



THE 2023 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), as amended, applies workplace protections to the more than 30,000 employees of the legislative branch. The Office of Congressional Workplace Rights (OCWR) administers 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 through December 31, 2023.



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Congressional Workplaces Covered by the CAA



United States House of Representatives



United States Senate



Architect of the Capitol



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 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

*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, paid and unpaid, 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.



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 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 216(b))



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)



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)



Protections for Pregnant Workers

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

42 U.S.C. § 2000gg et seq.

Statement from the Chair of the Board of Directors



On behalf of the Board of Directors of the Office of Congressional Workplace Rights, I am very proud to present the office's Annual Report for 2023. This report highlights the progress the OCWR has made toward the goals outlined in the 2021-2026 Strategic Plan, and achieving our vision of a respectful, safe, healthy, and accessible congressional workplace with equal employment opportunity and treatment for all.

Congress passed the Congressional Accountability Act to hold itself accountable under the same workplace and accessibility laws that it applies to the executive branch and the private sector. It established the OCWR to administer these important safeguards in the legislative branch. The aim of this collective undertaking is to provide the services that are essential to advancing workplace protections for the congressional community, including approximately 30,000 legislative branch employees working on Capitol Hill and in 1,200 offices nationwide, as well as guaranteeing access to public facilities and services to 1.3 million visitors to the Capitol campus each year.

I am pleased to report that the OCWR ably performed its essential and ongoing mission in 2023, educating legislative branch staff on their workplace rights, providing confidential advising services, timely processing claims alleging CAA violations, and administering labor-management proceedings. In addition, the office conducted critical inspections of legislative branch facilities to ensure that they were both safe and accessible for people of all abilities.

We would not be successful in our mission without the continued support 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 workplace, thus enabling staff to support Congress in its essential work on behalf of the American people.

Sincerely,
Barbara Childs Wallace
Chair, Board of Directors

Statement from the Executive Director



On behalf of the Office of Congressional Workplace Rights, I am pleased to present our Annual Report for 2023. As this report makes evident, the office continued its essential mission in 2023 to advance workplace rights, safety, health, and accessibility in the legislative branch.

Nearly 30 years ago, the 104th Congress passed the Congressional Accountability Act of 1995 as one of its first orders of business, and it did so with overwhelming bipartisan support. Through this landmark legislation, Congress applied to itself and other employing offices of the legislative branch a wide range of workplace, safety, and accessibility laws that apply to the executive branch and the private sector. Although the OCWR is a very small office, its statutory mandate under the CAA—to apply these laws to a workforce of more than 30,000 legislative branch employees—is very broad.

Indeed, the OCWR performs many of the same functions for the legislative branch as do multiple agencies for and within the executive branch and the private sector. Like the Equal Employment Opportunity Commission, the OCWR administers the laws in the legislative branch that prohibit discrimination and harassment, as well as laws that require reasonable accommodations for pregnant workers and people with disabilities. Like the Department of Labor, we implement laws that govern minimum wages, overtime, equal pay, and job-protected family and medical leave in the legislative branch; laws that prohibit discrimination against our nation's veterans and that provide them with enhanced access to job opportunities; as well as laws requiring services and facilities that are accessible to people with disabilities. Like the Occupational Safety and Health Administration, we enforce the law in the legislative branch that requires safe workplaces. And, like the Federal Labor Relations Authority, we administer the law in the legislative branch that governs labor-management relations.

Our specialists, inspectors, attorneys, and management staff work diligently to execute the OCWR's mandate: we develop and provide outreach, education, and training to the congressional community. We provide privileged and confidential advising services. We operate an administrative dispute resolution program, which includes administrative hearings and voluntary mediation. Our Office of the General

Counsel enforces laws governing safety, accessibility, and labor relations in the legislative branch, and also inspects more than 18 million square feet of facilities and grounds to ensure that they are, and remain, safe and accessible. Our Board of Directors advises Congress on keeping CAA protections equivalent to those in the private sector and the executive branch. We also administer the Congressional Workplace Climate Survey to more than 30,000 legislative branch employees, which assesses the state of the congressional workplace environment and the effectiveness of reforms.

Our dedicated staff built on the OCWR's success in 2022. This included reaching all-time highs for providing confidential advising sessions to covered employees and processing CAA claims. In 2023 the OCWR also opened four investigations to abate safety and health hazards and accessibility barriers. Work on labor-management issues also grew, with increased action on unfair labor practice filings, petitions, and elections.

I am proud of the OCWR's work and the direct, tangible, and positive impact it has on the congressional community and those who visit legislative branch facilities across the country. I look forward to leading the OCWR as we continue to advance our essential mission.

Sincerely,
Martin J. Crane
Executive Director

OCWR Board of Directors



The Office of Congressional Workplace Rights 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.

The OCWR Board includes Chair, Barbara Childs Wallace and Members, Roberta L. Holzwarth; Susan S. Robfogel; Alan V. Friedman; and Barbara L. Camens. The Board is responsible for adjudicating disputes under the CAA, promulgating regulations implementing the CAA's statutory requirements, and recommending to Congress changes to the CAA to advance the rights of congressional employees.

Promoting a Safe, Fair, and Accessible Congressional Workplace

The mission of the OCWR is to advance workplace rights, safety and health, and accessibility in the legislative branch.

This report provides information required by the CAA under 2 U.S.C. § 1381(h)(3), 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.

Additionally, in 2023, 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 report highlights key OCWR accomplishments in 2023 in support of the Strategic Plan.



