

# Office of Compliance



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

## Your Rights and Protections Under the Congressional Accountability Act

*The Congressional Accountability Act (CAA) applies eleven 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 qualified individuals with disabilities from discrimination with regard to access to public services, programs, activities, or places of public accommodation in covered locations and offices. These protections extend to members of the public.

### 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, benefits, reassignment, and other actions affecting the terms, conditions, and privileges of employment. Employing offices may be required to make a "reasonable accommodation" for an otherwise qualified individual with a disability.

### Equal Opportunity Employment

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 recognized hazards that might cause death or serious injury. Both employing offices and employees 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.

## Office of Compliance

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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.

This information does not constitute advice or an official ruling of the Office of Compliance or the Board of Directors and is intended for educational purposes only. For further information, please refer to the Congressional Accountability Act (2 U.S.C 1301 et seq.) and the regulations issued by the Board, or you may contact the Office of Compliance.

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