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LEGISLATIVE BRANCH DIVERSITY MANAGEMENT REVIEW

HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND THE DISTRICT OF COLUMBIA

OF THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

SEPTEMBER 16, 2008

Serial No. 110–153

Printed for the use of the Committee on Oversight and Government Reform

Available via the World Wide Web: http://www.gpoaccess.gov/congress/index.html
http://www.house.gov/reform

U.S. GOVERNMENT PRINTING OFFICE

48–814 PDF WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
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LEGISLATIVE BRANCH DIVERSITY MANAGEMENT REVIEW

TUESDAY, SEPTEMBER 16, 2008

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND THE DISTRICT OF COLUMBIA,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:23 p.m., in room 2154, Rayburn House Office Building, Hon. Danny K. Davis (chairman of the subcommittee) presiding.

Present: Representatives Davis, Cummings, Clay, Norton, Marchant, and Jordan.

Staff present: Tania Shand, staff director; Lori Hayman, counsel; William Miles, professional staff member; Marcus A. Williams, clerk; Alex Cooper, minority professional staff member; and Howard Denis, minority senior professional staff member.

Mr. DAVIS. The subcommittee will come to order.

Welcome, Ranking Member Marchant, members of the subcommittee, hearing witnesses, and all those in attendance for the Subcommittee on the Federal Workforce, Postal Service, and District of Columbia's hearing to examine the legislative branch Office of Inspector General's report on their respective agencies' diversity programs.

The Chair, ranking member, and subcommittee members will each have 5 minutes to make opening statements, and all Members will have 3 days to submit written statements for the record.

Hearing no objection, so is the order. I will begin with an opening statement.

This afternoon, the subcommittee will hold its second hearing on diversity in legislative branch agencies. The first hearing, which was held last November, focused on diversity in the senior ranks of these agencies. At that hearing, the subcommittee released a report analyzing the racial and gender diversity of the senior executive corps of six legislative branch agencies: the Government Accountability Office [GAO]; the Library of Congress [LOC]; the Congressional Budget Office [CBO]; the Government Printing Office [GPO]; the Capitol Police [USCP]; and the Architect of the Capitol [AOC].

The report, which was based on information provided to the subcommittee by these agencies, found that women and minorities in the Senior Executive Service [SES], are underrepresented in most legislative branch agencies. As a followup to the November hearing, I asked the Inspector Generals [IGs], of the legislative branch

agencies to conduct a review of their respective diversity offices. With the exception of CBO, which does not have an IG, last week each of the agencies issued a report of their findings to the subcommittee.

A summary report compiling the data from all the legislative branch agencies was also issued to the subcommittee. The IG reports are the subject of today's hearing.

The summary IG report paints a slightly more optimistic picture than is warranted. The congressional support agencies have a long way to go to improving diversity in the SES and in the developmental pools. This is particularly true for GPO and the AOC.

For example, the summary states that the Architect of the Capitol and the Government Printing Office have been increasing minority representation since 2002. And while this is true, the Government Printing Office, the agency with the greatest percentage of progress, still has the lowest minority representation percentage points of the five agencies, 18.5 percent. And the actual increase was from 1 minority out of 21 SESs to 3 out of 26 SESs. At the Architect of the Capitol, the increase was from 2 minorities in the SES out of 15 to 5 out of 27.

At the Government Accountability Office, the IG found that the agency underreported its complaint and discrimination data. The Ivy Consultant Group, which recently issued its final report on the ratings disparities between Caucasian and African American analysts at the GAO will be testifying today.

The USCP does not have a diversity program or equal employment opportunity office, and its complaint and discrimination data is collected by the Office of Compliance, OOC. The Office of Compliance, who will also be testifying today, administers the dispute resolution system established to resolve disputes that arise under the Congressional Accountability Act.

As I did last year, I would like to caution the legislative branch agencies in comparing themselves to the executive branch when it comes to diversity in the SES. The executive branch is doing poorly in that regard, and legislative branch agencies are doing only slightly better. I encourage interested parties that impact each of the legislative branch agencies to obtain a copy from their respective reports. These reports are the first of their kind and serve as a wake-up call to Congress that it needs to do more to ensure that its own agencies are representative of the people it serves.

This subcommittee will continue to hold hearings on this subject and will look to agency heads and their diversity offices to make improvements in this area.

I now ask unanimous consent that the percentage breakdown of work force, SES, and GS–15 or equivalent table be included in the record. Hearing no objection, so is the order.

[The information referred to follows:]

Percentage Breakdown of Workforce, SES, and GS-15 or Equivalent (as of the end of FY 2007 or beginning of FY 2008)							
Agency	Size of Workforce	Percent Minority			Percent Women		
		Workforce	SES	GS-15 or Equivalent	Workforce	SES	GS-15 or Equivalent
AOC	2,298	51.0%	18.5%	13.0%	25.0%	33.0%	23.0%
CBO	231	17.0%	14.0%	6.0%	44.0%	22.0%	40.0%
GAO	3,121	30.6%	17.5%	18.6%	55.9%	42.9%	45.6%
GPO	2,291	59.9%	11.5%	31.7%	42.4%	11.5%	29.1%
LOC	3,786	45.6%	21.1%	17.0%	55.2%	43.2%	40.6%
USCP	2,001	38.7%	14.3%	22.7%	23.5%	28.6%	30.3%

Mr. DAVIS. So I thank you now, and will yield to the ranking member, Mr. Marchant, for any opening remarks that he might have.

Mr. MARCHANT. Thank you, Mr. Chairman. I would like to thank you and the witnesses today for their appearance before this subcommittee.

Today marks our sixth subcommittee hearing in the 110th Congress on diversity, and I look forward to listening to our witnesses and hear about the subcommittee's findings regarding the legislative branch. And I would like to commend you, Mr. Davis, for your strong and motivated efforts on behalf of work force diversity.

The topic of today's hearing deals with diversity programs in several legislative branch agencies, mainly the Architect of the Capitol, the Government Printing Office, the Government Accountability Office, the Library of Congress, and the U.S. Capitol Police.

In many cases, the legislative branch agencies are doing well and continuing to improve with respect to diversity, but in some cases there appears to be some slippage. I believe that this hearing will allow us the opportunity to look at the stats more closely and make recommendations that will make the legislative branch a much more diverse agency.

Thank you, Mr. Chairman.

Mr. DAVIS. Thank you very much, Mr. Marchant. And let me just express appreciation for your steadfastness. I agree when you said that we have had six hearings on this topic during this session of Congress. It reflects an indication of what a serious matter we think it is, and I appreciate your attention to it.

And we will now call our first group of witnesses for panel 1.

Our witness list consists of Ms. Carol Bates, who is the Inspector General for the Architect of the Capitol. She joined the OIG in 2002 as an audit manager, and was named Assistant Inspector General for Audits in 2004. Ms. Bates also served the OIG as Acting Inspector General from late 2004 through mid-2006.

Ms. Bates, thank you very much for joining us.

Our next witness is Mr. Carl W. Hoecker. He is the Inspector General for the U.S. Capitol Police. Mr. Hoecker's responsibilities include reporting directly to the U.S. Capitol Police Board, which is responsible for establishing and maintaining rates and schedules of basic pay for eligible employees. The OIG supervises and conducts audits, inspections, and investigations involving USCP programs, functions, systems, and operations.

Thank you, Mr. Hoecker, for being with us.

Ms. Frances Garcia is the Inspector General for the U.S. Government Accountability Office. Prior to being Inspector General, she was the Director of the Office of Recruitment, where she was responsible for all of GAO's nationwide recruitment.

Thank you very much, Ms. Garcia.

Mr. J. Anthony Ogden is the Inspector General for the U.S. Government Printing Office. Mr. Ogden joined GPO in 2004 as Assistant Inspector General for Administration and Inspections and Legislative Counsel.

Thank you very much, Mr. Ogden, for being here.

And our last witness on this panel is Mr. Carl W. Schornagel. He is the Inspector General for the Library of Congress. He was most

recently a senior auditor in the Office of the Inspector General in the Department of Commerce and Project Manager For Evaluations of Information Technology Resources. He has more than 20 years of experience in evaluating Federal Government programs.

Mr. Schornagel, thank you for being with us.

And if you will all stand and join in raising your right hands, it is the custom and tradition of this committee that all witnesses be sworn in.

[Witnesses sworn.]

Mr. DAVIS. The record will show that the witnesses answered in the affirmative.

Again, I thank all of you for being with us.

As all of you have testified before this subcommittee before, you know the usual drill of summarizing a statement in 5 minutes. The green light indicates that all of the time is present; the yellow light indicates that we are down to 1 minute; and, of course, the red light means that the time is up. And if we will follow that, all of the written statements will be included in the record.

And so we thank you again for being with us. And, Ms. Bates, we will begin with you.

STATEMENTS OF CAROL BATES, INSPECTOR GENERAL, ARCHITECT OF THE CAPITOL; CARL W. HOECKER, INSPECTOR GENERAL, U.S. CAPITOL POLICE; FRANCES GARCIA, INSPECTOR GENERAL, U.S. GOVERNMENT ACCOUNTABILITY OFFICE; J. ANTHONY OGDEN, INSPECTOR GENERAL, U.S. GOVERNMENT PRINTING OFFICE; AND KARL W. SCHORNAGEL, INSPECTOR GENERAL, LIBRARY OF CONGRESS

STATEMENT OF CAROL BATES

Ms. BATES. Good afternoon, Mr. Chairman, Congressman Marchant, and members of the subcommittee. Thank you for the opportunity to summarize the Architect of the Capitol Inspector General work force diversity report of July 28, 2008.

The report, prepared at the request of this subcommittee, includes statistical information about the AOC's senior-rated [SR], employees and the developmental pool positions, GS–15 or equivalent. The report also includes the results of the review of the agency's hiring practices and equal employment opportunity office.

I am a newcomer to the AOC, having joined the agency as its inspector general on August 18th, and have spent the past few weeks familiarizing myself with the organization, viewing the facilities, and reviewing recently issued AOC inspector general reports, including this report.

The objectives of the review were to identify and assess the diversity programs of the agency and determine if it is creating a more diverse population of women and minorities in top leadership positions; evaluate the accuracy and completeness of the complaints and discrimination data being reported to the Congress; and assess to what degree the diversity offices are independent of the agency's general counsel.

For objective two, the report includes a recommendation to improve data gathering, but concluded that the complaint and discrimination data is accurate and complete. I do note that the Con-

gressional Accountability Act of 1995 gives the Office of Compliance the responsibility to handle formal EEO complaints for the Architect of the Capitol. Although the Office of Compliance is responsible for formal complaints, the AOC's EEO conciliation program can handle informal complaints if the parties agree to use this resource.

The review found that indeed the EEO office operates independent from the Office of General Counsel.

My remaining comments provide information on the report's objective to determine if the AOC diversity program is creating a more diverse work force. The answer is yes, but there is room for improvement.

The statistics show that women and minority representation have generally improved between fiscal years 2002 and 2007. At the end of 2007, the work force was made up of 25 percent women. The ratio of women to men is less than the civilian labor force, which is made up of 46 percent women, and is also less than the executive branch composition.

In terms of minority representation, the Architect of the Capitol's work force is 50.9 percent women, which—I am sorry, the minority representation is 50.9 percent, which exceeds the minority representation in the civilian labor force and the executive branch.

In the same 5-year period, the composition of the AOC's senior-rated positions has changed to include more women and have become more diverse. Women made up 23 percent of this group in 2007, an increase from 13.3 percent in 2002. Minorities comprised 18.5 percent of the SR staff in 2007, an increase over the 2002 minority percentage of 13.2. In the developmental pool, the number of women increased from 12.5 percent in 2002 to 23 percent by the end of 2007.

The minority representation in terms of percent decreased from 37.5 in 2002 to 12.8 in 2007. Due to the relatively small size of the AOC's senior-rated and developmental pools compared to some of the other legislative branch agencies, shifts of a few employees significantly impact the ratios.

Mr. Chairman, moving beyond the statistics, I am pleased to note that the AOC has adopted or is planning to adopt all nine of GAO's nine best diversity practices. The report also found that the AOC, while not required to file EEOC Management Directive 715, has adopted appropriate elements of this directive.

The report also includes 15 recommendations designed to improve the hiring process and increase the role of the EEO conciliation program office. The recommendations include changes to formalize and manage the hiring process, document applicant interviews, to formalize and manage the process, and for the Director of the EEO conciliation program office and the Architect of the Capitol to meet on a regular basis. It also includes a recommendation for the agency to set diversity goals and conduct agency-wide diversity training.

The Acting Architect of the Capitol's response to the report includes an action plan designed to improve the diversity of the work force and address the report's recommendations. Some of the actions are already complete. I reviewed the plan and believe that it is responsive to the recommendations, and the timeframes for com-

pletion are reasonable. Furthermore, the action plan should help achieve a more diverse work force at the Architect of the Capitol.

In addition to the response to the report, the AOC's human capital plan includes goals for the agency's affirmative employment program. The Acting Architect of the Capitol is committed to improving the diversity of the work force.

Again, I want to thank the subcommittee for this opportunity to communicate the results of the AOC work force diversity report, and I am available to answer any questions you may have.

Mr. DAVIS. Thank you very much, Ms. Bates.

[The prepared statement of Ms. Bates follows:]

STATEMENT OF CAROL BATES
Inspector General, Architect of the Capitol

Regarding "Legislative Branch Diversity Management Review"

Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, Committee on Oversight and Government Reform U.S. House of Representatives

September 16, 2008

Mr. Chairman, Congressman Marchant, and members of the Subcommittee, thank you for the opportunity to summarize the Office of Inspector General, Office of the Architect of the Capitol (AOC), Report of July 28, 2008. The report, prepared at the request of this Subcommittee, includes statistical information of the Architect of the Capitol's Senior Rated, referred to by the Agency as SR employees, and the Development Pool Positions, GS-15 or equivalent. Statistical information includes workforce make-up in 2002 and compares that make-up to the workforce at the end of Fiscal Year 2007. The report also includes the results of the review of the Agency's Equal Employment Office and recommendations to the Agency.

I came to the Agency as its Inspector General on August 18, 2008. Prior to this position I have worked in auditing at various levels in Executive Branch agencies. I have spent the past few weeks meeting my colleagues, familiarizing myself with the policies and procedures of the organization, and viewing the facilities. I have also read the open Inspector General Reports and reviewed some of the work supporting these reports. One of my priorities is to track the open AOC Inspector General reports and follow-up with the Agency on the recommendations.