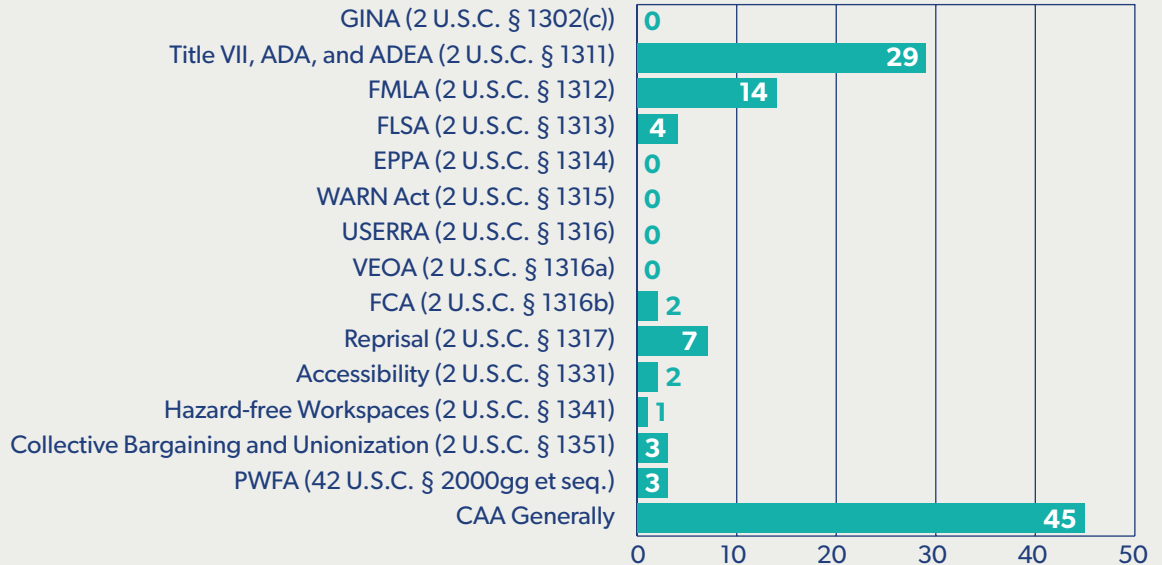
2023 Confidential Advising

Requests for Information

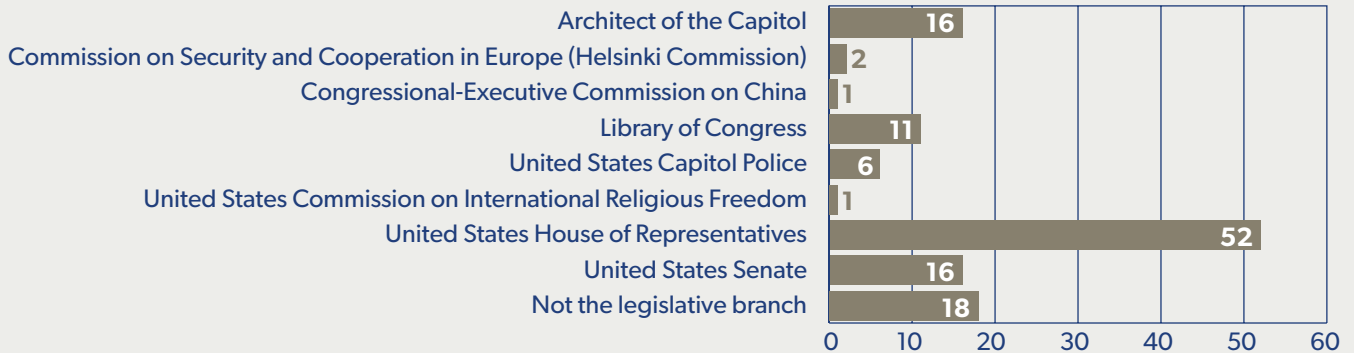
Total: 123¹

Substantive: 64; Procedural: 34; CAA Generally: 45

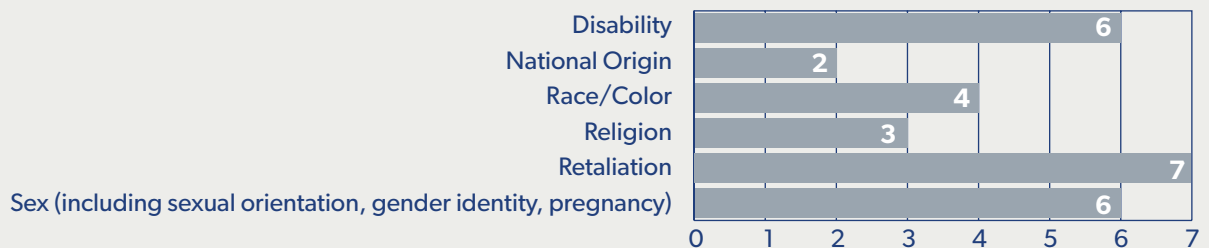
Section of the CAA



Employing Office

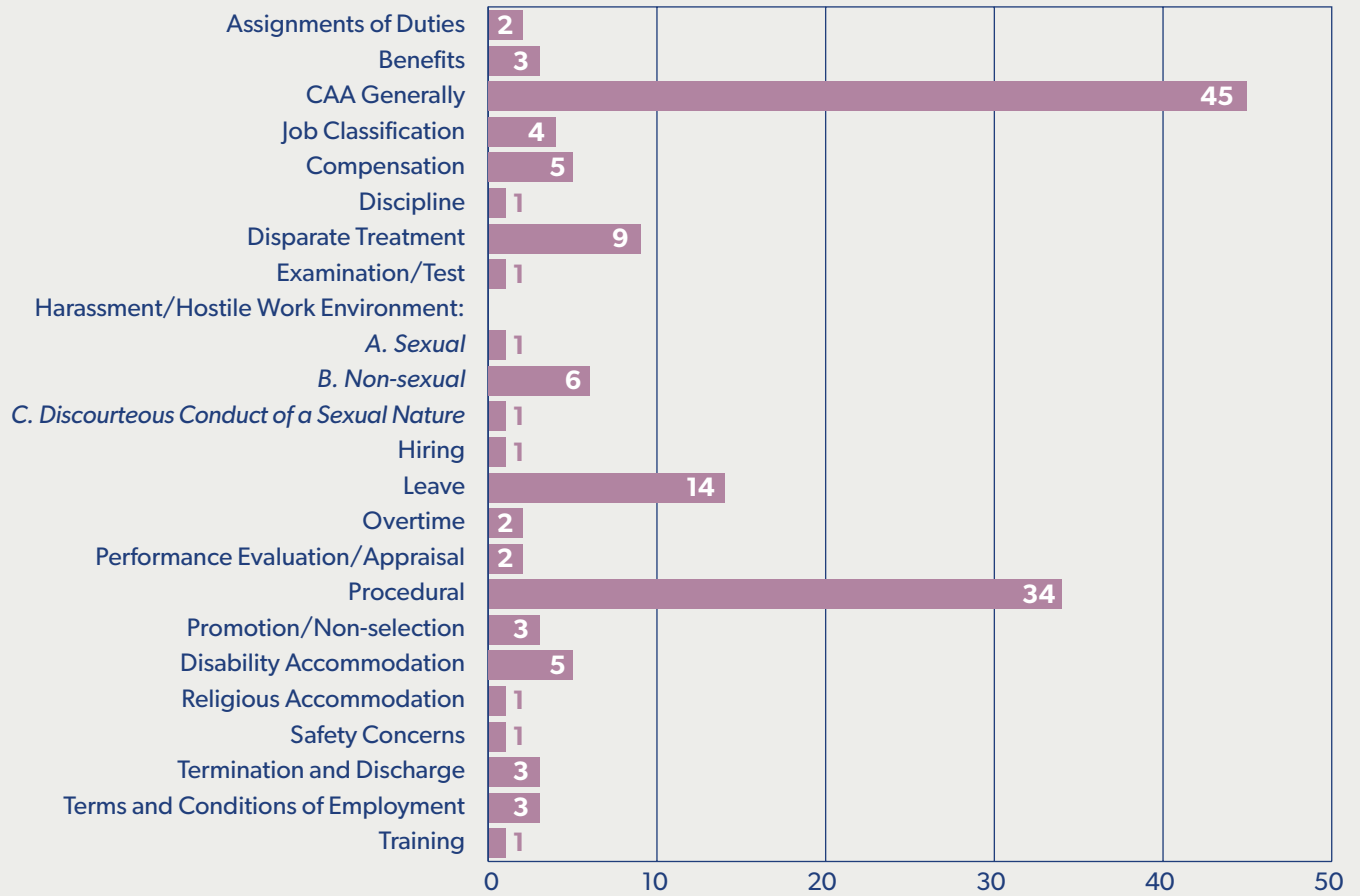


Discrimination and Retaliation



¹The total number reflects the number of individuals requesting Confidential Advisor assistance. The “substantive,” “procedural,” and “CAA Generally” numbers reflect the fact that each request involves discussion on multiple sections of the CAA, workplace issues involved, and may reflect a combination of substantive and procedural questions or a general explanation on the covered community and covered laws under the CAA.

