



advancing safety, health, and workplace rights in the legislative branch

What's New at the Office of Compliance

Tenth Anniversary of the Congressional Accountability Act

January 2005 will mark the tenth anniversary of the passage of the Congressional Accountability Act (CAA), which applied twelve civil rights, labor, and workplace safety laws to the U.S. Congress for the first time.

In this issue, Senator Charles Grassley looks back on the passage of this landmark legislation and the impact the CAA has had on Congress.

Advancing Safety and Health on Capitol Hill



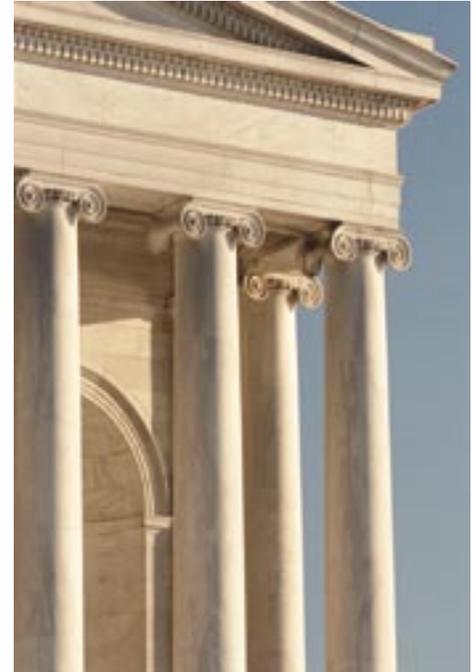
In February, the Office of Compliance conducted the first ever Capitol Hill-wide conference on workplace safety and health in Congress. Entitled "Advancing Safety and Health on Capitol Hill," the conference featured panel discussions and expert speakers, including Assistant Secretary of Labor John L. Henshaw (pictured). The focus of the conference was the development of comprehensive organizational safety and health programs in Congress.

The Office of Compliance thanks Rep. Bob Ney (OH-18), Rep. John Larson (CT-01), Rep. Chris Shays (CT-04), and the staff of the Committee on House Administration for their participation and assistance in organizing this conference.

Safety and Health and Disability Access Inspections

The General Counsel of the Office of Compliance has begun the biennial safety and health and disability access and public accommodations inspections required by the CAA to be conducted every two years. These inspections, which cover 14 million square feet of Congressional buildings and facilities, promise to be the most comprehensive ever undertaken, and will be used to create a "baseline" compilation of existing conditions throughout all covered facilities. Reports on the findings of these inspections will be provided to Congressional leadership.

In this issue, we discuss common safety and health violations and how your office can avoid them. We also have a brief discussion on accommodating people with disabilities in Congress.



General Counsel's New Staff

General Counsel Peter Eveleth has added four new employees to replace outgoing staff. New Deputy General Counsel **James Abbott** will join the office in October and will be responsible for labor and employment law litigation. Abbott previously served as Senior Associate District Counsel to the Defense Contract Management Agency. Senior staff attorney **Kate Tapley**, who joined the office in April, is responsible for conducting the disability access and public accommodations inspections. Tapley was a producer for public television prior to practicing law. **Eilin Chiang**, who focuses on occupational safety and health law and appellate litigation, also joined the office in April. Chiang previously worked in the Army Judge Advocate General's Corps where she rose to the rank of Captain. Rounding out the General Counsel's new staff is administrative assistant **Carol Griffith**. Prior to joining the Office of Compliance, Griffith worked for the 11th U.S. Circuit Court of Appeals in Atlanta.

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Message from the Executive Director

A Safer Congress For Us All

Very soon, we will be marking the tenth anniversary of the passage of the Congressional Accountability Act (CAA), landmark legislation that applied twelve civil rights, labor, and workplace safety laws to the U.S. Congress for the first time.

In the last decade, the CAA has made a dramatic impact on the Legislative Branch. Congressional employees are now able to enjoy many of the same workplace rights as all other Americans, and through the careful process established by the CAA, hundreds of disputes have been resolved. As a result, Congress is a better, more fair, and more equitable workplace.

The CAA's application of Occupational Safety and Health Act standards and regulations to Congress has taken on even greater importance in the wake of the September 11th attacks. Congress, like the Federal government and private business, must now meet established standards for workplace safety and emergency preparedness. In order to ensure that these standards are met, the CAA requires that the Office of Compliance inspect all Congressional facilities every two years - a total of 14 million square feet of office space, warehouses, and mechanical facilities - and issue a report on the findings.

The staff of the General Counsel of the Office of Compliance is currently in the process of conducting only the fourth ever of these biennial inspections of Congress. So far, the inspections have turned up over 1,700 hazards. The good news is that the vast majority of these problems have already been fixed by the employing offices responsible.

