



The 2022 Annual Report of the Office of Congressional Workplace Rights



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



The Congressional Accountability Act of 1995 (CAA) applies workplace protections to the more than 30,000 employees of the legislative branch, including unpaid staff. The Office of Congressional Workplace Rights (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, 2022 through December 31, 2022.



Table of Contents

Your Rights in the Congressional Workplace	4
Statement from the Chair of the Board	5
Statement from the Executive Director	6
OCWR Board of Directors	7
Furthering the Mission	8
OCWR 2021–2026 Strategic Plan	8

Congressional Workplaces Covered by the CAA



Commission on Security
and Cooperation in Europe
(Helsinki Commission)



Congressional
Budget Office



Congressional-Executive
Commission on China



Government
Accountability
Office*



Library of
Congress**

Office of
Attending Physician



Office of the
Architect of the Capitol

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

*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.

**The Library of Congress is covered by the CAA except under Section 1351.

Your Rights in the Congressional Workplace

Legislative branch employees are protected by the CAA. Please visit ocwr.gov for more information about the rights cited below, 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 polygraph test; using, accepting, or inquiring about the results of a polygraph test; or firing or discriminating against an employee based on the results of a polygraph 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)

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 Section 4(c))

Fair Chance to Compete for Jobs

Prohibits employing offices from asking most job applicants about their criminal history prior to extending conditional offers of employment.
2 U.S.C. § 1316b (Section 207)

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))

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)

Protections for Pregnant Workers

Requires employers to provide reasonable accommodations for an employee's known limitations related to pregnancy, childbirth, or related medical condition.

Accessibility

Protects members of the public with 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)

Statement from the Chair of the Board



On behalf of the Board of Directors of the Office of Congressional Workplace Rights, I am very pleased to present the office's Annual Report for 2022. This report explains the important programs and services that the OCWR provides to ensure that the legislative branch remains a safe and productive work environment.

The OCWR was established by the Congressional Accountability Act in 1995 to guarantee that essential workplace protections be applied to employees and offices of the legislative branch. With a small staff of just 32 full-time equivalent employees, the OCWR ensures workplace protections for more than 30,000 employees working on Capitol Hill and in offices throughout the country.

Administering the CAA requires that the OCWR provide legislative branch staff with the same services and protections of multiple executive branch agencies, including the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, and the Occupational Safety and Health Administration. Our office embraces this important responsibility, and it is our vision to promote a respectful, safe, healthy, and accessible legislative branch workplace, with equal opportunity for all.

In 2022, as COVID-19 restrictions eased, the OCWR maintained full operations while working in a

hybrid work environment. I am very pleased to report that, with the use of advanced technology, the OCWR continued to educate legislative branch staff on their workplace rights, securely provided confidential advising services, timely processed claims of violations of the CAA, and conducted labor representation proceedings. In addition, the office skillfully completed important safety and health inspections of legislative branch offices, and ensured access to public services for people with disabilities.

The OCWR is proud of the important work that it does and the productive relationships that it has built with the congressional community. We could not be successful in our mission without the strong support that we receive from our stakeholders, including Members of the House and Senate, legislative branch offices, staff, and labor organizations. With their sustained support, we continue to effectively implement workplace protections and promote a safe and productive legislative branch work environment.

I am very proud to report that in 2022 the OCWR effectively ensured that the legislative branch remained a safe and dynamic workplace in service to the American people.

Sincerely,
Barbara Childs Wallace
Chair, Board of Directors

Statement from the Executive Director



I am pleased to provide the Office of Congressional Workplace Rights' 2022 Annual Report. As this report makes evident, the office continued its outstanding work during 2022 to advance workplace rights and ensure safe and accessible workplaces in the legislative branch. The OCWR furthered its mission through innovative education, training, and outreach programs; confidential advising services; occupational safety and health (OSH) and Americans with Disabilities Act (ADA) accessibility inspections; a fair and efficient Administrative Dispute Resolution (ADR) process; and effective collective bargaining administration.

The easing of COVID-19 pandemic restrictions during the 117th Congress provided the OCWR with increased avenues of engagement with the covered community including a slow return to in-person trainings and webinars and an all-time high for confidential advising sessions and ADR cases. In 2022, the OCWR opened six OSH and ADA accessibility investigations to abate safety and health hazards, including hazards identified during the events of January 6, 2021.

Work on labor-management issues also increased significantly, with increased action on unfair labor practice filings, representation petitions, and union forums.

I became Executive Director of the OCWR in November 2022, so I was with the office for only a short time during the period we cover in this report. I quickly realized that our dedicated staff drives the OCWR's success. This past year, our specialists, inspectors, attorneys, and management staff worked diligently and as crucial parts of a larger team to further the OCWR mission.

The OCWR's success reflected in this report has had a direct impact on those who work for the legislative branch and those who visit legislative branch facilities across the country, including the U.S. Capitol. I look forward to leading the OCWR as we continue to advance the mission that Congress set out for us, and achieve positive results for the legislative branch we serve.

Sincerely,
Patrick N. Findlay
Executive Director

OCWR Board of Directors



Barbara Childs Wallace

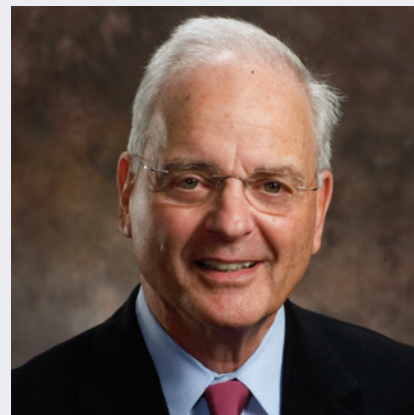
The Office of Congressional Workplace Rights was established by Congress to administer the Congressional Accountability Act. Enacted in 1995, the CAA applies many workplace rights, safety and health, and public access laws to Congress and its instrumentalities, holding Congress accountable under the same workplace laws that it applied to the private sector and

the executive branch of the federal government.

The OCWR has a five-member Board of Directors appointed jointly by the majority and minority leadership of both the U.S. House of Representatives and the U.S. Senate. All current Board members are attorneys who have extensive training and experience in the workplace laws made applicable to the legislative branch by the CAA.



Susan S. Robfogel



Alan V. Friedman



Barbara L. Camens



Roberta L. Holzwarth

Furthering the Mission

The mission of the OCWR is to advance workplace rights, safety and health, and accessibility in the legislative branch. In 2022, the OCWR continued to implement its 2021–2026 Strategic Plan and direct its resources in furtherance of its mission. The current Strategic Plan establishes five important goals

and guides the office's allocation of its resources to achieve these goals. This Annual Report outlines the progress the OCWR has made under each strategic goal.

The report also provides information required by the CAA, including statistics on the use of the OCWR's services by covered

employees, the number and types of contacts made with the office, the reason for such contacts, the number of covered employees who initiated proceedings with the office, the results of those proceedings, and the number of covered employees who filed a claim, the basis for the claim, and the action taken on the claim.

OCWR 2021–2026 Strategic Plan



Strategic Goals

- Goal 1** Advance understanding of workplace rights and best practices through education and outreach to the congressional community
- Goal 2** Promote a fair, safe, and accessible congressional workplace through efficient and effective enforcement of statutory rights
- Goal 3** Foster productive collective bargaining relations in the legislative branch
- Goal 4** Optimize OCWR performance by developing and maintaining a highly motivated, talented, and satisfied workforce
- Goal 5** Maximize use of evolving technologies and social media to advance OCWR goals and maintain security

Strategic Goal 1

Advance understanding of workplace rights and best practices through education and outreach to the congressional community

Education and Outreach

Strategic Initiative 1.A

Become the preferred training resource for the legislative branch.

The CAA requires the OCWR to provide a program that informs legislative branch staff of their rights in the congressional workplace. The first goal in the OCWR's 2021–2026 Strategic Plan focuses on the importance of its mandate to educate employees on the laws applied by the CAA, including the right to work in an environment free from discrimination and harassment.

The OCWR developed two strategic initiatives, focused on promoting stakeholder awareness and compliance with the CAA. The first initiative is for the OCWR to become the preferred training resource for the legislative branch. Under the second initiative, the office will actively engage with employing offices, staff, and their representatives to safeguard and advance the principles of the CAA. Under each strategic initiative are action items that guide the office in achieving this goal.