The IG report that the Subcommittee asked us to discuss today was written prior to my arrival at the AOC. I have reviewed the report and will summarize it here.

In addition to providing statistical data on the Agency work force, the three objectives of the Report's review were to:

- Identify and assess the diversity programs of the Agency to determine if they are yielding the desired results, that is, creating a more diverse population of women and minorities in top leadership positions (SES and GS-15);
- Evaluate the accuracy and completeness of the complaints and discrimination data being reported to the Congress; and
- Assess to what degree the diversity offices are independent of the Agency's general counsel and Agency head.

For objective two, the review included a recommendation to improve the data gathering process but found that the data reported to Congress was accurate and complete. Although the AOC reports complaints and discrimination data to Congress, The Congressional Accountability Act of 1995 gave the Office of Compliance the responsibility to handle formal Equal Employment Opportunity (EEO) complaints for the AOC. However, the AOC does have a Conciliation Program in place. If all employees involved with an issue agree to use the Conciliation Program, the parties work with AOC alternative dispute resolution specialists to reach a mutually agreeable solution. When an employee chooses to file a complaint with the Office of Compliance, the AOC's Office of the General Counsel handles the complaint on behalf of the Agency.

For objective three, the review found that the Equal Employment Opportunity Office operates independently of the Office of the General Counsel, but its Director reports to the Chief Administrative Officer who, in turn, reports to the head of the Agency.

The report's statistics show that women and minority representation have generally improved between Fiscal Year (FY) 2002 to Fiscal Year 2007. At the end of FY 2007, the workforce was made up of 25 percent women and 50 percent men. This ratio of women to men is less than the Civilian Labor Force, which is made up of 46.7 percent women, and is also less than the Executive Branch's 43.9 percent women composition.

In terms of minority representation, the Architect of the Capitol's workforce is 50.9 percent which exceeds the minority representation of the Civilian Labor Force and the Executive Branch minority

representation of 32.9 percent. The minority population is comprised of 43.7 percent African American employees, 4.3 percent Hispanic employees, 2 percent Asian/Pacific Islander employees and .8 percent American Indian/Alaska Native employees.

In that same five year period, the composition of the Architect of the Capitol's Senior Rated positions has changed to include more women and has become more diverse. The total number of SR employees was fewer than 30 at the end of 2007. Women made up 33 percent of this group in 2007; an increase from 13.3 percent in 2002. Minorities comprised 18.5 percent of the SR staff in 2007, an increase over the 2002 minority percentage of 13.2.

The Developmental Pool Positions comprised of GS-15 employees increased the percent of women in this pool from 12.5 percent in 2002 to 23 percent by the end of 2007. The minority representation, in terms of percent, decreased over the five year period from 37.5 percent to 12.8 percent. This drop results from an increase of minority employees by one employee with a larger increase in the size of the Developmental Pool. The total population of this group was 16 in 2002, and was 39 at the end of 2007. In 2002, one employee was 6.3 percent of the total, and in 2007 one employee is 2.6 percent of the total. Due to the relatively small size of the Architect of the Capitol's SR and Developmental Pools compared to some of the other Legislative Branch agencies, shifts of one or two employees significantly impacts the ratios.

Mr. Chairman, the Architect of the Capitol's response to the IG report includes a detailed action plan designed to improve work force diversity and address this report's recommendations. Some of the items in the action plan have already been completed and the milestone dates for the remaining action items are reasonable. I reviewed the Agency's response and believe that it addresses the recommendations. Furthermore, the action plan should help to achieve a more diverse work force at the Architect of the Capitol.

The review also found that the AOC has adopted or is planning to adopt nine of "GAO's 9 Best Diversity Practices." With receipt of the Agency response and action plan, it is clear that the AOC is planning to adopt the Diversity Training best practice. The report also found that the AOC, while not required to follow EEOC Management Directive 715, has adopted appropriate elements of that directive.

The review also includes 15 recommendations designed to improve the hiring process and increase the role of the Equal Employment Opportunity/Conciliation Program Office (EEO/CP). The recommendations include changes to formalize and manage the hiring process, document applicant interviews by interview panels, for the Director of the EEO/CP Office and the Architect of the Capitol to meet on a regular basis, to set diversity goals, and to conduct Agency-wide diversity training.

Improvements in reaching diverse applicants may help increase the diversity in applicant pools. However, the increase in the diversity of applicant pools is difficult to measure. Including one's gender and race is an option, not a requirement for an applicant. Therefore, hiring and selection officials may not know the extent of diversity within an applicant pool. The AOC's Director of Equal Employment Opportunity has presented information to the senior management team which included methods to reach diverse applicants by strategically placing advertisements for open positions in media other than the Office of Personnel and Management's USA Jobs site.

After the review work was complete and before the report was issued, the Acting Architect issued the EEO.CP Manual, Chapter 4, entitled, *Affirmative Employment Program Policy and Guidance.* The report stated that this is a comprehensive affirmative employment program and that many of the problems and issues identified in the review will be corrected when the program is fully implemented.

In addition to the AOC's response to the report, the Agency's Human Capital Plan for 2007 – 2011 includes specific goals for its Affirmative Employment Program. The program develops strategies to assist in recruiting "qualified women and minorities for consideration of AOC positions where these groups are under-represented." The Acting Architect of the Capitol and the entire organization are committed to improving the diversity of the workforce. And, I understand that as the Equal Employment Opportunity Office continues to work to improve diversity Agency-wide it will implement the Inspector General's recommendations whenever possible.

I would like to thank you for this opportunity to summarize the report for the Subcommittee, and am available to answer your questions.

Mr. DAVIS. And we will go now to Mr. Hoecker.

STATEMENT OF CARL W. HOECKER

Mr. HOECKER. Mr. Chairman, members of the subcommittee, good afternoon. My name is Carl Hoecker. I am Inspector General for the Capitol Police. Thank you for inviting me here today to discuss the executive level employees at the U.S. Capitol Police.

At your request, my office conducted an audit of the Capitol Police's diversity efforts. Our objectives were to identify and assess diversity programs within the Department, evaluate the accuracy and completeness of complaints and discrimination data being reported to Congress, and to assess to what degree the diversity office is independent of the Department's general counsel and agency head. Our scope included diversity programs in effect as of January 1, 2008, and complaints and discrimination data for fiscal year 2007.

OIG found that the Capitol Police does not have a formal diversity program or an equal employment office employment function. However, the Capitol Police has made some progress in improving diversity in its executive level positions.

Overall, the number of executive positions increased from 18 to 21 between 2002 and 2007. Within that total, the representation of women increased from 16.7 percent for 2002 to 28.6 percent for 2007, whereas representation of minorities decreased from 16.7 for 2002 to 14.3 percent for 2007.

The Capitol Police representation of women in the executive positions was slightly higher than the career SES governmentwide percentage of 28.2 percent for 2007. The representation of minorities of Capitol Police executive level positions was below career SES governmentwide percentage of 16.6 percent. As of May 12, 2008, however, minority representation in the Capitol Police executive positions had increased to 22.7 percent.

The Capitol Police has also made progress improving diversity in the developmental pool for executive level positions. Overall, the senior level developmental pool has increased from 28 positions to 56 positions between 2002 and 2007. Within that total, the representation of women increased from 14.3 percent to 30.3 percent, whereas representation of minorities increased from zero percent to 22.7 percent. Although Capitol Police compared favorably with the governmentwide SES developmental pools for total minorities, three categories—American Indian, Alaskan Native; Asian American, Pacific Islanders; and Hispanic—were below governmentwide percentages.

Additionally, our comparison of the Federal work force and civilian labor force to Capitol Police's total work force showed that the overall Capitol Police total minority representation was greater than the Federal work force and the civilian labor force; however, women remain underrepresented in the Capitol Police total work force as compared with the civilian labor force and the Federal work force.

The Capitol Police has implemented some of Government Accountability's best practices and Equal Employment Commission's Management Directive 715 for establishing and maintaining effective diversity and equal opportunity programs; however, the

Capitol Police could achieve a more diverse work force if it had a formal diversity program.

The Office of Compliance for legislative branch agencies administers alternative dispute resolution program established by the Congressional Accountability Act, and is responsible for reporting complaints of discrimination data from the Capitol Police to Congress.

During fiscal year 2007, 18 Capitol Police employees requested counseling through the OOC process. Capitol Police employees may also report their complaints through a collective bargaining agreement, the grievance process, and/or the Capitol Police process. During 2007, Capitol Police employees did not make any grievances related to EEO discrimination through the collective bargaining agreement.

The Office of Professional Responsibility for the Capitol Police is the element for investigating antidiscrimination reprisal allegations. They reported four cases for fiscal year 2007.

As stated before, the Capitol Police does not have a separate diversity or EEO office; however, the OPR is independent of the general counsel and of human resources. Yet, the Office of Employment Counsel does handle disciplinary review, legal sufficiency reviews, and represents the Capitol Police and the Capitol Police Board in EEO complaints. Best practices state that legal sufficiency reviews of EEO matters must be handled by a functional unit that is separate and apart from the unit which handles agency representation in EEO complaints.

OIG made four recommendations to the Capitol Police for more effective and efficient diversity strategies to assist women and minorities in advancing to executive level positions within the organization.

Specifically, USCP should finalize its human capital strategic work force plan, identifying critical executive level and supervisory positions and the needed skills and abilities required for its future diverse work force. In addition, we recommend that the Capitol Police consider outsourcing investigation of discrimination complaints or obtain formal training for EEO investigators; and determine whether the duties of legal sufficiency reviews and agency board representation in EEO matters are incompatible and impair independence either in fact or appearance with respect to EEO complaints.

I will be happy to respond to whatever questions you may have.

Mr. DAVIS. Thank you very much.

[The prepared statement of Mr. Hoecker follows:]

STATEMENT OF

CARL W. HOECKER
INSPECTOR GENERAL
UNITED STATES CAPITOL POLICE

before the

SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND THE DISTRICT OF COLUMBIA
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

On

DIVERSITY OF EXECUTIVE-LEVEL EMPLOYEES AT THE UNITED STATES CAPITOL POLICE

September 16, 2008

Mr. Chairman and Members of the Subcommittee:

Good afternoon, my name is Carl W. Hoecker, I am the Inspector General for the United States Capitol Police (USCP). Thank you for inviting me here today to discuss diversity of executive-level employees at USCP.

At your request, my office conducted an audit of USCP's diversity efforts. Our objectives were to: (1) identify and assess the diversity programs within the Department to determine if the program was yielding the desired results--creating a more diverse population of women and minorities in top leadership positions; (2) evaluate the accuracy and completeness of complaints and discrimination data being reported to Congress; and (3) assess to what degree the diversity office is independent of the Department's General Counsel and the agency head. Our scope included the diversity program(s) in effect as of January 1, 2008, and complaint and discrimination data for fiscal year 2007.

OIG found that USCP does not have a formal diversity program or an Equal Employment Office (EEO) program function. However, USCP has made some progress in improving diversity in its executive level positions.

Overall, the number of executive level positions increased from 18 to 21 between 2002 and 2007. Within that total, the representation of women increased from 16.7 percent in 2002 to 28.6 percent in 2007, whereas the representation of minorities decreased from 16.7 percent in 2002 to 14.3 percent in 2007. USCP's representation of women in executive level positions was slightly higher than the career SES governmentwide percentage of 28.2 percent in 2007. But, representation of minorities in USCP's executive level positions was below the career SES governmentwide percentage of 16.6 percent. As of May 12, 2008, however, minority representation in USCP's executive level positions had increased to 22.7 percent.

USCP also has made progress in improving diversity in the developmental pool for executive level positions. Overall, the senior level developmental pool has increased from 28 to 66 positions between 2002 and 2007. Within that total, the representation of women increased from 14.3 percent to 30.3 percent, whereas the representation of minorities increased from 0.0 percent to 22.7 percent. Although, USCP compared favorably with the governmentwide SES developmental pool for total minorities, three

categories (American Indian/Alaskan Native, Asian Americans/Pacific Islanders, and Hispanic) were below governmentwide percentages.

Additionally, our comparison of the Federal Workforce (FW) and the Civilian Labor Workforce (CLF) to USCP's total workforce showed that overall USCP's total minority representation was greater than the FW and the CLF. However, women remain underrepresented in USCP's total workforce as compared to the FW and the CLF.

USCP has implemented some of the Government Accountability Office's (GAO) best practices and Equal Employment Opportunity Commission's (EEOC) Management Directive 715[1] (MD-715) for establishing and maintaining effective diversity and equal employment opportunity programs. However, USCP could achieve a more diverse workforce if it had a formal diversity program.

The Office of Compliance (OOC) for legislative branch agencies administers the alternative dispute resolution program established by the Congressional

[1] EEOC guidance does not apply to USCP. However, MD-715 provides guidance and standards to federal agencies for establishing and maintaining effective equal employment opportunity programs, including a framework for executive branch agencies to help ensure effective management, accountability, and self-analysis to determine whether barriers to equal employment opportunity exist and to identify and develop strategies to mitigate or eliminate the barriers to participation.

Accountability Act (CAA) and is responsible for reporting complaint and discrimination data to Congress. During FY 2007, 18 USCP employees requested counseling through the OOC process. USCP employees may also report complaints through the Collective Bargaining Agreements (CBA) grievance process and/or USCP complaint process. During FY 2007, USCP employees did not make any grievances related to EEO discrimination through the CBA. USCP's Office of Professional Responsibility (OPR), the element responsible for investigating anti-discrimination and reprisal allegations, reported four cases for FY 2007.

As stated before, USCP does not have a separate diversity or EEO office. However, OPR is independent of USCP's General Counsel and Office of Human Resources. Yet, USCP's Office of Employment Counsel (OEC) does handle disciplinary reviews, legal sufficiency reviews, and represents USCP and the Capitol Police Board in EEO complaints. Best practices state that legal sufficiency reviews of EEO matters must be handled by a functional unit that is separate and apart from the unit which handles agency representation in EEO complaints.

