



December 2019

OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

Using Key Management Practices Would Help to Fully Implement Statutory Requirements

Accessible Version

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Abbreviations

ADR	Administrative Dispute Resolution
CAA	Congressional Accountability Act of 1995
FMA	Facility Management Assistant
IT	information technology
OCWR	Office of Congressional Workplace Rights
OOC	Office of Compliance
<i>PMBOK®</i>	Project Management Body of Knowledge
SOCRATES	Secure Online Claims Reporting and Tracking E-filing System

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December 30, 2019

The Honorable Roy Blunt
Chairman
The Honorable Amy Klobuchar
Ranking Member
Committee on Rules and Administration
United States Senate

The Honorable Zoe Lofgren
Chairwoman
The Honorable Rodney Davis
Ranking Member
Committee on House Administration
House of Representatives

The Congressional Accountability Act of 1995 (CAA) established the Office of Congressional Workplace Rights (OCWR), formerly named the Office of Compliance, to administer and enforce various provisions related to fair employment and occupational safety and health within the legislative branch.¹ OCWR is an independent, non-partisan office with 28 full-time equivalent employees. Although a small office, its work covers more than 30,000 legislative branch employees in the Washington, D.C., area, as well as elected officials' district and state offices.²

In response to increased awareness and concern about sexual harassment in the workplace, Congress passed the Congressional

¹Pub. L. No. 104-1, 109 Stat. 3 (Jan. 23, 1995).

²Generally, the CAA applies to the following employers and their employees: House of Representatives, Senate, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol (including the Office of Congressional Accessibility Services), the Office of the Attending Physician, the Office of Congressional Workplace Rights, the Office of Technology Assessment (not currently staffed), the Library of Congress (except for section 1351), the John C. Stennis Center for Public Service Training and Development, the China Review Commission, the Congressional-Executive China Commission, and the Helsinki Commission. Certain provisions of the CAA also apply to us and our employees.

Accountability Act of 1995 Reform Act (Reform Act), which was signed into law on December 21, 2018.³ The Reform Act:

- amended the procedures for initiating, reviewing, and resolving claims related to violations of employee rights and protections, including sexual harassment;
- extended protections to unpaid staff; and
- required covered offices to develop and implement a program to train and educate employees on the rights and protections under the CAA.

The effective date for implementing most new requirements of the Reform Act, including the amended claims process, was June 19, 2019.

The Reform Act included a provision for us to review OCWR's management practices.⁴ This report examines (1) the status of OCWR's efforts to address the new requirements as defined in the Reform Act; (2) how OCWR is incorporating key management practices in its implementation of the Reform Act's new requirements; and (3) the extent to which OCWR implemented the recommendations from our 2004 report, *Office of Compliance: Status of Management Control Efforts to Improve Effectiveness* ([GAO-04-400](#)).

To determine the status of OCWR's efforts to address new requirements in the Reform Act and how OCWR is incorporating key management practices, we reviewed applicable laws and identified the new requirements.⁵ We also collected and reviewed documentation on OCWR's implementation process and management practices, such as OCWR's list of tasks and task teams, task team meeting notes, progress reports, agreements with outside vendors, and email communications.

To assess how OCWR is incorporating key management practices to implement the Reform Act's new requirements, we analyzed OCWR's implementation of new requirements against key practices for change

³Pub. L. No. 115-397, 132 Stat. 5297.

⁴Pub. L. No. 115-397, § 205.

⁵For the purposes of this report, the term "requirement" can refer to a single requirement, such as conducting a climate survey, or a group of related activities categorized under that requirement, such as revising procedural rules, forms, and notices to meet the requirement of managing changes to the Administrative Dispute Resolution process.

management we identified in our 2003 report, *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations* ([GAO-03-669](#)), and key practices for project management from the Project Management Institute Inc.'s *A Guide to the Project Management Body of Knowledge, PMBOK® Guide*.⁶ We determined which key practices and related implementation steps were applicable to OCWR based on the following factors: (1) if the practices aligned with the scope and nature of OCWR's work and (2) if the practices applied to OCWR's implementation timeline given Reform Act deadlines.

To determine the extent to which OCWR implemented recommendations from our 2004 report, we reviewed OCWR's plans and documentation of its activities and information systems. We then assessed OCWR's plans and activities against our original recommendations and the recommendations' implementation status.

For all three objectives, we interviewed OCWR officials and conducted semi-structured interviews with a nonprobability sample of key stakeholders and officials from offices covered by the Reform Act. We selected our sample based on various factors, such as how many employees work in the office or agency, whether we interviewed the office or agency for our 2004 report, and whether the selection would provide a balance of perspectives (e.g., both chambers of Congress). For additional details on our scope and methodology, see appendix I.

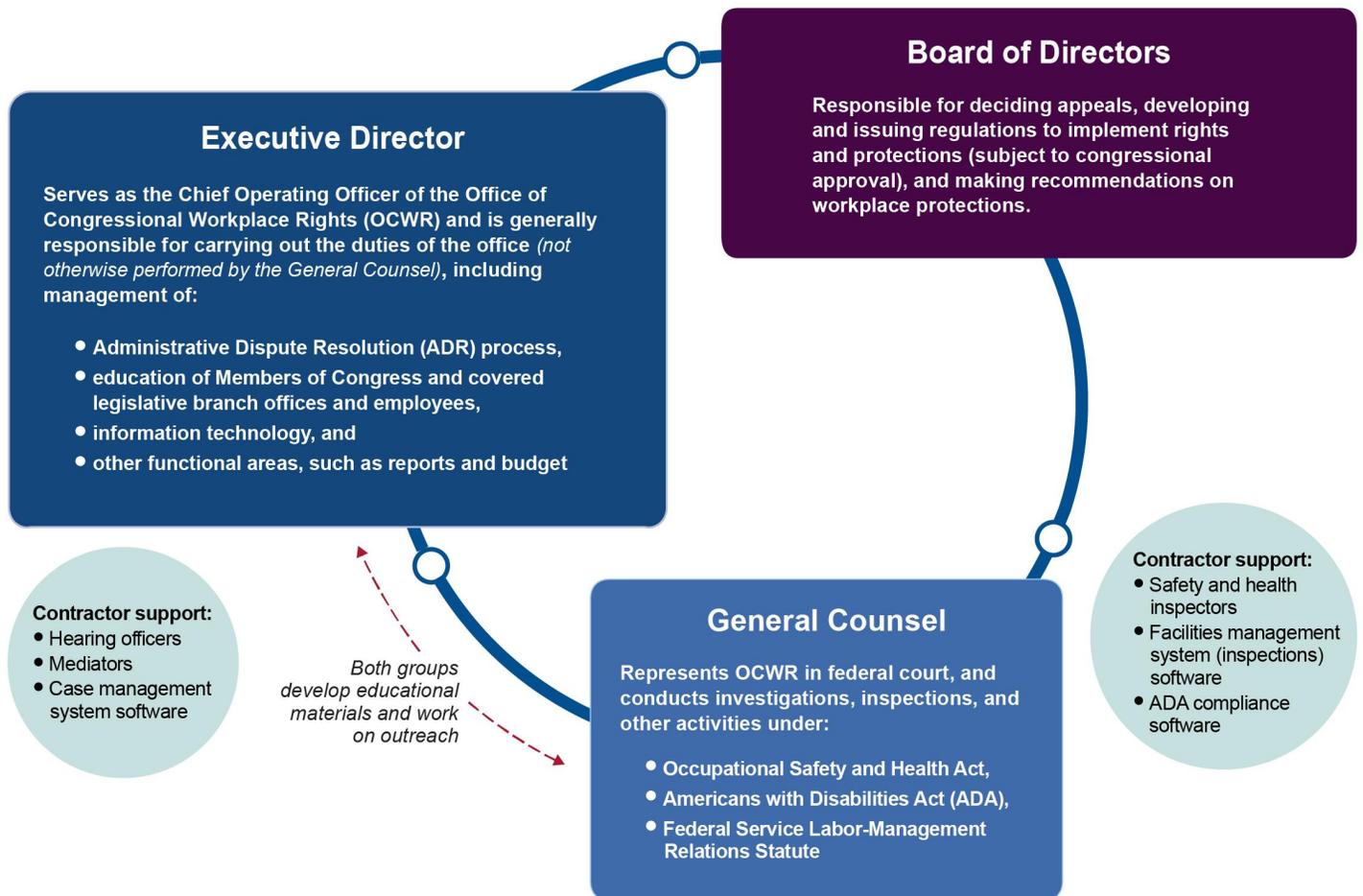
We conducted this performance audit from January 2019 to December 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁶Project Management Institute, Inc. *A Guide to the Project Management Body of Knowledge (PMBOK® Guide)*, sixth edition (2017). *PMBOK* is a trademark of Project Management Institute, Inc.

