

FAQ: Frequently asked questions about filing a claim with the OOC



Thank you for your inquiry about the Congressional Office of Compliance. We are established under the Congressional Accountability Act of 1995, which you can find on our website at www.compliance.gov.

Our newest [Workplace Rights Brochure](#) has an overview of the Office and its many responsibilities as well as a graph on the steps to the claims process. Other materials online will help describe how each of the 13 laws incorporated in the Congressional Accountability Act of 1995 (CAA) provides workplace protection for legislative branch employees.

The statistics about cases and the contacts with our Office are reported for every fiscal year in our [Annual Reports](#). The [processes](#) and procedures of our Office are detailed on our website including a [video](#) that covers “Filing a Claim with the Office of Compliance,” and a [video](#) on the mediation and appeals process.

Here are some responses to Frequently Asked Questions:

1. Does the OOC require training about workplace harassment issues for congressional offices, in line with the general rule for other federal agencies?

There is no mandatory training under the Congressional Accountability Act (CAA), but the OOC Board of Directors has long recommended mandatory anti-discrimination and sexual harassment training for all congressional employees. (See page 12 of most recent [recommendations](#) to Congress.)

Our Office urges all legislative branch employees to take the available [online training](#). We also deliver in-person training programs on the 13 laws covering the congressional workforce.

2. What is the process for a congressional staffer to file a claim with the OOC about workplace harassment, sexual or otherwise?

The CAA’s multi-step dispute resolution process includes counseling, mediation, and a choice of administrative hearing or federal court if mediation does not resolve a claim. A description of our dispute resolution process is [online](#).

Legislative branch employees may contact our Office at any time for informal or formal counseling on their workplace rights incorporated in the CAA.

In addition, many employing offices maintain policies and procedures for investigating concerns and imposing penalties for harassment.

3. What is the statute of limitations for filing a request for counseling?

A request for counseling must be made within 180 days after the date of the alleged workplace violation.

4. Is counseling between the complainant and the OOC a requirement, in order for an employee to further pursue their claim with our Office?

Counseling is a mandatory step in the process.

5. Is counseling confidential?

Yes, but an employee can waive confidentiality during counseling.

6. Does an employee have to wait for a full 30 days of counseling?

No. At the request of the employee, the time for counseling (generally 30 days) may be reduced with the approval of the OOC’s Executive Director.

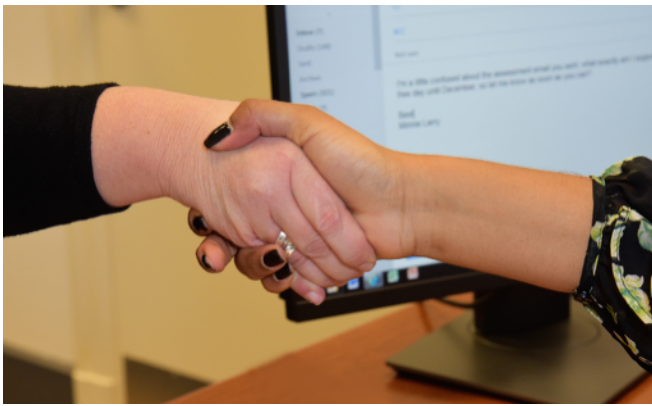
7. Are employing offices informed when a staffer contacts the OOC or engages in counseling?

No. At the initial stage of the dispute resolution process, called a “formal request for counseling,” an employing office is not advised of an employee’s claim, unless the employee waives the right to confidentiality. At the conclusion of the counseling phase, the employee has 15 days to decide whether to invoke mediation — a mandatory requirement for further pursuing a claim against an employing office. If mediation is invoked, the employing office is then made aware of the claim.

8. What is the purpose of mediation? Does it include an investigation by the OOC?

The purpose of mediation is to allow the parties to explore voluntary resolution of the employment dispute with the assistance of a professional mediator.





The dispute resolution process under the CAA does not involve formal investigations of employment disputes involving discrimination or harassment.

If mediation is unsuccessful and the employee decides to file a formal complaint with the OOC or in federal court, the administrative hearing officer or the federal judge can allow the parties to engage in discovery of relevant facts, and may hear witness testimony to decide the merits of the case.

9. During mediation, does the complaining employee have to be in the same room with his or her boss or employer?

No. The mediator will meet with the parties in a confidential setting, either together or in separate locations, to discuss the issues and explore ways to resolve them. Mediated settlements are always voluntary; the mediator has no authority to impose a solution or issue a decision on the merits of a matter.

The advantage of a mediated settlement is that it allows both parties in a dispute to take an active role in reaching a settlement rather than having a decision imposed upon them by a hearing officer or judge.

10. What happens if mediation is unsuccessful?

If mediation is unsuccessful, the complainant has the choice to file an administrative complaint before an independent hearing officer or to file a complaint in district court before a federal judge. Regarding how those proceedings are conducted, the hearing officer or federal judge has discretion to make decisions regarding the taking of testimony like in all employment cases in private or public sector.

11. If a settlement results in a payment to the complainant, where do the funds come from?

Awards and settlements are paid from an account in the U.S. Treasury of the United States, pursuant to Section 1415 of the CAA.

12. Can an employer punish or silence a staffer who files a claim or complaint with the OOC?

It is unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against any

The Congressional Accountability Act created a unique process to resolve workplace disputes in the legislative branch. The OOC is an independent, nonpartisan office with experts trained in dispute resolution.

employee who has opposed an unlawful practice, initiated proceedings with the OOC, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under the Act. Any employee who believes they are subject to retaliation can file a claim under the anti-retaliation provision —Section 207 — of the CAA.

13. Is there an anonymous tip line for staffers who do not feel comfortable attaching their name to a complaint?

Our counselor and other staff members are available to speak to all anonymous callers. These calls are treated as informal requests for counseling and there is absolutely no requirement that the employee provide their name.

14. Is the process slower for legislative branch employees than it is for federal or private sector employees?

The OOC's process is one of the fastest administrative processes in the federal government, and provides an opportunity for an employee to file a complaint without waiting for an outside agency to complete an investigation.

15. When are cases made public?

The dispute resolution, hearing, and deliberation process is confidential and cannot be made public.

All proceedings in the district court are public unless the judge elects to seal them. OOC Board of Directors' decisions have been made public and can be found on the OOC website.