OIG made four recommendations to USCP for more effective and efficient diversity strategies to assist women and minorities in advancing to executive level positions within the organization. Specifically, we recommended that USCP finalize its Human Capital Strategic Workforce Plan identifying the critical executive level and supervisory/management positions and the needed skills and abilities required for its future diverse workforce. In addition, we recommended USCP consider outsourcing investigations of discrimination complaints or obtain formal training for EEO investigators and determine whether the duties of legal sufficiency reviews and agency/Board representation in equal employment opportunity complaints are incompatible and impair independence, either in fact or appearance, with respect to EEO complainants.

I would be happy to respond to whatever questions you may have.

Mr. DAVIS. And we will proceed to Ms. Garcia.

STATEMENT OF FRANCES GARCIA

Ms. GARCIA. Chairman Davis and members of the subcommittee, I am pleased to be here today to discuss the work we did on GAO's diversity programs. This hearing also gave me a great opportunity to be able to work with the other legislative inspector generals. I am of Mexican descent, and it is especially noteworthy for me to be here today talking about diversity on Mexico's Independence Day.

As you know, in today's multicultural work force, diversity brings a wide variety of perspectives, approaches to bear on policy development and implementation, strategic planning, and decision-making. Organizations that promote and achieve a diverse workplace attract and retain high-quality employees. GAO, similar to other Federal agencies, faces both opportunities and challenges in increasing the diversity of its top leadership. The bottom line is, diversity is good business.

In your request, you asked us to review three areas, the first area, whether GAO's diversity efforts are achieving better representation of women and minorities in top leadership. We found that overall, between 2002 and 2007, GAO made gains in the representation of women and minorities in its SES, management ranks, and equivalent positions.

As shown on figure 1 that you had before you and in my written statement, GAO's leadership is generally more diverse in comparison with the executive branch and the labor civil force. At the same time, gaps remain.

Top management has made a commitment to increasing the diversity of its workplace and has implemented many lead and diversity management practices. GAO has taken steps to identify, examine, and address potential barriers to the hiring and advancement of women and minorities.

Last year, by contract and with the Ivy Planning Group, the agency began to expand differences in the average ratings between African Americans and Caucasian analysis, including those at the manager level. Some of the recommendations of that study have been implemented and others will be soon.

In June of this year, GAO issued its first mandated work diversity plan which analyzed the demographic composition of the agency's entire work force and identified potential barriers to the advancement in hiring of minorities. As a result, GAO now has baseline data to assess its future diversity efforts and an action plan for the next year to address gaps in minority representation. The acting controller general intends to annually prepare this plan, which will help the agency sustain attention on this important matter. We recommended that a formal policy be established to continue to annually produce a work force diversity plan. GAO agreed to this.

Your second request was to evaluate the accuracy and completeness of GAO's fiscal year 2007 complaint and discrimination data. We found mistakes such as wrong dates and numbers were posted on the Web site. These errors have since been corrected. Also, GAO's report to Congress on fiscal year 2007 complaint and dis-

crimination information contained mistakes. Our recommendation in this area is that GAO revise relevant orders, procedures, and internal controls to assist them to accurately collect and report on complaint data. GAO agreed to a recommendation.

Your final request was that we assess the independence and reporting relationship of the head of GAO's diversity office. We found that GAO voluntarily follows the first two of the three EEO requirements for executive branch executives regarding the independence and reporting relationships of EEO directors. The first requirement is that the director report directly to the agency head. The second requirement is that investigations and the legal sufficiency review on legal agency discriminations decisions not be done by an attorney that represents or defends the agency in such disputes.

The third requirement states that personnel-related discrimination complaints functions be separated. GAO does not follow this, and currently this is under review.

Mr. Chairman, and subcommittee members, this completes my oral statement. You have before you a copy of my written statement and my report, which is being released this afternoon. I would be happy to respond to any questions you have.

Mr. DAVIS. Thank you very much, Ms. Garcia.

[The prepared statement of Ms. Garcia follows:]

United States Government Accountability Office

GAO

Testimony

Before the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, Committee on Oversight and Government Reform, House of Representatives

For Release on Delivery
Expected at 2:00 p.m. EDT
Tuesday, September 16, 2008

DIVERSITY AT GAO

Sustained Attention Needed to Build on Gains in SES and Managers

Statement of Frances Garcia
Inspector General, GAO

GAO-08-1156T

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the results of my review of GAO's diversity programs and to participate in this hearing with the other legislative branch Inspectors General (IG) examining diversity at the top levels of five legislative branch agencies. As you know, in today's multicultural workforce, diversity can be an organizational strength that can bring a wide variety of perspectives and approaches to bear on policy development and implementation, strategic planning, and decision making. Organizations that promote and achieve a diverse workplace can attract and retain high-quality employees. GAO—similar to other federal agencies—faces both opportunities and challenges in increasing the diversity of its top leadership and workforce. The bottom line is that diversity makes good business sense.

Because of your interest in the effectiveness of diversity program offices and the underrepresentation of women and minorities in legislative branch agencies, my testimony today addresses (1) whether GAO's diversity programs and initiatives are achieving better representation of women and minorities in the agency's Senior Executive Service (SES) and managerial ranks (GS-15), and their equivalents;[1] (2) the accuracy and completeness of the fiscal year 2007 complaint and discrimination data reported to Congress; and (3) the independent authority and reporting relationships of the Managing Director of GAO's Office of Opportunity and Inclusiveness (OOI). As you know, my testimony today is based on a report requested by you and released today.[2]

To address our first objective, we identified and compared GAO's diversity management practices against those identified by the U.S. Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD-715)[3] and nine expert-identified leading diversity management

[1]In GAO, SES positions and their equivalents are SES, Senior Level, and executive schedule positions. GAO has few actual GS-15 positions; their equivalents within GAO's pay systems are Band III analysts and specialists (Assistant Directors), Level II managerial and supervisory positions, Level-IV professional technical specialists, and Band III attorneys (equivalent to Band II Attorneys in 2002-2004).

[2]GAO, *Diversity at GAO: Sustained Attention Needed to Build on Gains in SES and Managers*, GAO-08-1098 (Washington, D.C.: Sept. 10, 2008).

[3]EEOC, MD-715 Section I: *The Model EEO Program*.

practices.[4] In addition, we analyzed fiscal years 2002 through 2007 data on the number of women and minorities in SES and managerial positions, and their equivalents. For the second objective, we reviewed relevant GAO orders and procedures, including those on processing discrimination complaints and internal controls regarding data quality. We also analyzed supporting documentation for the fiscal year 2007 complaint and discrimination data and interviewed key staff and managers. For the third objective, we examined GAO's organizational structure, policies and procedures; reviewed related reports, and interviewed officials in GAO's Personnel Appeals Board (PAB), OOI, and General Counsel. Our work did not include a detailed analysis of OOI to determine what, if any, effect the consolidation of two administrative functions (complaint processing and diversity management responsibilities) into one office has had. We conducted our work from March 2008 to September 2008 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.

Summary

Between fiscal years 2002 and 2007, GAO increased the diversity of both its SES and managerial ranks. Moreover, GAO's SES and managers in fiscal year 2007 were generally more diverse in comparison with executive branch agencies and the civilian labor force.[5] The agency's top management has made a commitment to diversity management, and our review showed that the agency uses a number of leading diversity management practices to recruit, hire, promote, and retain its employees. In addition, the agency has taken recent steps to identify and address potential barriers[6] to the advancement and hiring of women, minorities, and individuals with disabilities. In June 2008 GAO issued its

[4]GAO, *Diversity Management: Expert-Identified Leading Practices and Agency Examples*, GAO-05-90 (Washington, D.C.: Jan. 14, 2005)

[5]The civilian labor force is defined as those 16 and older (including the federal workforce), regardless of citizenship, who are employed or looking for work and are not in the military or institutionalized. A minimum age of 18 is required for most federal employment.

[6]EEOC defines barrier as an agency policy, principle, or practice that limits or tends to limit employment opportunities for a particular sex, race, or ethnic background, or based an individual's disability status.

congressionally mandated *Workforce Diversity Plan*, which assessed the representation of women, minorities, and people with disabilities throughout the agency. GAO's diversity plan did identify representational gaps in the SES, the manager level in certain job categories, and recent applicants for the SES candidate program. In response, the agency is planning to target efforts on the areas of greatest underrepresentation, such as Hispanics,[7] at all levels in the agency, and the Acting Comptroller General has stated his intention to have GAO prepare these plans annually.

In reviewing GAO's March 2008 annual report to Congress and its Web posting of complaint and discrimination data reported for fiscal year 2007, we found errors and could not verify the reported average number of days that GAO spent processing complaints.[8] For example, although agency documents show that six employees filed complaints, GAO reported seven in its annual report. In addition, GAO inadvertently posted on its intranet and Web site the wrong data—which were for the first quarter of fiscal year 2008—as if its were for the full fiscal year 2007. The wrong data understated the number of complainants by 4, the number of complaints by 13; and the number of multiple filers by 2. In general, the errors were the result of inadequate procedures for compiling and reporting all complaints and the agency not making full use of its electronic complaint software. GAO's OOI has revised the fiscal year 2007 data posted to its Web site and plans to take steps to address other problems we identified.

Although GAO is not required to comply with EEOC management directives to executive branch agencies, it has followed two of the three requirements related to independent authority and reporting relationships.[9] Our work identified a concern regarding the consolidation of personnel-related and discrimination complaint functions in one office. Specifically, the PAB believes that OOI's Managing Director is potentially open to charges of conflict of interest because he is responsible for processing discrimination complaints and also takes an active role in

[7]Hispanics are underrepresented throughout the federal government when compared to the U.S. civilian labor force, according to OPM.

[8]In accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), P.L. 107-174, GAO is required to (1) annually report information related to discrimination, harassment, and related matters; and (2) post quarterly updates of these data on its Web site.

[9]EEOC, Equal Employment Opportunity Management Directive 110, *Federal Sector Complaints Processing Manual* (Nov. 9, 1999).

diversity programs—programs that could themselves could be the subject of a discrimination complaint. The PAB has recommended that GAO separate these two administrative functions and create a unit exclusively for processing discrimination complaints. GAO management has not agreed to implement this recommendation, in part because the agency believes it would result in an inefficient use of resources given the small number of formal discrimination complaints filed each year. However, the annual number of formal complaints only partially reflects the office's workload. For example, in fiscal year 2007, although GAO employees filed 15 formal discrimination complaints, about 130 GAO employees informally contacted OOI about their concerns of unfair treatment.

Background

As you well know, GAO performs a wide range of work. It conducts audits and evaluations of executive branch agencies, resolves disputes over awards of government contracts, and sets auditing and accounting standards for the federal government. To do this work, the agency has a highly educated, multidisciplinary workforce of around 3,100 employees who work in Washington, D.C., and 11 field offices. It employs analysts, auditors, economists, lawyers, and other professionals, and more than half of the workforce has master's or doctoral degrees.

The GAO Personnel Act of 1980 gave the agency its own personnel system, separate from that of the executive branch, and it increased the agency's flexibility in hiring, paying, and managing its workforce. The act also created the Personnel Appeals Board (PAB), a body independent from GAO management, to hear GAO employee issues related to discrimination and prohibited personnel actions and to conduct oversight of Equal Employment Opportunity (EEO) programs.

In the past decade, GAO has taken steps toward diversity management, which aims to create and maintain a positive work environment where the similarities and differences of individuals are valued, so that all can reach their potential and maximize their contributions to an organization's strategic goals and objectives. In 2001, GAO created its Office of Opportunity and Inclusiveness (OOI) and gave the office responsibility for: (1) helping to create a fair and inclusive work environment by incorporating diversity principles in GAO's strategic plan and throughout its human capital policies and programs, (2) handling discrimination complaints, and (3) managing the agency's EEO activities. OOI has a total of six staff members, including the Managing Director.

GAO Has Improved Diversity, and Information from Annual Diversity Plans Will Help to Manage Future Progress

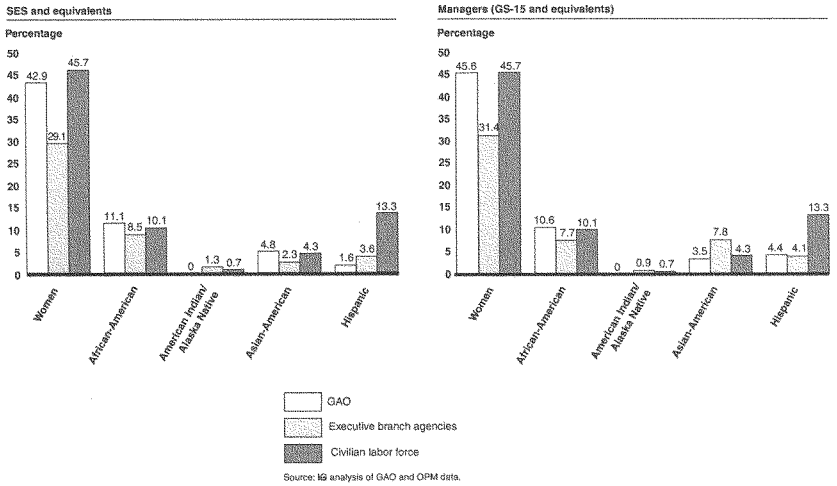
GAO has made progress in building a more diverse profile of its SES and managerial ranks. Moreover, as shown in figure 1, GAO's leadership is generally more diverse in comparison with executive branch agencies and the civilian labor force. At the same time, gaps remain in the representation of women and minorities in the agency's leadership. GAO's June 2008 *Workforce Diversity Plan*[10] has identified low representation of African-American women, Asian-Americans,[11] Hispanics, and individuals with targeted disabilities[12] among its SES and managers. The agency has a variety of leading diversity management practices to help reshape its workforce. The challenge facing GAO is to strategically manage its efforts to efficiently and effectively achieve greater diversity in its leadership. The Acting Comptroller General has stated that the agency intends to annually prepare a diversity plan in the spirit of EEOC's MD-715 guidance, which will provide the agency with information essential to effectively and efficiently managing its diversity efforts.

[10]GAO, *Workforce Diversity Plan* (June 2008).

[11]For purposes of our work, we are using the term, Asian-Americans to include employees who identify their ethnicity and race as Asian, Native Hawaiian, or other Pacific islander.

[12]Targeted disabilities are deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and distortion of limb and/or spine.

Figure 1: Comparison of Percentage of Women and Minorities in GAO's Senior Executive Service and at Manager Level with Executive Branch Agencies and Civilian Labor Force, Fiscal Year 2007



Source: IG analysis of GAO and OPM data.