Workplace Issues Involved



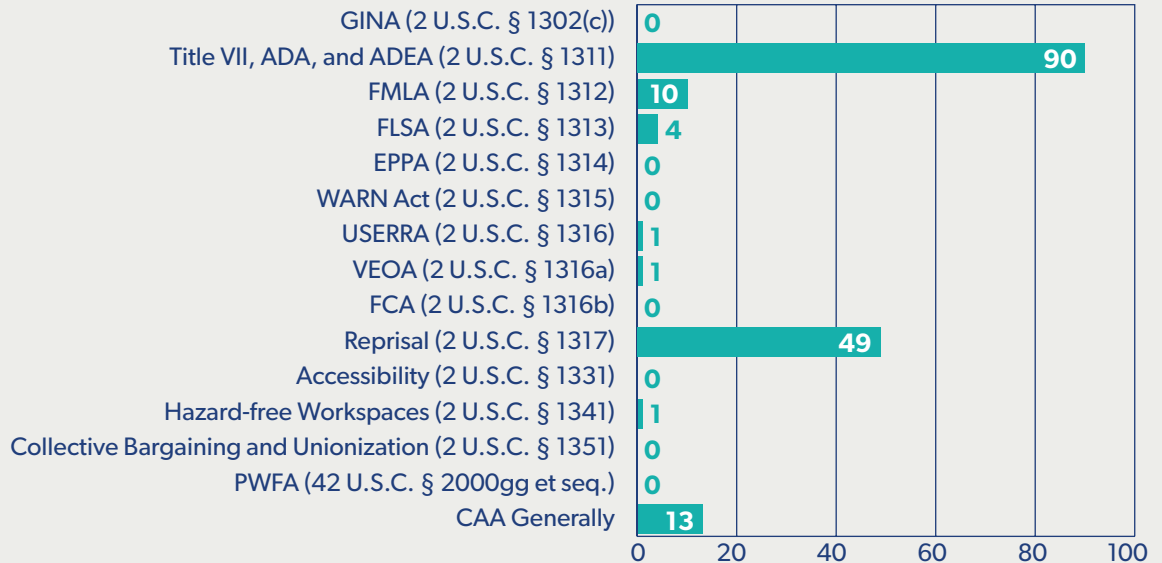
2023 Confidential Advising

Requests for Advice

Total: 131²

Substantive: 156; Procedural: 68; CAA Generally: 13

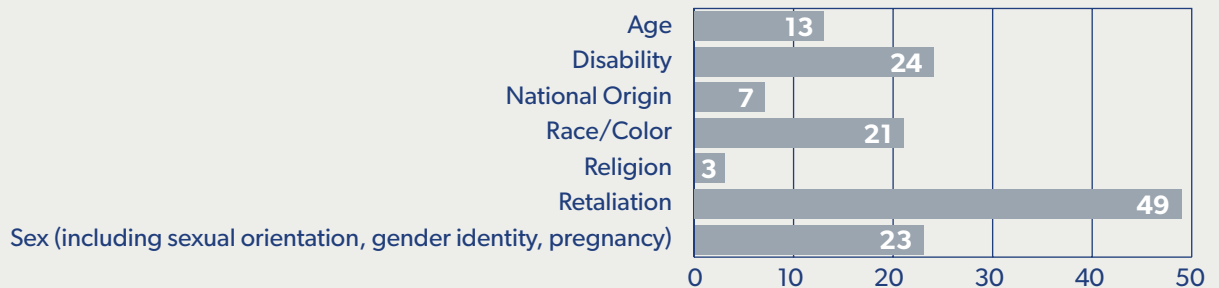
Section of the CAA



Employing Office

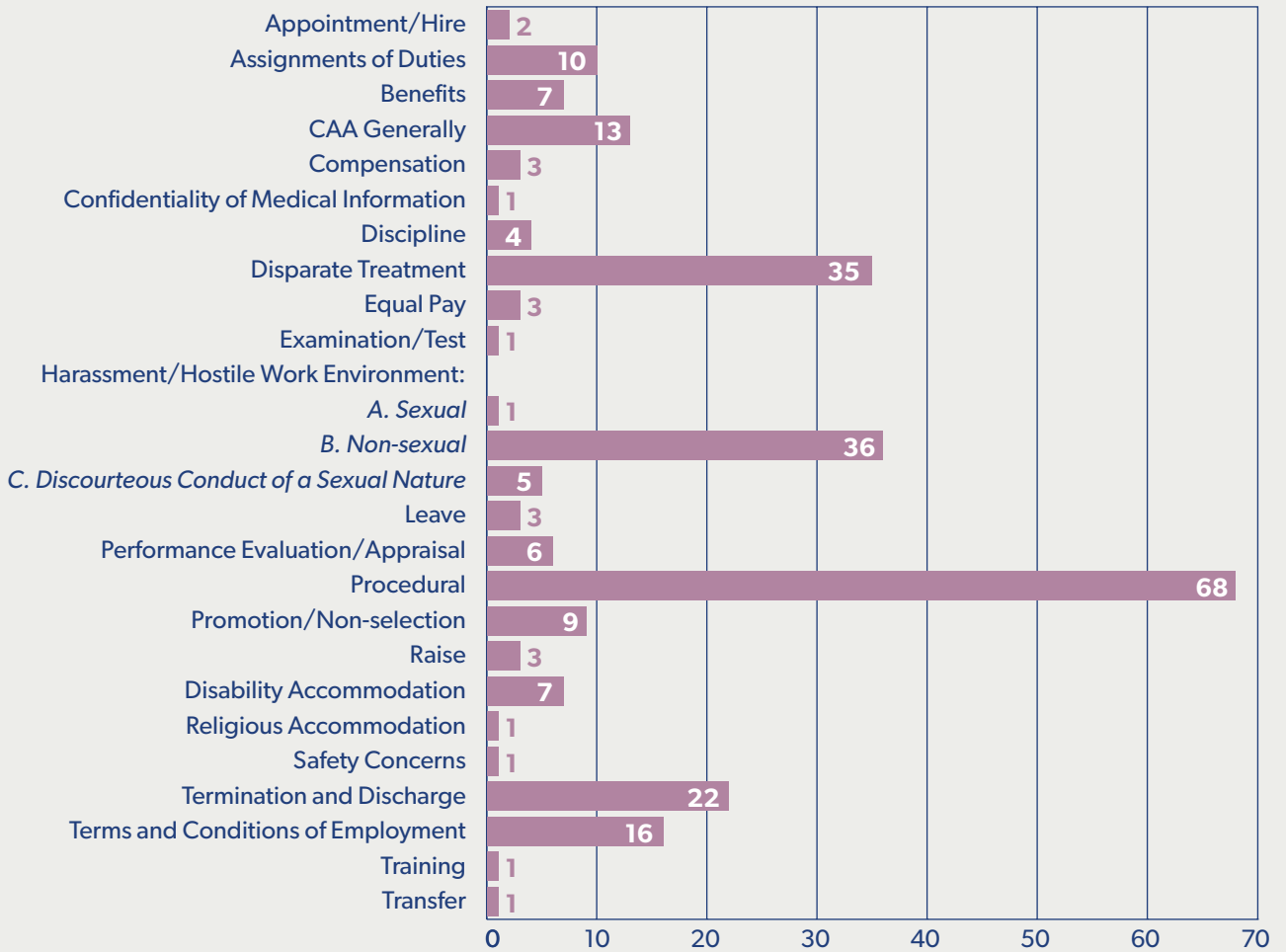


Discrimination and Retaliation



²The total number reflects the number of individuals requesting Confidential Advisor assistance. The 'substantive,' 'procedural,' and 'CAA Generally' numbers reflect the fact that each request involves discussion on multiple sections of the CAA, workplace issues involved, and may reflect a combination of substantive and procedural questions or a general explanation on the covered community and covered laws under the CAA.

Workplace Issues Involved



Claims Processed in 2023*

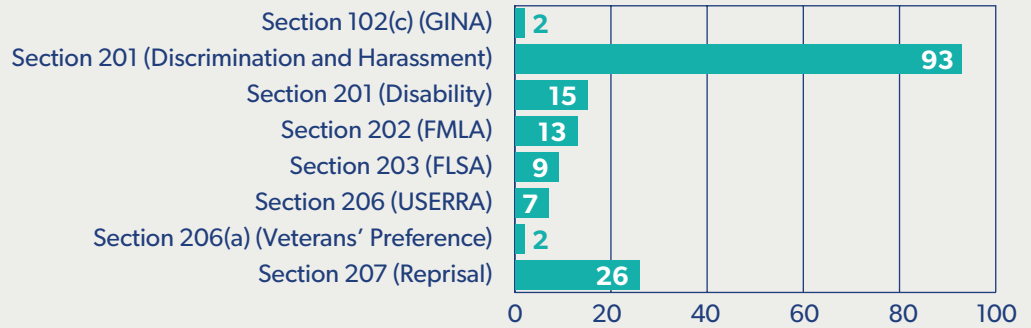
January 1, 2023–December 31, 2023

Activity for Claims Filed

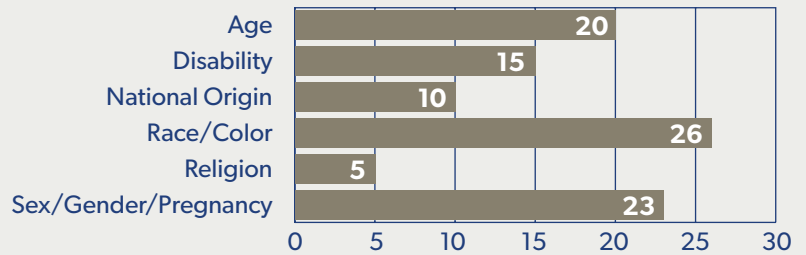
Total Active Cases—2023	76
Claims pending from 2022	17
Claims filed in 2023	59
Claim Activity in 2023	
Preliminary review	53
Preliminary review reports issued	43
Claims that passed preliminary review	32
Mediations requested	32
Mediations agreed to	27
Hearings requested	22
Hearings opened	19
Pending before a merits hearing officer	4
Claim Disposition in 2023	
Claims that failed preliminary review	11
Claims filed in district court	7
Claims closed when claimants failed to request an administrative hearing	2
Claims withdrawn during preliminary review	4
Claims withdrawn during hearing phase	9
Claims withdrawn during mediation	0
Hearing officer decisions	3