Action Item

Provide a comprehensive program of instruction that informs and promotes compliance with employee rights and protections under the Congressional Accountability Act.

The OCWR maintains an effective and informative training program for covered legislative branch staff. To ensure that its content remains timely and relevant, the OCWR regularly reviews its educational materials and makes all needed updates. In 2022, as the impact of the COVID-19 pandemic eased and staff returned to the in-person office environment, the OCWR developed a training module on Resilience. This module was intended to help staff successfully manage their unique workplace pressures, especially in a post-pandemic return-to-office work environment.

Action Item

Add to our library of training materials by creating modules that focus on workplace civility, ageism, and sexual orientation.

The OCWR continued to engage with covered staff and employing

offices as it revised and updated its learning materials to ensure that the content effectively addressed the unique interests of the offices. Adding to its library of training materials, the OCWR began development of two new modules—one focused on issues of ageism, and the other on sexual orientation. Both modules are intended to promote workplace inclusivity.

In 2022, working with staff in D.C. and in state and district offices, the OCWR's Workplace Rights Specialists conducted 40 training sessions via video-conferencing, and two in-person sessions. The use of video-conferencing tools enabled staff working in offices throughout the country to participate in training alongside their D.C.-area colleagues.

The office's Learning Management System (LMS), which can be found on the OCWR website, ocwr.gov, provides educational videos to increase awareness and promote compliance with workplace rights. Upon completion of a module, the LMS issues a certificate of completion. The OCWR's website also provides online training videos, including a video on the provisions of the CAA that explains the Administrative Dispute Resolution process to resolve alleged violations of the CAA. Many staff received relevant training via the OCWR's website videos and online LMS in 2022.

Performance Measure 1.A

The OCWR will increase the number of OCWR training attendees by 10% each year. The OCWR will develop and effectively deliver training modules consistent with the CAA in response to every stakeholder request.

The OCWR developed and delivered effective training to the congressional community and was 100% responsive to all training requests. Although the OCWR fell short of its strategic goal of a 10% annual increase in attendees, in 2022 the OCWR trained 704 attendees in live sessions, 536 attendees completed training on the LMS, and 1,187 staff viewed its informational videos online. The OCWR recognizes that the year presented many challenges for legislative branch staff as they navigated the post-pandemic return-to-work environment. The office will continue to develop and provide new and relevant training opportunities for covered staff that address important workplace concerns that arise in both a virtual and an in-person work environment.

Strategic Initiative 1.B

Actively engage with employing offices, staff, and their representatives to safeguard and advance the principles of the CAA.

In 2022, the OCWR continued its “pop-up” webinar initiative, delivering ten webinars for employees working for legislative branch offices located throughout the country. These sessions explained the substantive provisions of the CAA; the procedures to assert workplace rights, including critical

deadlines involved in the claims process; and the role of the OCWR in administering and enforcing the CAA.

In addition, the OCWR created and delivered revised Notices of Workplace Rights for posting in legislative branch offices to ensure that covered staff are aware of their workplace protections. The OCWR also uploaded to its website important information such as final decisions of the OCWR Board of Directors, substantive and procedural regulations, and e-Newsletters. Helpful brochures, fact sheets, and tutorials were also available on the office’s website.

In 2022 the OCWR’s Office of the General Counsel (OGC) organized five virtual Brown Bag Lunch presentations for management attorneys in the legislative branch. The topics were wide-ranging, addressing many aspects of the CAA: “The Fair Chance Act and Other Updates,” “The Fair Labor Standards Act: Proposed Regulations and Recent Case Law,” “Unionization and Collective Bargaining in the Legislative Branch: Questions and Answers,” “Updated ADA Proposed Regulations,” and “Recent Cases Deciding Potential CAA Issues.”

Performance Measure 1.B

The OCWR will increase awareness among legislative branch staff of their workplace rights by 30% over five years, as measured by response rates to the Congressional Climate Survey; maintain a regular meeting schedule with legislative branch leadership; and increase OCWR website traffic by 30% over five years. Additionally, the OCWR will develop three strategies to expedite approval of pending regulations, and implement one or more strategies each year until approvals are achieved.

In 2022, the OCWR continued to implement the biennial Congressional Climate Survey, to obtain essential feedback from congressional staff that guides OCWR’s support for an inclusive legislative branch workplace. The survey results further allow our office to track progress in increasing employee awareness of workplace rights in the legislative branch.

Web traffic on the OCWR website is now carefully tracked against our overall strategic goal of a 30% increase in website visits between 2021 and 2026. In 2022, there were 29,883 visits to the website, a 43% increase over the 20,920 visits in 2021.

The office maintains constructive relationships with its stakeholders, gaining House approval in 2022 for a series of Board-adopted regulations now made applicable to the House, including OCWR regulations with regard to unionization rights for certain House staff, Fair Labor Standards Act regulations updating overtime exemptions, and Family and Medical Leave Act regulations implementing new provisions for paid family leave.

Board of Directors Recommendations to Congress

Section 102(b) of the CAA provides for ongoing Board review of the workplace laws that apply, or should apply, to Congress. In accordance with the CAA, the Board is to provide each Congress with recommendations regarding the applicability to the legislative branch of federal workplace rights, safety and health standards, and public access laws and regulations. The Board’s fulfillment of this requirement provides Congress with information and recommendations necessary to ensure that the rights and protections applied to the legislative branch are equivalent to those applied to the executive branch and to the private sector.

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, including the implementation of prior recommendations that anti-discrimination, anti-harassment, and anti-retaliation training be mandatory for all Members, offices, and employees, and that workplace protections be extended to unpaid staff.

In December 2022, the Board submitted its Section 102(b) Report for the 118th Congress, which is available on the OCWR website at ocwr.gov.

The OCWR continues to make substantial progress towards Performance Measure 1.B and towards its broader goal to advance understanding of workplace rights and best practices through education and outreach to the congressional community.

CAA Regulations

Under Section 304 of the CAA, the Board is required to promulgate substantive regulations implementing certain workplace laws applied by the CAA that are equivalent to regulations implementing those same laws in the executive branch. In September 2022, the OCWR submitted for congressional approval amendments to its regulations implementing the overtime pay provisions of the Fair Labor Standards Act. In December 2022, the House approved those regulations for House employees and employing offices. That same month, the House further approved the OCWR Board's adopted regulations implementing the paid parental leave provisions of the Family and Medical Leave Act. In both instances, such action followed the office's productive stakeholder engagement with the Committee on House Administration (CHA) and



its staff, answering questions and concerns regarding the substance and importance of the updated regulations.

Through the CAA, the public access provisions of the Americans with Disabilities Act (ADA) mandate that public services and accommodations in the legislative branch, including facilities where these services are provided, be accessible to individuals with disabilities. In 2022, the Board proposed modifications to previously adopted ADA regulations to facilitate stakeholder consideration and input before the Board adopted final ADA regulations in March 2023 and resubmitted them for approval to Congress.

Congress has also made applicable to the legislative branch through the CAA specific sections of the Federal Service Labor-Management Relations Statute (FSLMRS), which governs labor-management relations and collective bargaining. In May 2022, the House approved regulations adopted by the Board in 1996 that govern unionizing

and collective bargaining rights in most House offices, following OCWR stakeholder engagement with Members and staff of the CHA. These regulations became effective for covered employees in those House offices in July 2022.

New Law: Pregnant Workers Fairness Act

In December 2022, Congress passed the Pregnant Workers Fairness Act (PWFA), which expands the protections for pregnant employees and applicants by requiring employers to make reasonable accommodations to known limitations related to pregnancy, childbirth, or related medical conditions. The new law, which becomes effective in June 2023, directs the Board to promulgate implementing regulations for the application of the PWFA in the legislative branch that are equivalent to regulations that the Equal Employment Opportunity Commission will promulgate to implement the PWFA in the private sector and the executive branch.

Strategic Goal 2

Promote a fair, safe, and accessible congressional workplace through efficient and effective enforcement of statutory rights

The OCWR recognizes that effective and efficient enforcement of statutory rights under the CAA is key to achieving a fair, safe, and accessible congressional workplace. In support of this strategic goal, the OCWR launched initiatives centered on effective enforcement of safety and health and public accessibility standards, and of the office's Administrative Dispute Resolution program. Another initiative under this goal seeks to improve OCWR engagement with out-of-area offices, which represent a significant and valued stakeholder community.