GAO Has Made Gains in Overall Diversity and Faces Future Challenges

Between fiscal years 2002 and 2007, GAO increased the number of women in its SES from 45 to 54, or 20 percent. As a result, the proportion of women in the SES went from 34 percent to 43 percent. The agency had mixed success in increasing the number of minorities in the SES. The agency had a slight increase in the number of African-Americans (from 12 to 14) but a decrease in the number of Asian-Americans (from 8 to 6) and Hispanics (from 4 to 2). In GAO's June 2008 *Workforce Diversity Plan*, the agency reported that the percentages of African-American and Asian-American females in the SES have not increased at the same rate as their respective percentages in the agency's overall workforce. Moreover, the agency reported no representation of individuals with targeted disabilities or American Indians/Alaska Natives in its SES. EEOC considers a low representational rate to be a benchmark or indicator of potential barriers

to equal participation at all levels in a federal agency that requires further study.

At the manager level during this same time, GAO steadily increased the numbers of women and minorities. The manager level is the developmental or "feeder" pool for the SES. The percentage of women managers went from 39 percent to 46 percent, while the increases in minority representation were smaller. For managers, GAO recently reported low percentages for Hispanic females, African-American males, and Asian-American females among Band III analysts. The agency also reported having no African-Americans, Asian-Americans, or Hispanics in certain manager-level administrative and professional-manager job categories.

GAO's SES candidate program has a significant effect on the diversity of the SES because the agency uses it to promote many managers into the SES ranks. For entry into the program, the agency uses a competitive selection process that is open to both internal and external candidates at the manager level. Participation in the program lasts about 18 months and includes special training and different work experiences to develop executive competencies. Upon successful completion of the program, candidates can gain an SES position without further competition. Since October 2002, women have composed 22 (or 42 percent) of the 52 total program participants. Minorities have composed 8 (or 15 percent) of all of the participants, although there were no American Indians/Alaska Natives. In addition, the percentage of minorities in the classes has fluctuated—from a high of 27 percent in 1 year to a low of 9 percent in the September 2007 class.

In June 2008, GAO reported that no Asian-Americans, Hispanic males, or African-American females applied for the September 2007 class of the SES candidate program. The Managing Director of OOI said that the low representation of minorities among recent applicants demonstrates that without constant vigilance, progress could be lost, even though the agency has generally been successful at attracting minorities to its SES candidate program.

In the short term, the SES candidate program has the potential to help GAO obtain a larger pool of diverse candidates for the SES because it accepts applicants from both inside and outside the agency. In recent years, the agency has hired two external applicants for this program. According to agency officials we interviewed, past experience has shown that external candidates often face an additional challenge of assimilating

into GAO's SES culture, which is steeped in audit methodology and practices, while at the same time they must lead staff who are knowledgeable about these practices and procedures.

GAO also directly hires employees at the SES and manager level. Direct hiring has an effect on diversity, and in the short term, the hiring of women and minorities could help improve diversity at these levels. Between October 2002 and May 2008, GAO hired a total of 67 individuals at the SES and manager level. Of these, 10 (15 percent) were minority men and women and 21 (31 percent) were Caucasian females.

In its EEO oversight role, PAB has recommended that GAO review its SES selection process, including the SES candidate program, to determine whether any barriers may be having a negative effect on representation. In response, the agency has stated that it regularly reviews the SES selection processes and discusses how it can attract a greater diversity of applications, including recruitment sources and advertising with special interest groups.

GAO Uses Leading Practices, and Annual Diversity Plans Can Provide Essential Information for Effective Management

GAO has in place many of the leading diversity management practices identified in EEOC's MD-715 guidance for a model EEO program and in a GAO study of nine expert-identified leading diversity management practices. For example, GAO's top executives, including the current Acting Comptroller General and former Comptroller General, have made a commitment to diversity management—a best practice identified by both the EEOC and diversity management experts. For the past several years, diversity management has been a regular item on the agenda at periodic meetings of GAO's SES. Furthermore, GAO has taken recent action that will identify representational gaps and eliminate unnecessary barriers to hiring and advancement of women, minorities, and people with disabilities.

In accordance with these leading practices, GAO has made diversity part of its 5-year strategic plan, which sets out the agency's long-term goals and objectives.[13] One of the agency's four strategic goals is to maximize the value of GAO by being a model federal agency and world-class professional services organization. One objective for this goal is to be an employer of choice with an environment that is fair and unbiased and that

[13]GAO, *GAO Strategic Plan 2007-2012*, GAO-07-1SP (Washington, D.C.: March 2007).

values opportunity and inclusiveness. In addition, GAO has incorporated diversity management in the performance appraisal systems for its SES and other supervisors, as well as adopted mediation to voluntarily resolve complaints of discrimination. Moreover, as part of an ongoing effort to involve employees in its diversity management, the agency recently created a Diversity Committee with representatives from all employee groups, such as Blacks In Government, the Advisory Council for Persons with Disabilities, the Asian American Liaison Group, the Gay and Lesbian Employees Association, the Hispanic Liaison Group, and the International Federation of Professional and Technical Engineers. The committee's members will comment on new or revised GAO policies, procedures, plans, and practices pertaining to diversity issues.

While GAO has improved the diversity of its SES and managerial ranks and uses many leading diversity management practices, the agency has not had a process for developing essential information on a regular basis to effectively manage its diversity efforts. However, in June 2008 GAO issued its *Workforce Diversity Plan*, as requested in the committee report for the legislative branch appropriations bill for fiscal year 2008.[14] Executive branch agencies are required to do this plan annually. In developing its diversity plan, GAO chose to follow EEOC's MD-715—the same guidance executive branch agencies are required to use. In accordance with EEOC MD-715,[15] GAO analyzed workforce data to assess demographic trends and to determine whether there were differences in the representation of minorities in the agency's workforce when compared with the appropriate benchmarks. As a result, the agency now has baseline data on the diversity of its workforce. In addition, it has identified a number of potential barriers that may impede fair and open competition in the workplace. The plan also includes the GAO's 2008-2009 Workforce Diversity Action Plan, which lists three broad goals: (1) recruit more Hispanics, African-Americans, and staff with disabilities; (2) enhance staff-development opportunities that prepare staff for upper-level positions; and (3) create a more inclusive environment. While the action items are short-term activities, such as developing a diversity recruitment and hiring plan by April 2009, some could lead to long-term changes that affect diversity.

[14]U.S. House of Representatives, Subcommittee on Legislative Branch, Committee on Appropriations, *Legislative Branch Appropriations Bill, 2008*, Report 110-198 (June 19, 2007). The committee report requested an affirmative action plan.

[15]EEOC, Management Directive 715 (MD-715) Section II: *Barrier Identification and Elimination*.

Last year, the agency awarded a contract to assess the factors that may explain statistically significant differences in rating averages between African-American and Caucasian analysts from 2002 to 2006. A final report was issued on April 25, 2008, and it included more than 25 recommendations. Within a week, the Acting Comptroller General issued a memorandum to employees expressing his commitment to address the report's recommendations. GAO has already undertaken steps to implement some of the recommendations and to establish a plan to implement other recommendations.

Fiscal Year 2007 Complaints and Discrimination Data Contained Errors

The No FEAR Act requires GAO to provide data on its complaints and discrimination cases annually in a report to Congress and to post updates of current fiscal year data on its Web site. In the annual report, we found errors in the fiscal year 2007 data for the number of complaints, the number of GAO employees who filed complaints, and the basis of the complaints (such as race, gender, and religion). We also could not verify the fiscal year 2007 data reported for complaint processing times. In addition, when GAO posted complaint data earlier this year on its intranet and Web site, it inadvertently published the wrong data for fiscal year 2007. We determined that these and other errors largely resulted from insufficient controls over the compilation and reporting of the data, including not making full use of its electronic complaint software.

In its March 2008 annual report to Congress, GAO had errors in fiscal year 2007 complaints and discrimination data. Table 1 shows a comparison of correct data to data included in GAO's annual report regarding the number of complainants, complaints, and repeat filers—those who have previously filed a complaint.

Table 1: Comparison of Correct and Reported Complaint Data for Fiscal Year 2007

Type of data	Correct data	Data in GAO annual report
Complainants	6	7
Complaints	15	16
Repeat filers	2	2

Source: IG analysis of GAO information.

The annual report also contains errors related to the basis, or nature, of the complaint. For example, the annual report overstates by two the number of complaints based on religion, while it understates by eight the number of complaints based on reprisals.

We traced the reasons for the errors in the annual report back to insufficient internal controls to ensure the accuracy and completeness of the data. For example, in developing the data, the responsible person did not include all of the complaints or all of the information about the complaints processed. Part of the problem involved complaints that OOI did not process because they were filed against a person within OOI.[16] We found that OOI did not have procedures on how to track complaints processed outside of OOI or how to report on such complaints for purposes of the No FEAR Act. In addition, the agency had no written procedures regarding the development and verification of the data to ensure completeness and accuracy, and we did not find any indication in the records we reviewed that the person's work had been verified or reviewed by a supervisor.

Furthermore, we could not verify the processing times for fiscal year 2007 complaints in the annual report. We found that OOI, the unit responsible for developing complaint data, does not have written procedures for calculating and verifying the average number of days that complaints were in the investigation stage and awaiting final action by the agency. To compute these processing times, OOI staff used an informal process and manually did the calculations. However, we could not verify the calculations because the person who made the calculations had little experience in this area, and the records of their calculations were incomplete. In addition, OOI did not make full use of its electronic complaint tracking software, which has the capabilities to track and determine complaint processing times, because of past difficulties in using the software. GAO specifically purchased this software 5 years ago to improve the accuracy of its complaint data. In response to these findings, the agency is planning to revise its procedures to improve the accuracy of processing times, including making full use of this software.

We also found that GAO inadvertently posted on its intranet and Web site the wrong data for fiscal year 2007. The posted data—which were for the first quarter of fiscal year 2008—were different from the correct data. The posted data understated the number of complainants by 4, the number of complaints by 13, and the number of multiple filers by 2. The posted data

[16]As set forth in GAO's discrimination complaint resolution process order, generally GAO employees are to file discrimination complaints with OOI, which processes them. For complaints filed against OOI staff or management, the order provides for a GAO top executive to assign such complaints to other GAO managers so they may process the complaints instead of OOI, as occurred in fiscal year 2007.

also included errors regarding the basis of complaints and the complaint processing times.

Concerns Continue about Integration of Discrimination Complaint Processing and Diversity Efforts

To ensure the fair and impartial processing of discrimination complaints, EEOC's guidance on the federal sector EEO process for executive branch agencies has three requirements regarding the reporting relationship and independence of the heads of agency EEO offices.[17] Although GAO is not required to follow EEOC's guidance, it adheres to two of the three requirements. We identified concerns about the agency not following the third recommendation—keeping the EEO functions separate from the personnel function. PAB, in its EEO oversight capacity of GAO, has recommended that the agency create a separate unit solely to process discrimination complaints.

EEOC's Management Directive 110, among other things, has three requirements for the head of agency EEO offices regarding reporting relationships and independence. First, to underscore the importance of equal employment opportunity to an agency's mission and to ensure that the EEO Director is able to act with the greatest degree of independence, it requires that the EEO Director report directly to the head of the agency. Second, to enhance the credibility of the EEO office and the integrity of the EEO complaints process, it requires that the EEO fact-finding function in general, and the legal sufficiency reviews of final agency decisions for discrimination complaints in particular, not be done by attorneys in a unit that represents or defends the agency in such disputes. Third, to maintain the integrity of the EEO investigative and decision-making processes, the guidance requires that the EEO functions, especially investigations and decision making, must be kept separate from the personnel function to avoid conflicts of position or conflicts of interest, as well as the appearance of such conflicts.

We found no problems with two requirements. The OOI Managing Director reports directly to the Comptroller General, the head of GAO. In addition, the OOI Managing Director, who is an attorney, does legal sufficiency reviews of final agency decisions and arranges for independent investigations. For the small number of complaints that OOI staff have not directly processed, GAO's Chief Administrative Officer assigns a manager to act on OOI's behalf, while General Counsel assigns an attorney who is

[17]EEOC, Management Directive 110.

not in GAO's Legal Services unit to assist the manager. Legal Services is part of GAO's Office of General Counsel and serves as the agency's in-house legal counsel and represents the agency in legal disputes.

PAB has reported about the potential for a real or apparent conflict of interest because the OOI Managing Director is responsible for overseeing discrimination complaints while having a substantial role in GAO's human capital activities, including diversity programs—which is a personnel function. PAB has pointed out that this situation does not conform to the EEOC directive, which states, ". . . the same agency official responsible for executing and advising on personnel actions may not also be responsible for managing, advising, or overseeing the EEO pre-complaint or complaint processes." An illustrative example of a potential area of conflict is the OOI Managing Director's role in reviewing employee performance ratings. He reviews selected ratings before they are final to identify any potential EEO concerns, and he then discusses his concerns with the appropriate SES official. Therefore, if an employee were to file a discrimination complaint because of a rating, the OOI Managing Director would have been involved in a review for potential EEO concerns and still would be responsible for the fair and impartial processing of the complaint.

PAB has recommended that GAO create a separate complaint unit to process discrimination complaints exclusively and with no responsibility for personnel, or human capital, issues. GAO has stated that it does not believe that creation of a separate unit is warranted due to the small number of discrimination complaints filed each year and that the appearance of any conflict of interest is mitigated by GAO contracting out its complaint investigations. PAB continues to believe that a structural separation between the two administrative functions is warranted. The scope of our review did not include a detailed analysis of OOI to determine what effect, if any, the consolidation of these functions has had on complaint processing.

Moreover, the small number of formal complaints does not reflect the office's workload, the majority of which involve informal contacts with the office and its efforts to resolve issues raised by GAO employees without the filing of a formal complaint. For example, in fiscal year 2007, GAO employees filed 15 discrimination complaints, while about 130 employees made informal contacts to OOI. These contacts concerned a range of issues, including appraisals, promotion, work assignments, harassment, work environment, feedback, communication, and training.

Conclusions

Although GAO has made progress, the task ahead—further increasing the diversity of its leadership and workforce—is challenging. It will require a concerted effort that must be sustained over time. The small gains in minority representation in recent years will not be sufficient for achieving a more diverse leadership.

