

Office of Compliance

EMPLOYEE'S FORMAL REQUEST FOR COUNSELING

Case#

The Congressional Accountability Act (CAA) provides that a covered employee who alleges a violation of the Act can initiate proceedings to resolve the allegations(s) by filing a formal request for counseling with the Office of Compliance no later than 180 days after the date of the alleged violation(s). The Office will provide the employee with information about the employee's rights and responsibilities and the procedures of the Office, discuss the employee's concerns, get information from the employee regarding the alleged violation, and assist the employee in achieving a resolution of the matter, if possible.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

I. Contact Information

EMPLOYEE NAME: Tunnel Shop Workers
Date: October 18, 2006

MAILING ADDRESS: John Thayer (Supervisor)
Tom Baker
Frank Binns
Martin Blanchet
Edward Hill
Rick Leonard
Charles Morris
Christian Raley
Scott Smith
Tim Taylor

TELEPHONE: (work)
(home)

JOB/POSITION TITLE: [Media Copy – Personal Information Redacted]

EMPLOYING OFFICE INVOLVED: Architect of the Capitol

(NOTE: You must inform the Office of Compliance immediately of any changes to your address and/or telephone numbers. Failure to do so may cause you to lose your right to pursue this matter.)

II. Describe the conduct complained of, including date(s) and person(s) involved: (use additional pages if necessary)

SEE ATTACHED PAGE

CONFIDENTIALITY:

Please be advised of the importance of confidentiality in this process. Section 416 of the Act provides that all counseling shall be strictly confidential. However, you and the Office of Compliance may agree to notify the employing office of your allegations during counseling by signing an agreement waiving confidentiality for that purpose.

III. Signature of employee or representative: (Representatives must be designated by employee on a separate form, or by letter indicating designation)

David J. Marshall
Signature

10/18/06
Date

David J. Marshall, Esquire
Joanne Royce, Esquire
Debra S. Katz, Esquire



Office of Compliance employee receiving this request:

Date and manner in which request was received by the Office of Compliance employee:

Has the contacting employee previously received advice/information from the Office of Compliance? Yes No

If so, Date of Contact: _____

If filed previously, case number: _____

II. Conduct complained of by John Thayer, Tom Baker, Frank Binns, Martin Blanchet, Edward Hill, Rick Leonard, Charles Morris, Christian Raley, Scott Smith and Tim Taylor ("Tunnel Shop employees").

The Architect of the Capitol ("AoC") has retaliated against the Tunnel Shop employees in violation of Section 207 (a) of the Congressional Accountability Act, 2 U.S.C. §1317 ("CAA"), for opposing unsafe conditions in their workplace and for assisting in official investigations of AoC's failure to comply with the provisions of the Occupational Safety and Health Act, as applied to the AoC by the CAA.

On March 24, 2006, the Tunnel Shop employees wrote a letter to Senators Wayne Allard, Richard Durbin and Barbara Mikulski, and Rep. Steny Hoyer, setting forth their concerns about worker safety in the tunnels, in particular about AoC's deliberate indifference in exposing them to unsafe levels of asbestos and other toxins, falling concrete, high temperatures and other hazards. They have followed up with additional letters to, and meetings with, these and other members of Congress and their staffs, and have participated in investigations by the Office of Compliance and the Government Accountability Office. On numerous occasions since March 2006, the Tunnel Shop employees have also reported their concerns directly to AoC, reiterating concerns that they have been raising with management for some years.

In response to and because of the Tunnel Shop employees' complaints as described above, AoC management has retaliated against them by:

- 1) confronting Tunnel Shop employees on several occasions, berating them and demanding to know which of them were involved in writing letters to Congress about unsafe working conditions;
- 2) harassing Tunnel Shop employees for seeking independent medical testing to determine the extent of their injuries from exposure to asbestos and other toxins;
- 3) publicly disparaging them, including by falsely telling members of Congress who have attempted to address the Tunnel Shop employees' concerns that the Tunnel Shop employees are irresponsible "hotheads" who have misrepresented AoC's non-compliance with the law;
- 4) falsely accusing Tunnel Shop employees and their supervisor of being "difficult," of not being "team players," of being "insubordinate," and of obstructing the operation of the Capitol Power Plant;
- 5) attempting to intimidate the Tunnel Shop employees by allowing a high-level AoC manager to raise his voice and call them "fucking assholes" in a safety meeting that AoC purportedly held to address their concerns;
- 6) excluding Tunnel Shop employees from critical meetings that have purported to address the hazardous conditions in which they work;
- 7) denying Tunnel Shop employees the level of hazard pay to which they are entitled for working with specific hazards in the tunnels, and threatening to revoke the hazard pay that AoC pays to Tunnel Shop supervisor John Thayer;

- 8) threatening to remove Tunnel Shop supervisor John Thayer, who has played a leading role in the workers' fight for safe working conditions, and attempting to undermine Mr. Thayer's position by going around him and giving orders directly to his crew;
- 9) posting the job of assistant Tunnel Shop supervisor without consulting Mr. Thayer, and then refusing to consider three highly qualified Tunnel Shop employees for the position when they applied;
- 10) attempting to enlist AoC human resources officials in terminating the employment of the entire Tunnel Shop crew;
- 11) falsely accusing the Tunnel Shop employees of sabotaging AoC's efforts to improve safety by refusing to properly decontaminate after exposure to asbestos, and falsely accusing three workers of refusing to shave their beards in order to be fitted for respirators;
- 12) refusing to upgrade the positions of Tunnel Shop employees and supervision to grades and salary levels that are commensurate with the levels of employees and supervisors who perform comparable work in other areas of the Capitol Power Plant;
- 13) delaying Tunnel Shop employees' access to an April 2006 report on tunnel safety issues, and providing such access only upon the agreement of Tunnel Shop employees not to disclose the report, which AoC did not obtain from others to whom it provided the report;
- 14) micromanaging the tunnel Shop employees' work, criticizing their work without justification, and instructing their supervisor to write them up for supposed insubordination when they have insisted on compliance with safety rules, such as when they refused to abandon their safety posts during confined space work to attend a hastily called respirator certification procedure;
- 15) removing Tunnel Shop employees' responsibilities and assigning those responsibilities to contract employees;
- 16) assigning a social worker to monitor the workers' activities on behalf of management under the guise of helping them to cope with work-related stress;
- 17) assigning one or more managers to spy on the Tunnel Shop employees in an effort to intimidate them in the exercise of their legal rights and to find pretexts for disciplining them; and
- 18) hindering the Tunnel Shop employees in their efforts to obtain accurate medical diagnoses by denying them the opportunity to visit an appropriate physician while at the same time assigning an unqualified consultant to inquire into that physician's efforts to diagnose their conditions.

The Tunnel Shop employees are available to meet with Office of Compliance investigators to provide additional details regarding the unlawful actions described above.