Background

OCWR allocates functions among its Board of Directors, Executive Director, and General Counsel (see fig. 1). This organizational structure is largely due to statutory requirements in the CAA.

Figure 1: Office of Congressional Workplace Rights Organizational Division of Responsibilities

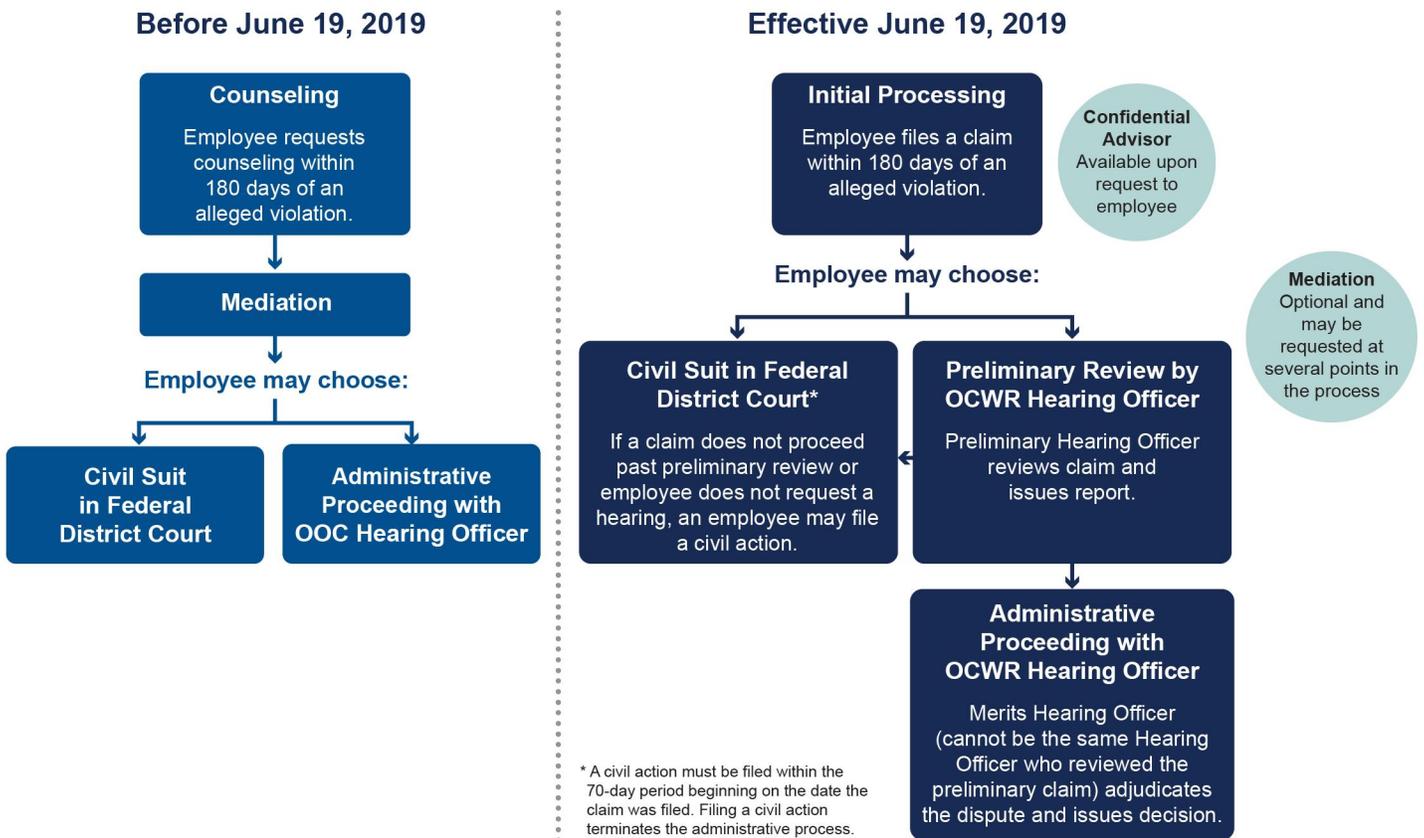


Source: GAO analysis of Office of Congressional Workplace Rights documentation and the Congressional Accountability Act of 1995, as amended. | GAO-20-222

As of February 2019, OCWR had 28 full-time equivalent positions, which includes five part-time board members (counted as one full-time equivalent) appointed by congressional leadership. This represents an increase of five full-time equivalents since April 2018.

OCWR manages an Administrative Dispute Resolution (ADR) process to resolve alleged violations of workplace rights and protections, such as discrimination. The Reform Act overhauled the ADR process, including removing mandatory counseling and mediation periods and a waiting period prior to filing a claim (see fig. 2).

Figure 2: Comparison of the Administrative Dispute Resolution Process, before and after the Congressional Accountability Act of 1995 Reform Act



Source: GAO analysis of Office of Congressional Workplace Rights documentation and the Congressional Accountability Act of 1995, Reform Act, Public Law No. 115-397 (2018). | GAO-20-222

Note: Employees have the same appeal opportunities (administrative and judicial), before and after June 19, 2019. The Reform Act renamed the Office of Compliance (OOC) as the Office of Congressional Workplace Rights (OCWR).