Strategic Initiative 2.A

Ensure compliance with applicable safety, health, and accessibility standards and removal of hazards and barriers to access through periodic inspections of facilities; through investigation of issues raised by stakeholders; and appropriate use of mediation, citations, and complaints to resolve issues that remain unresolved.

The first initiative under this goal is to “ensure compliance with applicable safety, health, and accessibility standards and removal of hazards and barriers to access through periodic inspections of facilities; through investigation of issues raised by stakeholders; and appropriate use of mediation,

citations, and complaints to resolve issues that remain unresolved.”

The OCWR's team of Occupational Safety and Health (OSH) 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.

The OCWR's Office of the General Counsel (OGC) is responsible for matters arising under three sections of the CAA: Section 215 (2 U.S.C. § 1341), that applies the Occupational Safety and Health Act of 1970 (OSHAct); Section 210 (2 U.S.C. § 1331), that 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), that 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 2022, the OGC concluded its biennial OSH and ADA inspections for the 117th Congress. In addition, several investigations were completed, and new OSH and ADA investigations based on reported incidents or requests from covered employees and the public were initiated. The OGC continued to work with employing offices to abate safety and health hazards and remove barriers to access for persons with disabilities.

Safety and Health

CAA Section 215 (2 U.S.C. § 1341) requires compliance with the OSHAct, 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.

Biennial OSH 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 AOC.

In 2022, the OCWR's OSH Specialists continued and concluded their inspections for the 117th Congress. In-person inspections of covered areas included the Library of

Congress's Jefferson Building, Packard Campus, Little Scholars Child Development Center, and facilities at Cabin Branch, Ft. Meade, and Taylor Street; the Office of the Chief Administrative Officer of the House of Representatives; the U.S. Botanic Garden; the Senate Sergeant at Arms; the AOC's Capitol Grounds and Arboretum jurisdiction; the Stennis Center for Public Service; the Helsinki Commission; the U.S.-China Economic and Security Review Commission; the U.S. Commission on International Religious Freedom; House Members' Offices; and AOC spaces in the U.S. Supreme Court building. 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). The OGC also continued to evaluate all programs required under the OSH standards or by the General Duty Clause, including hazard communication, respiratory protection, personal protective equipment, permit-required confined spaces, pandemic flu planning, and others.

The OGC opened six new OSH cases in 2022, regarding a variety of safety and health concerns including vermin, indoor air quality, heat stress, and workplace protections against the COVID-19 virus. Five of those cases were closed in 2022. The OGC also worked with employing offices to abate hazards identified in cases from previous years, and in 2022 closed three of those cases, which involved fire safety, COVID-19 protections, and exposure to lead. Additionally, the OGC continued to work with the United States Capitol Police to ensure that it improves protection for uniformed personnel preparing for and responding to large demonstrations with the potential for violence, to abate the hazards identified in the OGC's

special report regarding the events of January 6, 2021.

The OGC also responded to several 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.

As part of the OCWR's education and outreach mandate, and with the goal of increasing awareness and promoting compliance, in 2022 the OGC continued to expand its efforts to educate the legislative branch community regarding some of the safety and health topics that may affect covered employees. The OSH professionals continue to create and update "Fast Facts" and other educational documents, and to provide targeted training to covered employees through webinars and in the field during inspections.

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 Awards program in conjunction with the National Safety Council. Eligibility for these awards depends 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 offices. The OGC will also continue its Safety Advocate Award



program for individuals who have made substantial contributions to improving safety in legislative branch facilities, and grant Safety Recognition Awards to those trade shops whose work and storage areas are found to be hazard-free during the biennial inspections. Due to delays arising from the COVID-19 pandemic, the OGC will present awards for the 117th Congress during a special ceremony in 2023.

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 ADA 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; 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.

Biennial ADA Inspections

The OGC inspects areas of public access in legislative branch

facilities, grounds, and programs at least once each Congress to identify violations of applicable accessibility 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.

In 2022, the OGC continued ADA inspections for the 117th Congress, focusing on the Capitol grounds, Library of Congress Adams Building, and Union Square. The inspections focused on the publicly accessible spaces in these facilities. The OGC also examined the public areas of Members' offices for ADA access issues while performing the OSH inspections of those offices.

During 2022, the OGC continued to monitor the removal of barriers identified during its previous ADA inspections.

Requests for ADA 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 2022, the OGC received two new Charges of Discrimination. Both charges

involved communication access to live broadcasts of a committee's hearings. The OGC received several accessibility inquiries that did not become cases because they were outside of the OGC's jurisdiction, were not covered by the ADA as applied by the CAA, or because the OGC provided technical assistance to resolve the issue. In 2022, the OGC also continued to work with the AOC regarding an access issue involving a ramp in a committee room in a House Office Building, which is the subject of an open ADA case investigation.

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 2022 the OGC used educational materials, training, and technical consults to help employing offices understand how to comply with the ADA public access provisions of the CAA.

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 and written materials on office space accessibility. These materials are geared toward staff who interact with the public in office settings. These resources provide quick, easy-to-understand tips on how to identify and eliminate common barriers to access in meeting and office spaces, making them more accessible to visitors with disabilities. In 2022, the OGC continued to update and refine the materials on the OCWR website concerning ADA public access, to ensure that this information is presented in a clear and useful manner.

In 2022, the OGC incorporated ADA public access and reasonable accommodation training into its

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. One Brown Bag Lunch focused on OCWR's ADA rulemaking under the CAA, and another included recent ADA public access case law developments relevant to the legislative branch. The OGC continued to provide technical assistance to employing offices as they developed their own solutions to improve accessibility, including consultation with AOC regarding mobility device accessibility solutions in a planned renovation to a committee hearing room in a House Office Building.

ADA Rulemaking under the CAA

Section 210(e) of the CAA requires that the OCWR Board, pursuant to Section 304 of the CAA, issue regulations implementing Section 210. Pursuant to this requirement, in 2022, the Board, after a notice and comment period, adopted modifications to the regulations it adopted in 2016.

The Board adopted these regulations to reflect updates to some of the executive branch regulations incorporated by reference, including those related to captioning and audio description, the reasonable modification obligation in transportation, and to facilitate congressional consideration of the ADA regulations.

Performance Measure 2.A

A time schedule for inspections is developed and distributed for each calendar year and 95% of inspections are completed within the established time schedule.

The OCWR created performance measures to achieve the strategic

goal of effective, efficient enforcement of safety, health, and accessibility rights. These measures include establishing and distributing each calendar year a time schedule for inspections and completing 95% of inspections within the established time schedule. Also, the OCWR is to promptly investigate 90% of the issues raised by stakeholders through inspection and investigation requests and resolve the issues within one year by abatement or by abatement plan, mediation, or commencement of enforcement actions.

In 2022 the OGC continued to conduct inspections in accordance with the schedule established at the start of the 117th Congress. All scheduled inspections were completed as planned except two: one that was postponed because the entire staff was still teleworking full time, and one that was rescheduled at the request of the employing office. The OCWR also opened 7 OSH cases in calendar year 2022 based on requests for inspection. Of those, one was still being investigated, and the other 5 were fully investigated and closed within 6 months, with an average of about 3.5 months from receipt of the request until closure of the case. The case still under investigation at the end of 2022 arose from a request received in August and was therefore still within a year of the initial request. In 2022, the OCWR met Performance Measure 2.A.

Administrative Dispute Resolution

The OCWR administers an Administrative Dispute Resolution (ADR) process to address and resolve claims alleging violations of employee rights under the CAA. Consistent with the requirements of the CAA and the OCWR's Strategic Plan, the office safeguards the efficiency and effectiveness of the ADR process.

Strategic Initiative 2.B

Provide an efficient and effective Administrative Dispute Resolution (ADR) program.

Critical among its strategic goals is the OCWR's commitment to ensuring that the ADR program complies with all statutory and regulatory requirements, including safeguarding confidentiality and the timely processing of claims. The OCWR administers the ADR program in compliance with statutory mandates that ensure the timely, confidential, and effective consideration of claims filed with the office.

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. Once a claim is filed, the OCWR offers privileged and confidential advising services to covered employees. The confidential advisor is an independent, experienced employment law attorney who advises covered employees on 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.

Claims Adjudication

The Board acts as a reviewing body for claims that are appealed from OCWR hearing officers under the ADR program. In 2022, the Board reviewed three petitions for review of decisions of hearing officers, and one petition for reconsideration of a prior Board decision. Final decisions of the Board are published on our website at ocwr.gov.

