



## UNITED STATES CAPITOL POLICE OFFICE OF INSPECTOR GENERAL

### Review of the United States Capitol Police Occupational Safety, Health and Environment Division

Report Number OIG-2020-12

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## ***INSPECTOR GENERAL***

### **PREFACE**

The Office of Inspector General (OIG) prepared this report pursuant to the Inspector General Act of 1978, as amended. It is one of a series of audits, reviews, and investigative and special reports. The Office of Inspector General prepares periodically as part of its oversight responsibility with respect to the United States Capitol Police (USCP) to identify and prevent fraud, waste, abuse, and mismanagement.

This report is the result of a review of the strengths and weaknesses of the office or function under review. Our work was based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

We developed our recommendations based on the best knowledge available to the Office of Inspector General and discussed in draft with those responsible for implementation. It is my hope that the recommendations will result in more effective, efficient, and/or economical operations.

I express my appreciation to those contributing to the preparation of this report.

Michael A. Bolton,  
Inspector General

## TABLE OF CONTENTS

	<u>Page</u>
Abbreviations and Acronyms	iii
Executive Summary	1
Background	2
Objectives, Scope, and Methodology	4
Results	6
Management, Leadership, and Worker Participation	7
Hazard Identification, Prevention, and Control	9
Education and Training	12
Program Evaluation and Improvement	14
Appendices	17
Appendix A – List of Recommendations	18
Appendix B – Department Comments	20
Appendix C – <i>Your Rights in the Congressional Workplace</i>	21

## Abbreviations and Acronyms

Architect of the Capitol	AOC
Authority Having Jurisdiction	AHJ
Centers for Disease Control and Prevention	CDC
Congressional Accountability Act of 1995	CAA
Congressional Accountability Act of 1995 Reform Act	CAA Reform Act
Department of Labor	DOL
Fiscal Year	FY
General Counsel	GC
Government Accountability Office	GAO
Joint Occupational Safety and Health Committee	JOSH
National Institute for Occupational Safety and Health	NIOSH
Occupational Safety and Health Act of 1970	OSHAct
Occupational Safety and Health Administration	OSHA
Occupational Safety, Health and Environment Division	OSHE
Office of Congressional Workplace Rights	OCWR
Office of Facilities and Logistics	OFL
Office of Inspector General	OIG
Recruit Officer Class	ROC
Risk Assessment Code	RAC
Training Services Bureau	TSB
United States Capitol Police	USCP or the Department

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## EXECUTIVE SUMMARY

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To prevent workers from being killed or seriously harmed at work, Congress passed the *Occupational Safety and Health Act* (OSHAct) in 1970. The law created the Occupational Safety and Health Administration (OSHA), the Government agency that sets and enforces protective workplace safety and health standards. Examples of OSHA standards include requirements to provide fall protection, prevent exposure to some infectious diseases and harmful substances such as asbestos and lead, provide respirators or other safety equipment, and provide training for certain dangerous jobs.

Employers must also comply with the General Duty Clause of the OSHAct. The clause requires that employers keep workplaces free of serious recognized hazards and is generally cited when no specific OSHA standard applies to the hazard.

The *Congressional Accountability Act of 1995* (CAA) applies private sector and executive branch workplace rights, safety, health, and public access laws to Congress and its agencies, including the United States Capitol Police (USCP or the Department), and provides the legal process for resolving alleged violations through the Office of Congressional Workplace Rights (OCWR), formerly the Office of Compliance. Section 215 of the CAA specifically requires that the OCWR General Counsel inspect legislative branch facilities for compliance with occupational safety and health standards at least once each Congress.

In accordance with our *Annual Performance Plan Fiscal Year 2020*, dated October 2019, the Office of Inspector General (OIG) conducted a review of the Occupational Safety, Health and Environment Division (OSHE) to determine whether the Department (1) established controls and processes for ensuring compliance with select Department policies, and (2) complied with select policies and procedures, laws, regulations, and best practices. Our scope included occupational safety and health policies, procedures, practices, and training for Fiscal Year 2019 through March 31, 2020.

*Recommended Practices for Safety and Health Programs*<sup>1</sup> is an OSHA publication that states an effective occupational safety and health program includes seven core elements—(1) management leadership, (2) worker participation, (3) hazard identification and assessment, (4) hazard prevention and control, (5) education and training, (6) program evaluation and improvement, and (7) communication coordination for contractors. The Department established controls and processes that included many of the recommended core elements for an effective program. USCP management, for example, demonstrated its leadership and commitment to safety and health by establishing and communicating responsibilities for management and non-management employees through Department-wide policies and procedures. USCP Directive [REDACTED] dated March 12, 2018, states, “It is the policy of the Department to provide a safe and healthy work environment for all employees and visitors who work in and visit USCP-occupied facilities.” To this end, the Department relies on its

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<sup>1</sup> OSHA 3885, dated October 2016.

employees to identify potential safety issues and conduct periodic inspections. The Department did not, however, always comply with those established policies and procedures. For example, the Department did not conduct periodic OSH Committee meetings with employee representatives, and employees did not conduct safety inspections of assigned areas as required. Most importantly, USCP employees responding to the latest *Employee Viewpoint Survey 2018-2019 Results*<sup>2</sup> ranked the Department below 65 percent, a negative satisfaction score, in questions related to the safety and health dimension.

Opportunities, however, exist to further incorporate key recommended practices in improving education and training, and developing results-oriented performance measures to evaluate the effectiveness of its occupational safety and health programs.

OIG made six recommendations as shown in Appendix A. On August 27, 2020, OIG provided a draft report to the Department for comments. We incorporated the Department's comments and attached their response in its entirety in Appendix B.

## BACKGROUND

With the *Occupational Safety and Health Act* of 1970 (OSHAct), Congress created the Occupational Safety and Health Administration (OSHA), an agency of the U.S. Department of Labor (DOL), to ensure safe and healthful working conditions for employees by setting and enforcing standards and by providing training, outreach, education, and assistance. In what has come to be known as the General Duty Clause, the OSHAct requires that employers furnish each employee "employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious harm to employees."<sup>3</sup>

The OSHAct also established the National Institute for Occupational Safety and Health (NIOSH) as a research agency focused on the study of worker safety and health as well as for empowering employers and workers to create safe and healthy workplaces. NIOSH is part of the U.S. Centers for Disease Control and Prevention (CDC) in the U.S. Department of Health and Human Services.

