Pending in preliminary review	1
Filed in district court	0
Mediations requested	12
Mediations held	10
Hearings requested	8
Hearing decisions issued	0
Pending before a merits hearing officer	2
Cases settled	7
Cases open at the end of 2020	7

Claims Filed by Section* of the CAA—FY 2020

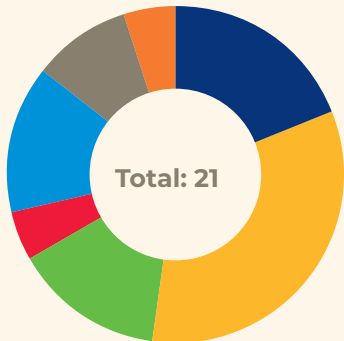


* A single claim may allege a violation of more than one section of the CAA.

2 U.S.C. § 1311 Claims Listed by Protected Class



Claims Filed Against All Employing Offices—2020



- Architect of the Capitol: **4**
- Library of Congress: **7**
- United States Capitol Police: **3**
- United States House of Representatives; Member: **1**
- United States House of Representatives; Not Member: **3**
- United States Senate, Member: **2**
- United States Senate, Not Member: **1**

Board of Directors

The OCWR Board of Directors is comprised of five members appointed jointly by the majority and minority leadership of both the U.S. House of Representatives and the U.S. Senate. Board members are attorneys chosen for their expertise in employment and labor law in the private sector. Their full biographies appear on the OCWR website at ocwr.gov. The Board is responsible for adjudicating disputes under the CAA, promulgating regulations and rules of procedure implementing the CAA's statutory requirements, and recommending to Congress changes to the CAA to advance the rights of employees in the legislative branch.

Strategic Initiative

Conduct OCWR proceedings proficiently and competently, ensuring that matters are settled in accordance with the CAA and the Rules, and that decisions issued to resolve disputes are legally sound and well supported by case law and precedent

The Board is the appellate body in the OCWR's administrative dispute resolution (ADR) process, and, as such, its decisions set legal precedent for the interpretation and application of workplace rights and

accessibility laws in the legislative branch. The Board decides cases on review from merits hearing officers' rulings on employee claims, including claims alleging unlawful employment discrimination and reprisal, among others.

The Board also decides cases on review of hearing officers' decisions on complaints filed by the OCWR General Counsel alleging violations of the CAA provisions relating to public services and accommodations under the Americans with Disabilities Act, the occupational safety and health protections of the Occupational Safety and Health Act, and the unfair labor practice prohibitions in the Federal Service Labor-Management Relations Statute.

In addition, the Board issues final decisions on union representation and election petitions, negotiability petitions, and exceptions to arbitrators' awards.

In 2020, the Board issued one decision that affirmed a hearing officer's order resolving ADR matters and remanded the case for further proceedings. It also issued an order concerning implementation of a 2018 arbitration award. The decisions of the OCWR Board of Directors can be found on our website at ocwr.gov.

The Board adopts for congressional approval substantive regulations that



INFORMATION ON COVID-19 AND THE FFCRA

implement workplace laws under the CAA. Without congressional approval, the Board's adopted substantive regulations do not go into effect.

In late 2019, Congress enacted the Federal Employee Paid Leave Act (FEPLA). FEPLA amended the Family and Medical Leave Act (FMLA) to allow most civilian federal employees, including eligible employees in the legislative branch, to substitute paid parental leave for unpaid FMLA leave granted in connection with the birth of an employee's child or for the placement of a child with an employee for adoption or foster care. In November 2020, the Board issued proposed regulations implementing FEPLA in the legislative branch. It requested comments from interested parties on those proposed regulations through a comment period that ended in December 2020. The Board adopted final FEPLA regulations for congressional approval in 2021.

In 2020, in the midst of the COVID-19 global pandemic, the Board also provided extensive guidance to the legislative community on the Families First

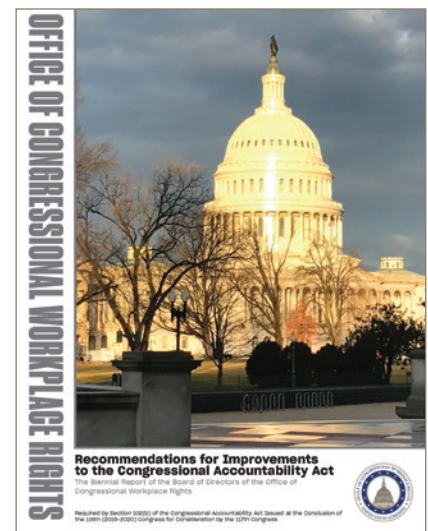
Coronavirus Response Act, which required employing offices to provide covered employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.