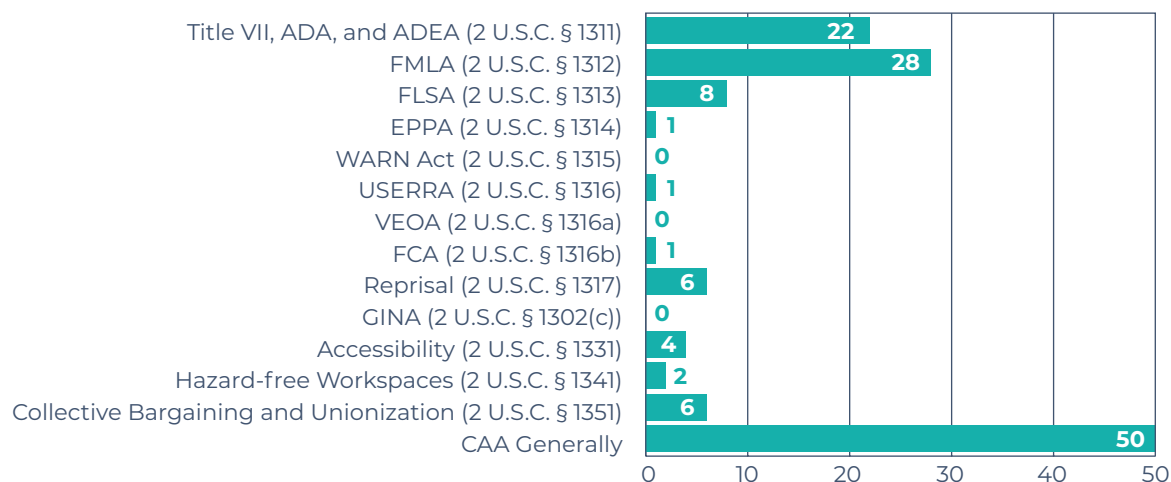
Confidential Advising

Requests For Information

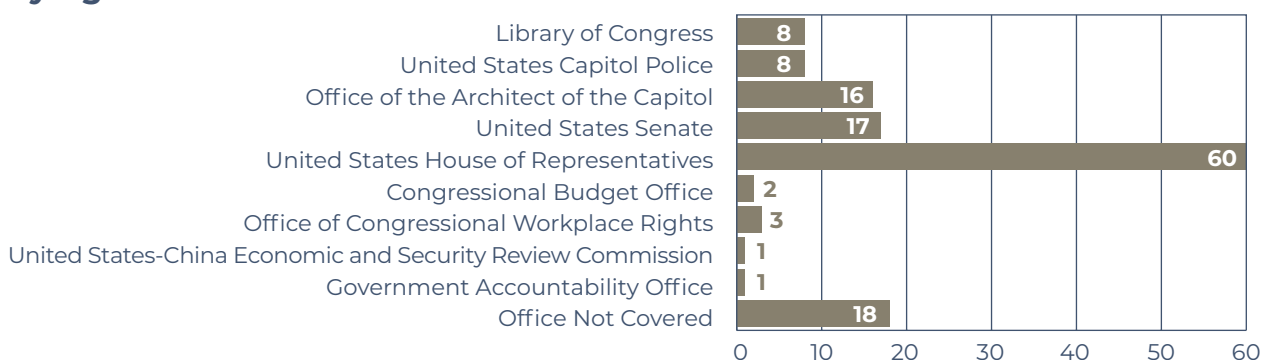
Total: 129

Substantive: 79; Procedural: 35; CAA Generally: 4

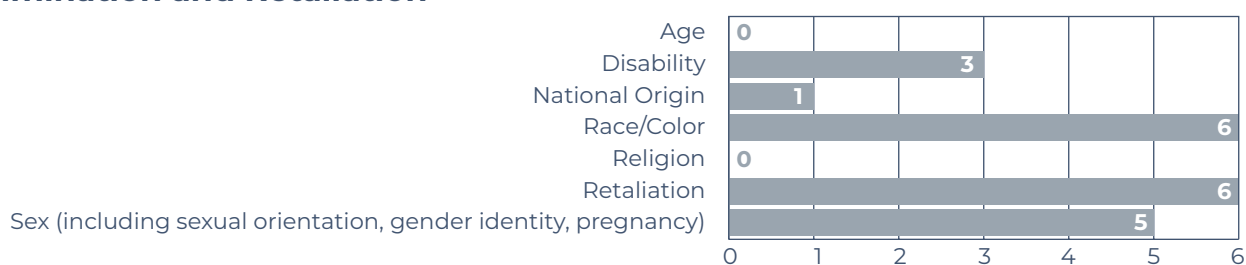
Section of the CAA



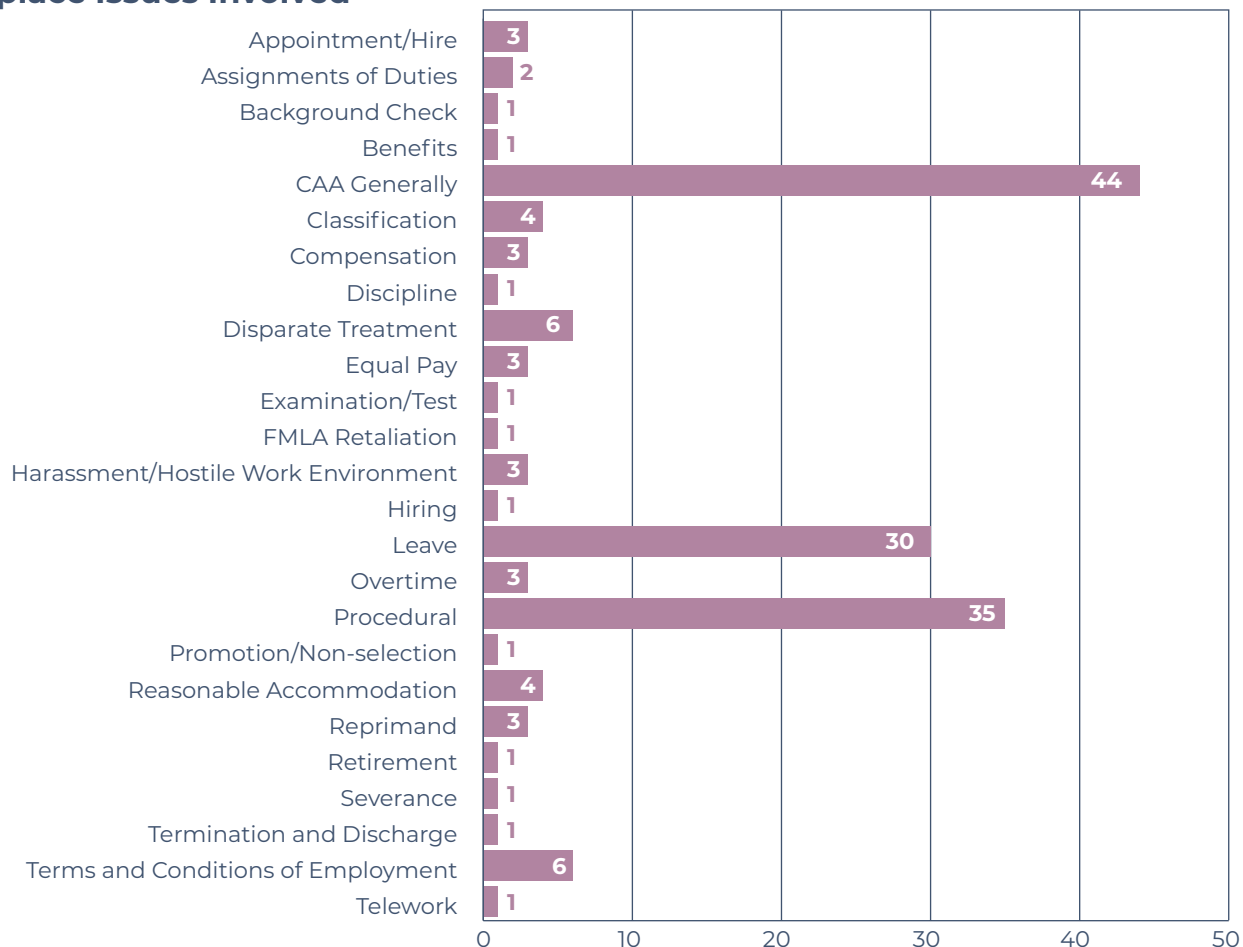
Employing Office



Discrimination and Retaliation



Workplace Issues Involved



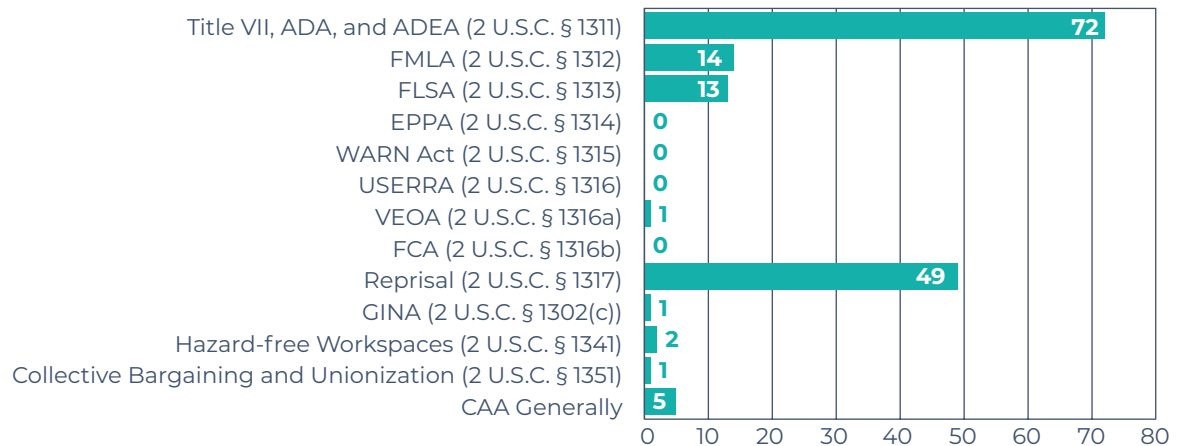
Confidential Advising

Requests For Advice

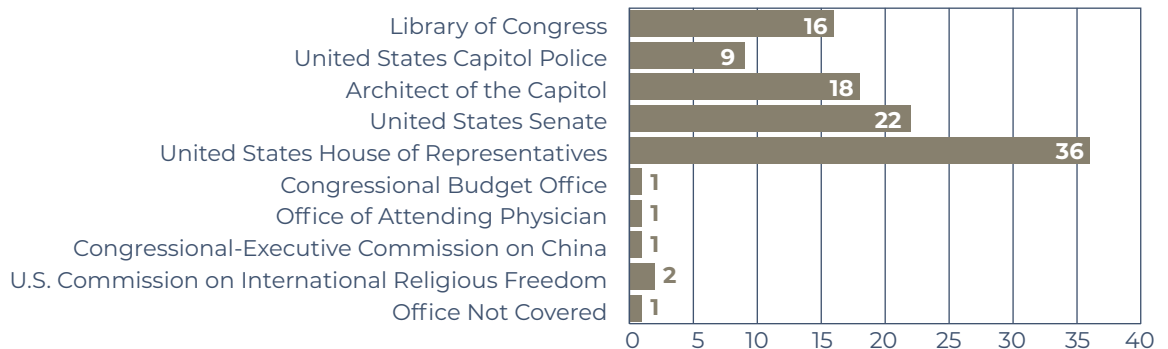
Total: 107

Substantive: 153; Procedural: 48; CAA Generally: 5