The *Congressional Accountability Act of 1995* (CAA) applies workplace protections to the more than 30,000 employees of the legislative branch. The CAA established the Office of Compliance to administer and enforce various provisions related to fair employment and occupational safety and health within the legislative branch.<sup>4</sup> The *Congressional Accountability Act of 1995 Reform Act* (CAA Reform Act), enacted on December 21, 2018, renamed the Office of Compliance the Office of Congressional Workplace Rights (OCWR) to better reflect the mission of the Office. The CAA expressly requires employing offices<sup>5</sup> and employees in the legislative branch to

<sup>2</sup> USCP Bulletin- [REDACTED] dated July 1, 2020. The survey identified areas viewed as strengths for the Department with a positive satisfaction score of 65 percent and above.

<sup>3</sup> Section 654(a)(1), title 29 of United States Code [29 U.S.C. § 654(a)(1)].

<sup>4</sup> Public Law (P.L.) No. 104-1, 109 Statute 3 (January 23, 1995).

<sup>5</sup> Generally, 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

“comply with the provisions of section 5 of the OSHA Act.”<sup>6</sup> Employing offices thus are subject to the General Duty Clause, and both employing offices and employees are required to comply with occupational safety and health standards issued pursuant to the statute.<sup>7</sup>

Section 215 of CAA requires that the OCWR General Counsel (GC) inspect legislative branch facilities for compliance with the General Duty Clause and occupational safety and health standards under OSHA Act at least once each Congress.<sup>8</sup> The GC must thereafter report the results to the Speaker of the House of Representatives, President pro tempore of the Senate, and offices responsible for correcting violations, including the United States Capitol Police<sup>9</sup> (USCP or the Department.)

USCP’s Office of Facilities and Logistics (OFL) is responsible for ensuring the execution of the safety goals and objectives for the Department. OFL’s Occupational Safety, Health and Environment Division (OSHE) has oversight responsibilities for all occupational safety and health programs such as the Department’s Respiratory Protection Program. OSHE also coordinates with the Architect of the Capitol (AOC) for environmental and fire safety issues.

AOC is a legislative branch agency responsible to the U.S. Congress for maintenance, operation, development, and preservation of the Capitol complex. As the agency responsible for maintaining facilities for the majority of legislative branch employing offices, AOC is frequently designated as the Authority Having Jurisdiction (AHJ)<sup>10</sup> or entity responsible for abating occupational safety and health hazards even in cases where employees of other employment offices file requests. USCP is responsible for correcting hazards related to equipment and other items brought into facilities that AOC manages for the Department.<sup>11</sup> For AOC-managed properties and facilities, AOC is the AHJ for fire and life safety.<sup>12</sup>

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Office of Congressional Accessibility Services), the Office of the Attending Physician, the OCWR, the Office of Technology Assessment, the Library of Congress (except for section 1351), the John C. Stennis Center [Mississippi] for Public Service Training and Development, the China Review Commission, the Congressional-Executive China Commission, and the Helsinki Commission. Certain provisions of CAA also apply to the Government Accountability Office and its employees.

<sup>6</sup> 2 U.S.C. § 1341(a)(1).

<sup>7</sup> 29 U.S.C. § 654(a)(2)(b), OSHA Act Sections 5(a)(2), 5(b).

<sup>8</sup> 2 U.S.C. § 1341(e)(1).

<sup>9</sup> 2 U.S.C. § 1341(e)(2).

<sup>10</sup> AOC FMD 11-3: *Definitions and Acronyms for Fire and Life Safety*, 6.3. *Authority Having Jurisdiction (AHJ)*: An organization, office or individual(s) responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

<sup>11</sup> For the USCP Training Academy at the Federal Law Enforcement Training Center (FLETC) at Cheltenham, Maryland; the AHJ is generally the Department of Homeland Security.

<sup>12</sup> AOC Fire Protection Policy 11-1: *Authority Having Jurisdiction (AHJ) for Fire and Safety*, dated June 7, 2010.

## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with our *Annual Performance Plan Fiscal Year 2020*, dated October 2019, the Office of Inspector General (OIG) conducted a review of OSHE to determine whether the Department (1) established controls and processes for ensuring compliance with select Department policies, and (2) complied with select policies and procedures, laws, regulations, and best practices. Our scope included occupational safety and health policies, procedures, practices, and training for Fiscal Year (FY) 2019 through March 31, 2020.

OIG took steps to understand OSHA, which requires that all workplaces be free of recognized hazards that might cause death or serious injury and CAA, which requires that employing offices and employees in the legislative branch “comply with the provisions of section 5 of OSHA.”<sup>13</sup> We also reviewed data that OSHE provided as well as statistical data, when available, during the previous two and current congressional cycles.<sup>14</sup>

To determine USCP safety and health policies, procedures, and training, we researched the Department’s website and Policenet for applicable guidance and training. We further researched the OCWR website for applicable guidance, annual reports, and periodic inspection reports related to legislative branch facilities. The CAA Reform Act, effective June 19, 2019, requires that OCWR promulgate or adopt regulations applicable to the legislative branch, that, according to USCP’s Office of General Counsel, “have not yet done so.” OIG, therefore, did not test compliance with OSHA standards, unless specifically referenced in USCP guidance, but assessed how the Department’s occupational safety and health program and actions aligned with recommended practices<sup>15</sup> that OSHA and OCWR have identified.

To determine compliance with USCP requirements, we reviewed directives for the occupational safety and health programs including standard operating procedures (SOPs) and applicable reports posted to the OCWR external website as of July 27, 2020, as shown in Table 1. OIG also interviewed the Department’s Safety Manager, who is primarily responsible for USCP’s occupational safety and health programs, and reviewed applicable minutes and meeting agendas, where available. Training is a shared responsibility of OSHE and the USCP Training Services Bureau (TSB.) We reviewed initial training OSHE provides for new employees—recruit officers and civilians—for FY 2019 and March 9, 2020, risk- or task-specific training certificates—*Asbestos Awareness, Heat Stress, and Confined Space*—awarded by OSHE.

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<sup>13</sup> 2 U.S.C. § 1341(a)(1).

<sup>14</sup> 114<sup>th</sup> Congress (2015-2016), 115<sup>th</sup> Congress (2017-2018), and 116<sup>th</sup> Congress (2019-2020).

<sup>15</sup> OSHA 3885, *Recommended Practices for Safety and Health Programs*, dated October 2016, and *Occupational Safety and Health Training Guidelines For Federal Agencies* (undated).