OCWR Implemented Some Reform Act Requirements; Other Requirements Are in Progress

OCWR Implemented Three of Four Reform Act Requirements Effective June 2019

To advance worker protections, the Reform Act mandated that OCWR implement various new requirements. OCWR has implemented three of the four requirements that generally became effective on June 19, 2019 (see table 1).⁷

Table 1: Implementation Status of Reform Act Requirements Generally Effective on June 19, 2019

Requirement	Status ^a	Example of steps taken and remaining ^b
1. Manage changes to the Administrative Dispute Resolution process	Completed	Issued revised procedural rules. Hired and developed guidance for preliminary hearing officer. Revised notices and forms.
2. Appoint or designate confidential advisor	Completed	Hired, trained, and developed guidance for confidential advisor.
3. Create a secure electronic claims reporting system (SOCRATES) ^c	Completed	Obtained a security authorization to operate on June 13, 2019. System was operational on June 26, 2019.
4. Establish and maintain a program for the permanent retention of records	Not completed	Created interim policy requiring records to be retained permanently. Hired contractor in May 2019 to scan paper records and store them electronically. Tasks remaining include developing policies and procedures for permanent records retention, including securing personally identifiable information.

Source: GAO analysis of Office of Congressional Workplace Rights documentation and interviews and the Congressional Accountability Act of 1995 Reform Act, Public Law No. 115-397 (2018). | GAO-20-222

^aThese status categories are meant to broadly capture the extent of the Office of Congressional Workplace Rights' (OCWR) implementation of Reform Act requirements as of October 9, 2019, our most recent update from OCWR. They are not meant to describe all work activities OCWR is undertaking related to the requirement, such as maintaining information technology systems.

^bWe determined remaining steps and deadlines based on OCWR planning documents and statements made by OCWR officials.

^cWe are reviewing OCWR's cybersecurity practices, including evaluating the extent to which OCWR has implemented technical security controls for its electronic claims reporting system named

⁷We excluded new requirements from our review that were primarily legislative wording or administrative changes, such as changing the office's name.

SOCRATES, an acronym for Secure Online Claims Reporting and Tracking E-filing System. Our work on OCWR's cybersecurity practices is expected to result in two reports to be issued in 2020—a publicly available report and a non-public limited official use only report.

As of October 2019, OCWR had completed three requirements.

- **Managing changes to the ADR process.** OCWR officials stated that because they had initiated a multi-year process to revise procedural rules in 2016, they were more familiar with the steps and timeline needed to implement this requirement in 2019.
- **Appointing a confidential advisor.** Similarly, an OCWR official stated that the confidential advisor role was similar to OCWR's counselor role prior to the Reform Act, which made implementing this requirement more manageable.
- **Creating a secure electronic system to file claims.** The online system, SOCRATES, was operational starting June 26, 2019, 7 days after the requirement's effective date of June 19, 2019. Between June 19 and June 26, 2019, OCWR implemented a fillable PDF form so that claims could be submitted electronically (email or fax). OCWR officials reported that no claims were filed during the 7-day delay, and therefore, they believe that the delay did not negatively affect employees' ability to file claims.

According to OCWR, testing the system the week prior to June 19, 2019, revealed numerous problems with SOCRATES. For example, if a user did not submit his or her claim within a certain amount of time, the system refreshed the page without saving the user's data, forcing the user to restart the claim. Also, during a June 17, 2019, meeting between OCWR and congressional staff, OCWR received requests to further revise forms associated with SOCRATES. OCWR was unable to implement these changes before the June 19, 2019, deadline. As a result, OCWR delayed the launch of SOCRATES until June 26, 2019, to allow time to resolve these issues and fully test the system. However, OCWR did not communicate the decision to delay the full launch of SOCRATES to congressional stakeholders who had expected that the system would be delivered on time.

As of October 2019, OCWR had not completed one requirement that was due by June 19, 2019.

- **Establishing a program to permanently retain records.** The Reform Act required OCWR to establish and maintain a permanent

records retention program, which includes records of preliminary reviews, mediations, hearings, and other proceedings.⁸ Since November 2017, OCWR has operated under an interim records retention policy that requires it to permanently keep all records. According to OCWR, it is not destroying or deleting any records.

OCWR's interim permanent records retention policy states that OCWR will establish standards and procedures for records integrity, privacy, and confidentiality. However, as of October 2019, about 4 months after this requirement became effective, OCWR had not developed these standards or established other policies or procedures for maintaining a permanent records retention program other than the interim policy. According to OCWR, it scanned paper records to create electronic files and hired a separate contractor in September 2019 to help further develop its records retention program.

OCWR Is Implementing Three Reform Act Requirements with Time Frames beyond June 2019

As of October 2019, OCWR was implementing the other three requirements which have varying deadlines, time frames, and effective dates extending beyond June 19, 2019 (see table 2).

Table 2: Implementation of Reform Act Requirements with Deadlines and Time Frames Beyond June 19, 2019

Requirement	Effective date/deadline/time frame	Example of steps taken and remaining ^a
1. Track and report data and assessments	Various deadlines and time frames which began on Jan. 20, 2019	Issued report on awards and settlements previously paid. Tasks remaining include issuing report on 2019 awards and settlements and issuing semi-annual report assessing effectiveness of Administrative Dispute Resolution (ADR) procedures.
2. Conduct workplace climate survey	Dec. 20, 2019, and every 2 years after	Signed interagency agreement with the Office of Personnel Management to administer first survey. Tasks remaining include testing and finalizing survey questions and communications to survey recipients, such as reminder emails.

⁸Pub. L. No. 115-397, § 203.

Requirement	Effective date/deadline/time frame	Example of steps taken and remaining ^a
3. Educate and assist legislative branch offices	June 19, 2019 and ongoing ^b	Redesigned notices describing rights, protections, and procedures under the Congressional Accountability Act of 1995 (CAA) for posting in legislative branch offices. Ongoing tasks include developing new education and training material on the Reform Act.

Source: GAO analysis of Office of Congressional Workplace Rights documentation and interviews and the Congressional Accountability Act of 1995 Reform Act, Public Law No. 115-397 (2018). | GAO-20-222

^aWe determined remaining steps and deadlines based on Office of Congressional Workplace Rights (OCWR) planning documents and statements made by OCWR officials.

^bThis date reflects the deadline (1) for offices to post redesigned notices provided by OCWR describing rights, protections, and procedures; (2) for OCWR to establish a method for out-of-area employees to communicate securely with the Office; and (3) for OCWR to submit the report describing its training and education program for its own employees on rights and protections under CAA. This date also reflects the effective date for the new ADR process. While some education activities addressing the new process occurred before June 19, 2019, these efforts are ongoing.