To move forward, GAO needs to establish as part of its long-term approach, an annual plan that evaluates its workforce data and helps identify and remove unnecessary barriers to the advancement and hiring of women, minorities, and people with disabilities. The agency has taken a key step toward this end with its June 2008 *Workforce Diversity Plan* and the Acting Comptroller General's stated intention to producing a diversity plan annually. Because of GAO's transitional state with an Acting Comptroller General, we believe the agency needs to formally incorporate its intention into the order governing OOI's responsibilities. By formally adopting the MD-715 annual review and evaluation process, GAO will be better position to sustain attention on the effects of its initiatives, use the evaluations as a basis for any strategic improvements, and hold agency leadership accountable.

In addition, GAO needs to improve its internal complaint processing procedures and the procedures related to compiling and reporting on those complaints. This will help to avoid recent problems and ensure that complaint data provided to others are accurate and reliable.

GAO may want to monitor the situation related to its decision not to create a separate unit for processing discrimination complaints. Some of the factors that the agency considered in its original decisions seem to have changed, and the agency does face some risk of real or apparent conflicts of position or conflicts of interest. Further, the number of employees making informal contacts to OOI is substantial compared with the number of discrimination complaints.

We have made recommendations in our report that is being released today, and GAO has generally agreed with these recommendations.

Mr. Chairman, this concludes my prepared statement. I would be happy to respond to any questions you or other Members of the Subcommittee may have at this time.

Contact and Staff Acknowledgments

If you have any questions about this statement, please contact me at (202) 512-5748 or garciaf@gao.gov. Key contributors to this statement were Cathy L. Helm (Assistant Director) and Keith Steck.

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Mr. DAVIS. And we go to Mr. Ogden.

STATEMENT OF J. ANTHONY OGDEN

Mr. OGDEN. Thank you, Chairman Davis and Ranking Member Marchant, for the opportunity to testify before the subcommittee on this timely and important issue.

I believe that embracing the unique qualities of each individual and ensuring the implementation of equal employment and diversity policies and objectives is essential to enhancing the quality of our work life and the productivity of our work force. Everyone in the workplace should be afforded the opportunity to develop, perform, and advance to their maximum potential based solely on their merit and without regard to race, color, religion, national origin, gender, age, disability, or sexual orientation.

At the request of this subcommittee, my office conducted an audit of the diversity program at GPO. Along with my other legislative branch colleagues, we used EEOC Management Directive 715 and the leading diversity management practices identified by GAO as the benchmarks to conduct our assessment. On September 11th, we issued a report entitled Diversity Management Programs at the Government Printing Office.

Our audit specifically identified that although GPO is not required to comply with MD 715 or GAO's leading diversity management practices, GPO has generally adopted three elements for creating and maintaining a model EEO program, namely, demonstrated commitment from leadership, efficiency, and responsiveness in legal compliance. Agency officials have also demonstrated top leadership commitment, one of the GAO's nine leading diversity management practices.

Our audit results indicated that GAO has made progress in developing its pool of senior grade 15s. In 2002, 31 out of 32 Grade 15s were men and included only 6 minorities. However, in 2007 the pool of 15s grew to 79, and included 23 women, a nearly ninefold increase, and 25 minorities, a nearly 70 percent increase.

Only limited progress has been made in the makeup of the Senior Level Service employees. In 2002, there were 21 SLS employees—20 men, 1 woman, 1 minority—and in 2007 there were 26 SLS employees, including 3 women and 3 minorities.

We also found that during 2007, GPO complaints and discrimination data reported to EEOC and Congress were accurate and complete.

Finally, we found the EEO director is independent of the general counsel and, to an appropriate extent, independent of the public printer in EEO matters.

Based on the results of our audit, we believe that GPO could improve its diversity management. Accordingly, we recommended that agency management incorporate the remaining three elements of MP 715, and all or a combination of the leading diversity management practices identified by GAO.

Key to the success of any diversity program is top leadership commitment. The Public Printer has emphasized his personal commitment to equal opportunity and diversity at GPO, with a position more comprehensive than that contemplated by MP 715 or contemplated by this review, as it includes persons with disabilities as

well as gays and lesbians. Indeed, a conversation about diversity is not possible unless all diverse populations and cultures that enrich our work force are included in the discussion.

The following is a summary of our significant recommendations to GPO management.

Because diversity management can help reduce costs by reducing turnover, increasing employee retention, and improving morale, we recommended that GPO place additional emphasis on integrating diversity into the agency's strategic plan to foster a culture of change that supports and values differences.

GPO does not have effective methods for evaluating and measuring success of its diversity management program; therefore, we recommended GPO implement such methods and maintain and provide sufficient resources, including work force data and information technology tools, to allow EEO officials to track and evaluate the effectiveness of agency diversity efforts.

Because hiring officials are crucial in diversity management, we recommended that GPO should emphasize in performance plans the commitments by managers to create a diverse work force and address the culture of diversity in order to nurture talent, create diverse opportunities, and maximize the potential of GPO's work force.

Given the projected wave of retirements in the next decade, we recommended that GPO focus on succession planning by continuing to identify and develop candidates who have the potential to be future leaders, and selecting individuals from among a more diverse pool of qualified candidates to include Asian, Hispanic, and Native Americans. To improve its recruitment efforts, we also recommended that the hiring manager should be included in outreach and recruitment efforts.

Although GPO has very active employee involvement through various employee groups such as the disability program, the Hispanic Employment Program, and the Federal Women's Program, we recommended that GPO continue to involve employees in diversity management and evaluate the existing employee groups to identify whether employees issues are fully represented before agency management. And finally, GPO should develop a diversity and training curriculum for all its employees.

Although GPO management concurred with our recommendations, management did not provide details regarding what actions the agency plans to take to implement the recommendations. As a result, the recommendations are considered unresolved until we received details concerning the implementation.

My office is committed to working with agency management to help ensure that GPO's diversity program continues to improve, and that GPO will be able to meet its future employment challenges with a more diverse population of qualified women and minorities in top leadership positions.

Thank you again for the opportunity to testify before this subcommittee today. Additionally, I wish to express my thanks to the Supervisory Auditor, Joe Birch, and my assistant inspector general for audits, Kevin Carson, for their work, as well as my IG colleagues that are sitting with me today—Anne Toniashan—for helping us to make this come to fruition today.

This concludes my testimony, and I will be pleased to address any questions.

Mr. DAVIS. Thank you very much, Mr. Ogden.

[The prepared statement of Mr. Ogden follows:]

DIVERSITY MANAGEMENT PROGRAMS AT THE GOVERNMENT PRINTING OFFICE

September 16, 2008

Statement of

J. Anthony Ogden
Inspector General

Before the

Subcommittee on Federal Workforce, Postal Service, and the District of Columbia

Committee on Oversight and Government Reform

U.S. House of Representatives

OFFICE OF INSPECTOR GENERAL

Thank you, Chairman Davis and Ranking Member Marchant, for the opportunity to testify before the Subcommittee on the issue of diversity management at the U.S. Government Printing Office. I will keep my testimony brief today and ask that my written statement be made part of the record of these proceedings.

I believe that embracing the unique qualities of each individual and ensuring the full and meaningful implementation of equal employment and diversity policies and objectives is essential to enhancing the quality of our work life and the productivity of our workforce. Everyone in the workplace should be afforded the opportunity to develop, perform, and advance to their maximum potential based solely on their merit and without regard to race, color, religion, national origin, gender, age, disability, or sexual orientation.

At the request of the Subcommittee, my office along with my colleagues at the Library of Congress, U.S. Capitol Police, Architect of the Capitol and Government Accountability Office conducted audits of diversity management programs at our respective agencies. The overall objective was to address the extent to which diversity offices have effective programs in place to address diversity within each agency. At GPO, we specifically sought to:

- Identify and assess the diversity program at GPO to determine if it is yielding the desired results—that of creating a more diverse population of women and minorities in top leadership positions, specifically the Senior Level Service (SLS) (the GPO equivalent of the Senior Executive Service);

- Evaluate the accuracy and completeness of the complaints and discrimination data reported to Congress; and

- Assess the degree to which diversity offices or functions are independent of the General Counsel and the Public Printer.

We used EEOC Management Directive 715 (MD-715) and the leading diversity management practices identified by the Government Accountability Office (GAO) as a benchmark to conduct our assessment. It should be noted at the outset that the GPO is not required to comply with either MD-715 or with the GAO practices; however, prior to our commencement of this audit, GPO had already begun to voluntarily adopt some of the practices and recommendations.

Our audit results indicated that GPO has made progress in developing its pool of Grade 15s to ensure a qualified minority pool for the Agency's SLS. However, improvements can be made towards further enhancing the diversity of the Agency's corps of SLS employees.

We also found that GPO complaints and discrimination data reported to the EEOC during fiscal year (FY) 2007 and eventually reported to Congress were accurate and complete. Further, we found that the EEO Director is independent of the General Counsel, and to an appropriate extent, independent of the Public Printer in EEO matters.

The audit specifically identified that although GPO is not required to comply with the provisions of MD-715 or GAO's leading diversity management practices, GPO has generally adopted three elements for creating and maintaining a model EEO program identified by MD-715, namely:

- Demonstrated commitment from leadership,
- Efficiency, and
- Responsiveness and legal compliance.

Agency officials have also demonstrated "top leadership commitment," one of the GAO's nine leading diversity management practices.

While in the last several years GPO management has made progress in managing and developing diversity and EEO programs, we believe that Agency management could improve its diversity management.

Accordingly, in our report, the GPO OIG recommended that Agency management incorporate the remaining three elements of EEOC Management Directive 715 and all or a combination of the nine leading diversity management practices identified by the GAO. Implementation of these recommendations should not only improve the GPO diversity program by providing a more diverse population of qualified women and minorities in top leadership, but also contribute to GPO's ability to meet its future employment challenges. GPO management concurred with the recommendations; however, did not provide details regarding what actions the Agency plans to take to implement the recommendations.

Background

GPO Demographic Profile

By way of background, as of January, 2008, GPO had a total workforce of 2,263 employees which includes both white and blue collar personnel. White collar employees generally consist of administrative, technical, clerical, professional and management personnel while blue collar employees consist generally of those employees who work in production departments. Notably, GPO is one of the largest blue collar employers in the District of Columbia. Of that total workforce, 42.3 percent are women and 60.1 percent are minorities.

Among the white collar workforce (a total of 1163 employees), 42.3 percent are women and 52.5 percent are minorities. And, in the last five years, GPO has made significant progress in the overall diversity of its senior workforce. Specifically, in FY 2002, 31 out of 32 Grade 15s were men (96.9%) and included only 6 minorities (19%). In FY 2007, the pool of 15s grew to a total of 79 and included 56 men (71%) and 23 women (29%), 25 of the total are minorities (32%).

And some progress has been made in the makeup of its SLS employees. In FY 2002, there were 21 SLS employees consisting of 20 men (0 minorities) and one woman (1 minority). In FY 2007, there were a total of 26 SLS employees consisting of 23 men (1 minority) and 3 women (2 minorities).

The Office of Equal Employment Opportunity

The GPO has an Equal Employment Opportunity (EEO) Office that is responsible for compliance with civil rights statutes and regulations governing Federal employment.[1] The EEO Director is responsible for ensuring that equal opportunities exist for employees and applicants without regard to race, sex, color, religion, national origin, sexual orientation, age, physical and mental disability.

The EEO Office consists of two divisions: (1) the Affirmative Employment Program (AEP) Division, responsible for assuring that equal opportunity principles are an integral part of every aspect of personnel policy and practice in the recruitment, employment, development, advancement, and treatment of GPO staff and applicants for employment; and (2) the Counseling and Complaints Processing Division (CCPD) responsible for managing the EEO complaint process for employees and applicants involving allegations of discrimination.

[1] Title VII of Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, and Title I of the Americans with Disabilities Act of 1990.

The GPO also has in place several programs and employee organizations that address minority issues and concerns. Among them, the Disability Program which helps to raise awareness of disability policies and programs through outreach and education, and helps elevate disability concerns to Agency management. The program committee works with the EEO Office to identify employment barriers to persons with disabilities, review Agency policies, address employment issues, and recommend changes.

In addition, the Hispanic Employment Program's (HEP) mission is to help eliminate discriminatory practices, assist in eliminating areas of under-representation or underutilization, evaluate practices for disparate impact or treatment, and recommend changes to eliminate barriers to Hispanic employment. The Federal Women's Program (FWP) works to identify, promote, and enhance employment and training opportunities for women. The committee also helps keep women at GPO apprised of employment issues; assists in training, career development, and advancement; provide networking channels with other FWP organizations on issues related to eliminating barriers to equal access and opportunity; and promotes professionalism.

GPO has additional programs which are more fully described in our report.

I note here that the GPO policies against discrimination are broader than those contemplated by this review. Namely, GPO's policies against discrimination include persons with disabilities, as well as gays, lesbians, and bisexuals. Indeed, a conversation about diversity is not possible unless all diverse populations and cultures that enrich our workforce are included in the discussion.

Findings and Recommendations

EEOC Management Directive 715

MD-715, issued by the EEOC on October 1, 2003, provides the basic elements necessary for creating and maintaining a model EEO program in the Federal government. A model EEO program incorporates a structure for effective management, accountability, and self-analysis to help ensure program success. MD-715 provides six essential elements to include in a model EEO program:

- Demonstrated commitment from agency management;
- Integration of EEO into the agency's strategic mission;
- Management and program accountability;
- Proactive prevention of unlawful discrimination;
- Efficiency; and
- Responsiveness and legal compliance.

While MD-715 applies to agencies in the executive branch it does not apply to the GPO.

The OIG assessed the current status of GPO's voluntary efforts to integrate the six elements of MD-715 into the structure of the Agency. Although not mandated, senior officials at GPO have begun to follow several key elements for creating and maintaining a model EEO program into the structure of GPO. For example, GPO has generally demonstrated commitment from agency leadership, met the standards of efficiency, and has been responsive and complied with legal requirements.

While detailed results of our assessment are more fully discussed in our report, the following summary is provided for your consideration:

1. A fundamental tenet for any diversity or EEO program is demonstrated commitment from agency leadership. GPO has taken initiative in this area, in large part due to the issuance by the Public Printer of a policy statement to all GPO employees, emphasizing his personal commitment to equal opportunity and diversity. MD-715 suggests that such a policy be issued and reaffirmed annually. Accordingly, we recommended that the Public Printer continue to issue a policy statement addressing his commitment to EEO and diversity on a yearly basis.