Section 102(b) Recommendations to Congress

The CAA was crafted to provide for ongoing Board review of the workplace and accessibility laws that apply to Congress and throughout the legislative branch. Under 2 U.S.C. § 1302(b), the Board is tasked with reporting to each Congress on whether or to what degree provisions of federal law relating to terms and conditions of employment and access to public services and accommodations are applicable to the legislative branch, and with respect to provisions that are inapplicable to the legislative branch, whether such provisions should be made applicable.

As we detailed in our annual report for 2019, many of the reforms adopted by Congress in the CAA Reform Act reflect recommendations long made by the OCWR's Board in prior Section 102(b) Reports.

The Board's Section 102(b) Report for the 117th Congress was submitted on December 31, 2020 and is available on the OCWR website at ocwr.gov. The Board is proud of the impact that its past Section 102(b) Reports and recommendations have had in shaping important congressional reform of the legislative branch workplace, and it will continue to provide Congress with recommendations for reform of the CAA in future reports.



From the Office of the General Counsel

The General Counsel of the OCWR is responsible for matters arising under three sections of the CAA: Section 215 (2 U.S.C. § 1341), which applies the Occupational Safety and Health Act of 1970 (OSHAct); Section 210 (2 U.S.C. § 1331), which applies the public services and accommodations provisions of the Americans with Disabilities Act of 1990 (ADA Titles II and III); and Section 220 (2 U.S.C. § 1351), which applies the unfair labor practices (ULPs) provisions of the Federal Service Labor-Management Relations Statute under Chapter 71 of Title 5, United States Code.

In 2020 the Office of the General Counsel (OGC) continued its biennial OSH and ADA inspections for the 116th Congress, completed several OSH and ADA investigations, opened new OSH and ADA

investigations based on reported incidents or requests from covered employees and the public, and continued to work with employing offices to abate safety and health hazards and remove barriers to access for persons with disabilities.

Consistent with the OCWR's Strategic Plan, the OGC continued to enhance its education and outreach efforts, including through online publications and training sessions; Union Forums, which bring together representatives from legislative branch labor organizations for presentations on topics of interest; and the ongoing Brown Bag Lunch series, which aims to educate legal counsel from the legislative branch on various statutes covered by the CAA to facilitate the employing offices' compliance with applicable laws. In 2020, all of our Brown Bag and Union Forum presentations were conducted virtually due to the pandemic. Six Brown Bag Lunches covered a variety of topics, including: Paid Parental Leave legislation and guidance; other employee rights related to pregnancy, maternity, and parenthood; pandemic-related issues under the CAA; standards of causation in CAA litigation; and a recap of employment law cases decided by the United States Supreme Court in its most recent term. Our Union Forums in 2020 focused on *Weingarten* rights and the Duty of Fair Representation.



Strategic Goal III—
Promote safe and
healthful workplaces
in the legislative
branch and fully
accessible facilities
for congressional
constituents and visitors

Safety and Health

CAA Section 215 (2 U.S.C. § 1341) requires compliance with the OSHA Act, which mandates that employing offices comply with occupational safety and health standards and provide employees with workplaces free from recognized hazards that are likely to cause death or serious injury. The OGC conducts required biennial inspections of legislative branch facilities, grounds, and programs for violations of applicable standards and reports its findings to Congress and the Architect of the Capitol (AOC). The OGC also investigates concerns raised by covered employees regarding potential safety and health violations in legislative branch workplaces.

Hazards identified through either the biennial inspection or requestor-initiated investigations must be abated, and the OGC works with the employing offices to monitor and support their abatement efforts. The failure to correct the hazards may result in the issuance of citations and, ultimately, the filing of administrative complaints against the responsible employing office. Complaints are adjudicated by OCWR hearing officers, whose decisions may be appealed to the OCWR Board and then to the U.S. Court of Appeals for the Federal Circuit.

Inspections, Investigations, and Education

The CAA requires that, at least once each Congress, the OGC conduct inspections of all facilities, grounds, and programs within its

jurisdiction and report its findings to congressional leadership and the AOC.

In 2020, notwithstanding the challenges posed by the COVID-19 pandemic, the OCWR's OSH specialists continued their inspections for the 116th Congress. During inspections, the specialists followed all Centers for Disease Control and Prevention protocols, including wearing masks, practicing social distancing, and completing a daily health screening.