The inspection process is a long and difficult undertaking, and we are given the unenviable task of having to tell everyone what is "wrong" with their facilities. Not surprisingly, these inspections and our report are often viewed as a hassle. After all, not all parties involved will be pleased with our recommendations or on the changes needed to meet the required standards.

While it is easy to get lost in the process and argue over methods or recommendations, we should never forget that these inspections and the CAA's application of safety and health standards to Congress has had one important and undeniable result: Congress is now a safer place to work and visit, and it is getting better all the time. We have the countless hours of effort by the employees of the House and the Senate, the Architect of the Capitol, and the Capitol Police to thank for that improvement, and General Counsel Peter Eveleth and I salute them for the job they have all done.



A handwritten signature in blue ink that reads "William W. Thompson, II". The signature is fluid and cursive.

William W. Thompson, II

Guest Feature

Tenth Anniversary of the CAA

Senator Charles Grassley



Ten years ago the United States Congress recognized that we are not better than the businessmen and women in our states. We are not different and we, too, must live under the laws that

we pass. The Congressional Accountability Act (CAA) allowed Congress to deliver on a pledge made over 200 years ago, when James Madison wrote in *Federalist 57*:

"[Congress] can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments, of which few governments have furnished examples; but without which every government degenerates into tyranny."

Madison knew, as I do, that it is simply not fair or good governance for the Congress of the United States to enact laws for the American people while exempting itself from compliance. I hold a strong belief that we, in Congress, are merely the representatives of the people. We are not better than the people we represent and we are not, by definition and determination, different from the people we represent. We are the people themselves.

The CAA has helped Congress to understand what the regulations we pass mean to businesses on Main Street. If we find a law that makes it difficult for us to do our jobs, chances are that American businesses have the same result. The CAA also gives us an incentive to change laws that we, based on our firsthand experience, have found unnecessary and burdensome. By passing and implementing this legislation, the Congress has acknowledged that we are the servants, not masters, of the people. The last plantation in America is well and truly dead.

(Continued at the top of page 3)

Guest Feature (Continued)

In the last ten years the CAA has been a great success. Rules governing the civil rights, health, safety, and labor conditions of the workplace now apply to over 30,000 Congressional employees. The key player in administering the CAA is the Office of Compliance.

Through the hard work of its staff and Board, between 1995 and 2003 the Office of Compliance has handled more than 6,000 information and assistance con-

tacts. In that time, they have also opened more than 1,330 cases ranging from EEO matters to labor relations to family medical leave. By working with the bipartisan leadership of the House and Senate oversight committees, the Office has risen to the task of meeting the challenges and goals of the CAA.

Although much has been accomplished in the effort to make Congress accountable to the people, there is still

more work to be done. In the 109th Congress, I hope we can take a careful look at the recommendations made in the Office of Compliance's Section 102(b) Report. I believe that it's important that we finish the work we started ten years ago. It's only fair and just that the government live under the same laws that we enact for the rest of the nation. We are the representatives of a great democracy and we should work and act accordingly.

In Focus

Workplace Safety: Small Changes Can Eliminate Big Hazards

Look around your office. Do you see many potential safety and health hazards? Like most of the 30,000 or more Legislative Branch employees, you probably do not think that your workplace has any serious safety risks.

Contrary to common belief, however, safety and health hazards affect all workplaces, and many hazards involve very ordinary items commonly found in most offices. For example, between 1994 and 1998, improperly used extension cords resulted in 6,900 fires and \$115.9 million in direct property damage in the U.S. (Source: National Fire Protection Association)

Below are a selection of some of the hazards most frequently found by the Office of Compliance during the recent biennial safety and health inspection required by the Congressional Accountability Act (CAA). By avoiding these potential problems in your workplace, you can make sure that you, your coworkers, and Congress stay much safer.

No Emergency Action Plan: Emergency Action Plans, or EAPs, describe how to safely evacuate in an emergency, where to gather after evacuation, and who should perform certain critical functions. All employing offices in Congress, including every committee and every personal office of a Member, are required by law to have an EAP and to ensure that staff are familiar with it.

Misused Extension Cords: Improper use of unapproved extension cords can present a serious fire safety hazard in the workplace. Fires from extension cords are most commonly caused by improper use

and/or overloading. Extension cords in the workplace should always be properly approved by a certifying laboratory (such as UL), used only temporarily, and used to power only a limited number of devices.

Damaged Power Cords: Damaged and ungrounded cords pose a threat of electric shock to employees, present a fire hazard, and are a violation of safety codes. Never use a power cord with damaged external sheathing or exposed wires, and be sure to inspect cords regularly for wear.