Claims dismissed by hearing officer	2
Claims settled	23
Claims open at the end of 2023	17
Board Activity in 2023	
Claims appealed to the Board of Directors	3
Decisions issued by the Board of Directors	3

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

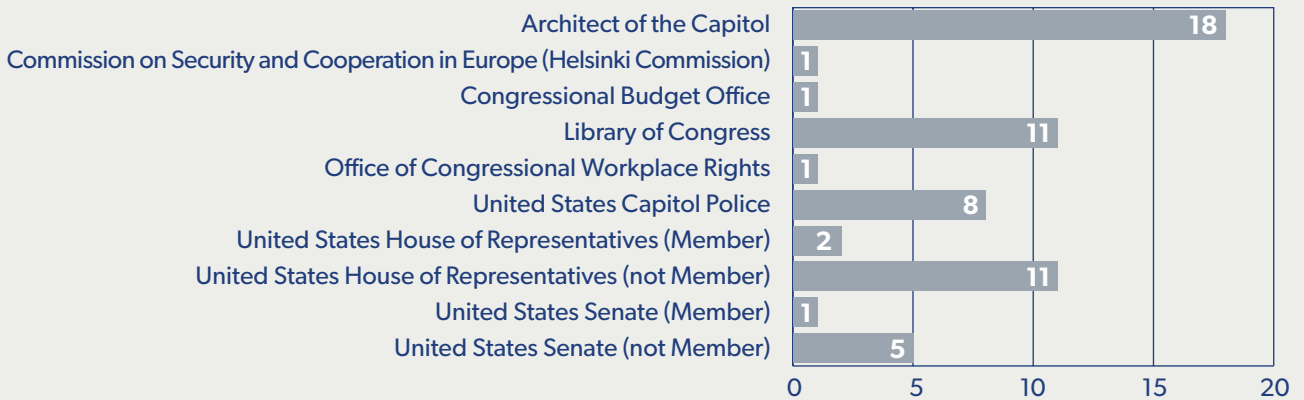
Claims Filed by Section of the CAA—2023*



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



Claims Filed Against Employing Offices (Grand Total: 59)



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



OCWR 2021–2026 Strategic Plan

The vision of the OCWR is for a respectful, safe, healthy, and accessible congressional workplace with equal employment opportunity and treatment for all.



STRATEGIC GOAL 1

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

STRATEGIC GOAL 2

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

STRATEGIC GOAL 3

Foster productive collective bargaining relations in the legislative branch.

STRATEGIC GOAL 4

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

STRATEGIC 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.

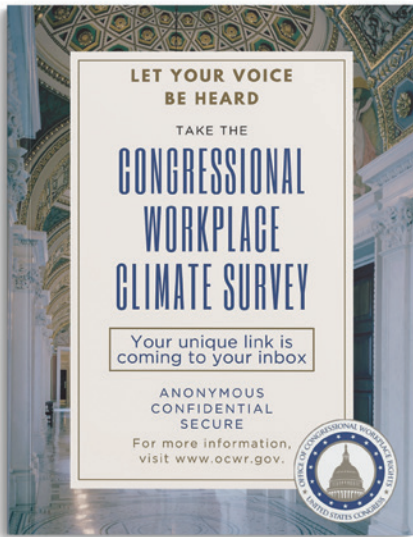
OUTREACH AND EDUCATION

In 2023, the OCWR shared detailed information with legislative branch staff working in offices nationwide. The office distributed the OCWR's quarterly e-Newsletter to D.C., State, and District office staff. Throughout 2023, the OCWR e-Newsletter discussed important updates in the law, including the Pregnant Workers Fairness Act (PWFA);

announced training opportunities; and promoted the launch of the Congressional Workplace Climate Survey for the 118th Congress.

