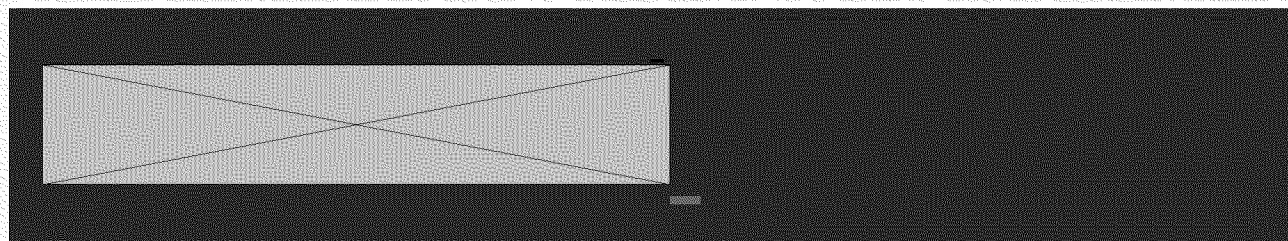


To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Fri 12/1/2017 5:09:37 PM
Subject: Federal Insider: Hill's workplace rights agency points to Congress for lack of transparency



Hill's workplace rights agency points to Congress for lack of transparency

By Joe Davidson

Susan Tsui Grundmann, executive director of the congressional Office of Compliance. (Office of Compliance)

When Rep. Jackie Speier (D-Calif.) described the ordeal congressional employees face when reporting sexual harassment as “not a victim friendly process ... an institution-protection process,” shade fell on the congressional Office of Compliance.

Known as OOC, it's the agency charged with protecting the workplace rights of 30,000 congressional employees with a 20-person staff. Located behind the Library of Congress, the office was largely unknown before the tsunami of sexual misconduct allegations hit Congress and almost anywhere men work. But if Speier's characterization is accurate — there's no real rebuttal to it — Congress itself is mostly to blame, not the little office it created.

“That's the process Congress designed,” executive director Susan Tsui Grundmann told the Federal Insider Thursday. The Congressional Accountability Act of 1995 outlines the duties of the Office of Compliance. One of the main complaints about the process concerns confidentiality requirements. Before starting required mediation to resolve disputes, “the employee must agree to a nondisclosure agreement ... one that forbids them from mentioning anything at all to anyone,” Speier complained in testimony to a November House Administration Committee hearing. “Employees are entirely alone for at least another 30 days, with no support from their families, friends or religious leaders.”

The emphasis on confidentiality extends to a particularly relevant question —

At the hearing, Speier said Congress has few accounts of Congress conduct? Arous engaged in sex for harassment. Also about the hearing, Rep. Barbara Al Franken (D-Min.) and Rep. Jesse Jackson (D-Ill.) who created a bill to require the staff of the office to disclose alleged sexual misconduct in the House and two in the Senate in fiscal 2016. Those cases, however, didn't necessarily involve members of Congress. Staffers could be the accused. Those eight cases also might not involve sexual misconduct.

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Rep. Speier details harassment incidents in Congress and steps to prevent them
Asked if any case in her agency involves a member of Congress, Grundmann was CIA-esque: "We can neither confirm nor deny."

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Out of 77 claims of discrimination and/or harassment the office dealt with in 2016, 19 concerned sex, gender or pregnancy, according to the agency's State of the Congressional Workplace Annual Report for 2016. That's less than half the 31 cases involving race, the largest category.

The numbers don't reflect a jump in sexual misconduct, but reports could increase with the heightened state of awareness.

Confidentiality is central to the work of the office, but to the extent it is a problem, Grundmann suggests Congress should look in the mirror.

"We've had the process referred to as byzantine, shrouded in secrecy, opaque. Yet this is the process that Congress designed, a process that not only demands confidentiality, but strict confidentiality. This is the system we're tasked to administer," Grundmann said.

"This is the process Congress is now seeking to change and it's a change that is welcome."

She discussed various changes, some the office has proposed for years, some proposed in legislation offered by Speier and others.

- Cooling off period: Like Speier's "ME TOO" bill, Grundmann sees no need for a 30- to 90-day cooling off period after mediation.

"We don't know why that's there," Grundmann said.

While it gives time for accusers to find a lawyer and build a case, the cooling off need not be mandatory. "It doesn't impact our process," she said.

- Counseling: Accusers are required to have 30 days of counseling, though they can request a shorter period. Called counseling, it's more like an intake process where options are identified. Grundmann said making this process more interactive is under discussion. One possible

recommended training. This is office training that helps employees draft bills. Charge Grundmann wants it to cover everyone employed by Congress, including those not directly involved in the legislative process, like the Capitol Police. “The requirement for mandatory training, we have recommended over and over again since 2010,” she said, “and they are hearing us finally.”

Currently, only one staffer is assigned to training, among other duties.

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- Posting of rights: Few know about congressional workplace protections, despite a poster outlining them. “Our law requires that we create the poster. There is no requirement that anyone post it,” Grundmann said, until a recent House resolution passed. With the new attention, “our posters have been flying off the shelf,” a testament to the rising interest in workplace harassment. “Somebody came by the other day and picked up 250. We’re about out at this point.”
- Name change: The current name says little. “Compliance with what,” Grundmann asked. She thinks something like “Office of Workplace Rights” is better.
- Expanded investigative authority: How this would work remains to be seen, but it, too, would require more staff.
- Victims’ counsel: The “ME TOO” bill creates a position that would represent employees during the complaint process.

One thing Grundmann hopes will come from the growing attention is a better understanding by the public about what her office does and does not do.

“We’re getting calls from angry taxpayers chewing out our employees” about taxpayer money going to settle misconduct cases, she said. “They need to call their congressman.”

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