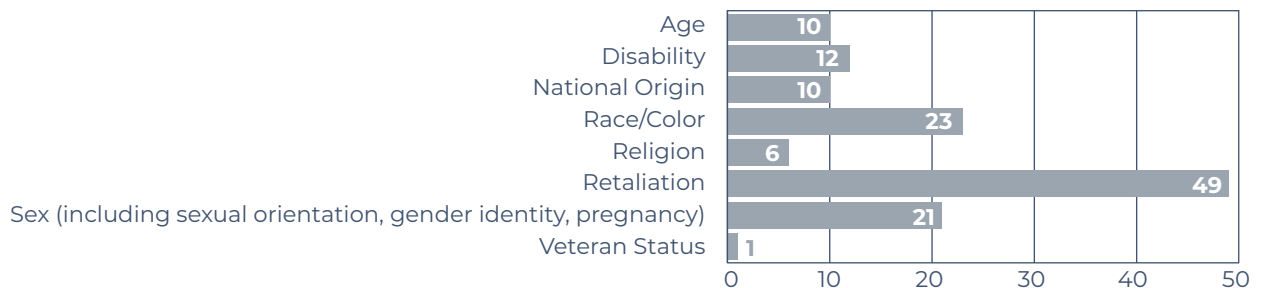
Section of the CAA



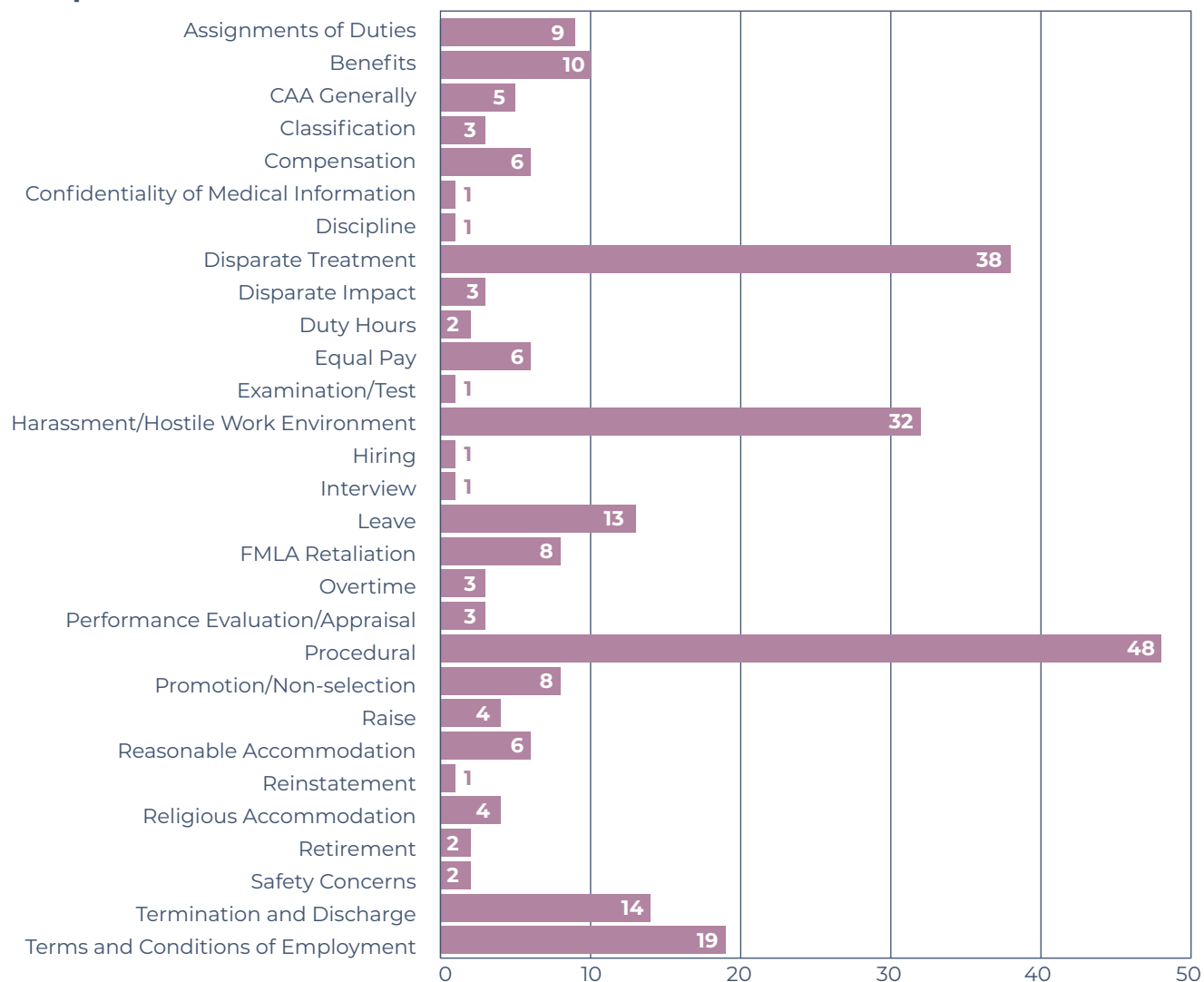
Employing Office



Discrimination and Retaliation



Workplace Issues Involved



Administrative Dispute Resolution Process

Performance Measure 2.B

Provide an efficient and effective Administrative Dispute Resolution program—The OCWR ADR program will maintain adherence to all statutory and regulatory requirements while semiannually reporting on the effectiveness of procedures and making any adjustments that become apparent in a timely manner.