- Additionally, the OCWR created a new brochure in 2023, *Know Your Rights in the Legislative Branch*, detailing the OCWR's administration and enforcement of the CAA in the legislative branch. The office also created and delivered to the CAA covered community a revised *Notice of Workplace Rights* for posting in legislative branch offices to ensure that staff are aware of their workplace protections.
- The OCWR's Workplace Rights Specialists conducted 44 live training sessions in 2023. The





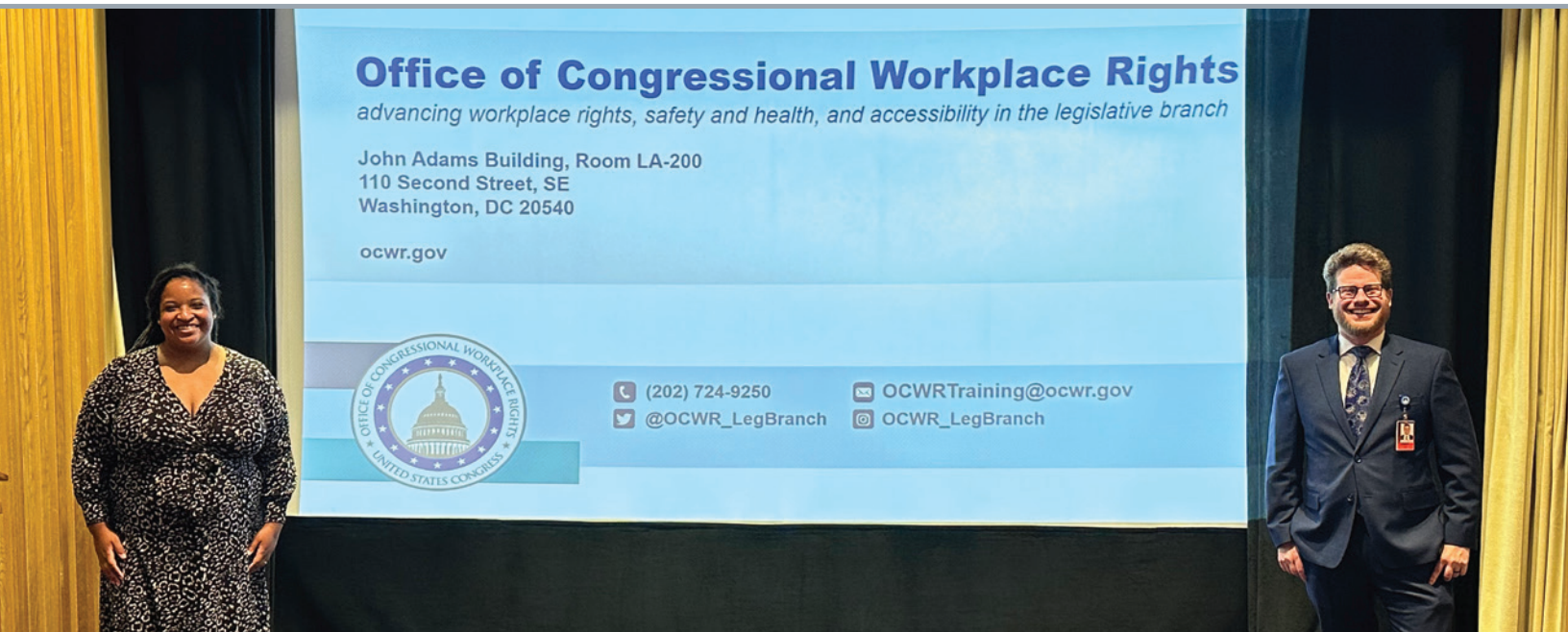
use of video-conferencing tools enabled staff working in State and District offices to participate in training alongside their D.C.-area colleagues. Twenty-seven of the 2023 sessions were conducted via video-conferencing software, while seven were in a hybrid format that involved both in-person and remote attendance. The remaining twelve sessions were conducted in-person.

Additionally, the Workplace Rights Specialists presented at four District State Staff Institute events to inform out-of-area staff of their rights under the CAA.

- ▶ Following each training session, the OCWR Workplace Rights Specialists administered an anonymous feedback survey to attendees. One question asked attendees, “What topics would you like to see addressed in a future training from OCWR?” The survey also allowed attendees to provide suggestions and feedback. The Workplace Rights Specialists used this feedback to address training gaps and to improve and develop additional training modules.
- ▶ The OCWR Workplace Rights Specialists, in conjunction with the office’s Attorney Advisors, developed an annual review schedule to maintain the legal accuracy of the OCWR training modules. The Outreach and Education team also reviewed all training materials and updated five of its live training modules in 2023, including 1) the CAA module, revised to explain new rights afforded to covered employees, including the PWFAs; 2) the CAA: Preventing Discrimination and Harassment module, updated to provide a more in-depth discussion of anti-discrimination provisions, prevention strategies, and remedies available to covered employees who are the subject of discrimination or harassment; 3) the Implicit Bias module, reworked to include more practical strategies; 4) the Civility and Inclusion module, updated to address incivility in the hybrid workforce and to incorporate additional strategies promoting successful work environments; and 5) the Bystander Intervention module, amended to include

up-to-date research about the bystander effect and the pillars of bystander intervention, and to offer more opportunities for attendee engagement.

- ▶ The office exceeded its goal of increasing the number of attendees at its live trainings by over 14% from 2022. The OCWR training team developed and delivered effective training to the congressional community and was responsive to all training requests in 2023. The OCWR trained 810 attendees in live sessions and 523 on the Learning Management System. The office’s online informational videos were accessed by 1,221 individuals.
- ▶ The Outreach and Education team also offered thirteen pop-up training sessions for covered legislative branch employees, including twelve webinars and one in-person pop-up on the CAA. In addition to ten monthly CAA pop-ups between February and December 2023, the OCWR provided three pop-ups on topics related to the CAA, including Bystander Intervention (June), Resilience (October), and Civility and Inclusion (December). During these sessions, participants were provided explanations of the workplace protections and safety provisions of the CAA. There were discussions on the procedures for asserting workplace rights, including the critical deadlines in the administrative dispute resolution (ADR) process and the OCWR’s role in administering and enforcing the CAA.
- ▶ The OCWR’s Office of the General Counsel (OGC) organized four virtual Brown Bag Lunch presentations for management attorneys in the legislative branch. The topics



were wide-ranging, addressing many aspects of the CAA: “ADA Public Access Issues: Recent Developments,” “New Protections for Pregnant and Nursing Employees,” “Mental Health Accommodations in the Workplace,” and “Supreme Court Preview and Federal Case Law Update.”