Unsafe Space Heaters: Space heaters in the workplace should always be approved for commercial use by a recognized safety testing laboratory, never

placed near combustible materials, and have a tip-over switch to ensure automatic shut-off if knocked over. Space heaters should also never be used with extension cords.

Improper Storage of Heavy Items: Large stacks of materials and/or heavy articles can pose a great safety risk to employees if they fall or are knocked over. Heavy items should always be stored close to the floor, and care should be taken never to exceed the safe load capacity of shelving or storage units.

For more information on these and other common safety hazards and how to avoid them, visit the eResources section of our web site at www.compliance.gov.



Cases Handled by the Office of Compliance in 2003

Each year, the Office of Compliance is required to report to Congress statistics on the use of the Office by covered employees. The following statistics are from our latest report covering the period January 1 through December 31, 2003.

Contacts and Cases with the Office of Compliance:

Initial Contacts Received by the Office	376
Requests for Counseling.	111
Cases in Mediation	111
Appeals to the Board	8

Case Notes:*

- An employee alleged retaliation after having filed a complaint of sexual harrasment with the Office of Compliance.
- An employee over age 50 alleged age discrimination after not being selected for promotion when a younger employee with less training and experience was selected for the position instead.
- An employee alleged sex discrimination when a male supervisor made disparaging remarks about her maternal obligations and reduced her job responsibilities, marginalizing her status in the office.
- An employee alleged a violation of the Family and Medical Leave Act (FMLA) when the employee's boss denied a request for leave to care for a newborn child.
- A non-exempt employee alleged a violation of the Fair Labor Standards Act after being denied overtime pay for attending a work-related gala at the office's request.

* These notes are representative of the types of cases brought before the Office of Compliance and do not describe individual cases. All cases with the Office of Compliance are strictly confidential.

Contacts and Cases with the Office of the General Counsel:

Requests for Information and Technical Assistance.	235
Occupational Safety Inspection Requests	40
Unfair Labor Practice Charges	22

Case Notes:

- A request was filed to inspect a workshop area where employees suspected they had been exposed to asbestos fibers due to crumbling floor tiles and to toxic fumes from chemicals used in their work.
- A request was filed to investigate whether an employer was conducting an asbestos abatement project in accordance with OSHA standards.
- A request was filed to investigate whether an employing office's evacuation plan failed during an emergency evacuation of their buildings when some, but not all employees, were evacuated.
- A request was filed to investigate whether coordination and communication between local firefighters and the police were adequate to ensure quick reaction time when responding to fire emergencies.

Office of Compliance Dispute Resolution Process

The CAA provides a mandatory administrative dispute resolution process of counseling and mediation for the settling of disputes. If the parties involved are not able to resolve their dispute through counseling and mediation, an employee may either pursue a non-judicial administrative hearing with the Office of Compliance or file suit in Federal court. Administrative hearing decisions can be appealed to the Board of Directors of the Office of Compliance.

General Counsel of the Office of Compliance

The General Counsel of the Office of Compliance is responsible for investigating and enforcing certain violations of the CAA. Labor/management relations, occupational safety and health laws, and discrimination against the disabled in access and accommodations to public events and spaces are all under the General Counsel's jurisdiction.

Meeting the Needs of People with Disabilities

Understanding how to accommodate people with disabilities not only helps you and your office avoid a potentially embarrassing situation, but it also helps ensure that your office is in compliance with the disability access and accommodation provisions of the Congressional Accountability Act (CAA).

The CAA protects qualified individuals with disabilities from discrimination with regard to access to public accommodations and the programs and services of public entities in covered locations and offices. Access and accommodation rights ensure that members of the public with a disability are able to access programs, activities, or places of public accommodation - such as offices and hearing rooms - on an equal basis with the non-impaired.

Offices of the Senate and the House of Representatives, all committees of Congress, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Capitol Guide Service are all required to comply with this requirement in their dealings with the public.

Ensuring that people with disabilities have equal access to public services and accommodations involves a number of infrastructure issues that are not the responsibility of most employing offices in Congress. Individual Members' offices and committees still have a responsibility to comply with this requirement, however,

and can ease interactions with people with disabilities by taking a few simple steps.

First, be sure you know where and how you can receive assistance when dealing with people with disabilities. Both the House ADA Services Office and the Congressional Special Services Office can assist you in making accommodations for visitors with disabilities.

Next, ensure that your office remains aware of its responsibilities for accommodating people with disabilities and always plans accordingly. At the most basic level, ensure that your office space can accommodate the disabled (such as someone in a wheelchair) by arranging furniture adequately to allow easy access in and around the office without special assistance.

One important consideration often overlooked when accommodating people with disabilities is your office's public web site. Congress is not required to comply with Section 508 of the Rehabilitation Act, which requires that individuals with disabilities be able to access electronic information in a way that is comparable to access available to others, but maintaining an accessible web site can be a great aid to constituents with disabilities.