Employees seeking to assert their rights under the CAA begin the process by filing a claim with the OCWR within 180 days of the date of the alleged violation. Once a claim is timely filed, the claimant may pursue the matter through the OCWR's administrative process, or then file the matter in federal court.

To file a claim, employees may use the OCWR's secure online filing system, SOCRATES, available at ocwr.gov, or use other methods such as mail, e-mail, facsimile, and hand-delivery to submit a downloadable claim form.

After the OCWR receives a claim, it provides the claimant with information about the CAA and transmits a copy of the claim to the employing office and the employing office's representative. There are additional notification requirements for claims that allege misconduct personally committed by current or former Members of Congress.

Preliminary Review

Once a claim is filed, it 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 issues a preliminary review report. 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 they cannot pursue the matter through the OCWR's ADR process. If they wish to pursue the matter further they are advised that they may file a civil action in federal district court. If an employee files a civil action in federal district court before the preliminary hearing officer concludes his or her review, the OCWR administrative processing is terminated.

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.

The preliminary hearing officer must transmit to the relevant Ethics Committee any report on the preliminary review of a claim alleging that a Member or Senator personally:

(1) harassed a covered employee in violation of Sections 201 or 206 of the CAA or (2) retaliated against an employee because the employee made a claim of harassment.

Mediation

Mediation is a confidential process that enables 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, or jointly, 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.

Administrative Hearing

A claimant may proceed to an administrative hearing with the OCWR only if the preliminary hearing officer conducting the 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. After its appellate review, the Board will issue a written decision,



along with its reasoning for the decision. 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 rather than utilizing the OCWR's ADR procedures. 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, the OCWR's review of the claim will terminate. 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.

Claims Processed In 2022¹

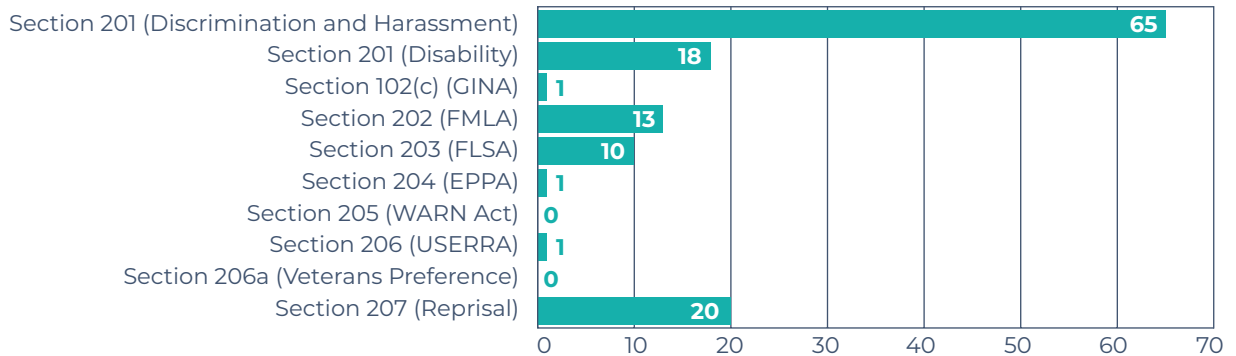
January 1, 2022–December 31, 2022

Activity for Claims Filed

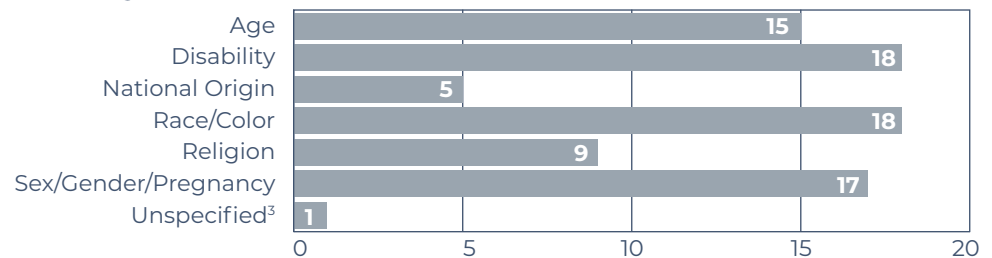
Claim Activity in 2022	
Claims pending from 2021	12
Claims filed in 2022	44
Total Active Cases—2022	56
Preliminary review	40
Preliminary review reports issued	41
Claims that passed preliminary review	30
Mediations requested	27
Mediations agreed to	25
Hearings requested	19
Hearings opened	15
Pending before a merits hearing officer	9
Claim Disposition in 2022	
Claims filed in district court	2
Claims that failed preliminary review	11
Claims closed when claimants failed to request an administrative hearing	5
Claims withdrawn during preliminary review	2
Claims withdrawn during hearing phase	4
Claim withdrawn during mediation	1
Hearing officer decisions	2
Claims dismissed by hearing officer	1
Claims settled	9
Claims open at the end of 2022	18
Board Activity in 2022	
Claims appealed to the Board of Directors	4
Decision issued by Board of Directors	4

¹ A single claim may allege a violation of more than one section of the CAA.

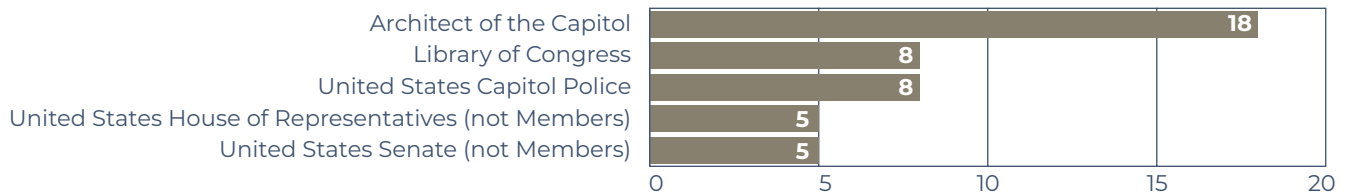
Claims Filed by Section of the CAA-2022²



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



Claims Filed Against Employing Offices



The CAA mandates that the OCWR make regular assessments of the effectiveness of the claims process, including the timely resolution of claims, and submit semiannual reports on its assessments to its oversight committees. In compliance with these statutory and regulatory requirements and consistent with Performance Measure 2.B of the Strategic Plan, in 2022 the OCWR reviewed all ADR activities to assess the effectiveness of the procedures under the CAA Reform Act, and timely reported on the effectiveness of the claims process, successfully meeting the Performance Measure.

Performance Measure 2.C

Develop an outreach program geared toward the out-of-area offices. The OCWR contacts with out-of-area offices increase 25% in the five-year period. Virtual inspections of out-of-area offices increase 25% in the five-year period.

In 2021, the OCWR began instituting processes to track its performance against Performance Measure 2.C. That same year the OCWR received and documented

153 self-certifications of self-inspections of out-of-area offices, providing a baseline for our goal of a 25% increase in virtual inspections over the five-year period; further progress will be noted with our next round of biennial inspections with the new Congress in 2023. In 2022, the OCWR interacted frequently with out-of-area offices to provide assistance and promote compliance with OSH requirements. OCWR is further devising a mechanism to determine and track the number of out-of-area contacts with our office moving forward.

² A single claim may allege a violation of more than one section of the CAA.

³ A claimant checked the discrimination box but did not specify the type of discrimination.

Strategic Goal 3

Foster productive collective bargaining relations in the legislative branch

Labor Management and Collective Bargaining

The OCWR Strategic Plan recognizes the importance of supporting productive collective bargaining relationships in the legislative branch. The Strategic Plan launches three strategic initiatives in support of this goal, including the effective use of statutory procedures to resolve labor-management disputes, and the enhancement of bargaining relationships through education and effective agency decision-making.



It was an exciting transitional year in 2022 for collective bargaining in the legislative branch as the House approved the OCWR Board's regulations allowing House offices to form a union. The OCWR began processing representation petitions shortly after the regulations were approved and worked hard throughout the year to educate House managers and employees about their rights and obligations under the Federal Service Labor-Management Relations Statute (FSLMRS).