- ▶ The OGC conducted three Union Forums and three Management Forums, the subjects of which are further discussed in the Labor-Management Outreach section of this report. The Labor-Management Forum materials were remediated and published on the OCWR website after the live presentations concluded.³ These forum materials, along with general information about labor-management rights in the legislative branch, were also shared across the OCWR’s social media channels.
- ▶ In 2023, the OCWR continuously updated its website with important and timely information and resources to inform the CAA covered community through reports, final decisions from the OCWR

Board of Directors, substantive and procedural regulations, e-Newsletters, brochures, Fast Facts, and tutorials.

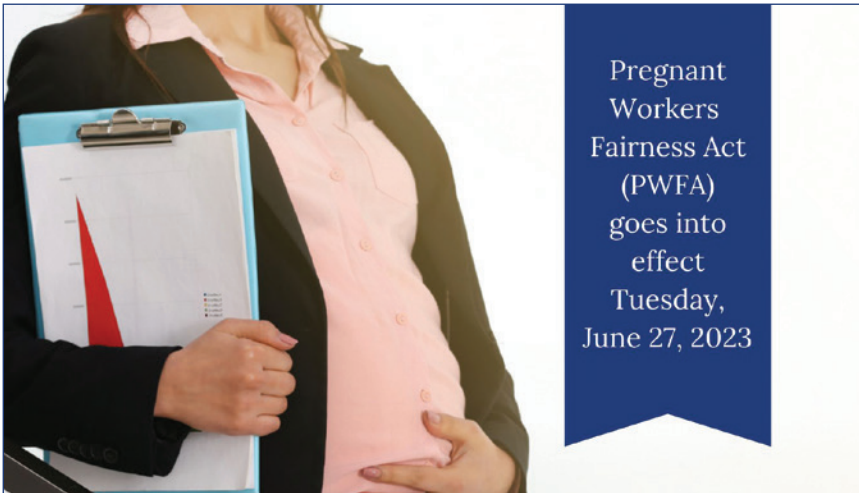
- ▶ The OCWR implemented a new social media strategy in June 2023, posting twice per week on LinkedIn, Instagram, and X (formerly known as Twitter). In November 2023, the OCWR joined the new social media platform Threads. Under the new strategy, social media posts fall into one of six categories: General Information, Event Promotion, Announcement, Hiring Announcement, Holiday, and Staff Highlight. These categories promote adherence to the CAA and provide awareness of the work of the OCWR, including new training sessions and educational materials.
- ▶ Additionally, in 2023 the OCWR utilized e-Alerts, an online information campaign platform, to deliver 14 notifications promoting the quarterly e-Newsletter, training sessions, resources, and other important statutory and regulatory updates to a combined total of 6,850 recipients across the country.

BOARD OF DIRECTORS

Recommendations to Congress

- ▶ Section 102(b) of the CAA provides for ongoing review of the workplace laws that apply to Congress. In accordance with the CAA, the OCWR Board of Directors 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 parity between legislative branch workplace protections and those applied to the executive branch and 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

³ Remediation of a document includes adding to and adjusting a PDF document’s internal coding or “tagging,” reading order, and other properties to ensure the document is accessible in compliance with Section 508 of the Rehabilitation Act of 1973.



all Members, offices, and employees, and that workplace protections be extended to unpaid staff.

- ▶ In late 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 next report is due in December of 2024.

CAA Regulations

- ▶ Under Section 304 of the CAA, the OCWR Board of Directors is required to promulgate substantive regulations implementing certain workplace laws made applicable by the CAA that are equivalent to regulations implementing those same laws in the executive branch. In 2021, the Fair Chance to Compete for Jobs Act (FCA) provisions of the CAA became law. The FCA prohibits federal employers, including employing offices in the legislative branch, from requesting most job applicants to disclose information on arrest and conviction history until a conditional job offer has been extended. The FCA directs the OCWR Board of Directors to issue regulations implementing the FCA in the legislative branch. The Board has

commenced the process of drafting and implementing its FCA regulations for application in the legislative branch.

- ▶ Additionally, in December 2022, Congress passed the Pregnant Workers Fairness Act (PWFA), which expands the protections for pregnant employees, unpaid staff, and applicants by requiring employers to make reasonable accommodations to known limitations related to pregnancy, childbirth, or related medical conditions. The law, which became 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 promulgated to implement the PWFA in the private sector and the executive branch.
- ▶ The Board's work on the FCA and PWFA regulations, including soliciting public comment on proposed regulations, will continue into 2024–2025. The OCWR has published, and will continue to publish on its website, informational material and procedures concerning the application of these laws in the legislative branch, and the office

is ready to process any claims or requests for information on these topics that it receives.

Strategic Goal 2: Promote a fair, safe, and accessible congressional workplace through efficient and effective enforcement of statutory rights

- ▶ In 2023, the OGC began its biennial Occupational Safety and Health (OSH) and Americans with Disabilities Act (ADA) inspections for the 118th Congress. The biennial inspections include reviews of self-certifications of OSH self-inspections of out-of-area offices. 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.

BIENNIAL OSH INSPECTIONS, INVESTIGATIONS, AND EDUCATION

- ▶ In-person inspections of covered areas included the U.S. Capitol Building and Capitol Visitor Center, the James Madison and John Adams Buildings of the Library of Congress, the Office of Attending Physician, the United States Capitol Police (USCP), the U.S. Capitol Power Plant and Utility Tunnels, the Senate Office Buildings, the Architect of the Capitol (AOC) Construction Division, the Capitol Power Plant High Voltage Plant, and House Members' offices.
- ▶ The OGC's OSH team completed over 95% of its inspections within the established time frame. All



scheduled inspections were conducted and completed as planned except for eight House Members' offices, which were not available for entry by the OGC's OSH staff during the scheduled House Member office inspections.

▶ The OCWR opened two OSH cases in calendar year 2023 based on requests for inspection from covered employees. The first case, related to housekeeping concerns in an office space, was closed within two months. The second case, opened in September 2023,

involved concerns over potential asbestos exposure and means of egress and was partly resolved within three months with the addition and marking of egress routes. The OGC continues to work with the AOC regarding the asbestos issue, and a plan is in



place to monitor asbestos safety measures in connection with an ongoing construction project.

- ▶ In 2023 the OGC closed three cases that had been opened in previous years, along with two citations: one concerning fire safety hazards in the John Adams Building of the Library of Congress and the other concerning lead exposure hazards in the Library's Thomas Jefferson Building.
- ▶ 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 outreach and education mandate, and with the goal of increasing awareness and promoting compliance, in 2023 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. In June 2023 the OSH team hosted an electrical safety expert for a presentation to legislative branch electricians and safety professionals. The OCWR's OSH professionals continue to create and update OCWR Fast Facts and other educational and resource documents, and to provide targeted training to covered employees through webinars and in the field during inspections.

SAFETY AWARDS

- ▶ The OCWR continued to 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 State or District offices. The OGC also continued its Safety Advocate Award program for individuals who made substantial contributions to improving safety in legislative branch facilities, and granted Safety Recognition Awards to those trade shops in the legislative branch whose work and storage areas were found to be hazard-free during the biennial inspections.