Beginning in March 2020, many of the scheduled inspections were postponed or modified in order to minimize potential exposure to the COVID-19 virus. In-person inspections of covered areas included the Senate Office Buildings, the Madison Building and the Packard campus of the Library of Congress, the Supreme Court of the United States, the Capitol grounds, and the U.S. Botanic Garden. As in the last several Congresses and consistent with the OCWR's strategic initiative, these inspections focused on identifying and abating higher-risk hazards (i.e., those that pose the greatest risk of injury, illness, and death to legislative branch employees). For those employing offices that could not be inspected in person due to the pandemic, the OCWR's OSH specialists reviewed the offices' written health and safety programs to ensure compliance with applicable standards.

The OGC opened two new OSH cases in 2020, one of which concerned COVID-19 protections in the common areas of the House Office Buildings, and the other of which arose out of an injury sustained by an employee of the Library of Congress who fell on a set of stairs in the John Adams Building. Additionally, the OGC continued to work with employing offices to abate hazards identified in cases from previous years, and in 2020 closed several of those cases, involving such varied issues as chemical vapors,

bloodborne pathogens, lead paint remediation, and an injury to a worker's eye and face, among others.

The OGC also responded to numerous informal requests for information that did not become formal OSH cases, either because they were outside of the OGC's jurisdiction or because the OGC was able to provide technical assistance to resolve the issue. Those inquiries included many from covered employees seeking information or expressing concern regarding COVID-19 protections in the workplace.

Strategic Initiative

Provide educational and training opportunities for stakeholders

This year, the OCWR continued to educate the legislative branch community regarding some of the safety and health topics that frequently affect covered employees, even as the COVID-19 pandemic forced many stakeholders to move to digital platforms. Outreach to Members' district and state offices continued through the use of the online safety self-certification process; new and updated "Fast Facts" appeared on the OCWR's website; and the OSH Inspection Coordinator participated in the Brown Bag lunch regarding "Pandemics and the CAA" to discuss best practices for preventing the spread of infectious diseases in the workplace in the midst of the global public health crisis.

Safety Awards

The OCWR has continued to inspect the offices of Members of Congress and will recognize those offices that were hazard-free through its Safety Recognition Award program in conjunction with the National Safety Council. As in the 115th Congress, eligibility for these awards will depend both on a physical inspection of the Member's Capitol

Hill office and completion of a self-inspection by the Member's district or state office. The OGC also intends to continue its Safety Advocate Award program for individuals who have made substantial contributions to improving safety in legislative branch facilities, and to grant Safety Recognition Awards to those trade shops whose work and storage areas are found to be hazard-free during the biennial inspections.

Access to Public Services and Accommodations

CAA Section 210 (2 U.S.C. § 1331) requires legislative branch employing offices to comply with certain provisions of Titles II and III of the ADA. These provisions mandate that public services and accommodations, including the facilities and buildings where public services are provided, be accessible to persons with disabilities. The OGC enforces these provisions through two main avenues: 1) biennial inspections and 2) investigations based on Requests for Inspection and Charges of Discrimination that are filed with the OCWR. Enforcement of these provisions supports the OCWR's goal of promoting fully accessible facilities for congressional constituents and visitors.

Barriers to access identified through either the biennial inspection or the requestor-initiated investigation program must be removed, and the failure to do so may result in the General Counsel filing an administrative complaint against the responsible employing office. Complaints are adjudicated by OCWR hearing officers, whose decisions may be appealed to the OCWR Board and then to the U.S. Court of Appeals for the Federal Circuit.

Strategic Initiative

Conduct timely, accurate, and efficient OSH and ADA assessments

In line with its Strategic Plan, the OCWR developed standard operating procedures (SOPs) for investigating OSH and ADA Requests for Inspection. These SOPs ensure that inspections are conducted in a consistent and thorough manner.

Biennial Inspections

The OGC, in partnership with Evan Terry Associates, inspects areas of public access in legislative branch facilities, grounds, and programs at least once each Congress to identify violations of applicable standards. The OGC reports its findings to Congress and the AOC and notifies any other employing office responsible for remediation. The OGC uses a barrier-removal survey approach to conduct its inspections, which involves: 1) identifying public access violations, known as barriers to access; 2) assessing the severity of each barrier to quantify the need for removal; and 3) evaluating potential solutions to the barriers based upon cost and need. To maximize resources, each biennial inspection focuses on specific facilities or grounds.