**Table 1: OCWR Reports Reviewed**

Type of Report	Title of Report	Year	Date
Biennial Report 102b	Recommendations for Improvements to the CAA: <i>An Analysis of Federal Workplace Rights, Safety, Health, and Accessibility Laws that Should be Made Applicable to Congress and Its Agencies</i> (OOC Report Number 2014-102b)	Conclusion of 113 <sup>th</sup> Congress for consideration by the 114 <sup>th</sup> Congress	December 2014
Biennial Report 102b	116 <sup>th</sup> Congress Recommendations for Improvements to the Congressional Accountability Act	Conclusion of the 115 <sup>th</sup> Congress for consideration by the 116 <sup>th</sup> Congress	Undated
Biennial Inspection Report	114 <sup>th</sup> Congress, <sup>16</sup> Occupational Safety, and Health Inspections	Conducted in 2015-2016	July 2019
Annual	State of the Congressional Workplace; A Report on Workplace Rights, Safety and Health, and Accessibility under the Congressional Accountability Act	FY 2018	Undated

Source: OIG generated from information found on the OCWR external website as of July 27, 2020.

We further analyzed OCWR's occupational safety and health periodic inspections of USCP-occupied facilities. For the previous 114<sup>th</sup> congressional cycle, we reviewed the biennial inspection report dated July 2019, that OCWR had posted to its website. Because OCWR had not posted the biennial inspection for the 115<sup>th</sup> Congress,<sup>17</sup> OIG reviewed the Department's abatement responses and comments dated September 13, 2018; September 26, 2018; January 8, 2019; and March 4, 2019; addressing the OCWR inspection hazard findings. For the 116<sup>th</sup> Congress,<sup>18</sup> we reviewed OCWR's *Hazard Summary Report*, dated August 22, 2019, and the Department's applicable abatement responses and comments related to the April 2019 inspections OCWR conducted. In addition, we analyzed the risk assessment codes (RACs) that OCWR assigned to the 69 hazard findings identified in USCP-occupied facilities during the 116<sup>th</sup> occupational safety and health inspection. Although the rosters of facilities inspected during the three Congresses (114<sup>th</sup>, 115<sup>th</sup>, and 116<sup>th</sup>) were not identical, we did conduct a limited analysis of the three inspections to determine the number of higher-risk findings, continuing violations, and findings identified in USCP-occupied facilities.

To determine the status of the Department's efforts to maintain a safe and healthy workplace, we reviewed USCP workplace injury and illness statistics for FY 2017 through FY 2019 identified on OSHA's website, which we reconciled to data OSHE provided. We did not review sensitive

<sup>16</sup> A session of Congress is 1 year. Each term has two sessions, which are referred to as "1st" or "2nd." Session dates for the 114<sup>th</sup> Congress are: 1st Session, January 6, 2015, through December 18, 2015; 2nd Session, January 4, 2016, through January 3, 2017.

<sup>17</sup> The 115<sup>th</sup> Congress convened on January 3, 2017, and concluded on January 3, 2019.

<sup>18</sup> The 116<sup>th</sup> Congress convened on January 3, 2019, and will conclude on January 3, 2021.

or personally identifiable information<sup>19</sup> such as employee injury and illness claims. As a result, we could not develop a clear picture of the extent and severity of work-related incidents or the program's effectiveness. In addition, we analyzed the latest employee viewpoint survey to determine if Department-wide scores in the safety dimension of the survey<sup>20</sup> were maintained or improved.

To identify best practices, OIG searched websites for leading practices and training related to safety, health, fire, and environmental programs and searched the websites for AOC, DOL, OSHA, CDC, and NIOSH to identify model policies and training programs. As a legislative branch entity, many laws and regulations that apply to executive branch agencies do not apply to USCP. We believe, however, that those laws, regulations, guidance, and training represent appropriate guidance and industry best practices for USCP. We further reviewed AOC's *Strategic Plan 2017–2021* and its FY 2019 *Performance Accountability Report* as well as applicable fire and life safety definitions and applicable requirements. We also reviewed OCWR *Strategic Plan 2019–2023*; NIOSH *Strategic Plan FYs 2019–2023*; applicable Government Accountability Office (GAO) reports; and other guidance for industry best practices in safety, health, fire and environmental programs.

We conducted this review in Washington, D.C., from March through August 2020. We did not conduct an audit, the objective of which would be the expression of an opinion on Department programs. Accordingly, we did not express such an opinion. OIG did not conduct this review in accordance with generally accepted government auditing standards. Had we conducted an audit and followed such standards, other matters might have come to our attention.

On August 27, 2020, we provided a draft copy of this report to Department officials for comment. A list of recommendations is detailed in Appendix A. We incorporated Department comments as applicable and attached the response to the report in its entirety as Appendix B.

## RESULTS

OSHA 3885, *Recommended Practices for Safety and Health Programs*, dated October 2016, states an effective occupational safety and health program include seven core elements— (1) management leadership, (2) worker participation, (3) hazard identification and assessment, (4) hazard prevention and control, (5) education and training, (6) program evaluation and improvement, and (7) communication coordination for contractors. Although it established controls and processes that included many of the recommended core elements for an effective occupational safety and health program, the Department did not always comply with its established occupational safety and health policies and procedures. The Department has an opportunity to improve its controls and strengthen its program further by implementing the recommended core elements. Those core elements include management leadership and worker

