



COMPLIANCE@WORK

An educational resource for Legislative Branch employees and employers to help understand workplace rights and legal responsibilities under the Congressional Accountability Act of 1995

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THE STATE OF UNIONS AND COLLECTIVE BARGAINING ON CAPITOL HILL

Employment
Law Series

When the doors to the [Office of Compliance](#) (OOC) opened twenty years ago, many workplace laws that were included in the [Congressional Accountability Act](#) (CAA) (1995), and never before covered the Congressional workplace, were now being applied.

One of these laws deals with labor-management relations in the federal sector -- the [Federal Service Labor Management Relations Statute](#) ("Statute").

The Statute protects the rights of federal workers to form, join, or assist labor organizations for the purpose of [collective bargaining](#) or to refrain from such activity.

The OOC administers the Statute for most eligible Legislative Branch employees. The responsibilities of the OOC cover the elections of unions, as well as the establishment and the conduct of collective bargaining relationships.

There are currently over twenty bargaining units covering employees of the Architect of the Capitol, the United States Capitol Police, and certain employees of the House and the Senate. Other authorities administer labor management relations for Library of Congress and Government Accountability Office employees. Congress has not passed regulations that would extend union rights to the personal and committee staffs of Congress, the Congressional Budget Office (CBO), or the Office of Compliance. Currently, those employees are not able to organize for the purpose of collective bargaining.

"Collective bargaining" is the mutual obligation of the employing office and the exclusive representative of employees to meet at reasonable times and to consult and bargain in good faith on matters affecting employment.

Legislative Branch Employees Eligible for Labor Representation

- **The Office of the Architect of the Capitol**
- **The Office of the Attending Physician**
- **The Office of Congressional Accessibility Services**
- **The United States Capitol Police**
- **Certain offices of the House and Senate**

Unionized Legislative Branch employees work in a number of different jobs. Many police officers are represented by unions, as are masons, carpenters, freight and material handlers, guides and visitor assistants from the Capitol Visitor Center, and photographers and videographers from the House and Senate recording studios. Unions representing these and other employees for the purpose of collective bargaining include the American Federation of State, County, and Municipal Employees (AFSCME), the National Association of Broadcast Engineers and Technicians – Communication Workers of America (NABET-CWA), Teamsters, and the Fraternal Order of Police.

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Establishing Union Representation

To start the process of becoming the exclusive bargaining representative of a unit of employees, a union files an election “petition” containing at least a 30% showing of interest, that is, signatures of current employees who would like to vote on union representation. The OOC conducts secret ballot elections among the employees who share the same “community of interest” or similar working conditions in a particular employing office. The union must receive a “yes” vote from a majority of the employees in the bargaining unit who actually voted, before it can become their exclusive bargaining representative. The Executive Director issues a certification of election results. As in the Executive Branch, Legislative Branch employees do not have to join the union, or pay fees as a condition of employment. The CAA protects those employees who, although eligible, choose not to belong to a union.

What is an unfair labor practice?

A ULP is conduct by an employing office or union that violates the rights covered under the CAA.

Examples of ULPs by an employing office:

- Disciplining employees because they support the union;
- Interfering with the rights of employees to elect or join a union;

Examples of ULPs by a union:

- Refusing to provide representation services because an employee is not a union member;
- Refusing to negotiate in good faith with an employing office.

Petitions from unions may also seek to include certain employees in an already existing bargaining unit. And petitions from employing offices may seek to exclude employees from a unit or decertify the union. The OOC Board of Directors issues final decisions on union representation and election issues.

Union and Employer Practices

The Federal Service Labor Management Relations Statute, incorporated in the CAA, prohibits employing offices, as well as unions from committing **unfair labor practices** (ULPs). ULPs include discrimination based on union activity or membership and refusals to bargain in good faith. The OOC’s General Counsel investigates ULP charges. If after an investigation, the General Counsel determines that there is evidence that an unfair labor practice has taken place, he or she may prosecute the matter by issuing a complaint against the charged party. The General Counsel will then take the matter to an independent hearing officer, who will hear testimony and issue a decision that is appealable to the OOC Board of Directors.

For complete information on the rights, procedures, and remedies established by the CAA, refer to the [Congressional Accountability Act](#), visit our website www.compliance.gov, or contact us at 202-724-9250. And remember to follow us on Twitter: [@LegBranch_OOC](#).