The OCWR wrapped up its ADA inspections for the 116th Congress during 2019. Those inspections covered areas including exhibit and display areas on Capitol Hill, medical clinics of the Office of Attending Physician and the Library of Congress, House Members' offices, and the United States Capitol Police Detention Center. During 2020, the OGC continued to monitor the removal of barriers identified during those inspections. In addition, in accordance with House Resolution 756, the OGC worked with outside disability groups, the AOC, and the House Sergeant at Arms to identify accessibility issues in House facilities, and produced a joint report with the other offices describing all findings and providing recommendations on how to improve functional accessibility in these facilities.

Requests for Inspection and Charges of Discrimination

The OGC investigates allegations of ADA public access violations raised in Requests for ADA Inspection and Charges of Discrimination.

Requests may be filed by persons who experience or observe barriers to access, including non-employees and members of the public with disabilities. When a Request is filed by a person with a disability, the OGC treats the Request as a Charge of Discrimination. In 2020, the OGC received one new Charge of Discrimination involving an individual who alleged that he faced discrimination in receiving constituent services from a congressional committee as a result of his disability. The OGC also received several accessibility inquiries that did not become cases, either because they were outside of the OGC's jurisdiction or not covered by the ADA as applied by the CAA, or because the OGC provided technical assistance to resolve the issue. The OCWR also closed an investigation from a previous year, involving a wheelchair lift in the Rayburn House Office Building.

Strategic Initiative

Create opportunities to engage with employing offices, staff associations, and other legislative branch organizations to effectuate the mission of the OCWR

Facilitating ADA Compliance

In keeping with the OCWR's mission of educating the legislative branch community on its rights and responsibilities under the CAA, in 2020 the OGC used educational videos, training, and technical consults to help employing offices understand how to comply with the ADA public access provisions.

The OGC has found that showing offices how to identify and address potential barriers before issues arise is an effective way to increase accessibility in the legislative branch. The OCWR website features a video on office space accessibility geared toward staffers and other employees who interact with the public in office settings. The video provides quick, easy-to-understand tips on how to make office spaces more physically accessible to visitors who use wheelchairs, walkers, and other mobility devices. The video received positive feedback from employing offices, including descriptions of some of the immediate, easy changes they made because of it.

The OGC also continued to provide technical assistance to employing offices as they developed their own solutions to improve accessibility.

Strategic Goal V— Foster excellent labor-management relations in the legislative branch

Labor-Management Relations

CAA Section 220 (2 U.S.C. § 1351) makes the Federal Service Labor-Management Relations Statute applicable to covered employees and employing offices within the legislative branch and prohibits ULPs by both employing offices and labor organizations. The CAA protects the rights of certain employees to form, join, or assist a labor organization without fear of penalty or reprisal. It also protects those who choose not to join or participate in a labor organization.

The OGC is responsible for protecting the labor-management relations rights of covered employees and employing offices through the investigation of ULP charges, facilitation of mutually agreeable resolutions between the parties, and prosecution of

ULP complaints if settlements cannot be reached. The OCWR has jurisdiction over approximately 20 union-represented bargaining units composed of a wide variety of employees, including police officers, masons, carpenters, electricians, plumbers, freight and material handlers, visitor guides and visitor assistants, power plant laborers, photographers and videographers, and clerical and administrative workers.

Strategic Initiative

Offer periodic education and training to labor and management representatives regarding employee, union, and employing office rights and responsibilities under the CAA

In 2020, the OGC organized two well-attended Union Forums, bringing together representatives from numerous legislative branch labor organizations and employing offices for training regarding Weingarten rights and the Duty of Fair Representation.

Strategic Initiative

Process representation, negotiability, impasse, arbitration exception, and unfair labor practice cases in a fair, impartial, and timely manner

Investigation and Prosecution of ULPs

ULP complaints filed by the General Counsel are adjudicated by an OCWR hearing officer and may be appealed to the OCWR Board and then to the U.S. Court of Appeals for the Federal Circuit. Before the Federal Circuit, the OCWR Board is represented by the General Counsel.

Types of ULP Charges Filed



- Discrimination based on non-membership in union: **2**
- Suspension of collective bargaining agreement: **1**
- Retaliation for engaging in protected union activity: **1**

Safety and Health— By the Numbers

Cases pending from previous years	13
New cases in 2020	2
Cases closed in 2020	5
Cases open at end of 2020	10

The OGC investigated four new ULP charges filed in 2020. The allegations in those charges included suspension of a collective bargaining agreement, retaliation for protected activity, and discrimination on the basis of non-membership in a union. During 2020 the OGC closed two of those cases, along with two others that had been filed in previous years.

The General Counsel filed one ULP complaint with the OCWR Board in 2020, regarding the United States Capitol Police's suspension of its entire collective bargaining agreement with the Fraternal Order of Police during the COVID-19 pandemic.