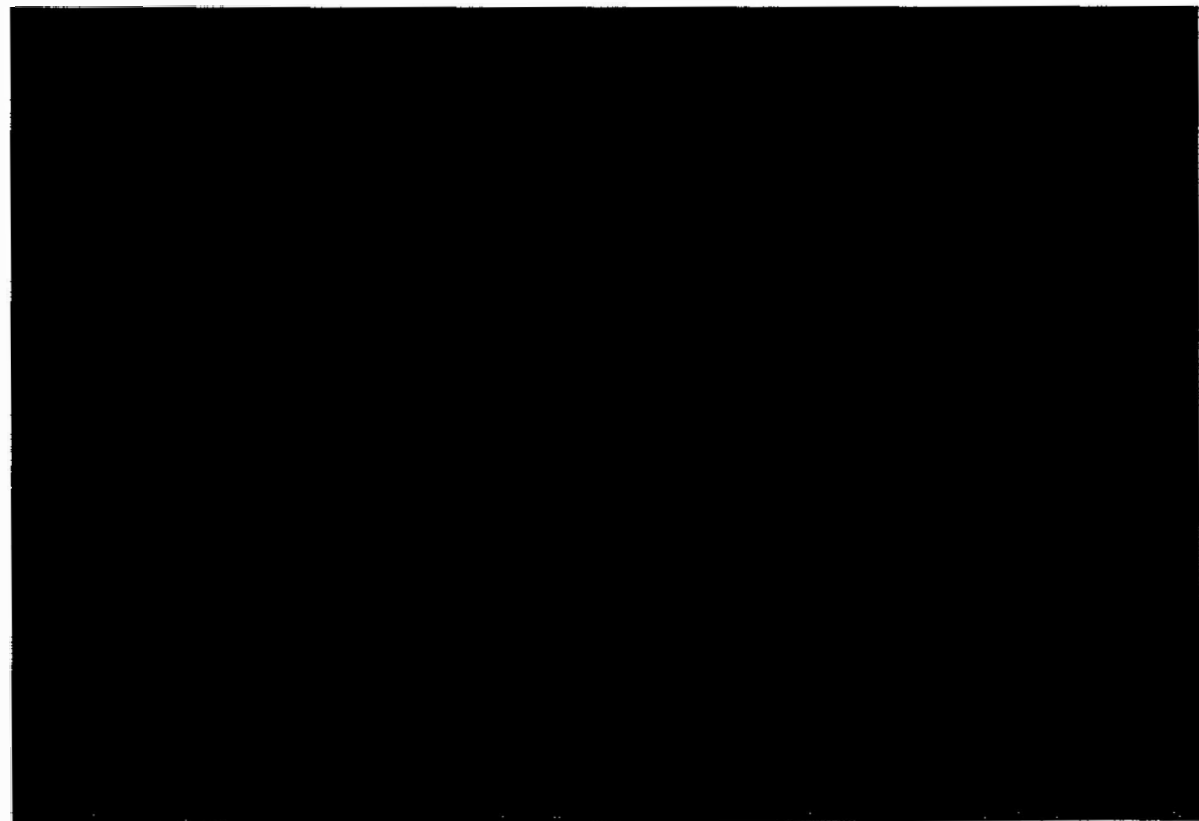
<sup>19</sup> Personally identifiable information is any information that can be used to distinguish or trace an individual's identity, such as name, date and place of birth, or Social Security number, and other types of personal information that can be linked to an individual, such as medical, educational, financial, and employment information.

<sup>20</sup> USCP Bulletin [REDACTED], *Employee Viewpoint Survey 2018-2019 Results*, dated July 1, 2020.

participation as well as hazard identification, prevention, and control; education and training; and program evaluation.

### **Management, Leadership and Worker Participation**

OSHA-recommended practices state that top management should demonstrate its commitment to continuous improvement in safety and health, communicate the commitment to workers, and set responsibilities. USCP management has demonstrated its commitment to safety and health by establishing and communicating responsibilities of management and non-management employees by way of Department-wide policies and procedures. [REDACTED]



Five USCP directives detail the Department's overarching occupational safety and health programs, which in some cases identify OSHA statutory and regulatory requirements. For example, USCP Directive [REDACTED] states that respirator wearers must use the seal check procedures described in 29 CFR 1910.134.

Of five directives reviewed, USCP had reviewed and updated four. The Department had not, however, updated SOP [REDACTED] since 2011, or issued its [REDACTED] directive—still in draft as of August 2020. The draft directive states that it was revised in February 2019. As a result, the Department did not fully inform its employees of the physical and health hazards within the workplace or the safeguards that should have been employed to

ensure a safe work environment. The Safety Manager anticipated submitting the draft of that directive to the Office of Policy and Management Systems in August 2020. The Department did, however, update and issue USCP Directive [REDACTED] as well as numerous bulletins to ensure the Department informed employees about issues related to the Coronavirus Disease 2019 pandemic.

Top management also demonstrated in 2018 its commitment to a safe environment by issuing USCP Directive [REDACTED], signed by the then Chief of Police, which states, "It is the policy of the Department to provide a safe and healthy work environment for all employees and visitors who work in and visit USCP-occupied facilities."

As a way of obtaining employee involvement/participation, recommended practices encourage Federal agencies to set up occupational safety and health committees composed of both management and non-management employees. USCP Directive [REDACTED] established such a Committee of employee representatives<sup>21</sup> and is chaired by the OSHE Safety Manager. The Directive also established responsibilities for supervisors as well as employees along with procedures for reporting workplace hazards and worker participation. The Directive requires that Bureau Commanders and Office directors designate, in writing to the OSHE Safety Manager, members of the Safety Inspection Team.<sup>22</sup>

The Department did not, however, always comply with the Directive. Non-compliance may have occurred, in part, because the Directive does not address a responsible party for scheduling Committee meetings, or the frequency of such meetings. As a result, the Department did not conduct any OSH Committee meetings as required from December 9, 2018, through July 2020.

The Safety Manager explained that Bureau Commanders and Office Directors did not designate in writing the names of members appointed to the Committee or the Safety Inspection Team.

OSHE did conduct quarterly Joint Occupational Safety and Health Committee (JOSH) meetings with AOC to discuss safety issues, but the Safety Manager confirmed that the last JOSH meeting was December 9, 2018, because of a lack of attendance. According to OSHA and OCWR, safety meetings should be a regular event. OSHA emphasizes the importance of worker participation in safety and health programs. For a program to succeed, workers (and, if applicable, their representatives) must participate in developing and implementing every element of the safety and health program.

## Conclusions

Although USCP established and communicated its written occupational safety and health policy as well as set management and non-management responsibilities, the Department did not always comply with its written guidance. The condition may have occurred, in part, because USCP Directive [REDACTED] did not establish a responsible party for scheduling Committee meetings,

<sup>21</sup> Directive [REDACTED], states "Occupational Safety and Health (OSH) Committee. A committee composed of at least one member at the rank of sergeant or civilian equivalent per Bureau/Office or Division."

<sup>22</sup> The Safety Inspection Team is composed of members who conduct facility safety inspections of their assigned areas of responsibility.

timeframes, or a frequency of inspections of respective areas; and managers never officially designated in writing the names of members appointed to the Committee or to the Safety Inspection Team.

In addition, the [REDACTED] Directive was in draft and the applicable SOP was outdated. To be effective, any occupational safety and health program needs meaningful participation of workers and their representatives. Workers have much to gain from a successful program and the most to lose if the program fails. They also often know the most about potential hazards associated with their jobs. Successful programs tap into that knowledge base. Thus, OIG makes the following recommendations.

**Recommendation 1:** We recommend the United States Capitol Police review and update Directive [REDACTED], dated March 12, 2018, assigning responsibility for scheduling Committee meetings, establishing a regular schedule of Committee meetings, providing timeframes for members to inspect assigned areas, and holding Bureau Commanders and Office Directors accountable for designating in writing the names of members representing Bureau/Office appointed to the Occupational Safety and Health Committee and to the Safety Inspection Team.