- Tracking and reporting data and assessments.** The Reform Act created new reporting requirements for OCWR. For example, it required OCWR to issue annual, itemized reports on awards and settlements.⁹ The Reform Act also required OCWR to issue a one-time report on awards and settlements previously paid, which OCWR published on January 20, 2019.¹⁰ OCWR plans to issue the report on 2019 awards and settlements by January 31, 2020, and subsequent reports annually. The Reform Act also required OCWR to use SOCRATES data to assess the effectiveness of ADR procedures in resolving claims in a timely manner and to publish these assessments in semi-annual reports to Congress.¹¹ OCWR plans to issue the first semi-annual report by January 31, 2020.¹²
- Conducting a workplace climate survey.** The Reform Act required OCWR to conduct a secure survey of legislative branch offices covered by the act by December 20, 2019 (within one year of enactment), and every 2 years thereafter.¹³ The survey would assess

⁹Pub. L. No. 115-397, § 201(a).

¹⁰Pub. L. No. 115-397, § 201(b).

¹¹Pub. L. No. 115-397, § 102(a).

¹²The Reform Act requirement to issue semi-annual reports became effective on June 19, 2019. The act did not specify when the first semi-annual report should be issued.

¹³Pub. L. No. 115-397, § 202. The Reform Act was enacted on December 21, 2018. OCWR officials stated that they considered 1 year from enactment to be December 20, 2019, which would be the effective deadline since December 21, 2019, falls on a Saturday.

the workplace environment, including attitudes toward sexual harassment.

As of October 2019, OCWR officials reported that they were waiting for additional input from congressional staff before proceeding with certain aspects of the survey. According to OCWR officials, OCWR's House and Senate oversight committees had different views of what the survey should include. Therefore, OCWR plans to conduct separate surveys for House offices, Senate offices, and other legislative branch offices.

According to OCWR officials, they may be able to launch the House survey by the December 20, 2019, deadline, with the other surveys following. However, the timeline for conducting these surveys is uncertain until OCWR can confirm the surveys' content with congressional staff and conduct various tests, such as separately pilot testing each of the three surveys.

Additional work remaining includes:

- reviewing changes to the survey questions,
 - obtaining input from legislative branch stakeholders,
 - conducting internal testing of the survey,
 - pilot testing the survey with legislative offices, and
 - finalizing the survey and communications to survey recipients.
- **Educating and assisting legislative branch agencies.** OCWR updated various education and training materials, such as:
 - creating a new workplace rights brochure;
 - redesigning a poster notifying employees of rights, protections, and procedures under the CAA; and
 - establishing audio and visual teleconferencing access for out-of-area employees (i.e., legislative branch employees in elected officials' district and state offices).

An OCWR official reported that, in October 2019, OCWR developed a training video on new procedures under the Reform Act. A link to the training video was included in the September 2019 quarterly e-newsletter sent to all legislative branch employees covered under the CAA. According to the official, OCWR also plans to launch another

training video in November 2019 and develop three new training classes.¹⁴

OCWR Could Better Incorporate Key Management Practices to Improve the Ongoing Implementation of Requirements

We found that OCWR incorporated some key management practices when implementing Reform Act requirements (see appendix II for a list of management practices we used to assess OCWR). However, we also found that OCWR did not consistently incorporate key management practices for some requirements and that opportunities exist to improve the remaining implementation and administration of Reform Act requirements.

OCWR Incorporated Some Key Management Practices to Implement Requirements

We found that OCWR incorporated some key change management or project management practices applicable to implementing Reform Act requirements. For example:

- OCWR defined the Reform Act requirements and created 21 task teams for implementing them.
- OCWR dedicated an implementation team to manage the transformation process. OCWR designated a manager to track the implementation status for all task teams. The task team leaders also met weekly.
- OCWR established an overall project schedule with interim milestones and time frames for revising procedural rules, part of the requirement to manage changes to the ADR process.
- OCWR also established an overall project schedule for conducting the workplace climate survey. OCWR officials reported that having this

¹⁴While this ongoing training effort is not specifically required by the Reform Act, OCWR recognizes it is needed due to the changes made under the Reform Act, including to the ADR process. Under the CAA, OCWR is responsible for carrying out education activities, including informing individuals of their rights and of the procedures for consideration of alleged violations. 2 U.S.C. § 1381(h).

schedule has enabled them to track progress, determine that the survey is behind schedule (as of October 2019), and communicate revised expectations to stakeholders.

- In addition, OCWR officials stated they identified and addressed risks associated with the requirement to appoint a confidential advisor. These risks included the perception of a potential conflict of interest that could arise if an attorney contracted from a private law firm served as the confidential advisor. To mitigate this perception, OCWR hired the confidential advisor as an employee to ensure that the confidential advisor cannot refer claimants to his or her own law firm for legal representation.

OCWR Did Not Use Project Schedules to Manage SOCRATES and Other Requirements

Project schedules provide a detailed plan for delivering products, services, and results in a timely manner, as well as serve as a communication tool for managing stakeholder expectations.¹⁵

OCWR used project schedules to revise the procedural rules and develop the workplace climate survey but did not use schedules to manage the implementation of other requirements. In particular, for SOCRATES, OCWR officials reported that they proposed a draft schedule but did not finalize this draft or otherwise document changes to the schedule.

According to these officials, they did not update the schedule because their implementation plans had changed significantly, and the compressed timeframe resulted in making changes “on the fly.” For example, they revised the system architecture as late as 3 weeks before the mandated deadline, which required signing an interagency agreement for hosting the system with the Library of Congress the day before the

¹⁵Project Management Institute, *PMBOK® Guide*.

mandated deadline.¹⁶ In addition, OCWR encountered last-minute issues when testing the system, as we previously discussed. As a result, OCWR delayed the full launch of SOCRATES but did not communicate this decision to congressional stakeholders who had expected that the system would be delivered on time. Although not a long delay, a project schedule could have helped manage stakeholder expectations.

Without a schedule for SOCRATES, OCWR missed opportunities to take corrective actions earlier, communicate with congressional stakeholders, and better manage expectations. OCWR has ongoing cybersecurity activities and planned upgrades to other information technology (IT) systems, but has not yet established project schedules for them.¹⁷ Moving forward, it will be important for OCWR to establish project schedules to manage IT projects and allow key stakeholders to monitor OCWR's progress.

OCWR Has Not Addressed Risks for Its Records Retention Program

OCWR has taken interim steps to establish a permanent records retention program. These steps include changing its records retention policy in November 2017 to make all records permanent, hiring a contractor in May 2019 to scan paper records and store them electronically, and hiring another contractor in September 2019 to help develop its records retention program.

¹⁶In May 2019, OCWR signed a new contract to temporarily store SOCRATES data in a cloud-based system. However, OCWR did not communicate this plan to congressional stakeholders, who had concerns about OCWR's ability to appropriately configure and monitor cloud-based systems. These stakeholders therefore advised OCWR to change the data hosting location to the Library of Congress. Cloud computing is a means for delivering computing services via internet-based information technology networks. In past work, we reported that cloud computing has the potential to provide information technology services more quickly and at a lower cost, but also to introduce information security risks. See GAO, *Information Security: Additional Guidance Needed to Address Cloud Computing Concerns*, [GAO-12-130T](#), (Washington, D.C.: Oct. 6, 2011).