2. MD-715 provides that diversity should be a part of the agency's strategic mission and that an agency's EEO program should be organized and structured in a way that maintains a workplace free from discrimination through its policies, procedures, or practices. While management has recognized several aspects of this Element, we recommended that as the new

Public Printer formulates his strategic plan, he include EEO and diversity as an integral part of GPO's strategic mission.

3. To ensure management and program accountability, MD-715 discusses the need for overall accountability and EEO program management and recommends that the head of an agency should hold managers, supervisors, and EEO officials responsible for effective implementation of an agency's EEO program and plan. In that regard, we recommended that business unit managers develop an EEO plan for their individual units and that EEO and Human Capital officials meet regularly to identify any systemic barriers in hiring, promotions, training, and awards.

4. According to MD-715, each agency has an obligation to prevent discrimination on the basis of race, color, national origin, religion, sex, age, reprisal and disability, and to eliminate barriers that impede free and open competition in the workplace.[2] Putting such an obligation into place begins with informing employees about an effective anti-discrimination policy that explains the protections afforded by the civil rights laws, the rights afforded in such situations, and the process for redress. Further, the head of an agency must make efforts early to prevent discriminatory actions and eliminate barriers to equal employment opportunity in the workplace.

While the Public Printer has communicated his policy and commitment, in fact more broadly than contemplated by MD-715, to further this commitment, we recommended that the Agency conduct annual self-assessments to monitor progress and identify areas where barriers may exclude certain groups. Such analysis will help the Agency develop strategic recruitment plans to eliminate those barriers to the extent possible and to attract a qualified, diverse pool of applicants.

5. MD-715 further requires that the agency head ensure that there are effective systems in place for evaluating the impact and effectiveness of the agency's EEO programs as well as an efficient and fair dispute resolution process. Critical to this element are adequate and accurate information collection systems. Such systems fully integrated into an agency's infrastructure help it conduct periodic reviews—thus allowing the agency to stay on top of those things affecting the myriad of EEO areas. For example, although GPO is conducting outreach programs, it does not have an effective method to track success. We recommended that such systems be put in place to evaluate the impact and effectiveness of the EEO programs.

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[2] The Statement of the Public Printer, dated April 8, 2008, is more comprehensive than that recommended by MD-715: "Employment actions must be based upon merit principles and made without regard to an individual's race, color, religion, national origin, sex, age, mental/physical disability or sexual orientation."

6. And finally, MD-715 requires that each year an agency certify that it is complying with EEO laws and EEOC regulations, policy guidance, and other written instructions, and further that agency personnel should be accountable for the timely compliance with EEOC orders. While generally following the requirements of this provision, management can further its commitment to maintaining a workplace free of discrimination and harassment as well as a commitment to EEO and diversity by requiring compliance with EEO laws and EEOC regulations in the performance standards of all managers and SLS personnel.

The GAO Leading Practices

In January 2005, GAO issued a report to the Ranking Minority Member, Committee on Homeland Security and Government Affairs, U.S. Senate entitled "Diversity Management: Expert-Identified Leading Practices and Agency Examples."[3] This report identified nine leading practices to be considered when an organization is developing and implementing a diversity management program. The practices that GAO identified include:

- **Top leadership commitment**—a vision of diversity demonstrated and communicated throughout an organization by top-level management;

- **Diversity as part of an organization's strategic plan**—a diversity strategy and plan that are developed and aligned with the organization's strategic plan;

- **Diversity linked to performance**—the understanding that a more diverse and inclusive work environment can yield greater productivity and help improve individual and organizational performance;

- **Measurement**—a set of quantitative and qualitative measures of the impact of various aspects of an overall diversity program;

- **Accountability**—the means to ensure that leaders are responsible for diversity by linking their performance assessment and compensation to the progress of diversity initiatives;

- **Succession planning**—an ongoing, strategic process for identifying and developing a diverse pool of talent for an organization's potential future leaders;

- **Recruitment**—the process of attracting a supply of qualified, diverse applicants for employment;

[3] GAO 05-90, January 14, 2005, available at http://www.gao.gov/newitems/d0590.pdf.

- **Employee involvement**—the contribution of employees in driving diversity throughout an organization; and

- **Diversity training**—organizational efforts to inform and educate management and staff about diversity.

We reviewed GPO's diversity programs to benchmark the Agency's standing in relation to GAO's nine leading diversity management practices, which in some respects mirror some of the MD-715 elements. As summarized below, we made several recommendations that should promote the GAO practices. The results of our review are more fully discussed in our report.

1. Key to the success of any diversity program is top leadership commitment. As noted previously, the Public Printer has emphasized his personal commitment to equal opportunity and diversity at GPO. Ongoing commitment from the Public Printer and senior management will be crucial to the success of GPO's diversity and EEO programs.

2. Additional emphasis should be placed on integrating diversity into the Agency's strategic plan to foster a culture of change that supports and values differences.

3. Diversity management makes good business sense, enhancing productivity and innovation. In addition, diversity management can help reduce costs by reducing turnover, increasing employee retention across demographic groups, and improving morale. GPO should include the development of diversity management as part of its strategic plan and should implement methods to measure and evaluate the effectiveness of the organization's diversity management.

4. As noted above, annual assessments are vital in helping an agency evaluate the effectiveness of its diversity management. In order to conduct assessments, GPO should maintain and provide sufficient resources, including workforce data and information technology tools, to allow EEO officials to track the effectiveness of diversity efforts.

5. At GPO, managers and supervisors are held to core EEO commitments in order to obtain performance bonuses. These core commitments must emphasize the value of creating a diverse workforce and address the culture of diversity as opposed to mere compliance with laws and regulations in order to nurture talent, create diverse opportunities and maximize the potential of GPO's workforce.

6. Succession planning is tied to the Federal Government's opportunity to change the diversity of the executive corps through new appointments and is a comprehensive, ongoing strategic process that enables management to

forecast an organization's leadership needs. Identifying and developing candidates who have the potential to be future leaders, and selecting individuals from among a diverse pool of qualified candidates to meet executive resource needs is at the heart of succession planning.

Another way GPO supports succession planning is through leadership programs. A new Leadership Development and Recruitment (LDR) program—a two-year career-building program—began in FY 2007. As part of the LDR program, employees are recruited from both inside and outside the Agency. The program allows employees to work in a number of business units to get a range of hands-on experience of GPO to become potential future leaders within those same business units. In FY 2007, there were 13 employees—8 males (4 minorities) and 5 females (3 minorities)—enrolled in the LDR program. The second LDR class began in June 2008 with seven employees—five males and two females (1 minority).

GPO still has work to do to improve the diversity of its SLS corps with the inclusion of Asian American/Pacific Islanders, Hispanic Americans, and Native Americans; however, in the last five years GPO has worked to create a more diverse pool of qualified candidates for future SLS positions at both the Grade 15 level and through implementation of the LDR program.

7. Attracting a supply of qualified and diverse applicants is essential for an organization's long term success. In 2006, GPO hired a Recruitment Manager who worked with GPO managers to establish a plan to recruit diverse candidates for a number of positions, including the LDR. He, along with other recruiters, visited Historically Black Colleges and Universities and Hispanic-Serving Institutions. A similar plan created in coordination with the EEO Manager is in place for 2008/2009. Also, the Hispanic Employment Program Manager e-mails job vacancies to 67 Hispanic organizations and to more than 800 Hispanic Employment Network individuals.

However, such efforts by Human Capital and EEO may not be fully realized in the absence of participation by the business unit managers who are ultimately responsible for making employment selections. Accordingly, we recommended that these business unit managers be included in outreach and recruitment efforts.

8. Involving employees in diversity management helps contribute to diversity throughout the organization. Employees can get involved by: (1) forming employee diversity task forces, councils, boards, and networks to identify issues, recommend actions, and help develop initiatives to facilitate change; (2) providing mentoring opportunities to help identify and develop high-potential employees, improve employee productivity and performance, and promote retention and diversity; and (3) encouraging employees to volunteer

in their communities and allocating mission personnel to participate in community outreach programs with private employers, public schools, and universities.

GPO has several diverse employee groups including the Federal Women's Program, the Hispanic Employment Program, and Disability Committee that help identify issues and recommend actions to GPO management. These groups could also aid GPO management in the development of initiatives and recommendations for a diversity strategic plan identified in the GAO report. GPO management should continue to evaluate its existing employee groups, identify whether employees issues are fully represented and ensure that the groups are meeting the objectives.

9. Finally, the OIG believes that officials from both EEO and Human Capital should work together to develop a diversity training curriculum that can be provided to all GPO employees.

Conclusion

I am pleased that GPO management has concurred with our recommendations to incorporate the remaining provisions of EEOC Management Directive 715 and adopt all or a combination of the leading diversity management practices identified by the Government Accountability Office. However, management did not provide details regarding what actions the Agency plans to take to implement the recommendations. As a result, pending receipt of details related to implementation, the recommendations are considered unresolved.

While GPO is likely to face challenges in its management of diversity initiatives, there is a sense of responsibility to improve diversity programs and ensure a process that is both practical and effective. My office is committed to working with Agency management to help ensure that GPO's diversity program continues to improve and that GPO will be able to meet its future employment challenges with a more diverse population of qualified women and minorities in top leadership positions.

Thank you again for the opportunity to testify before the Subcommittee regarding our oversight work on diversity management at GPO. Additionally, I want to express my thanks to Supervisory Auditor Joseph Verch and my AIG for Audits Kevin Carson for their work on this audit.

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

Mr. DAVIS. And we will now go to Mr. Schornagel.

STATEMENT OF KARL W. SCHORNAGEL

Mr. SCHORNAGEL. Thank you, Chairman Davis.

For our review, we defined senior-level positions as those in the Library's senior level executive [SL], system, which is roughly the equivalent to the SCS system. We defined the SL developmental pool as positions in the GS–13 to –15 range.

For the fiscal year ending September 30, 2007, the Library reported a total work force of 3,786 staff, of which 55.2 were women and 45.6 were minorities. These percentages are above Federal and civilian work force levels. Included in these numbers are 95 senior level executives, of which 43.2 percent were women and 21.1 percent were minorities. The representation of both women and minorities is significantly higher than the governmentwide average, but slightly lower than the civilian work force.

Women are similarly represented in the developmental pool. Minority representation in the developmental pool is lower than the governmentand civilian work forces, although there has been progress in the past 5 years.

We determined and the Library agreed that there are several ways to further improve the Library's diversity program, so I will summarize our three findings from our July 2008 report.

First, the Libraryis adopting many of the best practices in diversity management. Our assessment found that the Library is following most of the best practices recommended by the GAO and the Equal Employment Opportunity Commission. This includes linking its diversity plan and its strategic plans, and including diversity as a major element in managers' performance requirements. The Library's Office of Workforce Diversity is taking steps to better focus its efforts on identifying potential systemic barriers, if any, impeding full minority participation in upper-level positions.

In addition to increasing its focus on barrier analysis and measuring program effectiveness, the Library also needs to complete its succession planning efforts. These are a major element in diversity management. The Library also needs to ensure that the service units are committing to and implementing diversification activities. Success of the Library's affirmative action initiative depends in large part on the service unit's success in providing equal employment and affirmative action opportunities.

Second, the Libraryhas made progress in improving the developmental pool. Despite the favorable comparison of the Library's senior-level staffing with the executive branch and the genuine efforts we believe the Library has made and is making to improve, diversity at senior-level positions has remained constant since 2002. However, progress has been made in diversifying the GS–13 to –15 positions. This bodes well for the future, because GS–15 positions are widely considered to be the developmental pool for the senior level jobs.

For librarian positions, the Library's efforts to achieve more diversity in the management ranks are hindered by the lack of qualified applicants. According to the American Library Association, the percentage of credentialed minority librarians lags significantly behind the representation of minorities in the civilian labor force.

This highlights the importance of in-house grooming of current staff through training and mentoring programs.

And third, the Library's diversity office is independent, and its data is accurate and complete. Results of tests we performed show that the Library's EEO data is accurate and complete—I am sorry. Likewise, we concluded that the Library's Office of Workforce Diversity and its component Equal Opportunity Complaints Office are independent of the Library's general counsel, human resources director, and, to the extent practical, the Librarian.

Our conclusion is that, overall, the Libraryis committed to diversity. Union officials we spoke with believe the Library's diversity and equal employment policies and procedures, as well as its merit selection plan, promote diversity in the workplace. Likewise, the Library has effective diversity programs if fully implemented. Thank you.

[The prepared statement of Mr. Schornagel follows:]

Testimony of Karl W. Schornagel
Inspector General, the Library of Congress
House of Representatives, Congress of the United States
Committee on Oversight and Government Reform
Subcommittee on Federal Workforce, Postal Service, and the District of Columbia
September 16, 2008

Chairman Davis, I am pleased to be able to address with you today the issue of workforce diversity at the Library of Congress.

We performed a review of the Library's diversity management program and initiatives in response to your November 14, 2007 request and issued a final report for the Library in July 2008. Our report along with reports from the Inspectors General of the Architect of the Capitol, Government Accountability Office, Government Printing Office, and the United States Capitol Police were consolidated in a capping report prior to this hearing.

Our objectives were to 1) determine whether each agency's diversity programs and initiatives are achieving better representation of women and minorities in top leadership positions, 2) evaluate the accuracy and completeness of the complaint and discrimination data the agencies have reported to Congress, and 3) assess the extent to which each agency's diversity office is independent of its General Counsel and agency head.

For our review, we defined senior level positions as those in the Library's Senior Level Executive, which is roughly equivalent to the SES system. We defined the senior level developmental pool as positions in the GS-13 to 15 range.

For the fiscal year ended September 30, 2007, the Library reported a total workforce of 3,786 staff of which 55.2 percent were women and 45.6 percent were minorities. These percentages are above federal and civilian workforce levels. Included in these numbers are 95 senior level executives of which 43.2 percent were women and 21.1 percent were minorities. The representation of both women and minorities is significantly higher than the government-wide average and slightly lower than the civilian labor force.

Women are similarly represented in the developmental pool. Minority representation in the development pool is lower than the government and civilian workforces, although there has been progress in the past five years. We determined, and the Library agreed, that there are several ways to further improve the Library's diversity program.

