

# YOUR RIGHTS IN THE CONGRESSIONAL WORKPLACE

The Congressional Accountability Act (CAA) provides employment, labor, safety, health, and accessibility rights and protections to covered employees of the Legislative Branch, including employees of Congress and its agencies. In some circumstances, applicants, former employees, and members of the public are also covered. In most instances, the CAA imposes a strict 180 day time limit for asserting a violation of workplace rights claim with the Office of Compliance (OOC). If you have questions about your rights and protections under the CAA, please contact the OOC and ask to speak to a counselor. All counseling is strictly confidential.

## YOUR RIGHTS INCLUDE:

### ACCESS TO PUBLIC SERVICES AND ACCOMMODATIONS

Section 210 of the CAA applies protections from Titles II & III of the Americans with Disabilities Act of 1990 to members of the public who are qualified individuals with disabilities, and prohibits discrimination with regard to access to public services, programs, activities, or places of public accommodation in Legislative Branch facilities and programs.

### COLLECTIVE BARGAINING AND UNIONIZATION

Section 220 of the CAA applies Chapter 71 of the Federal Services Labor-Management Relations Act and 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.

### FAIR LABOR STANDARDS

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

### FAMILY AND MEDICAL LEAVE

Section 202 of the CAA applies the benefits of the Family and Medical Leave Act of 1993 to covered employees. Eligible employees are entitled to take up to 12 weeks of leave in a 12-month period for certain family and medical reasons, including eligible employees who have a spouse, son or daughter, or parent who is on active duty or called to active duty status in the National Guard or Reserves (or has been called from retirement in the Armed Services or Reserves) in support of a contingency operation for certain "qualifying exigencies." Eligible employees are entitled to take up to 26 weeks of unpaid leave to care for a covered servicemember during a single 12-month period. Employees on leave continue to receive health insurance benefits and should be restored to their former position at the conclusion of leave.

### GENETIC INFORMATION NONDISCRIMINATION AND PRIVACY

Title II of the Genetic Information Nondiscrimination Act of 2008 protects covered employees under the CAA and prohibits the use of an employee's genetic information as a basis for discrimination in personnel actions such as hiring, discharge, payment, promotion, or other employment opportunities. Information that is protected includes, but is not limited to, genetic information and testing of an individual employee or an employee's family member.

### HAZARD-FREE WORKSPACES

Section 215 of the CAA applies the Occupational Safety and Health Act of 1970 which 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.

### NO DISCRIMINATION OR HARASSMENT BASED ON RACE, SEX, NATIONAL ORIGIN, COLOR, RELIGION, AGE, OR DISABILITY

Section 201 of the CAA applies certain sections of the following acts to covered employees: Title VII of the Civil Rights Act of 1964, Title I of the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973. These laws provide that personnel actions affecting covered employees shall be free from discrimination on the basis of race, color, religion, sex, national origin, age, and disability. This protection includes hiring, discharge, promotion, pay, benefits, reassignment, and other personnel actions affecting the terms and conditions of employment. Employees are also protected from harassment based on race, color, religion, sex, national origin, age, and disability.

### 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 of 1989 to covered employees and requires that employees be notified of an office closing or of a mass layoff at least sixty days in advance of the event.

### POLYGRAPH TESTING PROTECTIONS

Section 204 of the CAA applies provisions of the Employee Polygraph Protection Act of 1998 to the Legislative Branch. With certain exceptions, these provisions prohibit 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.

### PROTECTION FROM REPRISAL OR INTIMIDATION FOR EXERCISING RIGHTS

Section 207 of the CAA provides that an employer may not intimidate, retaliate, or discriminate against employees who exercise their rights under the CAA. This protection includes opposing practices made unlawful by the CAA, initiating proceedings, making a charge, providing testimony, assisting, or participating in a proceeding brought under the CAA. Those who assist others in these activities are also protected.

### REDRESS FOR VIOLATIONS OF THE CAA

The CAA provides that employees may be entitled to certain remedies for violations of the CAA which may include monetary awards, attorney's fees, and costs.

### 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 to covered employees. These provisions protect employees performing service in the uniformed services from discrimination and provide certain benefits and reemployment rights upon the completion of service.

### VETERANS' EMPLOYMENT OPPORTUNITIES

Section 4(c) of the Veterans' Employment Opportunities Act of 1998 gives certain veterans covered under the CAA improved access to job opportunities and establishes a redress system for preference eligibles in the event that their veterans' preference rights are violated.

## OFFICE OF COMPLIANCE

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THE OFFICE OF COMPLIANCE—ADVANCING WORKPLACE RIGHTS, SAFETY, HEALTH, AND ACCESSIBILITY IN THE LEGISLATIVE BRANCH. ESTABLISHED BY THE CAA AS AN INDEPENDENT, NONPARTISAN AGENCY OF THE U.S. CONGRESS, THE OOC EDUCATES EMPLOYEES AND EMPLOYING OFFICES ABOUT THEIR RIGHTS AND RESPONSIBILITIES UNDER THE CAA, ADMINISTERS AN IMPARTIAL DISPUTE RESOLUTION PROGRAM, AND INVESTIGATES AND REMEDIES CERTAIN VIOLATIONS OF THE CAA.

[www.compliance.gov](http://www.compliance.gov)