¹⁷In addition to SOCRATES, OCWR also relies on an external contractor to provide hosting and application support for another key system—the Facility Management Assistant (FMA). FMA is a record-keeping system OCWR uses to document violations of the Occupational Safety and Health Act. As of October 2019, OCWR was planning to move FMA to the Library of Congress in 2020.

Key management practices call for organizations to identify and assess risks that could affect their ability to achieve their goals and objectives and to monitor and manage these risks as the projects progress.¹⁸ OCWR identified the largest potential risk to establishing and maintaining a permanent records retention program as the loss of control over confidential files. For example, an OCWR official confirmed that OCWR maintains a physical file for every electronic file, which results in multiple storage locations and duplicate records. Although this ensures the availability of records, multiple storage locations can make ensuring the confidentiality and security of these records more difficult.

However, as of October 2019, OCWR has not yet fully addressed this risk by developing a policy to manage it or identified other risks. OCWR officials stated that the contractor will help with these tasks. They also reported that they plan to develop policies for the records retention program, particularly for maintaining the privacy and security of records, based on records management requirements for executive branch agencies.¹⁹

According to OCWR officials, addressing risks for its records retention program is not a high priority, and demand for records is low. Nevertheless, if OCWR does not address the potential risks, and any emerging risks, associated with permanently retaining sensitive records, OCWR may be less able to manage its records and ensure their confidentiality, integrity, and availability.

OCWR Lacks Results-Oriented Performance Goals, Related Measures, and Reports Assessing Progress

We have previously reported that a critical element in an organization's efforts to manage for results is its ability to set meaningful goals for performance and to measure progress toward these goals.²⁰ Strategic goals are intended to be the starting point for an organization's

¹⁸Project Management Institute, *PMBOK® Guide*.

¹⁹For example, OCWR officials stated that they plan to consult the Privacy Act of 1974 and other relevant statutes.

²⁰GAO, *Managing for Results: Implementation of GPRM Modernization Act Has Yielded Mixed Progress in Addressing Pressing Governance Challenges*, [GAO-15-819](#) (Washington, D.C.: Sept. 30, 2015).

performance measurement efforts.²¹ To provide a connection between the long-term strategic goals and the day-to-day activities, organizations should also establish near-term performance goals and measures. Finally, an organization needs to report on its performance to provide information to its stakeholders on the extent to which it has met its performance goals and what it accomplished with its resources. Leading organizations then apply this performance information to continuously improve organizational processes, identify performance gaps, and set improvement goals.²²

OCWR's 2019-2023 strategic plan includes several broad, long-term, outcome-related goals that address Reform Act requirements. These goals are supported by objectives, called initiatives. For example, OCWR has a long-term strategic goal to "provide an efficient and effective ADR program." A supporting initiative is to "ensure that ADR processes meet statutory and regulatory mandates, including mandates for maintaining confidentiality." However, this initiative does not state what is to be achieved and by when, and none of the supporting initiatives reflect near-term performance goals that allow for an objective assessment of progress. Performance goals, which are used to assess progress toward long-term goals, should be stated in objective, measureable, and quantifiable terms.

OCWR identifies performance measures in its strategic plan, but the measures lack target levels of performance which would help assess progress toward goals. For example, one of OCWR's initiatives is to "empower stakeholders to effectively resolve their workplace disputes without having to engage in protracted dispute resolution proceedings." A

²¹GAO, Executive Guide: Effectively Implementing the Government Performance and Results Act, [GAO/GGD-96-118](#) (Washington, D.C.: June 1, 1996).

²²As a legislative branch agency, OCWR is not covered under the strategic planning requirements established under the Government Performance and Results Act (GPRA) as enhanced by the GPRA Modernization Act of 2010 (GPRAMA). Pub. L. No. 103-62, 107 Stat. 285 (1993) and Pub. L. No. 111-352, 124 Stat. 3866 (2011). However, in our prior work, we have reported that these requirements can serve as leading practices for strategic planning in contexts where the requirements do not apply by law. See GAO, *Performance.gov: Long-Term Strategy Needed to Improve Website Usability*, [GAO-16-693](#) (Washington, D.C.: Aug. 30, 2016); and *Environmental Justice: EPA Needs to Take Additional Actions to Help Ensure Effective Implementation*, [GAO-12-77](#) (Washington, D.C.: Oct. 6, 2011). Additionally, legislative branch agencies have been encouraged by Senate appropriators to follow the spirit and intent of these strategic planning requirements applicable to the executive branch, including the development and implementation of meaningful performance measures. S. Rep. No. 109-89, at 3-4 (2005).

supporting performance measure is to “track the rate of cases resolved by negotiated settlements.” This measure provides a starting point for collecting performance information but does not specify how it can be used to assess progress on the initiative. We have previously reported that successful performance measures commonly demonstrate results, are limited to the vital few, respond to multiple priorities, and link to responsible programs.

OCWR does not report on progress toward goals in its annual report, partly because of the lack of performance goals and measures assessing progress. OCWR’s annual reports summarize statistical data about the number of employees using OCWR’s services and reasons for ADR claims from each fiscal year, which is information required to be published under the CAA.²³ However, these statistics do not compare actual performance against measurable performance goals. Further, OCWR does not report how it used the data to improve its programs. For example, in its fiscal year 2018 annual report, OCWR reported the number and types of workplace issues that employees inquired about in general information requests and raised during formal counseling requests. However, OCWR did not report how it used this information to identify trends and develop training programs to target the indicated issues.

According to OCWR officials, OCWR does not set more specific or measurable goals and measures beyond what is included in its strategic plan. In addition, they stated that OCWR’s current performance goals and measures reflected their concern that changes from the Reform Act could affect their workload, such as the number of cases filed and how they would be settled. They plan to reassess their performance starting in June 2020, about 1 year after many Reform Act requirements became effective, and establish new performance measures and targets based on updated baseline performance levels.

Clearly defining performance goals, such as establishing measurable performance targets and milestones, and related performance measures would provide OCWR information to determine if it is making progress toward its long-term goals and better communicate with congressional and other key stakeholders about its progress. Moreover, such performance data would allow OCWR to make more informed decisions

²³2 U.S.C. § 1381(h)(3).

to improve performance, such as determining what activities are working as intended and achieving results, and which are not and could be improved. Finally, sharing this information in publically available annual reports could make it more useful and transparent for stakeholders, as well as strengthen OCWR's accountability for making progress toward its goals.²⁴

OCWR Conducts Various Education and Outreach Activities and Has Opportunities to Better Evaluate the Effectiveness of Its Efforts

OCWR has a broad mandate to provide education and information to Members of Congress and covered legislative branch offices and employees about their rights, protections, and responsibilities under the CAA.²⁵ OCWR routinely conducts educational activities, such as

- holding brown bag events,
- sending quarterly e-newsletters,
- creating online training, and
- posting resources on its website and social media channels.