Findings from our July Report

The Library is Adopting Many of the Best Practices In Diversity Management — Our assessment found that the Library is following most of the best practices recommended by the Government Accountability Office and the Equal Employment Opportunity Commission. This includes linking its diversity plan and its strategic plans, and including diversity as a major element in managers' performance requirements. The Library's Office of Workforce Diversity (OWD) is taking steps to better focus its efforts

on identifying potential systemic barriers, if any, impeding full minority participation in upper level positions.

In addition to increasing its focus on barrier analysis and measuring program effectiveness, the Library needs to complete its succession planning efforts. These are a major element in diversity management. The Library also needs to ensure that the service units are committing to and implementing diversification activities. Success of the Library's affirmative action initiatives depends, in large part, on the service units' success in providing equal employment and affirmative action opportunities.

The Library Has Made Progress in Improving the Developmental Pool — The Library has made genuine efforts to improve diversity in its senior level positions, and compares favorably in this respect with the executive branch. Despite this, however, diversity in its senior level positions has remained constant since 2002. However, progress has been made in diversifying GS-13 to 15 positions. This bodes well for the future because GS-15 positions are widely considered to be the developmental pool for senior level jobs.

For librarian positions, the Library's efforts to achieve more diversity in the management ranks are hindered by the lack of qualified applicants. According to the American Library Association, the percentage of credentialed minority librarians lags significantly behind the representation of minorities in the civilian labor force. This highlights the importance of in-house grooming of current staff through training and mentoring programs.

The Library's Diversity Office is Independent and its Data is Accurate and Complete — Results of tests we performed showed that the Library's EEO data is accurate and complete. Likewise, we concluded that the Library's OWD and its component Equal Employment Opportunity Complaints Office are independent of the Library's General Counsel, Human Resources Director, and, to the extent practical, the Librarian.

Conclusion

Overall, we determined that the Library is committed to diversity. Union officials we spoke with believed that the Library's diversity and equal employment policies and procedures, as well as its Merit Selection Plan, promote diversity in the workplace.

The most successful organizations of the future are ones that are currently identifying and developing high potential executives, of any age, culture, ethnicity, gender, geographic background, or sexual orientation. The Library needs to ensure that through its succession planning strategies and training, employees in the GS-13 to 15 range will broaden their leadership skills and step into senior management roles when the appropriate time comes.

In addition to assessing diversity in the overall Library workforce and the GS-13 to 15 and senior level positions (as we did in our review), it is equally important for the OWD

to examine whether there are differences among the Library's service units. A high concentration of a minority group in one service unit may distort the Library's overall statistics on hiring, promotions, awards, and performance evaluations.

The Library has an effective and accurate complaint tracking and monitoring system in place. As we reported in September 2007, the OWD is working to ensure the accuracy and completeness of its Alternative Dispute Resolution data.

Numbers alone do not reflect efforts to encourage interchanges among staff of various races and ethnic backgrounds. The Library of Congress Professional Association sponsors foreign language tables for staff who speak or wish to learn various languages. The Library sponsors multiple "heritage month" programs intended to highlight diversity. Similarly, the Library has many cultural associations (such as Blacks in Government; Daniel A.P. Murray Association; Asian American Association; Gay, Lesbian or Bisexual Employees; and Hispanic Cultural Association) that promote awareness and understanding of differences.

The Library and its OWD face challenges in ensuring a diverse workforce. In addition to the challenges of recruiting and retaining women and minority candidates, the OWD faces the challenge of gaining the "buy-in" of key employees, such as the middle managers, who are often responsible for implementing many of the affirmative action programs. Without a sustained commitment from management at all levels, diversity at the management level may continue unchanged over time. Thurgood Marshall, late Justice of the United States Supreme Court, stated that "The legal system can force open doors and sometimes even knock down walls. But it cannot build bridges. That job belongs to you and me."

Mr. DAVIS. Thank you very much, and we want to thank each one of our witnesses. Let me ask a couple of general questions and I'd like for each one of you if you would to respond. On the basis of the experiences of your agency, when I look at the diversity, as I guess some of us do, I try and look comprehensively across the board at what we really mean when we talk about diversity. So I would like to ask what areas of diversity on the basis of race, sex and disability would you say had the greatest need of attention to your agency? And perhaps I would begin with you, Ms. Bates.

Ms. BATES. Mr. Chairman, in light of the—my recent taking over the position of the Inspector General, I would like to get back to you on that and submit an answer for the record.

[The information referred to follows:]

Washington, DC 20515

October 1, 2008

The Honorable Danny K. Davis
Chairman
Subcommittee on the Federal Workforce, Postal Service
and the District of Columbia
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for providing me the opportunity to appear before your subcommittee on September 16, 2008, to discuss my office's findings on the Office of the Architect of the Capitol's (AOC's) progress in recruiting women and minorities at the most senior levels of the Agency. During the hearing, I agreed to provide responses for the Record to questions asked of me, which appear below.

What is the greatest need for increased diversity at the AOC — race, sex, or disability?

The AOC should focus its efforts on increasing the racial make up of the work force. The July 28, 2008, Inspector General (IG) report found that the number of women in the Senior Rated (SR) and Developmental Pools increased between 2002 and 2007.

Data, as of September 13, 2008, show that the total number of SR employees decreased by one from 2007. The make up of this group increased by one woman and one African-American man. The GS-15 Developmental Pool also increased by one employee in 2007. This group lost one white female and gained two African-American female employees. The turnover in these employee groups is low, but the data indicates that when a position is open, AOC vacancy announcements are reaching a diverse applicant pool.

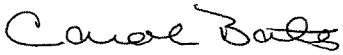
The AOC's SR and Development Pools improved in the percentage of African-American representation between 2002 and 2007. This representation however is below that of the Civilian Labor Force. The number of Hispanic, Asian and American Indian/Alaska Native employees in the SR and Developmental pools total three out of 67.

What is the racial breakdown of the female workforce? Please refer to the enclosed chart for the requested information.

Please note that the total workforce reported in AOC IG Report dated July 28, 2008, was 2,298. The enclosed chart reports a workforce of 2,177 at September 30, 2007, because it excludes summer hires and Senate Restaurant personnel. As a relatively new hire to the AOC, I do not have access to the database of information used to prepare the Report by the former IG. However, I believe that by excluding the Senate Restaurant personnel since the U.S. Senate has decided to outsource those services, and the elimination of summer hire data, the Subcommittee and the Agency have reliable, baseline information for future comparisons.

Should you have any questions regarding the information provided, please call me at 202-226-4331.

Sincerely,



Carol Bates
Inspector General

Enclosure

White and Blue Collar Workforce Profile by Grade, Race and Sex (As of September 30, 2007) *

Grade	Total Employees			White		African American		Hispanic		Asian/Pacific Islander		American Indian/AK Native	
WHITE COLLAR WORKFORCE													
	All	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
SR	28	19	9	17	6		3	1		1			
GS 15	39	30	9	27	7	2	2			1			
GS 14	77	54	23	44	17	6	4	2		2	2		
GS 13	135	100	35	66	20	21	10	2	1	9	2	2	2
GS 12	83	50	33	39	20	7	9	4			3		1
GS 11	48	32	16	25	11	5	4			2	1		
GS 10	14	10	4	6	2	4	2						
GS 9	35	9	26	3	16	6	9				1		
GS 8	36	8	28	5	11	3	16		1				
GS 7	53	20	33	9	14	11	17		1		1		
GS 6	13	6	7		2	5	5	1					
GS 5	25	9	16		5	6	10	1		2			1
GS 4	4	1	3		1	1	2						
GS 3	4	0	4		3		1						
Subtotal	**594**	**348**	**246**	**241**	**135**	**77**	**94**	**11**	**3**	**17**	**10**	**2**	**4**
BLUE COLLAR WORKFORCE													
Subtotal	**1583**	**1319**	**264**	**700**	**29**	**556**	**217**	**37**	**16**	**15**	**1**	**11**	**1**
AOC Total	**2177**	**1667**	**510**	**941**	**164**	**633**	**311**	**48**	**19**	**32**	**11**	**13**	**5**

* Excludes Senate Restaurant Staff and Summer Hires

Mr. DAVIS. All right. We would appreciate that. Mr. Hoecker.

Mr. HOECKER. Yes, sir. With disability I just wanted to say that with officers it would be kind of hard for them because they are supposed to be physically fit, etc. So I don't know if they could really do much in that area, sir, in terms of officers, perhaps in a support role. But since most of the work force population, 1,600 or so, is officers, it might be difficult to reach any kind of standards or goals for disability.

But for race and sex, I think they made progress mostly in terms of race, we reported, as of 2007 fiscal year. So I think the Department can answer this and bring you up to date currently, but I think there have been a number of minorities that would be a positive there. But I think they are neck and neck. I think if you look at our developmental pool we have made great progress in the Capitol Police on that, but I think race and sex are neck and neck. You have to focus on both of them.

Mr. DAVIS. Does the agency have a goal for people with disabilities?

Mr. HOECKER. If they have a goal for what, sir?

Mr. DAVIS. For people with disabilities.

Mr. HOECKER. I'm not aware of that, sir. I could get back to you if you'd like.

Mr. DAVIS. I know that there are some agencies that are beginning to establish and recognizing difficulty of a population group with one or more disabilities that kind of begin to look at areas of work preference in terms of where those individuals perhaps could fit in, notwithstanding the disability that they may have or experience.

Ms. Garcia.

Ms. GARCIA. Our biggest need is in African American women, Asians, Hispanics and people with disabilities.

Mr. DAVIS. And so you see the need to improve in the recruitment and movement of African American women as one area certainly and then the others?

Ms. GARCIA. In top management, yes, that's our biggest need, African American women, Asians, Hispanics and people with disabilities.

Mr. DAVIS. Thank you.

Mr. Ogden.

Mr. OGDEN. Chairman Davis, with respect to race I think, as noted in my testimony previously, the greatest need in the agency is with Asian, Hispanic and Native American to improve outreach and efforts and to increase predominantly their outreach to those areas to elicit larger support.

When you look at what's happened within the pool of 15s the primary senior leadership prior to SLS, and there has been significant progress that the agency has made with respect to women and minorities, but again those areas could continue to see improvement.

With respect to disability, it's my understanding—and we did not look at this specifically with this report. I believe Ms. Elzy in her followup testimony in the next panel can address this more specifically. But I understand GPO is one of the top five Federal Government employers for persons with disabilities and has a proud

record with respect to its work force that has physical or mental disabilities.

And so I would just also add a note that was not included in this review, but the agency has made outreach efforts and is doing work in the area of employing persons regardless of their sexual orientation as well.

Mr. DAVIS. All right. Mr. Schornagel.

Mr. SCHORNAGEL. At the Library of Congress I believe Hispanics is an area that kind of stands out. We lag somewhat behind the rest of the Federal Government and quite a bit behind the civil labor force, and to the a lesser extent people with disabilities.

Mr. DAVIS. Thank you very much.

Why don't I go to Mr. Marchant.

Mr. MARCHANT. Thank you, Mr. Chairman. I think my first question for each of you would be what impact from a time standpoint in responding and has the creation of the diversity management office had on your agency?

Ms. BATES. I would like to note that the Architect of the Capitol issued a Human Capitol Strategic Plan in 2007, and that plan is an umbrella for many affirmative plans and equal employment opportunity plans. As it is in its infancy with goals and targets for completion in 2009 and 2010.

Mr. MARCHANT. So it has had little impact because you were already working on it?

Ms. BATES. Yes, they are working on it, but my colleague on the next panel can address more of the achievements, but it is relatively new.

Mr. MARCHANT. OK.

Mr. HOECKER. Sir, since Capitol Police does not have an EEO office per se, the timeline is going to be when they request one. They had requested one in the 2009 budget request. So that is going to be huge if that position is funded. And also they have issued a draft strategic, Human Capitol Strategic Plan. They are working off some of those tenets in that plan right now, but it just needs to be formalized and approved. That's kind of the timeline with that.

Mr. MARCHANT. Thank you.

Ms. GARCIA. With the recent work force diversity plan that was created—or issued in June of this year, it will give the diversity office a baseline to be able to do more and accomplish some of the barriers that are now facing minorities and women and they'll have a road map in which to be able to determine what efforts and how successful they have been at them. Since this is going to be done annually, they will be able to see the progress that is being made.

Mr. MARCHANT. OK, thank you.

Mr. OGDEN. At GPO one of the recommendations we made is that the agency place more emphasis within the strategic planning process and develop the diversity plan and process and develop a diversity plan, as there isn't one that exists currently.

Again Ms. Elzy can probably address the progress they are making in that regard. I can say that when the agency recently had a change and at the time our new Public Printer came on he demonstrated top leadership commitment, with both the GAO practices and MD–715 is contemplated as being one of the primary things

and issued a very strong policy for the agency. And I do know that he did that in concert with the EEO office and the director of EEO, Ms. Elzy, and has been advancing efforts around diversity initiatives, because he's certainly made it a priority.

Mr. MARCHANT. OK.

Mr. SCHORNAGEL. Last year at the request of the Chief Operating Officer at the Library of Congress my office conducted a review of the Office of Workforce Diversity, which resulted in a fairly critical report of the entire organization. And I'm very optimistic because it is resulting in the, at least partially, reorganization of that office and refocusing of its efforts. And I think the Library has done a good job, even with the Workforce Diversity Office operating the way it had been for several years, and I'm certainly optimistic for the future.

Mr. MARCHANT. OK. The next question will be kind of a little bit more philosophical. Do you find that when you have in your agencies specific job skills that would require an education—a specific education, that the trends in that specific field, let's say accounting, library science, that the trends of hiring follow pretty much the trends in those people that are seeking those degrees, so that if there are fewer Hispanics seeking library science degrees, then you're going to have a pretty direct correlation to the number of Hispanics that you can hire that you have a requirement that it is library science? Also in accounting and there's probably several other disciplines that are just a requirement of your hiring. So are you following—are your studies following those trends as well and do you see that as a major impediment to actually realizing the diversity that you're seeking or is that something that is of no consequence?

Mr. SCHORNAGEL. I think it is of a lot of consequence as a matter of fact. It is something certainly that my office did not follow as part of the scope of this review. I'm not sure that the Library does either. Maybe they can comment on that later. But I think it is a very, very important element.