Strategic Initiative 3.A

Promote resolution of outstanding issues by thoroughly investigating petitions and charges, by promoting mediation and settlement at all stages of proceedings through actively engaging the parties in discussions, and by selectively using the ADR process when necessary to resolve disputes that the parties are unable to resolve themselves.

Processing Representation Petitions

The Board, through the Office of the Executive Director of the OCWR, investigates and processes petitions for union representation and union elections under the FSLMRS provisions of the CAA.

Section 220 of the CAA (2 U.S.C. § 1351) applies the FSLMRS to certain employees and employing offices of the legislative branch and prohibits unfair labor practices (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, and protects those who choose not to join or participate in a labor organization.

The statutory protections and remedies in Sections 220(a) and (b) became effective for most employing offices and covered employees in the legislative branch on October 1, 1996. Since that time, the OCWR has certified more than 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.

However, the statutory protections and remedies in Sections 220(a) and (b) for the legislative branch offices listed in Subsection (e)(2)—including most offices of the House and Senate—did not automatically become effective by operation of statute on October 1, 1996. Instead, the CAA requires Congress to approve the OCWR Board's

supplemental regulations in order to trigger the statutory protections and remedies of the FSLMRS for House and Senate employees.

On August 19, 1996, the Board adopted such supplemental regulations and submitted them to Congress for approval. More than 25 years later, on May 10, 2022, the House passed H. Res. 1096, approving the regulations, after effective OCWR engagement with members and staff of the Committee on House Administration regarding those regulations. The regulations giving House employees the right to organize a union and collectively bargain under the FSLMRS went into effect on July 18, 2022. After the House adopted the regulations, the OCWR worked with BallotPoint, the same vendor used by the Federal Labor Relations Authority (FLRA), to establish procedures for electronic voting in representation proceedings.

Performance Measure 3.A

All issues raised by petitions and charges will be promptly investigated and 90% of these issues will be resolved through mediation, settlement, the commencement of enforcement actions, or a decision on the merits within one year of the filing of the petition or charge.

From July 18, 2022 through the end of 2022, the OCWR received 14 representation petitions from a union seeking to represent employees in different House offices. The OCWR conducted elections for seven of those offices. After tallying the ballots, the OCWR certified the union as the exclusive bargaining representative of the employees of each of the seven offices. The OCWR is continuing to process the remaining seven petitions. No other representation petitions were filed in 2022.



Representation Petitions Filed in 2022

Certifications issued	7
Petitions in Process	7

Investigation and Prosecution of ULPs

Section 220 of the CAA (2 U.S.C. § 1351) applies to the legislative branch the ULP provisions of the FSLMRS. All ULP complaints filed by the OCWR's General Counsel are adjudicated by an OCWR hearing officer and may be appealed to the OCWR Board of Directors. A decision by the Board may be appealed to the U.S. Court of Appeals for the Federal Circuit. The OCWR Board is represented by the General Counsel before the Federal Circuit.

Five ULP charges were filed with the OCWR in 2022. The allegations in those charges included failure to provide union representation during investigative interviews, retaliation for protected activity, violations of collective bargaining agreements, and failure to bargain in good faith. The OGC closed three of those cases in 2022 and closed the other two cases in early 2023.

On April 4, 2022, the OCWR Board issued a decision finding that the United States Capitol Police's suspension of its entire collective bargaining agreement during the COVID-19 pandemic and its unilateral changes to terms and conditions of employment impacting the union-represented workforce, violated the duty to bargain under the FSLMRS. On November 28, 2022, the United States Capitol Police appealed that decision to the United States Court of Appeals for the Federal Circuit. The OGC has filed a response brief and expects a decision from the Federal Circuit in 2023.

ULP Charges Filed in 2022

Refusal to provide union representative during investigative interview	2
Retaliation for protected activity	1
Violation of collective bargaining agreement/failure to bargain in good faith	2

Consistent with its Strategic Plan, the OCWR remains committed to promptly investigating all issues raised by petitions and ULP charges and resolving 90% of these issues through mediation, settlement, the commencement of enforcement actions, or a decision on the merits within one year of the filing of the petition or charge.

All five of the ULP charges filed in 2022 were resolved within one year of filing. Seven of the fourteen representation petitions filed since July 18, 2022 have been resolved. The other seven are still being processed through formal and ongoing representation petition proceedings, with a focus on mediated resolution of disputed issues. Therefore, the OCWR remained focused on achieving Performance Measure 3.A in 2022.

Strategic Initiative 3.B

Enhance collective bargaining relationships by developing and presenting educational programs specifically targeted to management and labor representatives to ensure that all parties have a thorough understanding of their legal duties and contractual obligations and the best practices for good management-labor relationships.

The OCWR continued its labor-management outreach efforts in 2022 through training sessions and online publications.

The OGC conducted two Union Forums for union representatives in the legislative branch and their attorneys. The topics were "The Fair Chance Act and Labor-Management Updates" and "Fair Labor Standards Act: Proposed Regulations."

The OCWR also conducted a range of trainings and educational initiatives throughout 2022 relating to the House's adoption of the OCWR Board's regulations granting House employees the right to form a union. General Counsel John D. Uelmen testified before the Committee on House Administration on March 2 in a hearing on Implementing the Collective Bargaining Rights of Congressional Staff Under Section 220 of the CAA. After the House adopted the regulations on May 10, the OGC developed a comprehensive set of answers to Frequently Asked Questions on Labor-Management Rights and published them on the OCWR website. On June 2, the OGC and the FLRA, which is responsible for the enforcement of the FSLMRS in the executive branch, gave a presentation to OCWR staff on representation case procedures. On June 16, the OGC and the Office of Employee Advocacy gave a joint presentation for all House employees on unionization rights in the House. On June 23, the OGC conducted a presentation for House staff directors and chiefs of staff on unionization rights and procedures with regard to House employees.

Performance Measure 3.B

During each calendar year, the OCWR will present at least three educational programs specifically targeted to management and labor representatives that are designed to enhance understanding of collective bargaining duties and best practices. Each program will be attended by at least three labor representatives and three management representatives.

Another critical performance measure under the 2021–2026 Strategic Plan is for the OCWR to present at least three educational programs specifically targeted to management and labor representatives that are designed to enhance understanding of collective bargaining duties and best practices and are attended by at least three labor representatives and three management representatives.

The OCWR was successful in this effort. It conducted seven formal presentations on labor-management topics in 2022, and attendance far exceeded expectations. The OCWR also offered many additional trainings to House employees and supervisors on the new statutory right to unionize.

Strategic Initiative 3.C

Ensure that all briefs and decisions issued by the office accurately address the issues raised by the parties and foster productive collective bargaining relations.

The Board is the OCWR's appellate body, and its decisions constitute legal precedent for the interpretation and application of the FSLMRS



provisions of the CAA in the legislative branch. The Board decides cases on review from merits hearing officers' rulings on employee claims, as well as on review from hearing officers' decisions on complaints filed by the OCWR General Counsel alleging violations of the provisions relating to the ULP prohibitions under the FSLMRS as applied by the CAA. In addition, the Board issues final decisions on union representation and election petitions, negotiability petitions, and exceptions to arbitrators' awards.

Performance Measure 3.C

Standard operating procedures are established within a year to systemize the process of developing briefs and decisions, whereby the OCWR will specifically consider how the issues raised by the parties can be addressed in a manner that provides for productive collective bargaining relations. These standard operating procedures are followed for every brief and decision prepared by the office.

Consistent with its Strategic Plan, the OCWR follows procedures in accordance with established practices that support productive collective bargaining relations.

All decisions issued by the OCWR Board in labor-management cases, and all briefs filed by the OGC defending those Board decisions, apply the FSLMRS and the relevant case law to the specific circumstances of each case to ensure that any violations of the law are identified and remedied as appropriate. Procedures are in place to ensure that these decisions and briefs are thoroughly researched, legally sound, and drafted using clear and concise language. The Board's decisions—along with the decisions issued by the U.S. Court of Appeals for the Federal Circuit upon review of the Board's decisions—help clarify and increase the parties' understanding of their rights and obligations under the FSLMRS as applied by the CAA, which in turn promotes more effective collective bargaining relations moving forward. The OCWR therefore has met Performance Measure 3.C.

