

Written Statement of Dennis M. Roth
President
Congressional Research Employees Association (CREA)
Before the
Subcommittee on Legislative Branch
Committee on Appropriations
United States House of Representatives
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Madam Chairwoman and Members of the Subcommittee,

My name is Dennis Roth, and I am President of the Congressional Research Employees Association or CREA, International Federation of Professional and Technical Engineers Local 75. Thank you for once again giving us the opportunity to testify before the Subcommittee. We appreciate your willingness to hear the concerns of the employees of the Congressional Research Service regarding CRS and the Library of Congress. I will be addressing a number of matters, some of which affect only CRS and some of which are of Library-wide concern.

Library-wide Concern: the Office of Opportunity, Inclusiveness, and Compliance (OIC)

Office of Opportunity, Inclusiveness, and Compliance (OIC)

Two years ago we brought to the Subcommittee's attention the dismantling of the Equal Employment Opportunity Complaints Office and the Dispute Resolution Center. Although the Library did eventually create the Office of Opportunity, Inclusiveness, and Compliance, it remains understaffed and we do not find any funds requested for the OIC in the Library's FY2011 budget submission. The office now has only a Director, a Deputy, a single professional staff person, and a few support staff. At this staffing level, the Office has been unable to become as efficient and effective as needed.

While the Librarian states that the Library will follow EEOC Management Directive 715, the policy guidance governing equal employment opportunity in the Executive branch, the Library has not yet done so. To the extent that the Library has an EEO policy, it is has major deficiencies, including the following:

1. The OIC Director's position does not report directly to the Librarian, which degrades the position's authority;
2. The Office of General Counsel participates in the EEO complaint process, which negates neutrality and introduces a conflict of interest; and
3. The alternative dispute resolution process used to help resolve cases is not adequately supported, which is required in the CREA collective bargaining agreement.

Furthermore, while the OIC has been given the responsibility for fielding complaints regarding reasonable accommodation issues of Library patrons, it has no authority to address them.

CRS Concerns in 2010 (Workplace Environment-Flexibility, Service, and Opportunity)

Telework in Negotiation

The Subcommittee Report for the Legislative Branch Appropriations Bill, 2010, included language directing “that CRS adopt and implement as soon as practicable a telework system modeled on the Library’s existing system.” On behalf of all of our bargaining unit employees, CREA thanks you.

The 2010 report language also stated that the “Library’s [telework] system is very flexible and recognizes that management and work needs must be met while also helping employees,” and that “the Committee expects this new [CRS] telework policy to be in effect not later than January 1, 2010.” However, because of choices made by CRS management, CREA bargaining unit employees still do not have telework.

CRS and CREA have been negotiating since CRS management first submitted its telework proposal in October, and we have been working with a mediator from the Federal Mediation and Conciliation Service since December. This extended mediation has come about because CRS management is insisting on changes to the Library’s existing system that CREA and our bargaining unit find unacceptably restrictive and inflexible. For example, the CRS proposal would take away an employee’s ability to participate in a compressed work week schedule if he or she opted to telework. The Library’s policy has no such restriction. The CRS proposal also limits telework to one fixed day per week, regardless of the type of duties an employee engages in. The Library does not limit telework to just one day per week. CRS has also refused to consider as part of this negotiation any effort to allow employees to work from home when they are unable to get to their regular work station.

CRS management offers the same rationales it has used in the past to resist telework: that the CRS mission cannot adequately be achieved outside of the office and that workplace flexibility should not be used to help meet employee needs. On the contrary, we believe an effective policy will make it easier to provide better service under many scenarios, including the recent heavy snowfalls. We believe our proposals will enhance the ability of employees to achieve the CRS mission, as well as provide superior workplace flexibility. We are hopeful that our negotiated telework program will become a model for efficiency and effectiveness.

Continuity of Operations (COOP) Planning

We are concerned also about the position of CRS management regarding the importance that telework can play within its continuity of operations (COOP) procedures. We understand that employees may be expected to work off-site when the Library’s COOP procedures are implemented. However, CRS management has offered little guidance to employees about how off-site work would be implemented in a COOP situation. We are particularly concerned for those who may not have Internet access at home. We believe that the current telework negotiations could be an effective place to address concrete COOP procedures. CREA first requested negotiations on COOP procedures and their impact on employees in 2002. Management never engaged in negotiations and refuses to address these issues in the current telework negotiations.

Congressional User Survey

The 2010 Subcommittee Report also noted that “CRS ... may have become less connected to the Committees and Member Offices it serves” and requested “a formal evaluation of how well its current staffing models and procedures meet user needs.” CREA learned last week that the contract for the evaluation has been awarded. We requested further information from the Director on this project but, as of this date, have received nothing. Clearly staff and the union have a role to play as the evaluation progresses, and we ask that you instruct the Director to give us this opportunity.

Outside Speaking and Writing Activities

In light of the recent removal of Morris Davis as Assistant Director of the Foreign Affairs, Defense, and Trade Division, CREA has had to reassure staff of their rights to engage in outside speaking and writing. As with the issuance of the 2004 Director’s Statement on Outside Speaking and Writing, the termination of Colonel Davis has had an intimidating and chilling effect. Staff are concerned that they might be disciplined if they engage in outside speech or writing. CREA has been contacted by several employees who are worried that their outside speaking and writing could be seen as impermissible. CREA is concerned that CRS employees will refrain from outside speaking and writing activities that could enhance their professional reputations and, ultimately, enhance the credibility of the Service.