**Recommendation 2:** We recommend the United States Capitol Police update applicable procedures such as Standard Operating Procedure [REDACTED], dated April 30, 2011, and finalize its draft Directive [REDACTED], dated February 2019, to ensure employees are fully informed of the physical and health hazards within the workplace and the safeguards that must be employed to ensure a safe work environment.

### **Hazard Identification, Prevention, and Control**

OSHA-recommended practices state that employers should have a thorough understanding of all hazardous situations to which employees may be exposed, as well as the ability to recognize and correct those hazards. The Department had controls and procedures for identifying, preventing, and controlling workplace hazards identified through worksite analysis (job hazard evaluation), self-inspection, and external inspections. For example, USCP Directive [REDACTED] states that the Department will conduct a job hazard evaluation for each operational process or work area. According to the Safety Manager, "We have inspected every work site many times, however, we have not conducted formal Job Hazard Analysis (JHA's) of every site and work task." As a result, OSHE did not have adequate documentation to support job hazard analyzes.

According to Directive [REDACTED] the Department relies on its employees to identify potential safety issues and conduct periodic inspections of assigned areas. Specifically, OSHE is responsible for ensuring that safety inspection team members understand how to complete a [REDACTED]. The Safety Manager, however, stated, OSHE has not provided detailed training related to the inspection checklist for several years because the

checklist is self-explanatory. The Safety Manager also stated that Safety Inspection Team members, who are employee representatives, did not conduct inspections of assigned areas of responsibility as required because OSHE contractors conduct informal inspections of worksite as needed. According to OSHA and OCWR, participation of frontline workers and management help foster communication and address safety-related issues and encourage workers to promptly address safety hazards and report injuries or illnesses. Our review of AOC's *Performance Accountability Report* for FY 2019 states, "To...enhance workplace safety, AOC is training staff to perform self-inspections in their work areas and correct instances of noncompliance."

Under CAA, the GC for OCWR must conduct occupational safety and health inspections of legislative branch facilities and report the results of those inspections to Congress. OCWR notifies employing offices of proposed dates of each inspection and publishes the results of the inspections on its website. Once OCWR scheduled the April 2019, inspection, OSHE notified "Commanders and Directors" of the pending inspection and of its pre-inspection of USCP-occupied spaces with assistance from the AOC Safety Office, during the month of March 2019. In its March 4, 2019, email notification, OSHE further enclosed the latest OCWR *Common Office Safety Hazards* to assist employees in conducting self-inspections of areas of responsibility.

Nevertheless, during the current 2-year congressional cycle (116<sup>th</sup> Congress), OCWR's April 2019, inspection identified a total of 69 hazard findings<sup>23</sup> applicable to USCP-occupied facilities. Although, the rosters of facilities inspected during the three Congresses are not identical, we did note that hazard findings increased significantly from 29 during the 114<sup>th</sup> Congress and 24 during 115<sup>th</sup> Congress to 69 during the 116<sup>th</sup> Congress. According to the AOC *Performance Accountability Report* for FY 2019, the increase in hazards may be, in part, the result of a change in OCWR's methodology that results in documenting the same finding in multiple locations as separate findings.

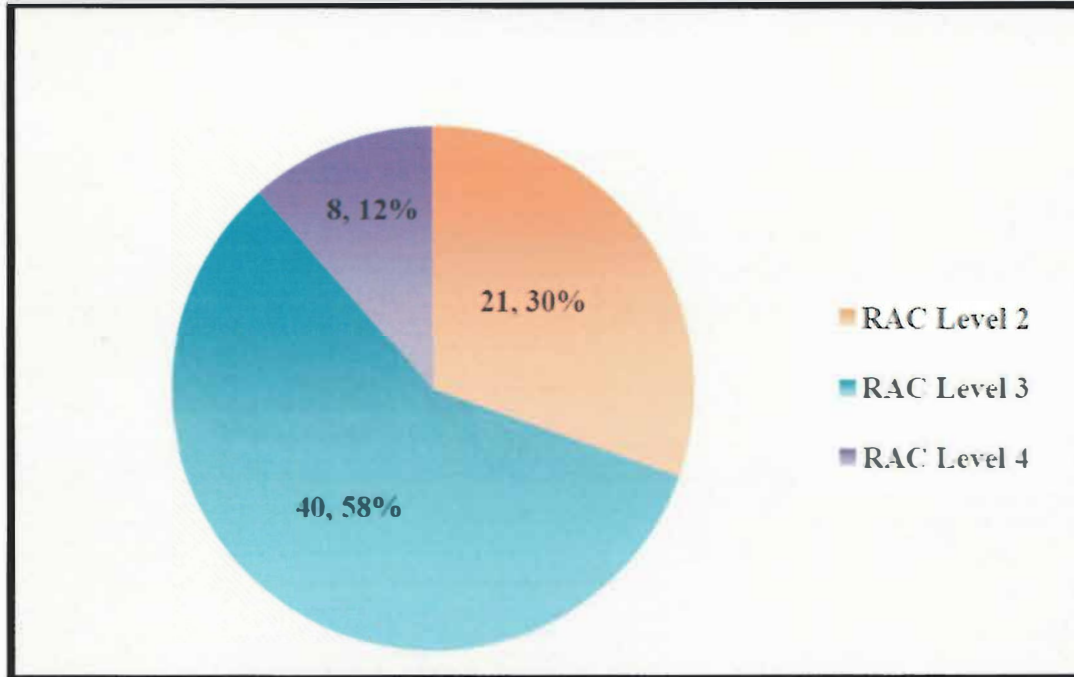
Of 69 findings identified in USCP-occupied facilities, OCWR assigned a Risk Assessment Code (RAC)<sup>24</sup> to each hazard. Distribution of the hazards by RAC is depicted in Figure 1. Thirty percent, or 21 of 69 findings, were higher-risk, RAC 2 hazards. Forty-three percent, or 9 RAC 2 hazards, involved means of egress, and 38 percent, or 8, involved electrical hazards. The other most common RAC 2 hazards involved absence of safety lighting and general work environment control issues. The danger posed to employees by the greater number of higher-risk hazards, after pre-inspections, is a concern.

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<sup>23</sup> OCWR, *Hazard Summary Report*, dated August 22, 2019.

<sup>24</sup> OCWR uses a RAC system to classify hazards. RACs are classified in descending order of severity and likelihood of occurrence, with RAC 1 representing the potential for death or extremely serious injury and/or a very high likelihood of occurrence, and RAC 4 indicating the potential for less serious injury and/or a lower likelihood of occurrence. "Higher-risk" refers to hazards rated RAC 1 and RAC 2.