Strategic Goal 4

Optimize OCWR performance by developing and maintaining a highly motivated, talented, and satisfied workforce

The OCWR is a small office with a very big mission. The office's most valued resource is its uniquely experienced and knowledgeable staff. In order to maintain the high level of services that the legislative branch has come to expect from the OCWR, the office must support and maintain an engaged and motivated workforce. To achieve this strategic goal, the office has adopted three critical strategic initiatives and performance measures.

Strategic Initiative 4.A

Improve the remote working and in-office experience.

In 2022, the OCWR transitioned to a hybrid work environment enabling most staff to perform their work on both a virtual and an in-office basis. In support of the Strategic Initiative to improve the staff's work experience in both settings, in 2022 the OCWR provided its staff with updated resources, including modernized web-conferencing tools, hardware, and software. These tools have enhanced the office's ability to interface with the covered community regardless of staff's work venue, thereby ensuring that they provide the same level of service that the legislative branch has come to expect from the OCWR.

Performance Measure 4.A

OCWR will reach high morale such that at least 80% of employees who leave the OCWR in the five-year period will do so for reasons outside of OCWR control.

The OCWR successfully improved the remote work experience for its staff, enabling the office to further ensure that at least 80% of departing staff leave the OCWR for reasons outside of the control of the office, in alignment with its strategic goals.

Strategic Initiative 4.B

Encourage development of professional skills.

The office continued to prioritize the professional development of its staff in 2022, securing training opportunities to enhance important skill sets pursuant to employees' Individual Development Plans (IDPs). IDPs identify vital resources to improve staff performance in line with their professional goals and ensure that the office maintains a qualified and effective workforce.

Performance Measure 4.B

OCWR employees accomplish at least 70% of the goals laid out in their five-year Individual Development Plans over the five-year period.

All staff IDPs enable the OCWR to measure its ability to achieve its Performance Measure 4.B—that OCWR staff achieve at least 70% of their individual IDP goals over the five-year Strategic Plan.

In addition to obtaining important training opportunities for its staff, the OCWR delivered mandated training on employee workplace protections under the CAA, as well as training on important safety and health matters. The office also hosted several guest speakers for its staff who addressed important topics, such as African American history and disability awareness.

Strategic Initiative 4.C

Source and onboard high-quality candidates for open positions.

Focused on securing highly qualified applicants for its open positions in 2022, the OCWR reviewed and updated its position descriptions

and compensation models. As a result, the office was very pleased to onboard five new staff members, each with significant knowledge and a proven track record in their area of expertise. Once onboarded, all new staff attended orientation training on the provisions of the CAA, and the role and structure of the OCWR.

Performance Measure 4.C

The OCWR will fill 80% of open positions within 90 days over the five-year period. The OCWR will give exit interviews to at least 90% of departing staff over the five-year period.

The office moved diligently to fill open staff positions expeditiously in 2022, and conducted exit interviews with departing staff in support of Performance Measure 4.C.



Strategic Goal 5

Maximize use of evolving technologies and social media to advance OCWR goals and maintain security

Information Technology

Strategic Initiative 5.A

Identify, explore, and implement technology to further OCWR program goals.

The final, but very critical goal of the OCWR's 2021–2026 Strategic Plan, is focused on ensuring that the office has the technological tools necessary to safely and efficiently fulfill its responsibility to securely process the workplace protections under the CAA.

Performance Measure 5.A

The OCWR will incorporate technology in at least three new ways in order to advance the programmatic goals of the office during the five-year period.

Pursuant to its Strategic Plan, in 2022 the OCWR continued to expand its information technology (IT) infrastructure. The office onboarded staff and launched critical initiatives focused on maintaining the confidentiality of its records while ensuring IT modernization and security. Determined to enhance its IT infrastructure, the office obtained the tools necessary to enhance its IT governance, risk management,

and its information security compliance programs.

The OCWR also continued to upgrade and utilize enhanced technology to advance its training and outreach goals. Through expanded use of online training modules, video-conferencing, and social media outlets, the office timely and effectively provided critical workplace information to legislative branch staff working in offices located throughout the country. The OCWR continued to enhance its online training modules, adding new modules on workplace resiliency and labor-management rights. The OCWR was also able to share important information with the covered community through its Brown Bag online presentations that provided important legal updates and analyses on matters covered by or related to the administration of the provisions of the CAA.

In 2022 the OCWR incorporated advanced technology, utilized secure information management tools, documented IT policies and procedures, and implemented risk management practices.

Strategic Initiative 5.B

Maintain confidentiality and security of physical and electronic files and documents.

The OCWR made it a priority to ensure that it could securely meet the needs of the covered community while operating in a hybrid work environment. As a result, the office focused on maintaining and enhancing its IT infrastructure utilizing a local area network and providing the hardware and software necessary to support its network foundation. The office partnered with essential service providers to maintain important telecommunication linkages and support a database system that served as the essential strategic component of its IT Service Continuity and Disaster Recovery Plan.

Performance Measure 5.B

The OCWR will utilize a secure information management product and associated tools to create information repositories to match categories identified by OCWR staff. The OCWR will implement user access auditing, access monitoring, and reporting of records accessed using the information management product.

In 2022, the OCWR enhanced its web-based e-filing system, SOCRATES (Secure Online Claims Reporting And Tracking E-filing System), to ensure that claims filed with the office were securely and accurately processed. This

web-based e-filing system, and other key applications, are necessary to avert security threats and enhance fault-tolerance while providing critical services.

The OCWR began the process to migrate its Risk Management System (RMS), a risk-based inspection system used for risk-based hazard recognition, documentation, evaluation, recommendation, tracking, and prioritization for abatement. A very important result of this migration will be to improve the system's performance and strengthen program security.

Maintaining the confidentiality and security of OCWR files is of critical importance to the office. For this reason, the OCWR continued to utilize significant security reviews and employ important testing procedures conducted by an independent assessor to identify strengths, weaknesses, and any potential risks to OCWR programs and systems. The results of the security assessments are essential to ensuring that the OCWR maintains the integrity of its cybersecurity posture.

Strategic Initiative 5.C

Maintain an IT modernization and continuous IT security monitoring program.

IT modernization was also a key focus for the OCWR. In 2022, the office updated its existing phone system with added features that reduce costs and provide greater dependability. In addition, the OCWR integrated instant messaging applications to promote communication, encouraging collaboration among its staff in an ever-changing work environment. The benefit of these upgrades was to enhance telework without interrupting workflow. The

office also began the process to modernize its conference rooms to further facilitate communications in the hybrid work environment. The office also focused on obtaining and implementing tools to promote and enhance the reliability and governance of its critical data.

Performance Measure 5.C

Engage with the Library of Congress' (LOC) Office of Chief Information Officer (OCIO) and an independent assessor to install the tools and services for establishing the Information Security Continuous Monitoring (ISCM) and Continuous Diagnostics and Mitigation (CDM) process for OCWR's mission critical IT systems. OCWR IT will effectively support outreach and education programs by fully implementing a participant feedback survey system.

The OCWR successfully maximized the use of IT tools and systems to support its education program and disseminate critical information for the benefit of the covered community.

The office continues to work with the LOC's OCIO and remains focused on critical issues such as risk management. The OCWR will make all changes necessary to deter potential cybersecurity concerns and maintain a robust and secure IT infrastructure.

Strategic Initiative 5.D

Maintain an IT Governance, Risk Management, and Information Security Compliance Program.

The OCWR regularly reviews its cybersecurity posture and consults with cybersecurity experts to stay ahead of potential threats while implementing the best practices to mitigate security risks.

Performance Measure 5.D

The OCWR will establish clear and direct service level objectives and service level targets which represent, protect the interests of, and help meet the OCWR's mission. These are specified in all service level agreements with IT vendors that offer products and provide IT services to the OCWR. With the support of an independent assessor, the OCWR will establish and implement the principles of the National Institute of Standards and Technology's Risk Management Framework. OCWR IT will support action item achievement throughout the Strategic Plan such that timeliness is impacted in less than 15% of deliverables.

In 2022, the OCWR continued to focus on the security and sustainability of its IT infrastructure. Utilizing National Institute of Standards and Technology (NIST) guidance, it continues to ensure compliance with required security controls in NIST Special Publication 800-53, Security and Privacy Controls for Information Systems and Organizations.

The OCWR remains focused on ensuring that its IT infrastructure and critical data remain fully secure.



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