These few steps for accommodating the disabled are by no means exhaustive, but following them can help your office prepare for routine contacts with people with disabilities. If you would like more information on accommodating people with disabilities, contact the Office of

Compliance or your appropriate House or Senate authority. Additional information about disability accommodation rights, including Section 508, is available on our web site at www.compliance.gov.

Resources for Assistance

Congressional Special Services Office:

Congressional Special Services Office (CSSO) provides services for constituents, staff, and visitors with disabilities. The Congressional Special Services Office is located on the first floor of the Capitol in the Crypt area directly below the Great Rotunda.

For more information or assistance, call (202) 224-4048 (V) or (202) 224-4049 (TDD), 9:00 a.m. to 4:30 p.m., Monday through Friday.

House ADA Services:

House ADA Services provides assistance to Members, committees, and other House offices in accommodating constituents and visitors, including wheelchair loans and communications services.

House ADA Services can be contacted at (202) 225-3005 (V) or (202) 225-3006 (TDD), or by contacting First Call at (202) 225-8000.



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The Office of Compliance advances safety, health, and workplace rights in the U.S. Congress and the Legislative Branch. Established as an independent agency by the Congressional Accountability Act of 1995, the Office educates employees and employing offices about their rights and responsibilities under the Act, provides an impartial dispute resolution process, and investigates and remedies violations of the Act.

Your Rights and Protections Under the Congressional Accountability Act

The Congressional Accountability Act (CAA) applies twelve civil rights, labor, and workplace safety laws to the U.S. Congress and Legislative Branch employees

Access to Public Services and Accommodations

Section 210 of the CAA protects members of the public who are qualified individuals with disabilities from discrimination with regard to access to public services, programs, activities, or places of public accommodation in Legislative Branch facilities and programs.

Age Discrimination

Section 201 of the CAA provides that all personnel actions affecting covered employees shall be free from age discrimination for those forty years old or older. This includes hiring, discharge, promotion, pay, benefits, reassignment, and other personnel actions affecting the terms and conditions of employment.

Collective Bargaining and Unionization

Section 220 of the CAA permits certain Legislative Branch employees to form, join, and assist a labor organization. Once a labor organization becomes the exclusive bargaining representative of employees, an employer is obligated to negotiate the terms and conditions of employment with that organization.

Disability Discrimination

Section 201 of the CAA provides protection against discrimination in all personnel actions of qualified individuals with disabilities. Personnel actions include hiring, discharge, promotion, pay, and benefits. Employing offices may be required to make a "reasonable accommodation" for an otherwise qualified individual with a disability.

Equal Employment Opportunity

Section 201 of the CAA requires that all personnel actions involving covered employees must be free from discrimination based on race, color, religion, sex, or national origin. Personnel actions include hiring, discharge, promotion, pay, and benefits.

Fair Labor Standards and the Minimum Wage

Section 203 of the CAA applies the Fair Labor Standards Act of 1938 (FLSA) to covered employees. These rights and protections require payment of the minimum wage and overtime compensation to non-exempt employees, restrict child labor, and prohibit sex discrimination in wages paid to men and women.

Family and Medical Leave Act

Section 202 of the CAA applies the benefits of the Family and Medical Leave Act of 1993 (FMLA) to covered employees. Eligible employees are entitled to take up to twelve weeks of leave in a twelve month period for certain family and medical reasons. Employees on leave continue to receive health insurance benefits and should be restored to their former position at the conclusion of leave.

Notification of Office Closings or Mass Layoffs

Section 205 of the CAA applies the rights and protections of the Worker Adjustment and Retraining Notification Act (WARN Act) to covered employees, and requires that employees must be notified of an office closing or of a mass layoff at least sixty days in advance of the event.

Occupational Safety and Health

Section 215 of the CAA requires that all workplaces be free of safety and health hazards that might cause death or serious injury. Employing offices must comply with these workplace safety requirements.

Prohibition on the Use of Lie Detector Tests

Section 204 of the CAA applies provisions of the Polygraph Protection Act to the Legislative Branch. Requiring or requesting that lie detector tests be taken; 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 are all prohibited.

Reprisal and Intimidation

An employer may not intimidate, retaliate, or discriminate against employees who exercise their rights applied by the CAA. This includes opposing practices made unlawful by the CAA; initiating proceedings; making a charge; providing testimony; or participating in a proceeding brought under the CAA. Those who assist others in these activities are also protected.

Uniformed Services Rights and Protections

Section 206 of the CAA applies the rights and protections of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) to covered employees. USERRA protects employees performing service in the uniformed services from discrimination and provides certain rights to benefits and reemployment upon the completion of service.



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