**Figure 1: Periodic Occupational Safety and Health Inspection, 116<sup>th</sup> Congress, OCWR Assigned RACs to Hazard Findings Identified in USCP-occupied Facilities**



Source: OIG generated from the OCWR Occupational Safety and Health Inspection of USCP-occupied facilities. *Hazard Summary Report*, dated August 22, 2019. Note: OCWR did not assign RAC level 1 or 5 to any findings related to USCP-occupied facilities. Numbers rounded to nearest percent.

## Conclusions

Although it had controls and procedures for identifying, preventing, and controlling workplace hazards, the Department did not fully comply with its written guidance. For example, OSHE did not provide adequate evidence of worksite hazard analysis/evaluation and Committee members did not conduct self-inspections of assigned areas of responsibility. During the current congressional cycle, OCWR's external inspections showed a significant increase in hazard findings with higher risk. As a result, USCP's occupational safety and health program was not working as intended, was not controlling hazards, or was not making progress toward a safer workplace. Thus, OIG makes the following recommendation.

**Recommendation 3:** We recommend the United States Capitol Police fully implement its established controls and procedures related to worksite analysis and preventing and controlling workplace hazards such as formally documenting worksite evaluations, and conducting self-inspections of areas of responsibility.

## Education and Training

According to OSHA *Occupational Safety and Health Training Guidelines For Federal Agencies*, each Federal agency is responsible for providing appropriate training for ensuring that employees have the knowledge and skills necessary to fulfill occupational safety and health obligations. The guidelines also recommend that employees complete general occupational safety and health training on “a yearly basis.” For example, the “annual training” should cover new or emerging hazards and occupational safety and health issues of importance to the agency or job task/function. Other training, including risk-specific and task-specific training, should be delivered on an as-needed basis. Best practices also suggest that agencies educate and train workers to understand its occupational safety and health program—how the program works and how to carry out responsibilities assigned under the program.

GAO *Standards for Internal Control in the Federal Government* further require:

Management establishes expectations of competence for key roles, and other roles at management’s discretion, to help the entity achieve its objectives. Competence is the qualification to carry out assigned responsibilities. It requires relevant knowledge, skills, and abilities, which are gained largely from professional experience and training....

OSHE provided initial occupational safety and health training to all new employees, risk-specific or task-specific training for designated employees, and annual mandatory training for sworn and designated civilian employees. The Department did not, however, provide adequate initial occupational safety and health training for new civilian employees or general occupational safety and health training to Department employees on an annual basis as best practices recommend. OSHE provided initial health and safety training for new civilian and sworn employees during FY 2019. Our review of the civilian employee orientation<sup>25</sup> OSHE did provide, showed that the orientation was basically an overview of the OFL structure and responsibilities provided as part of new employee in-processing. Of 13 slides in the presentation, only 1 described major responsibilities for OSHE. The presentation of about 30 minutes did not identify policies and procedures applicable to its safety and health program, nor did it identify OCWR, employer, or employee responsibilities. The presentation also did not include information about employee protections and rights regarding a safe workplace.

During FY 2019, OSHE provided a 3-hour safety course<sup>26</sup> to eight recruit officer classes (ROCs).<sup>27</sup> The introduction to that course states, “This course has been designed to familiarize all USCP employees with an overview of safety...” The following Enabling Performance Objectives (EPOs) for the course state that all participants would:

EPO 1 - Learn safety statistics

EPO 2 - Understand their role in maintaining safety

<sup>25</sup> OSHE provided training to 39 civilians during 17 new employee orientations during FY 2019.

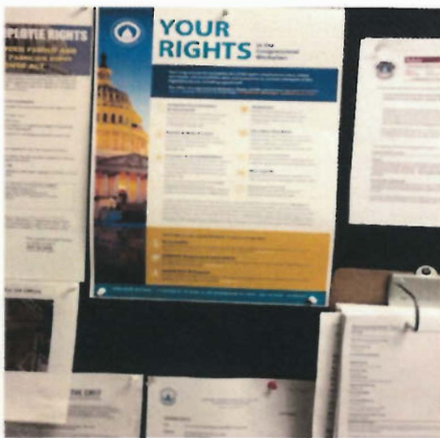
<sup>26</sup> TSB Course Number CALEA 101.12, *USCP Safety Orientation*, dated May 2019.

<sup>27</sup> ROC classes included: ROC 197 (10/23/18); ROC 198 (11/28/18); ROC199 (12/21/18); ROC 200 (3/7/19); ROC 201 (3/26/19); ROC 202 (4/30/19); ROC 203 (6/21/19); and ROC 204 (8/9/19).

- EPO 3 - Learn how to obtain safety information
- EPO 4 - Identify Safety Hazards
- EPO 5 - Maintain safe work areas
- EPO 6 - Understand common fire hazards fire Ext. use
- EPO 7 - Learn how to respond to an accident
- EPO 8 - Blood Borne Pathogen video
- EPO 9 - Identifying Electrical and chemical hazards
- EPO 10 - Hearing conservation

OSHE further conducted risk-specific and task-specific training on an as-needed basis. For example, in March 2020 OSHE provided *Asbestos Awareness, Heat Stress, and Confined Space* training to individuals required to enter the AOC tunnel system. In addition, “yearly” online training included *Fire Extinguishers* and *Blood-Borne Pathogens* training—mandatory for all sworn and certain civilian employees.

**Figure 2: Your Rights Notice**



Source: OSHE.

During occupational safety and health training, OSHE explained that individuals could obtain safety information from bulletin boards. OIG checked several floors in the Fairchild Building for the OCWR notice, *Your Rights*. OSHE had not posted the notice in all USCP areas. According to the Safety Manager, “we were told at our closing conference, after the 116<sup>th</sup> Inspection, that OCWR would be sending them out for posting.” As shown in Figure 2, after the OIG inquiry OSHE provided a notice posted in a Department area. We reviewed the OCWR website on July 27, 2020, which states “Notices of Congressional Workplace Rights are available at the OCWR.” Through permanent postings, current and new employees remain informed about their rights and protections regardless of their location, employee turnover, or other changes in the workplace. An enlarged version of this notice is provided in Appendix C.

## Conclusions

Although OSHE provided initial training for sworn and civilian employees, the training for new civilian employees during in-processing orientation was not adequate. The Department did not, however, provide general occupational safety and health training to all employees on an annual basis as best practices advocate. In addition, OSHE did not post the OCWR notice, *Your Rights*, in all USCP-occupied facilities because OCWR did not make it available to legislative branch employing offices. As of July 27, 2020, the OCWR website indicates that the notices were available. Training is necessary to reinforce and complement management’s commitment to safety and health and ensure that all employees understand how to avoid exposure to hazards. Thus, OIG makes the following recommendations.