OCWR also performs outreach by

- meeting with congressional committees regularly,
- communicating with stakeholders (e.g., House and Senate Employment Counsel),
- meeting with heads of legislative branch employing offices at least annually, and
- sending an annual notice of rights to all legislative employees.

However, we found that OCWR's assessment of these activities is limited, such as collecting feedback forms from attendees of its brown bag events. While important, these efforts do not enable OCWR to assess the effectiveness of its education and outreach activities and the extent to

²⁴OCWR officials stated that OCWR internally reports on its performance and progress toward strategic goals to its Board of Directors.

²⁵2 U.S.C. § 1381(h).

which they are reaching all covered legislative branch populations. Key management practices call for continuous monitoring to identify areas that require additional attention.²⁶

In 2004, we recommended that OCWR use various approaches, such as feedback surveys, to increase its understanding of the actual level of awareness of its activities among target populations. In response to the recommendation, from 2008 to 2009, OCWR surveyed legislative branch employees but had a low response rate, which rendered the survey data of limited value. OCWR officials attributed the low response rate to not having all respondent email addresses, as well as the lack of statutory authority to conduct surveys.

Through the Reform Act's requirement to conduct a workplace climate survey every 2 years, OCWR has new opportunities to collect data on the extent to which legislative branch employees are aware of OCWR's services and their rights under the CAA.²⁷ Because the Reform Act states that OCWR must consult with congressional committees on how to carry out the survey, OCWR has sought guidance from its oversight committees on what information to collect for the survey and the use of the results.

In addition to developing the climate survey, an OCWR official stated that, in March 2019, OCWR also hired a training and education project manager who is responsible for developing an education and outreach strategy. This effort is intended to include assessing awareness levels of OCWR's activities among legislative branch populations and improving awareness where needed. However, as of October 2019, OCWR did not provide documentation of the strategy and a timeline for its completion.

A mechanism for collecting feedback more widely from all covered legislative branch employees could improve OCWR's understanding of the reach and effectiveness of its education and outreach efforts. For example, it could help OCWR determine if it may be missing certain

²⁶Project Management Institute, *PMBOK® Guide*.

²⁷The Reform Act states that the survey will gather information on the workplace environment of the legislative branch and attitudes regarding sexual harassment. It also states that OCWR shall carry out the workplace climate survey, including the establishment of methodologies and procedures, in consultation with OCWR's House and Senate oversight committees. In addition, the information obtained from the surveys will be given to the committees. Pub. L. No. 115-397, § 202.

subsets of legislative branch populations, such as maintenance workers who may have limited computer access. Further, such information could help inform management and resource allocation decisions, such as where to focus education and outreach efforts and how to increase their effectiveness.

OCWR Could Better Support IT Initiatives with Strategic Planning and Human Capital Management

In 2004, we reviewed OCWR's management practices and made 20 recommendations to help OCWR:

- strengthen strategic planning and develop results-oriented performance measures;
- ensure an effective, results-oriented program structure;
- build effective communication emphasizing outreach and coordination with congressional and legislative branch stakeholders; and
- create and sustain an enhanced management control environment, particularly for managing human capital and performance.

Between 2004 and 2013, we determined that OCWR had implemented 18 of the 20 recommendations.²⁸ In this review, we found that, of these 18 recommendations, OCWR subsequently stopped implementing an information technology (IT) planning recommendation that could have strengthened its ability to better manage and implement the requirements in the Reform Act.

We had recommended that OCWR ensure that IT planning and implementation be an integral component of the strategic planning

²⁸We determined that OCWR did not implement two recommendations. First, we recommended that OCWR improve performance measurement, such as by using benchmark data from other agencies. According to an OCWR official, OCWR decided not to use benchmark data because these data were not readily available to OCWR. Second, we recommended that OCWR involve all employees in developing its employee performance management system. We closed this recommendation as not implemented because OCWR did not give employees the opportunity to provide input into developing its performance management system. The system, however, allowed employees to discuss expectations with supervisors. For more information about the implementation of the 20 recommendations, see <https://www.gao.gov/products/GAO-04-400>.

process. This recommendation focused on positioning OCWR to effectively leverage technology in achieving strategic mission goals and outcomes. To do this, OCWR needed to establish certain basic IT management capabilities, such as:

- developing a picture or description, based on OCWR's strategic plan, of what it wanted its future IT environment to look like;
- establishing and following a defined and disciplined process for allocating limited resources across competing IT needs;
- using a rigorous IT system acquisition management process; and
- ensuring that needed IT skills have been identified and obtained.

OCWR took steps in 2003 and 2005 to create an IT task force and issue a multi-year IT plan, respectively. However, these efforts were not sustained. An OCWR official explained that OCWR had not conducted IT planning, including developing an IT strategic plan, in recent years because of limited resources and difficulties attracting a candidate for the IT manager position. These challenges resulted in the position remaining vacant for approximately 18 months from 2016 to 2018.

In past work, we have reported that IT strategic planning can help an organization align its IT goals and investments with its strategic goals.²⁹ A key element of IT strategic planning is developing an IT strategic plan that can serve as an organization's vision or road map to guide its efforts and investments.

OCWR officials reported that they will be developing an IT strategic plan. However, as of October 2019, they were unable to provide additional documentation or a timeline for completion.

Without IT strategic planning, OCWR may be less able to set forth a long-term vision of OCWR's IT environment and measure progress in carrying out its strategic initiatives. For example, OCWR envisioned developing an electronic claims filing system as one of its strategic initiatives as early as fiscal years 2013 to 2015. However, that system was not implemented

²⁹GAO, *Social Security Administration: Improved Planning and Performance Measures Are Needed to Help Ensure Successful Technology Modernization*, [GAO-12-495](#) (Washington, D.C.: Apr. 26, 2012); and *Library of Congress: Strong Leadership Needed to Address Serious Information Technology Management Weaknesses*, [GAO-15-315](#) (Washington, D.C.: Mar. 31, 2015).

until 2019, in part because OCWR did not have an IT strategic plan and related IT expertise to support the initiative.

With increased funding for implementing Reform Act requirements, OCWR has recently re-focused on human capital management. In September 2018, it hired an IT manager whose responsibilities include IT planning and cybersecurity.³⁰ In September 2019, OCWR hired a contractor to help update its human capital plan, which had not been updated since 2009.³¹

We have previously reported that effective human capital management is critical to sustaining an IT workforce with the necessary skills to execute a range of management functions that support the agency's mission and goals.³² Given OCWR's strategic and ongoing IT initiatives, it will be important for OCWR to consider leading practices in human capital management to ensure that it has the appropriate skills and capacity to meet its current and future responsibilities. These leading practices include

- consulting with key stakeholders when developing human capital strategies,
- having a system in place to continually assess and improve human capital planning and investment,
- determining critical skills and competencies its workforce needs to achieve current and future agency goals,
- linking the strategic workforce plan with the organization's strategic plan,
- developing customized strategies to recruit highly specialized and hard-to-fill positions, and

³⁰Prior to 2016, the IT manager's responsibilities included hardware and data transfers, but not IT planning or cybersecurity.

