

**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**  
**May 7, 2008**

Madam Chairwoman, Representative Latham, and Members of the Subcommittee,

My name is Dennis Roth. I am President of the Congressional Research Employees Association (CREA), which represents over 500 bargaining-unit employees of the Congressional Research Service (CRS). On behalf of CREA's membership, I would like to thank you for this opportunity to testify before the Subcommittee. I would also like to thank you for the many compliments you have given to CRS. Your statements reflect positively on the high quality and dedicated services provided by CRS employees at all levels throughout the Service, many of whom I am representing here today.

CREA recognizes that we are in an extremely limited budget environment. I come here today not to request additional funding, but rather to discuss a number of non-budgetary issues of interest and concern to CRS employees.

First, let me begin by stating that progress has been made, between CREA and Library management, to develop a more cooperative relationship and to exhibit a greater willingness to work together on issues. As a result, CREA and the Library have been able to resolve more of our problems internally rather than resorting to litigation. We thank you for the efforts you have taken over the past year to improve labor-management relations at the Library.

However, issues do remain.

### **Workplace Inflexibility**

In his written testimony before this Subcommittee on March 5, 2008, the Director of CRS stated that he was committed to doing his best to attract and retain expert staff. He also mentioned the success of CRS's succession efforts, emphasizing that new staff have been hired and mentored as more seasoned staff retire. However, CREA feels that in two related areas important to both old and new employees, family friendly policies and workplace flexibility, CRS is undermining its own efforts to attract and retain a new cadre of employees. For example, it is becoming more difficult for staff who want to start a family or care for elderly parents to be granted part-time status. Staff currently working part time are cautious about coming back full time, lest they be denied part time status in the future. Another example is the difficulty in being allowed to work off-site. Although the Collective Bargaining Agreement between CREA and CRS allows episodic work at home, the guidelines written to implement that policy are so restrictive that it is not a viable option, even for those suffering from permanent or temporary medical conditions. Starting times have become more narrow and rigid. CRS management refused to allow an employee with a diagnosed medical condition to start work one-half hour earlier than the current official starting time, which would have allowed the employee to avoid rush hour congestion and sit rather than stand on the bus ride to work.

Nor will the Director grant time-off in lieu of cash as an incentive award, nor is he willing to permit employees to earn credit hours.

While working for Congress in the way that we do gives CRS a competitive advantage in attracting bright new talent, CRS must also compete with other institutions that offer more flexible work arrangements. Flexible work arrangements are also beneficial to CRS and Congress because they allow those who might otherwise be unavailable to continue contributing to the CRS mission, including continuity of operations in an emergency which prevents workers from getting into the office. In these times of nearly \$4 per gallon gasoline, a more flexible work environment could reduce gas consumption and rush hour congestion, benefitting employees and the environment.

The Congress is actively considering telework bills for Federal employees (H.R. 4106 and S. 1000). The Senate bill would cover CRS employees. H.R. 4106 currently does not. Congress is also considering paid parental leave. Hopefully, H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008, will soon be coming before the House for a vote. CREA strongly encourages you to support these measures and to make them applicable to Library employees.

### **Performance Standards and Individual Performance Plans**

Over the course of this year, CRS will be implementing an automated performance management system. According to CRS management, this system will allow managers to create performance plans and development plans for individual staff, on-line, and to share them with staff, and to edit them as needed throughout the year based upon individual and work unit priorities. The on-line system will have readily accessible, instructions, forms, and supporting documents such as position descriptions and performance standards. CREA has been a proponent of performance planning based on written performance standards and individual development plans for several years and is pleased to see these ideas finally being implemented.

However, last year I expressed concern that CRS management would develop performance standards without staff or union input. Unfortunately, this is what happened. As a result, most of the performance standards use ambiguous terms (e.g., provides “probing and innovative... analysis,” or provides “customized and authoritative information research analysis to solve highly complex research problems.”) that leave many employees still wondering what they have to do to get a satisfactory, or better, performance rating. While CRS management is now engaging staff to train and to get feedback on the system, the performance standards are not open for discussion.

Studies on the implementation of performance standards and recent testimony given by academics and agency officials before the Federal Workforce, Postal Service, and the District of Columbia Subcommittee of the House Oversight and Government Reform Committee note that involving staff in the development of performance standards is the best way to achieve staff buy-in and thereby ensure a successful implementation. We would ask the Subcommittee to encourage CRS management to involve staff and/or the union earlier in the development of these kinds of policies and procedures and to consider their input now as they begin implementing this new system.