- ▶ In September 2023 the OCWR held a ceremony honoring the recipients of Safety Recognition Awards and Safety Advocate Awards for the 117th Congress in the Whittall Pavilion of the Thomas Jefferson Building of the Library of Congress.

REQUESTS FOR ADA INSPECTION AND CHARGES OF DISCRIMINATION

- ▶ In 2023, the OGC received two new Charges of Discrimination. Both charges involved allegations against Members' offices of denial of a reasonable accommodation for a constituent; both were investigated and closed without the filing of Complaints.
- ▶ 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 2023, the OGC also continued to work with the AOC and the Office of House Employment Counsel (OHEC) regarding open accessibility investigations and worked with the AOC to increase accessibility in the OCWR office, including installation of an automatic door operator



and options for increasing restroom accessibility.

ACCESS TO PUBLIC SERVICES AND ACCOMMODATIONS

- ▶ In 2023, the OGC ADA inspections for the 118th Congress focused on the following areas in House Office Buildings and Library of Congress Buildings: drop-off zones, security screening areas, restaurants and food service areas, and wellness centers/ gyms. These inspections included examinations of the public areas of Members' offices for ADA access issues.

- ▶ During 2023, the OGC continued to monitor the removal of barriers identified during its previous ADA inspections.

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 2023 the OGC used educational materials, training, and technical consults to help employing offices understand how to comply with the ADA's public access provisions of the CAA.

- ▶ In February 2023, the OGC devoted an entire Brown Bag Lunch presentation to ADA public access issues to educate legal counsel from legislative branch employing offices regarding the legal requirements of the ADA's public access provisions, the OGC's process for enforcing those provisions in the legislative branch, and recent developments in ADA public access case law. The OGC also continued to provide technical assistance to employing offices as they developed their own solutions to improve accessibility; for example, the OGC advised the AOC and OHEC regarding



modifying certain restrooms to balance the specific accessibility needs of an employee.

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 2023, the Board submitted the regulations it adopted in late 2022 to Congress for approval via a notice of adoption in the *Congressional Record*. Those regulations remain pending as congressional approval is required for implementation.

ADMINISTRATIVE DISPUTE RESOLUTION (ADR)

- ▶ The OCWR administers an 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.

- ▶ The OCWR Board of Directors acts as a reviewing body for claims from OCWR hearing officers that are appealed under the ADR program. In 2023, the Board reviewed three petitions for review of the decisions of hearing officers. Final decisions of the Board are published on the OCWR website at ocwr.gov.
- ▶ 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, in 2023 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.

Strategic Goal 3: Foster productive collective bargaining relations in the legislative branch

- ▶ In 2023, the OCWR continued processing petitions that had been filed in 2022 by a union seeking to represent employees in several House offices. The OCWR conducted representation elections in six of seven of those open cases, certifying the union as the exclusive representative in each office. Four additional petitions were filed regarding House offices in 2023, one of which was withdrawn. The OCWR conducted one election in response to a petition filed in 2023, certifying the union as the exclusive representative in the office. In 2023, the OCWR also granted requests to disclaim representation of two different bargaining units, one composed of employees in a House office and one composed of employees of the USCP.

REPRESENTATION PETITIONS FILED IN 2023

Certifications issued	7
Petitions in process	3

IMPASSE PETITION

- ▶ In 2023, the OCWR received a joint request from an employing office and a labor organization that the Board of Directors resolve a collective bargaining impasse. After an investigation by the Executive Director’s office, the Board referred the matter to a hearing officer to oversee the resolution of the parties’ issues.

INVESTIGATION AND PROSECUTION OF UNFAIR LABOR PRACTICES (ULPs)

- ▶ Section 220 of the CAA (2 U.S.C. § 1351) applies the Federal Service Labor-Management Relations Statute (FSLMRS) to certain employees and employing offices of the legislative branch and prohibits 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.
- ▶ 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.
- ▶ Six ULP charges were filed with the OCWR in 2023. The allegations in those charges included failure to bargain in good faith, retaliation for union

activity, and failure to respond to an information request. The OGC closed three of those cases in 2023, along with four other ULP cases that had been filed in previous years.

- ▶ In 2023 the OGC filed one ULP complaint, alleging that an employing office committed a ULP when it refused to provide the union with copies of the office’s regulations and orders.
- ▶ The OGC continued to represent the OCWR Board in an appeal of a decision to the U.S. Court of Appeals for the Federal Circuit.

ULP CHARGES FILED IN 2023

Retaliation for protected activity	1
Violation of collective bargaining agreement/failure to bargain in good faith	3
Failure to respond to information request	2

- ▶ Three of the six ULP charges filed in 2023 were resolved within one year of filing. Three charges remain open, two of which were filed in December 2023.
- ▶ One of the four representation petitions filed in 2023 has been resolved. One petition was withdrawn. The remaining two open petitions are being processed through formal and ongoing representation petition proceedings, with a focus on mediated resolution of disputed issues.

LABOR-MANAGEMENT OUTREACH

- ▶ The OGC conducted three Union Forums in 2023 for union representatives in the legislative branch and their attorneys, and three equivalent Management Forums for in-house

counsel and other management representatives of legislative branch employing offices. The forums covered three phases of the duty to bargain under the CAA: “Part 1—From Certification to Contract Bargaining,” “Part 2—Contract Bargaining,” and “Part 3—Midterm Bargaining.”

- ▶ The OCWR conducted six formal presentations on labor-management topics in 2023, with excellent attendance from representatives of a diverse range of labor organizations and employing offices.
- ▶ All three Labor-Management Forum materials for 2023 were remediated and published on the OCWR website after the live presentations concluded. These forum materials, along with general information about labor-management rights in the legislative branch, were shared across the OCWR’s social media channels.

Strategic Goal 4: Optimize OCWR performance by developing and maintaining a highly motivated, talented, and satisfied workforce

- ▶ Since 2019, as required under the CAA Reform Act, the OCWR has maintained a permanent records retention program. The year 2023 saw the establishment of a dedicated FTE position to implement updates for the program’s continued success. In August 2023, the OCWR hired a Director of Records Management. The Director is responsible for programmatic and technical modernization of how the OCWR captures, retains, and researches its records and information. Baseline data-gathering activities were



initiated at the end of the calendar year.

- ▶ In support of the Strategic Initiative to improve the staff's work experience, in 2023 the OCWR continued to provide its staff with updated resources, including modernized web-conferencing tools, hardware, and software.

Strategic Goal 5: Maximize use of evolving technologies and social media to advance OCWR goals and maintain security

- ▶ The OCWR 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 relations. 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 2023, additional investment into the learning program continued with plans for a new in-house learning system being incorporated into the expanded OCWR website.

- ▶ In 2023, 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 continued to be 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 continued to incorporate advanced technologies in 2023, utilized secure information management tools, documented information technology (IT) policies and procedures, and implemented risk management practices. Working closely with the Office of the Chief Information Officer (OCIO) at the Library of Congress, the OCWR successfully migrated its Risk Management System (RMS) to be housed within the Library of Congress system. The purpose of the migration was to improve the system's performance and ensure continued program security.