Far from being incompatible with CRS employees’ obligations, outside speaking and writing are a necessary and obligatory part of their duties. Under CRS’s guidelines, “recognition of the analyst’s professional expertise” by “high ranking officials in State governments, public interest groups, the courts, and subject matter experts and policy analysts in the Federal and other professional communities,” among others, is a specific ranking factor in evaluation for promotion to higher-level grades in CRS. We continue to monitor this situation and press for reasonableness, fairness, and clarity. See attachment for more discussion of CREA’s position on this topic.

Student Loan Repayment and Tuition Support

The Library has requested slightly over one million dollars for student loan repayment and tuition support. We have been requesting such funding for several years and support this wholeheartedly. Student loan repayment is both a retention tool and a recruitment tool. Furthermore, each CRS employee is now required to have an Individual Development Plan. Many of these plans include further education and training. Tuition support funding can help these plans to be realized. CREA feels so strongly about this that it has dedicated a modest fund that our members can apply to for loan repayment and scholarship support.

Career Advancement at the Library and CRS

In 2009, I identified the need for the Library to complete its Library-wide succession plan that identifies “future positions and competencies” and a corresponding “identification of strategies to address skill gaps for future positions” that includes the use of current staff. It is still unfinished. If the Library is to attain the high level it espouses as a Federal employer, it must build internal advancement mechanisms. The need to fill positions continues and staff are available to be trained; bridges must be built to connect the two. We again ask that the Library, including CRS, develop an Internal Selection Policy so that they will be ready to fill positions identified in the succession plan from within. CREA supports the Library’s request for funding two FTE career planning specialists; we feel this indicates a commitment to career development within the Library.

Increased CRS Staffing

The Director has requested funding for an additional 17 FTEs in FY2011 and another 17 FTEs in FY2012 to “broaden its expertise and strengthen analytical capacity . . .” The first CREA learned of this request was when the Library gave the unions copies of the *Fiscal 2011 Budget Justification* about a month ago. Because we have not been briefed on how this request was determined, CREA can neither support nor oppose the request. However, all the FTEs requested are either analyst or attorney positions. CRS's needs include more than analysts and attorneys; our staff includes librarians, library technicians, editors, bill digesters, technology staff, program and congressional relations specialists, support staff, and others. CREA would need to evaluate the needs for the Service as a whole before it could make any endorsement.

In the event that the Subcommittee does fund these positions, we would raise two considerations. First is a commitment to diversity. Second is a commitment to making CRS's workplace policies more family friendly. Increased commitment to diversity and improved family friendliness will enable CRS to recruit and retain the highest level of talent available to serve Congress in the future.

Police Officer Staffing

CREA supports Inspector Alan Morris's request for additional officers to serve the needs of the Library of Congress complex. This winter, staff and visitors have had to wait in unusually long lines to enter the buildings, since police staff has often been available for only two doors. With additional officers, more doors can be opened and staff and visitors will move more efficiently.

Ongoing Labor Management Cooperation (Executive Order 13522)

Union/Staff Engagement

In my testimony last year I mentioned that the Library, including CRS, participated in the government-wide Federal Human Capital Survey (FHCS). A finding from the Survey was that staff wanted an opportunity to discuss and have input into decisions that affect their working conditions. Early in the summer of 2009 CRS developed an action plan to address concerns based on meetings with staff regarding the survey results. The Director created three teams: one on Workplace Flexibilities, one on Workforce Composition, and one on Business Requirements (see attachment). The announcement stated: “Each team will continue to provide updates on their activities and will take appropriate steps to elicit your input.” The Business Requirements team did conduct meetings last summer; however, they did not seek meaningful input because of the FY2011 budget deadline. Nearly eight months later, we are not aware of any meetings of these teams, and there has yet to be an attempt to elicit staff input or to report the activities of the teams.

In December 2009, President Obama signed Executive Order 13522, *Creating Labor-Management Forums to Improve Delivery of Government Services* (see attachment). Its intent was to create a non-adversarial forum by which managers, employees, and union representatives could discuss government operations. Management was instructed to discuss workplace challenges and problems with labor and to attempt to solve them jointly rather than advising the union on pre-determined solutions to problems. Implementation procedures were specifically laid out in the Executive Order. We would like to have the Congress instruct its support agencies that have unions to create similar forums as soon as possible. CREA would be happy to assist the Subcommittee in developing implementation ideas and strategies.

Summary

To summarize, I would like to reiterate that the Library must give much more support and independence to the Office of Opportunity, Inclusiveness, and Compliance. Without Congressional direction, I'm afraid the Office will have the responsibility but neither the staff nor the authority to deal with the issues of diversity and discrimination in the Library.

Second, I would like to thank you again on behalf of all CREA bargaining unit members for your commitment to making CRS a more flexible and family friendly work place while providing the best possible service to Congress. While we are inching forward, we will continue to need your support.

And finally, I would press for Congress to act and establish labor-management forums in the legislative branch. Acting independently, we have not been successful in improving labor-management relations in CRS or in the Library. But with your help, we can certainly begin to try.

This concludes my testimony and I will be happy to take any questions you have.

Thank you.