### **New Senior Research Manager Positions**

As noted by the Director in his March 5 testimony, CRS analytical divisions are going through a major restructuring of their first-line supervisors, better known as Section Heads. Section Heads served a dual role as analyst and supervisor. Under this arrangement, individuals would still respond directly to Congressional requests and maintain their position as a subject matter experts, albeit at

a reduced level. It was expected that supervisory duties would take up half their time. Under the new structure, Section Heads will be replaced by Senior Research Managers with no direct research responsibilities. While they will guide research, they will not perform it. They will devote 100 percent of their time to supervisory responsibilities. Staff are concerned about the impact this new layer of bureaucratic management will have on their ability to work independently and directly with Congressional clients. Also, the Director notes that this new group of managers will serve as a pool of potential candidates to fill vacancies in its senior leadership team. CREA hopes that the selection of this group is adequately diverse.

### **Staff Development**

In its FY2008 Budget Request, the Library stated: “Developing a retooled workforce, in many ways, is the most important single task the Library faces in the next decade.” In October, 2007, the Library issued its Strategic Plan for Fiscal Years 2008-2013 which listed *Workforce* as one of its five strategic goals, and one that will “...receive focused attention and a commitment to action.” In its FY2009 Budget Justification, however, there is barely a mention of the *Workforce* strategic goal, let alone workforce development. The Library can do little more than note that in FY2007 it spent 3 percent of its budget in support of this strategic goal. It is not possible to determine how much of this was dedicated to workforce development, what, if any, programs were established, or how effective they have been. It does not identify how much of the FY2009 request is devoted in support of the *Workforce* goal. The only training identified in the FY2009 Budget Justification was for a Supervisory Development Program to train 287 supervisors. With CRS now committed to having staff engaged in individual development plans, it would be very interesting to identify what, if any, funds are being devoted to support these plans.

We request that you ask the Library, including CRS, to report to you what activities have been undertaken to support workforce development, and how much has been spent, and what has been accomplished to date. We also ask that the Library and CRS share this information with staff and the unions.

### **Career Opportunity Plan**

On a related topic, according to the Collective Bargaining Agreement between CREA and Library, the Library recognizes that

“...some of its employees may have the experience and/or education necessary to perform at higher and more professional levels of responsibility than permitted by their current position.”

To encourage the advancement of such individuals, CRS agreed to establish a Career Opportunity Plan. The Plan includes career counseling, tuition support, job details, and opportunities for upward mobility. This program has been quite successful, when it has been supported. We request that you direct funds from the CRS budget request to carry out this program. The program could pay for itself by filling vacated positions at lower grade levels.

### **Two Other Issues of Concern**

There are two other issues that have an indirect impact on CRS employees. The first has to do with the restructuring of the Library’s Office of Workforce Diversity (OWD). In March of this year, the Library announced that it was going to restructure the Office. In fact, as the Subcommittee is

aware, OWD staff were informed that they would be receiving Reduction-in-Force notices, that the Library would seek early-out and buy-out authority, and that only one to three incumbents were sure to be retained. All other positions would be terminated no later than the beginning of July.

A week before making its March announcement, the acting Head of the Office of Workforce Diversity informed the Library's Diversity Advisory Council that he did not see any reason why the Council should continue to function. The members of the Council asked both the acting Head of OWD and the Library's Chief Operating Officer, Jo Ann Jenkins, who decided on the restructuring, to meet with them. While both have agreed to get the Council's input, over a month has elapsed with no such meeting being scheduled. I too have requested a meeting with Ms. Jenkins over a month ago and have yet to receive acknowledgment of my request.

CREA agrees that the Office of Workforce Diversity needs to perform more effectively and efficiently, but the problems stem, in our view, from mismanagement and not from staff performance. CREA has submitted its recommendations regarding both the process and substance for restructuring the OWD to Ms. Jenkins and the Subcommittee.

The other issue on which I would like to update the Subcommittee is the negotiations between the Library's new food service provider, IL Creations, and the food service staff. According to documentation provided us by the food service staff, there was a collective bargaining agreement in effect at the time IL Creations took over the food service contract. A copy of this documentation has been given to the Library—twice. Madam Chair, you raised concerns over this issue in the March hearings on the Library and it still needs your attention.

This concludes my testimony and I would be happy to address any questions you may have.

Thank you.