**Recommendation 4:** We recommend the United States Capitol Police update its 3-hour occupational safety and health training provided to recruit officers to include general occupational safety and health information on how to report safety hazards to the Department and/or the Office of Congressional Workplace Rights. The United States Capitol Police should also provide the updated training to all new civilian and sworn employees. In addition, the United States Capitol Police should develop annual training for civilian and sworn employees that provides a refresher on new and emerging occupational safety and health hazards, or new safety and health injury and illness trends.

**Recommendation 5:** We recommend that the United States Capitol Police immediately display in prominent places the *Your Rights* publication notice throughout the workplace or otherwise make it available for easy access informing employees of their rights and protections under the Congressional Accountability Act.

## **Program Evaluation and Improvement**

OSHA-recommended practices advocate that agencies develop and implement a program for evaluating the effectiveness of their occupational safety and health programs. In addition, the GAO *Standards for Internal Control in the Federal Government* require:

Management establishes activities to monitor performance measures and indicators. These may include comparisons and assessments relating different sets of data to one another so that analyses of the relationships can be made and appropriate actions taken. Management designs controls aimed at validating the propriety and integrity of both entity and individual performance measures and indicators.

The Department did not have in place processes for monitoring program performance and verifying program implementation nor did it have controls for periodically evaluating the effectiveness of occupational safety and health programs. Specifically, the Department did not develop goals, objectives, control measures, and key performance indicators linked to the strategic plan. As a result, the Department did not have any assurances its program was operating as intended, controlling hazards, or making progress toward a safer workplace.

In a June 8, 2020, email to OIG, the Safety Manager states, “We only became a Division recently and these have not been established.” OIG noted that as of March 25, 2020, Policenet identifies OSHE as an office while applicable USCP directives and the USCP organization chart effective October 20, 2019, identify OSHE as a Division.

We reviewed USCP’s latest *Employee Viewpoint Survey 2018-2019 Results* related to employee viewpoints toward occupational safety and health to determine if USCP maintained or improved Department-wide scores in the safety dimension of the survey. The survey identified areas viewed as strengths for the Department with a positive satisfaction score of 65 percent and above. As shown in Table 3, two questions (14 and 35) on the survey directly related to the

safety and health environment. Employee satisfaction scores for both questions were below 65 percent and, therefore, viewed as a concern and a challenge for the Department.

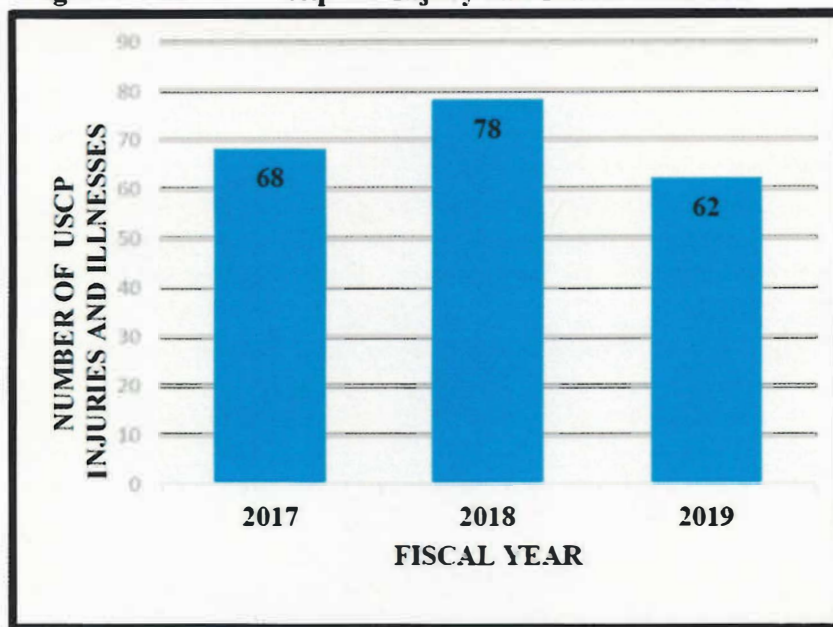
**Table 3: Employee Satisfaction Scores in the Occupational Safety and Health Dimension**

Number	Question	Strongly Agree/Agree 2018-2019	Strongly Agree/Agree 2017	Change in Percent from 2017
14.	Physical conditions (for example, noise level, temperature, lighting, cleanliness in the workplace) allow employees to perform their jobs well.	58.8%	60.8%	-1.98%
35.	Employees are protected from health and safety hazards on the job.	54.8%	54.1%	0.68%

Source: OIG generated. Bulletin [REDACTED], *Employee Viewpoint Survey 2018-2019 Results*, dated July 1, 2020.

To assess the Department's ability to provide a safe workplace, we reviewed illness and injury statistics for USCP for FY 2017 through FY 2019. According to the *Federal Agency Injury and Illness Statistics* that OSHA publishes, the number of injuries and illnesses USCP employees reported increased from 68 during FY 2017 to 78 during FY 2018, representing an increase of about 15 percent. In response, the Safety Manager stated, "No clear trend can be established." Nevertheless, the number of injuries and illnesses decreased from 78 during FY 2018 to 62 during FY 2019, representing a decrease of 16 or about 21 percent, as shown in Figure 3.

**Figure 3: USCP Workplace Injury and Illness Statistics**



Source: OIG generated from DOL, OSHA, *Federal Agency Injury and Illness Statistics by Year*.

Because OIG did not review sensitive or personally identifiable information on employee injury and illness claims, we could not develop a clear picture of the extent and severity of work-related incidents or program effectiveness. According to OSHA-recommended practices, one of the “root causes” of workplace injuries, illnesses, and incidents is the failure to identify or recognize hazards that are present, or that could have been anticipated. A critical element of any effective safety and health program is a proactive, ongoing process for identifying and assessing such hazards.

## **Conclusions**

The Department did not establish performance measures and indicators for periodically evaluating its occupational safety and health program that could have identified shortcomings and opportunities for improvement. Although gathering employee feedback regarding safety is always important, it is especially critical in challenging or uncertain times. Survey results provided the Department with additional opportunities to take action for ensuring employee safety and well-being. Goals emphasizing injury and illness prevention should be included, rather than focusing on injury and illness rates. Thus, OIG makes the following recommendation.

**Recommendation 6:** We recommend the United States Capitol Police immediately establish, document, and communicate consistent goals, objectives, measures, and key performance indicators for any occupational safety and health programs linked to the Department’s strategic goals and objectives, thereby ensuring accurate and reliable performance reporting and accountability.