Supporting Success

Strategic Goal VI—
Develop and retain
a highly motivated,
talented, and
satisfied workforce

Ensuring effective administration of the CAA requires an informed and motivated staff. At the outset of 2020, with the successful implementation of the CAA Reform Act completed, the OCWR anticipated a return to more normal operations with a focus on completing important management initiatives in line with the GAO report on the OCWR's management practices.

Priorities included reviewing and updating the Human Capital Plan to align with the roles created by the Reform Act, identifying training opportunities for staff to enhance workplace performance and job satisfaction, establishing a permanent records retention program, and revising and updating the Strategic Plan to fully incorporate the reforms and to provide measurable performance indicators by which to judge the OCWR's future progress toward strategic goals. Although the onset of the COVID-19 pandemic in March 2020 necessitated a temporary shift in priorities to accommodate the new work environment, by year's end, the OCWR had accomplished what it had set out to do.

Strategic Initiative

Identify and make improvements to increase employee satisfaction and overall agency collaborative efforts and achieve a high-level retention rate

In 2020, in line with its Strategic Plan, the OCWR successfully revised its Human Capital Plan. The new plan provides the Office with a strategic vision that will guide future workforce management efforts, and goals that revolve around attracting and retaining talent through a more equitable compensation model. The plan also focuses on developing the OCWR's Human Resources (HR) and Information Technology (IT) departments' infrastructures to safeguard operational effectiveness and to implement critical project planning best practices to ensure that initiatives are completed timely.

During the pandemic, opportunities for professional development for OCWR staff expanded. Facilitated by enhanced webinar capabilities, employees received training consistent with their personal development plans, enabling them to maintain all required professional certifications and develop additional competencies.

In line with the GAO recommendations, the OCWR reviewed its interim records retention policy and began development of a permanent records retention program that addresses potential risks. The permanent records retention policy, implemented in the spring of 2020, identifies and addresses various risks related to the control and management of documents, including non-record materials.



Following the full implementation of the CAA Reform Act, and consistent with the recommendations made by the GAO, the OCWR's Board and staff worked together to create a Strategic Plan for 2021-2026. The new plan more closely reflects the requirements of the CAA Reform Act, integrates IT planning and implementation, and shapes a new mission and vision for the OCWR. The plan includes new goals, initiatives, and action items that can be measured to monitor success. The OCWR will report on its progress under its new Strategic Plan in its 2021 Annual Report.

Strategic Initiative

Identify needed office upgrades that will improve efficiency while enhancing confidentiality and security

In 2020, the OCWR identified the need to bring certain critical operations in-house, including essential budget and human resource functions. As a result, the office

hired a HR specialist to assist with onboarding staff and implementing training and development plans. Staff also obtained important professional skills training in line with independent development plans, and acquired or updated professional certifications to ensure efficiency of operations.

Protecting essential information in the digital world is a priority for the OCWR. In 2020, to protect and enhance IT security, the OCWR upgraded its IT infrastructure and systems planning. This included the development and implementation of critical tools, policies, and procedures that incorporate important cybersecurity safeguards, including the development and implementation of a cybersecurity risk strategy. Going forward the OCWR will continue to heighten its security protocols.

Throughout 2020, OCWR staff continued to provide critical services to the legislative branch community to ensure compliance with the CAA and promote a safe, equitable, and productive workplace.

At the outset of 2020, with the successful implementation of the CAA Reform Act completed, the OCWR anticipated a return to more normal operations with a focus on completing important management initiatives in line with the GAO report on the OCWR's management practices.

Acronyms

ADA: Americans with Disabilities Act

ADR: Administrative Dispute Resolution

AOC: Architect of the Capitol

CAA: Congressional Accountability Act of 1995

FFCRA: Families First Coronavirus Response Act

FLSA: Fair Labor Standards Act

FMLA: Family and Medical Leave Act

GAO: Government Accountability Office

GINA: Genetic Information Nondiscrimination Act

OCWR: Office of Congressional Workplace Rights

OGC: Office of the General Counsel

OOC: Office of Compliance

OSH: Occupational Safety and Health

OSHAct: Occupational Safety and Health Act

ULPs: Unfair Labor Practices

USERRA: Uniformed Services Employment and Reemployment Rights Act

VEOA: Veterans Employment Opportunities Act





Office of Congressional Workplace Rights

110 Second Street, SE, Room LA 200

Washington, DC 20540-1999

202.724.9250 (main phone)

202.426.1913 (fax)

ocwr.gov