- ▶ 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. The office will continue to make all changes necessary to deter potential cybersecurity concerns and maintain a robust and secure IT infrastructure.

- ▶ In 2023, the OCWR continued to focus on the security and sustainability of its IT infrastructure. Utilizing National Institute of Standards and Technology (NIST) guidance, the office continued to ensure compliance with required security controls in NIST Special Publication 800-53, Security and Privacy Controls for Information Systems and Organizations.

- ▶ IT modernization was also a key focus for the OCWR in 2023. The OCWR continued with the phone migration to VoIP technology (Voice over Internet Protocol). The OCWR put in place additional circuitry allowing for an updated

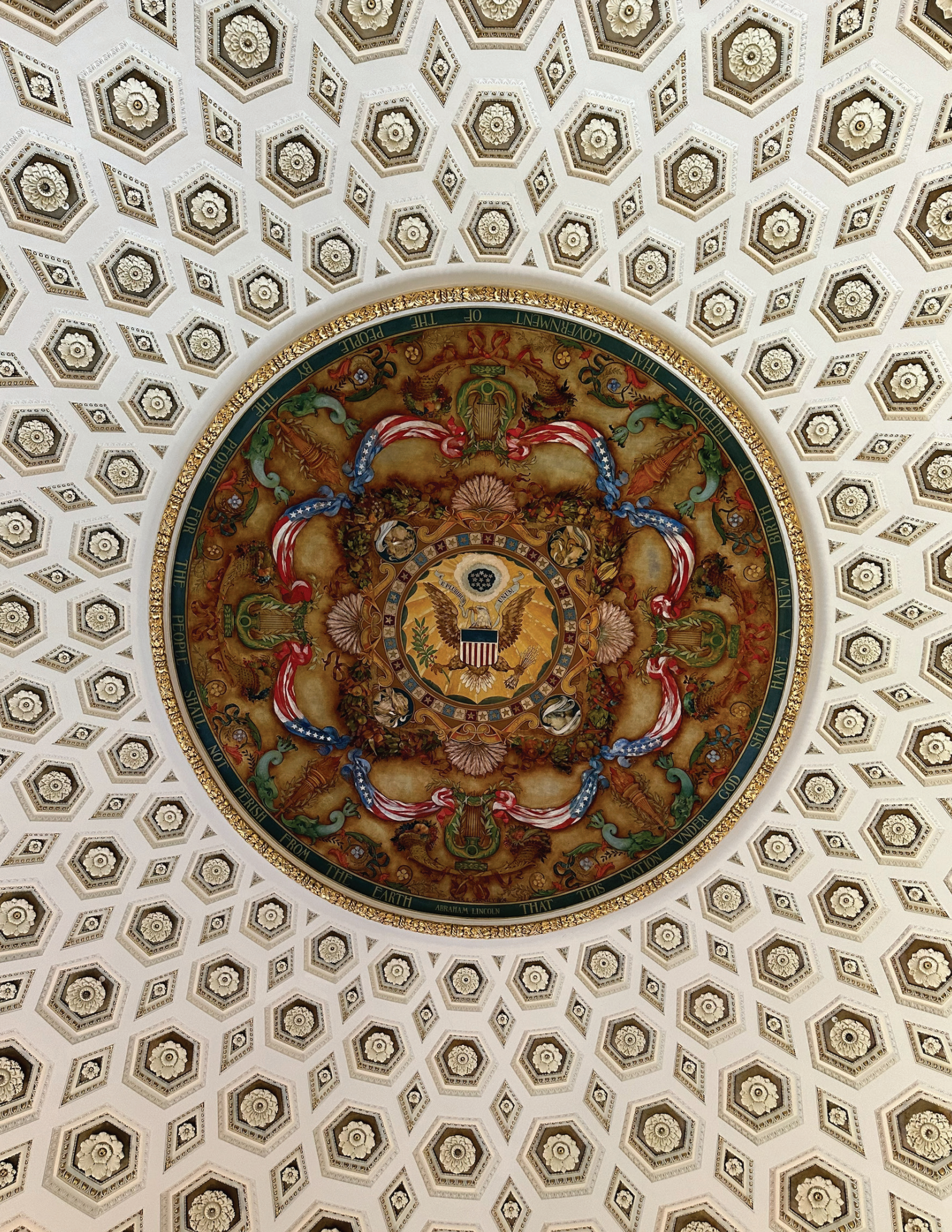
phone system with added features that reduce costs and provide greater dependability.

- ▶ In July 2023, the OCWR began remediating documents for Section 508 compliance in-house, with 18 in-house remediating documents published to the website by the end of the year. Social media posts were also tailored to meet Section 508 accessibility standards. These practices included adding alternative (“alt”) text for images, limiting the amount of text in images, and using CamelCase for hashtags.
- ▶ Outreach and Education team materials and general information were shared across the OCWR’s social media channels. Promotions for Outreach and Education events were the most popular type of posts on the OCWR’s Instagram account in 2023.
- ▶ In June 2023, the OCWR started tracking social media analytics regularly to record its success in engaging stakeholders across these platforms. Between June and December, the OCWR reached over 5,800 people across LinkedIn, Instagram, X, and Threads. Over this period, the OCWR’s LinkedIn page increased its audience by 47% and increased its Instagram audience by 9%.
- ▶ In October 2023, the OCWR began using the Instagram Stories feature to promote its Instagram posts. This measure increased the number of people reached on the platform by an average of 20% per post.
- ▶ In November 2023, the OCWR began using the new social media platform Threads, as a new means of engaging stakeholders.
- ▶ The OCWR remains focused on ensuring that its IT infrastructure and critical data remain fully secure.



Glossary of Acronyms

ADA	Americans with Disabilities Act	OCIO	Office of the Chief Information Officer
ADEA	Age Discrimination in Employment Act	OCWR	Office of Congressional Workplace Rights
ADR	Administrative Dispute Resolution	OGC	Office of the General Counsel
AOC	Architect of the Capitol	OHEC	Office of House Employment Counsel
CAA	Congressional Accountability Act	OSH	Occupational Safety and Health
EPPA	Employee Polygraph Protection Act	PWFA	Pregnant Workers Fairness Act
FCA	Fair Chance to Compete for Jobs Act	RMS	Risk Management System
FLSA	Fair Labor Standards Act	SOCRATES	Secure Online Claims Reporting and Tracking E-filing System
FMLA	Family and Medical Leave Act	ULP	Unfair Labor Practice
FSLMRS	Federal Service Labor-Management Relations Statute	U.S.C.	United States Code
FTE	Full-time Equivalent	USCP	United States Capitol Police
GAO	Government Accountability Office	USERRA	Uniformed Services Employment and Reemployment Rights Act
GINA	Genetic Information Nondiscrimination Act	VEOA	Veterans Employment Opportunity Act
IT	Information Technology	VoIP	Voice over Internet Protocol
NIST	National Institute of Standards and Technology	WARN	Worker Adjustment and Retraining Notification





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