# APPENDICES

### *List of Recommendations*

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**Recommendation 1:** We recommend the United States Capitol Police review and update Directive [REDACTED], dated March 12, 2018, assigning responsibility for scheduling Committee meetings, establishing a regular schedule of Committee meetings, providing timeframes for members to inspect assigned areas, and holding Bureau Commanders and Office Directors accountable for designating in writing the names of members representing Bureau/Office appointed to the Occupational Safety and Health Committee and to the Safety Inspection Team.

**Recommendation 2:** We recommend the United States Capitol Police update applicable procedures such as Standard Operating Procedure [REDACTED], dated April 30, 2011, and finalize its draft Directive [REDACTED], dated February 2019, to ensure employees are fully informed of the physical and health hazards within the workplace and the safeguards that must be employed to ensure a safe work environment.

**Recommendation 3:** We recommend the United States Capitol Police fully implement its established controls and procedures related to worksite analysis and preventing and controlling workplace hazards such as formally documenting worksite evaluations, and conducting self-inspections of areas of responsibility.

**Recommendation 4:** We recommend the United States Capitol Police update its 3-hour occupational safety and health training provided to recruit officers to include general occupational safety and health information on how to report safety hazards to the Department and/or the Office of Congressional Workplace Rights. The United States Capitol Police should also provide the updated training to all new civilian and sworn employees. In addition, the United States Capitol Police should develop annual training for civilian and sworn employees that provides a refresher on new and emerging occupational safety and health hazards, or new safety and health injury and illness trends.

**Recommendation 5:** We recommend that the United States Capitol Police immediately display in prominent places the *Your Rights* publication notice throughout the workplace or otherwise make it available for easy access informing employees of their rights and protections under the Congressional Accountability Act.

**Recommendation 6:** We recommend the United States Capitol Police immediately establish, document, and communicate consistent goals, objectives, measures, and key performance indicators for any occupational safety and health programs linked to the Department's strategic goals and objectives, thereby ensuring accurate and reliable performance reporting and accountability.

## DEPARTMENT COMMENTS



### UNITED STATES CAPITOL POLICE

OFFICE OF THE CHIEF  
118 O STREET, NE  
WASHINGTON, DC 20515-7218

September 11, 2020

Page: 25 of 25

COP 200407

#### MEMORANDUM

**TO:** Michael A. Bolton  
Inspector General

**FROM:** Steven A. Sund  
Chief of Police

**SUBJECT:** Response to Office of Inspector General draft report *Review of the United States Capitol Police Occupational Safety, Health and Environment Division* (OIG-2020-12)

The purpose of this memorandum is to provide the United States Capitol Police response to the recommendations contained within the Office of Inspector General's (OIG) draft report *Review of the United States Capitol Police Occupational Safety, Health and Environment Division* (OIG-2020-12).

The Department generally agrees with all of the recommendations and appreciates the opportunity to work with the OIG to further improve upon the policies and procedures in place for our Occupational Safety, Health and Environment Division. The Department will assign Action Plans to appropriate personnel regarding each recommendation in effect in order to achieve long term resolution of these matters.

Thank you for the opportunity to respond to the OIG's draft report. Your continued support of the women and men of the United States Capitol Police is appreciated.

Very respectfully,

Steven A. Sund  
Chief of Police

cc: Richard L. Braddock, Chief Administrative Officer  
Assistant Chief Chad B. Thomas, Uniformed Operations  
Assistant Chief Yogananda D. Pittman, Protective and Intelligence Operations  
[REDACTED] JSCP Audit Liaison

Nationally Accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc.

## Your Rights in the Congressional Workplace



# YOUR RIGHTS in the Congressional Workplace

The Congressional Accountability Act (CAA) applies employment, labor, safety and health, and accessibility rights and protections to covered employees of the legislative branch, including unpaid staff.

The Office of Congressional Workplace Rights (OCWR) administers a process to resolve claims alleging violations of these laws. **Confidential advising is available at no cost.**



### Unlawful Discrimination & Harassment

Prohibits harassment and discrimination in personnel actions based on race, color, national origin, sex, religion, age, or disability. (CAA SEC. 201)



### Retaliation

Prohibits intimidation, reprisal, or discrimination against employees who exercise their rights under the CAA. (CAA SEC. 207)



### Family & Medical Leave

Provides rights and protections for employees needing leave for specified family and medical reasons. (CAA SEC. 202)



### Fair Labor Standards

Requires minimum wage and overtime compensation to nonexempt employees, restricts child labor, and prohibits sex-based wage differentials. (CAA SEC. 203)



### Veterans & Servicemembers

Protects employees who are past or present members of the uniformed services from discrimination or retaliation and provides certain benefits and reemployment rights. (CAA SEC. 205)



### Genetic Information

Prohibits the use of genetic information as a basis for personnel actions. (CAA SEC. 10202)



### Mass Layoffs

Requires that employees be notified of an office closing or of a mass layoff. (CAA SEC. 206)



### Polygraph Testing

Restricts the use and the results of polygraph testing. (CAA SEC. 204)

A claim alleging violations of the above laws must be filed with the OCWR within **180 days** of the violation. If your claim passes a preliminary review by a hearing officer, you may request an administrative hearing or file a complaint in federal district court. If your claim does not pass the preliminary review, you still may file a complaint in federal district court. The OCWR offers, at no cost to covered employees, confidential advising services to provide information, guidance, and assistance with drafting claims. Mediation is also available upon request and agreement of the parties.

The OCWR also enforces the laws below. Contact us to learn more.



### Accessibility

Members of the public who are qualified individuals with disabilities may not be denied access to public services, programs, activities, or places of public accommodation. (CAA SEC. 208)



### Collective Bargaining & Unionization

Allows certain legislative branch employees the right to form, join, or assist a labor organization or to refrain from such activity. (CAA SEC. 209)



### Hazard-Free Workplaces

Requires employing offices to comply with occupational safety and health standards and to provide workplaces free of recognized hazards. (CAA SEC. 210)

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Call us at 202-593-3868 or toll-free at 866-906-2446. A confidential or anonymous message can be left 24 hours a day/7 days a week.

Toll-Free - 1-866-906-2446



Write us:

*United States Capitol Police  
Attn: Office of Inspector General  
499 South Capitol St. SW, Suite 345  
Washington, DC 20003*



Or visit us:

*499 South Capitol Street, SW, Suite 345  
Washington, DC 20003*



You can also contact us by email at:

When making a report, convey as much information as possible such as:  
Who? What? Where? When? Why? Complaints may be made anonymously or you may request confidentiality.

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