³¹The contractor's work includes identifying agencies of similar size or structure for comparison and consulting best practices.

³²[GAO-15-315](#).

-
- having an ongoing succession planning process for identifying and developing a diverse talent pool.³³

If OCWR does not continue to strategically assess and manage its human capital needs, it could again find itself with IT or other skills gaps that could negatively affect its ability to meet its mission. Incorporating these leading practices in human capital management could help OCWR develop a workforce plan that better aligns with its mission and goals, as well as develop long-term strategies for recruiting and retaining staff to achieve those goals.

Conclusions

Although small in size, OCWR has important responsibilities—to advance the safety, health, and workplace rights of employees and employers in the legislative branch. The Reform Act updated how OCWR carries out these responsibilities, such as requiring OCWR to offer an electronic option for filing Administrative Dispute Resolution (ADR) claims and to conduct a workplace climate survey of legislative branch employees.

To meet these new requirements, OCWR developed new procedures, trained and hired staff, and balanced new responsibilities with existing ones. As a result, OCWR completed three requirements—managing changes to the ADR process, appointing a confidential advisor, and creating a secure electronic claims reporting system. However, as of October 2019, OCWR had not fully completed the requirement to establish and maintain a program for permanent records retention. To meet this requirement, OCWR needs to develop and implement policies and procedures to administer and manage the program, as well as identify and address potential risks related to the privacy and security of records, among other actions.

To help OCWR meet requirements with ongoing work and build upon completed work, it will be important for OCWR to incorporate key practices for project management, such as consistently developing and

³³GAO, *Human Capital: Transforming Federal Recruiting and Hiring Efforts*, [GAO-08-762T](#) (Washington, D.C.: May 8, 2008); *Diversity Management: Expert-Identified Leading Practices and Agency Examples*, [GAO-05-90](#) (Washington, D.C.: Jan. 14, 2005); and *Human Capital: Key Principles for Effective Strategic Workforce Planning*, [GAO-04-39](#) (Washington, D.C.: Dec. 11, 2003).

using project schedules and assessing risk. These practices could help OCWR better manage expectations and prioritize high-risk work. Further, establishing results-oriented performance goals and measures and collecting and using performance information could help OCWR evaluate and better focus its education and outreach efforts, as well as assess progress toward its strategic goals.

Finally, OCWR should use its strategic planning process to clearly articulate how its IT initiatives support its organizational goals, such as how the electronic claims reporting system supports a more efficient and effective ADR program. Establishing performance measures and monitoring actual-versus-expected performance of those measures can help determine whether IT is making a difference in improving performance, and in turn whether OCWR is better serving the legislative community. Additionally, OCWR needs to evaluate its human capital management strategies to ensure that it can recruit and retain staff with the appropriate skills to plan and manage IT projects, as part of a larger effort to conduct IT planning.

Recommendations for Executive Action

We are making the following six recommendations to OCWR:

The Executive Director of OCWR, in collaboration with relevant managers, should establish a policy that requires a schedule of tasks to be developed, documented, and updated throughout the lifetime of IT system projects. (Recommendation 1)

The Executive Director of OCWR should identify and assess risks in establishing and maintaining a permanent records retention program, and develop policies and procedures to ensure that risks are properly addressed. (Recommendation 2)

The Executive Director of OCWR should identify desired performance results, develop performance measures that demonstrate the degree to which the desired results were achieved, and report progress toward those results in OCWR's annual reports. (Recommendation 3)

The Executive Director of OCWR should collect relevant data through a survey or other mechanisms, and use the information to evaluate the effectiveness of education and outreach efforts and the extent to which

they are reaching all covered legislative branch populations.
(Recommendation 4)

The Executive Director of OCWR should integrate IT planning and implementation into the agency's strategic planning process.
(Recommendation 5)

The Executive Director of OCWR should incorporate key strategic human capital management practices, such as developing strategies to recruit and retain staff with mission-critical skills, into the strategic planning process. (Recommendation 6)

Agency Comments

We provided a draft of the report to OCWR for review and comment. In its comments—reproduced in appendix III—OCWR agreed with our findings and concurred with our six recommendations. To address the recommendations, OCWR noted that it has already taken some actions, such as hiring a contractor to assess risks related to permanent records retention. It intends to implement additional changes, such as developing a policy for IT project planning. Going forward, OCWR agreed to update us on its progress implementing the recommendations.

We are sending copies of this report to the appropriate congressional committees, the Executive Director of OCWR, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-6806 or jonesy@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix IV.



Yvonne D. Jones
Director, Strategic Issues

Appendix I: Objectives, Scope, and Methodology

Our first objective was to determine the status of Office of Congressional Workplace Rights' (OCWR) efforts to address new requirements from the Congressional Accountability Act of 1995 Reform Act (Reform Act). To meet this objective, we reviewed applicable laws and identified the new requirements. We reviewed the Reform Act and grouped Reform Act requirements into seven categories of activities based on similar characteristics, such as requirements related to amending the claims process, and how these requirements aligned with OCWR's task teams working on these requirements. We also collected and reviewed documentation on OCWR's implementation process and management practices, such as OCWR's list of tasks and task teams, task team meeting notes, progress reports, agreements with outside vendors, and email communications.

Our second objective was to assess how OCWR is incorporating key management practices to implement the Reform Act's new requirements. To meet this objective, we analyzed OCWR's implementation of new requirements against key practices for organizational change management we identified in our 2003 report, *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations* ([GAO-03-669](#)) and key practices for project management from the Project Management Institute Inc.'s *A Guide to the Project Management Body of Knowledge, PMBOK Guide*®. We determined which key practices and related implementation steps were applicable to OCWR based on the following factors: (1) if the practices aligned with the scope and nature of OCWR's work, and (2) if the practices applied to OCWR's implementation timeline given Reform Act deadlines. We shared these key management practices with OCWR.

Our third objective was to determine the extent to which OCWR implemented recommendations from our 2004 report, *Office of Compliance: Status of Management Control Efforts to Improve Effectiveness* ([GAO-04-400](#)). To meet this objective, we reviewed OCWR's plans and documentation of its activities, such as strategic plans and annual reports, to address the recommendations. We then assessed OCWR's plans and activities against our original recommendations and

the recommendations' implementation status to determine the extent to which OCWR implemented the recommendations in the past and has continued to take similar actions.

For all three objectives, we interviewed OCWR officials and conducted semi-structured interviews with a nonprobability sample of key stakeholders and officials from offices covered by the Reform Act.¹ Although results from these interviews are not generalizable to all stakeholders or offices covered by the act, they provided views and illustrative examples about OCWR's efforts to address new Reform Act requirements, OCWR's efforts to incorporate key management practices to implement those new requirements, and the extent to which OCWR implemented some of our previous recommendations. These stakeholders and offices include the Architect of the Capitol, Senate Chief Counsel for Employment, and Office of House Employment Counsel. To obtain perspectives from a range of stakeholders and offices, we considered the following factors in our selection:

- size of the office or agency by number of employees;
- extent to which offices/agencies are involved in outreach by number of Administrative Dispute Resolution cases and Occupational Health and Safety Inspections/Americans with Disabilities Act inspections;
- past interviews with offices/agencies discussing OCWR outreach for [GAO-04-400](#); and
- balance of perspective (e.g., both chambers of Congress).

We also interviewed the House Office of Employee Advocacy and the House Office of the Chief Administrative Officer safety team to obtain additional views on their interactions with OCWR.

We conducted this performance audit from January 2019 to December 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

¹A nonprobability sample is a sample in which some items in the population have no chance, or an unknown chance, of being selected. Results from nonprobability samples cannot be used to make inferences about a population.

Appendix II: Key Management Practices

We determined that the following key organizational change management practices and key project management practices, as well as related implementation steps, were relevant for assessing the Office of Congressional Workplace Rights' (OCWR) management practices.

Table 3: Key Organizational Change Management Practices Applicable to OCWR's Implementation of Congressional Accountability Act of 1995 Reform Act Requirements

Organizational change management practices (GAO-03-669)	Implementation steps
Ensure top leadership drives the transformation	<ul style="list-style-type: none"> Define and articulate a succinct and compelling reason for change Balance continued delivery of services with transformation activities
Establish a coherent mission and integrated strategic goals to guide the transformation	<ul style="list-style-type: none"> Adopt leading practices for results-oriented strategic planning and reporting
Set implementation goals and a timeline to build momentum and show progress from day one	<ul style="list-style-type: none"> Make public implementation goals and timeline Seek and monitor employee attitudes
Dedicate an implementation team to manage the transformation process	<ul style="list-style-type: none"> Establish networks to support implementation team Select high-performing team members
Establish a communication strategy to create shared expectations and report related progress	<ul style="list-style-type: none"> Communicate early and often Ensure consistency of message Use two-way communication Focus on employee needs

Source: GAO's analysis of practices identified in GAO report, *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations* ([GAO-03-669](#)). | GAO-20-222

Table 4: Key Project Management Practices Applicable to OCWR's Implementation of Congressional Accountability Act of 1995 Reform Act Requirements

Project management key practices	Implementation steps
Define	Define objective, scope, boundaries and constraints; new process performance expectations
Plan	Define new requirements
	Define needed project activities
	Develop project schedule
	Define project costs
Measure/analyze	Assess project risk
	Assess stakeholders and what they will need to accept proposed changes
	Plan for internal and external communications about project and impacts

Appendix II: Key Management Practices

Project management key practices	Implementation steps
Execute/improve	Execute the project plan, including any piloting of solution before final solution selection
Monitor/control	Regularly assess progress/regular project reviews/reporting
	Document project changes
	Test/assess deliverables
	Provide training (internal & external)

Source: GAO analysis based on the Project Management Institute Inc.'s *A Guide to the Project Management Body of Knowledge, PMBOK Guide®*, and other process improvement guidelines. | GAO-20-222

Appendix III: Comments from the Office of Congressional Workplace Rights



advancing workplace rights, safety & health, and accessibility in the legislative branch

Office of Congressional Workplace Rights

December 12, 2019

Mr. Steven Lozano
Assistant Director
Strategic Issues
United States General Accountability Office
441 G Street NW
Washington, D.C. 20548

Re: Draft Report on OCWR Management Practices

Dear Mr. Lozano:

Thank you for the opportunity to comment on the draft of the GAO Report reviewing OCWR's management practices as required by the CAA Reform Act of 2018. We are proud that our very small office was able to implement the numerous changes mandated by the Reform Act in the short time that we were given. We appreciate that the Report acknowledges the many challenges we have faced.

As the Report notes, we have already embraced and accepted the six recommendations made in the Report. As the Report also notes, we are in the process of implementing changes to address each of these recommendations:

1. With respect to Recommendation 1, we are in the process of revising our IT systems policy to require the use of project tasks to be developed, documented, and implemented throughout the lifetime of the project. As you know, given the limited time we had to execute mandated changes, we had limited options: we could use the 180 days to plan a new IT system, or we could fulfill the statutory requirement to launch SOCRATES by June 19, 2019. While we do not anticipate that we will have to implement future IT projects within the narrow time frame that we were given to create SOCRATES, we will be implementing a policy to ensure that the recommended project planning takes place and is well documented.

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www.ocwr.gov

**Appendix III: Comments from the Office of
Congressional Workplace Rights**

2. With respect to Recommendation 2, we have hired a contractor to assist us in identifying and assessing the risks in the establishment and maintenance of a permanent records retention program and also in developing policies and procedures to ensure that the risks are properly addressed.
3. With respect to Recommendation 3, we are in the process of reassessing our desired performance results and redeveloping new performance measures that will demonstrate the degree to which the desired results were achieved. We will also ensure that our future annual reports will explicitly and clearly explain what progress we are making towards those results.
4. With respect to Recommendation 4, we are working with our oversight committees and the covered offices to obtain all relevant data through surveys and other methods to evaluate the effectiveness of education and outreach efforts and the extent to which they are reaching all covered offices and employees.
5. With respect to Recommendation 5, as recognized in the Report, we intend to revise our strategic plan after we have had more experience with the new procedures required by the Reform Act. We intend to better integrate IT planning and implementation into the strategic planning process.
6. With respect to Recommendation 6, we have hired and are working with a contractor to revise our human capital plan so that it better incorporates key strategic human capital plan management practices, including developing strategies to recruit and retain staff with mission-critical skills, and will integrate these strategies into the strategic planning process.

Again, we appreciate the opportunity to work with your talented team on this project. As we have done in the past, we will provide you with updates as we make further progress on implementing the recommendations.

Sincerely,



Susan Tsui Grundmann
Executive Director

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Agency Comment Letter

Text of Appendix III: Comments from the Office of Congressional Workplace Rights

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Page 2

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Sincerely,

Susan Tsui Grundmann
Executive Director

Appendix IV: GAO Contact and Staff Acknowledgments

GAO Contact

Yvonne D. Jones, (202) 512-6806 or jonesy@gao.gov

Staff Acknowledgments

In addition to the contact name above, Steven Lozano (Assistant Director), Elizabeth Fan (Analyst in Charge), David Blanding, Giny Cheong, Patrick Dibattista, Karin Fangman, Ben Licht, Patricia Powell, and Edith Yuh made key contributions to this report. Karen Brindle, Hannah Brookhart, Kisa Bushyeager, Terrell Dorn, Robert Gebhart, Lisa Hardman, Ted Hu, Susan Irving, Sonya Johnson, Amalia Konstas, Kaelin Kuhn, Patricia McClure, Zina Merritt, Edda Emmanuelli Perez, Robert Robinson, Sukhjoot Singh, Jon Ticehurst, Alicia White, and Rebecca Woiwode also provided valuable assistance.

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