I think that if you establish criteria on the assumption that you have a certain number of Hispanics who are graduating with accounting degrees or some other degree, then you may be working on criteria that can perhaps never be attained. And so you need to know exactly what percentage of college graduates are in a certain minority population and even break it down further as to the kind of position that you're trying to fill. So that's important data and that's, I think, the direction certainly that the Library is going in and all the agencies. I believe we have made those sorts of recommendations. And these are the kinds of things that the criteria that we talk about, GAO's criteria and the EEOC criteria, gets a more focused analysis of why things are the way they are, and what can be done to change the situation.

Mr. MARCHANT. And even further—and I know we have a long way to go, but a larger rhetorical question is, can government pay the amount of money that government needs to pay to compete in society generally for the diversity that corporate America has already identified that it needs to have, corporate America has already been fairly actively pursuing, and now maybe at last government is beginning to catch up with this zeal and this goal. Does

government have the tools, does government have the jobs, does government have the income to properly compete after we've identified our goals?

I'll let somebody respond to that, but I guess I know what your answer will be, but I think that's an important part of the component and might be the ultimate impediment to reaching the goals.

So, Mr. Chairman, I think I'll stop at that.

Mr. DAVIS. Thank you very much, Mr. Marchant.

Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman. Let me thank all five agencies for the preparation of this report. I think it is well documented. That's why I'm wearing glasses so I can read the small numbers, too.

Let me make several observations and then I'll have a couple of questions, but one is that all agencies I think must do a better job of putting minority workers on track for promotion. If they are in the agencies, then the culture of the agency dictates that they stay on track and move up through the ranks.

Another observation is that agencies should strive to maintain equivalent levels of work force. That's in the SES, that's in the GS–15 or equivalent. Otherwise the managerial chart is lopsided in comparison to the overall work force, which is part of the first point.

Mr. Ogden at GPO, let me just recommend that—or warn the IGs that agencies should not pass over employees that have been waiting in the wings for a fair shake for years for a promotion. You reference the deficiencies among Asians and the disabled. I would suggest the IGs remain vigilant in regard to allowing agencies and—to not allowing agencies to pass up long serving minority employees for promotion too. I will let you respond if we have time.

Ms. Bates, on the AOC, I notice that you had a decrease in minority level in the SES pool. Let me suggest that the new CVC, visitor center, is coming on-line and it may be that we may want to start off correctly in that new facility with minorities in decision-making position as far as this new facility is concerned. This way we don't get behind the proverbial 8 ball so to say and not having numbers that are reflective of your work force. You have a 51 percent minority work force, yet it is not reflected at the SES or the GS–15 level. And that's one recommendation.

Let me ask then is it possible, I'm curious, could we get a breakdown of the numbers, a racial breakdown of the numbers of women who are on track for SES? The whole percent of women in SES and GS–15, could you provide this committee with the numbers, the racial breakdown of the women in that category racially; is that possible?

Mr. SCHORNAGEL. Isn't that in the report already? I thought we had a table to address that.

Mr. CLAY. I see percent of women and then you've got three subcategories, the work force, SES and GS–15. Is there a breakdown of women? I was curious about the percentages of women, like at AOC you have 25 percent female work force. Then you have 33 percent in SES and then GS–15 is 23. Can you get a racial breakdown?

Mr. SCHORNAGEL. Is page 8 the consolidated information you are looking for?

Mr. CLAY. Page 8.

Mr. SCHORNAGEL. Or page 7?

Mr. CLAY. Does it give us total women, too?

Mr. SCHORNAGEL. It gives gender breakdown and racial, ethnic group breakdown by agency.

Mr. CLAY. GPO has one female.

Mr. SCHORNAGEL. Over 5 years.

Mr. CLAY. 23. No, I mean of the total work force, racial breakdown of the total female work force, can you give us that?

Mr. SCHORNAGEL. The racial breakdown?

Mr. CLAY. Yes, of the total female work force.

Mr. SCHORNAGEL. No, I don't believe we have that.

Mr. CLAY. Well, can you provide that to this committee?

Mr. SCHORNAGEL. Yes, I think we can do that with the cooperation of the other agencies, yes.

[The information referred to follows:]

Overall Comments

Overall, the tone of the report seems overly complimentary to the agencies and unbalanced. It seems to go out of its way (particularly in reporting the percentages) to paint a positive picture. Also, in some areas, the report is not accurate (e.g., the percentage of the developmental pool at AOC in 2002 who were women).

Many of the statistics about the legislative branch agencies in the report are lacking other relevant comparisons — e.g., to each other, to the executive branch SES and developmental pools, and to the agencies' own workforces. The executive branch SES was 28.6% women in September 2007 (2,141 of 7,473) – a figure that has been criticized as too low in comparison to the participation of women in the federal workforce as a whole (44.2%). So in comparison to percentage of the executive branch SES who were women, most of these legislative branch agencies (all but GPO) look pretty good, or at least average. But when compared to the gender/minority compositions of their own workforces, they don't look so good. For example, GAO's workforce is 56% women, so having an SES that is 42.9% women and a GS-15 (Band III) developmental pool that is 45.6% women is not so good in comparison (even though GAO's developmental pool percentage was the highest of all the agencies, and its SES percentage was second only to the LOC).

The report should have had a table like the one below (from my testimony last November) for both the SES and the GS-15s that would allow comparisons to the gender and minority compositions of their own workforces. Of course an agency could have a very low percentage of women or minorities overall, so other comparisons would also be required (e.g., to the other legislative branch agencies and to the executive branch).

Agency	Size of Agency Workforce	Percent Minority		Percent Female	
		Workforce	SES	Workforce	SES
GAO	3,114	30.4	17.9	55.9	40.7
LOC	3,688	46.0	20.2	55.0	44.2
CBO	227	15.9	7.9	42.7	18.4
GPO	2,291	59.9	11.5	42.4	11.5
Capitol Police	2,001	38.7	13.0	23.5	26.1
AOC	2,011	53.5	20.0	28.6	33.3

Source: Analysis of legislative branch agencies' data.

Comments on the Summary (p. 5)

The summary says "Each of the five agencies has increased the percentage of women in their senior executive corps over the past five years." While this is true, the summary does NOT say that the percentage of the SES who are women is still very low in some agencies (e.g., GPO, 11.5%) in comparison to (a) the percentage of the SES who were women in the other legislative branch

agencies (average for the other four agencies is 37.0%), (b) the percentage of the executive branch SES who were women in 2007 (28.6%), or (c) the percentage of the individual agencies' workforces who were women (GPO was 42.4% women in 2007). Also, the actual increase in GPO was from one woman (out of 21 SESers) to three (out of 26 SESers), so touting the increase in the percentage seems to overstate the actual progress that has been made. In summary, then, the characterization in the summary seems overly positive and only part of the story.

– The summary also says the AOC and GPO have increased minority representation since 2002. Again, true, but GPO (the agency with the greatest percentage progress) still had the lowest minority representation percentage of the five agencies (18.5%), and the actual increase was from one minority (out of 21 SESers) to three (out of 26). At AOC, the increase was from two minorities in the SES (out of 15 total SESers) to five (out of 27). So again, the summary presents only part of the story.

– The summary goes on to say that the other three agencies' minority representation "has been relatively stable." Actually, in all three agencies, the percentage of minorities in the SES went *down* somewhat (e.g., USCP went from 16.7% to 14.3%). It is not clear why this is considered "relatively stable."

–The summary says that the agencies "have generally made strides in improving diversity in developmental pools, particularly the representation of women." However, the percentage of the developmental pool who were women at AOC went *down*, from 25% in 2002 (Fig. 6 shows it at 12.5%, **which is an error**) to 23% in 2007, and the percentage of the developmental pool who were women at the LOC increased by only one percentage point in five years (from 39.6% to 40.6%). Also, the percentage of the developmental pool who were minorities fell at AOC substantially (from 25.0% to 12.8%, from 4 of 16 to 5 of 39). Therefore, it is not clear that women and minorities at AOC (and, to a lesser extent, women at LOC) would agree that these trends "bode well for the future." On the other hand, the increase in the percentage of the developmental pool that was women at GPO was remarkable (from 3.1% [one of 32] to 29.1% [23 of 79]). This progress notwithstanding, however, GPO is still next to the bottom in this category.

Other Comments

p. 6– the report says that the diversity of the five agencies "compares favorably with government-wide statistics for career SES employees, especially for African Americans." It goes on to say that in FY2007, "representation of women and minorities in the senior level positions generally exceeded the rates in the government-wide SES and were generally less than the civilian labor force rate However, the percentage of African Americans in senior level positions is comparable to both the civilian labor force and the government-wide SES rates." But the report does not provide any government-wide SES data or civilian labor force data to substantiate those claims. Treating "government-wide" as executive branch, the SES numbers are as follows:

	Executive Branch	AOC	GAO	GPO	LOC	USCP
Women	28.6%	33.3%	42.9%	11.5%	43.1%	28.6
Minorities	15.4%	18.5%	17.5%	11.5%	21.0%	14.3
– African American	7.9%	11.1%	9.0%	7.7%	11.5%	9.5%
– Hispanic	3.4%	3.7%	1.6%	0.0%	3.2%	4.8%
– Asian	2.4%	3.7%	4.8%	0.0%	5.2%	0.0%

Source: OPM's FedScope database.

As the report suggested, with a few exceptions (GPO for women and minorities, USCP for minorities), the legislative branch agencies' percentages met or exceeded the executive branch percentages. Two other caveats: (1) the minority numbers in the legislative branch agencies are so small in most cases as to be virtually meaningless. For example, the 4.8% Hispanic at USCP is actually one person (one of 21). The 11.1% African American at AOC is three people (three of 27); one less African American and AOC would have fallen below the executive branch figure. (2) The executive branch figures have been criticized as too low (e.g., an SES that is 15.4% minority is viewed as too low, given that minorities represent 32.6% of the federal workforce). So it is not clear why this is the relevant comparison.

The report says that the civilian labor force data are derived from the decennial census. Census data for 2006 indicates that women were 51.7% of the total civilian labor force (118 million of 228 million). So the figures for the legislative branch agencies' SES (11.5% to 43.1%) are lower than the civilian labor force. But is this an "apples to apples" comparison? Comparing the labor force of all employees (i.e., blue collar, service, etc) to senior executives?

The report's statement about African Americans ("the percentage of African Americans in senior level positions is comparable to both the civilian labor force") seems inaccurate. According the census data, African Americans represented 12.3% of the civilian labor force in 2006. None of the agencies had 12.3% of its SESers that were African American (although the LOC came closest, with 11.5%). Again, in most of the agencies, the numbers are very small, so the addition or subtraction of one or two people can make a big difference.

P. 8 and p. 10 – Figure 4 and Fig. 7 should have the percentages at the top of each bar (as did Figure 3 and Fig. 6). These percentages don't appear elsewhere in the report.

P. 11– The report says that the IGs "determined that their respective agency head is committed to diversity." These would be the same agency heads that appointed these IGs, correct? So how can they independently make these determinations about the agency heads' levels of "commitment"?

– at the bottom of page 11, the report says "These tables alone should not be used to evaluate an agency or to compare one agency against others." Why not? If the characterizations of whether agencies have or have not adopted certain practices is correct, why can't the agencies be compared?

p. 12– The "Rating Scale" at the bottom of Figure 8 (which is actually a table, not a figure) says that each check mark indicates "Adopted or planning to adopt." Should an agency that has adopted diversity measures or diversity training or succession planning be scored the same as one that is just

"planning" to do so? What would this chart look like if each check mark was just "Adopted"? (It is notable that in Figure 10, GAO is noted as "planning to adopt" one element; so there, they differentiated adoption and "planning to adopt.")

– Also, when you read the individual elements of Figure 8, it is not clear what "adoption" of some of these elements means. For example, how does one measure whether an agency has "adopted" an "understanding that a more diverse and inclusive work environment can yield greater productivity and help improve individual and organizational performance"? If the leadership of the agency says they "understand" this, is that enough? What about "Employee involvement — the contribution of employees in driving diversity throughout an organization." How is that objectively measured?

p. 13 – Likewise, the "Rating Scale" at the bottom of Figure 9 (again, a table) says each check mark means the agency is "Generally following the essential element." What does this mean? How "general" would merit a check mark? Some better explanation of their methodology is needed. For example, how did they decide that GPO was not "generally" following the element to integrate EEO into the agency's strategic mission?

– Also, some of the individual elements are meaningless. What does "Efficiency" mean? What does "Responsiveness and Legal Compliance" mean?

– And what does it mean when, in the table notes, it says that AOC "has adopted certain elements as appropriate." How is the "1" marking different than the check mark? Does that mean they are constrained and can do no more than some minimal level?

p. 14 – Same with Figure 10 on p. 14; how did they determine that certain elements were/were not "generally" being followed?

– And some of the individual elements don't make sense. For example, why would housing a diversity program separate from the EEO office be a good thing? (Note also that, in Figure 12 on p.17, the questions are about the "EEO/Diversity Office" as a single entity.)

On all of these charts, is each element of equal weight? Or are some more important than others?

P. 15 – Figure 11 states that USCP follows the Office of Compliance ADR program, and therefore the OOC reports discrimination data to Congress. So, for USCP, does OOC have these systems of management controls and tracking systems?

– What does it mean that GAO has not made "full use" of its system of management controls?

Recommendations

It is interesting that two of the agencies (GPO and LOC) concurred with the recommendations, but it is not clear what the other agencies' views were. AOC reportedly "developed an action plan designed to improve the diversity of the workforce," but the report doesn't say what AOC management thought about the specific recommendations. The report lays out a series of specific recommendations for GAO, but doesn't say anything about whether GAO management agreed or disagreed. Same with Capitol Police.

LOC Workforce Breakdown (as of September 30, 2007)							
Gender	Race/Ethnicity	Total Workforce Number	Total Workforce Percent	Senior Level Number	Senior Level Percent	GS-15 Number	GS-15 Percent
Men	African American Men	466	12.3%	5	5.3%	12	3.2%
	American Indian/ Alaska Native Men	8	0.2%	0	0.0%	1	0.3%
	Asian/ Pacific Islander Men	93	2.5%	4	4.2%	8	2.1%
	Hispanic Men	45	1.2%	2	2.1%	5	1.3%
	White Men	1,085	28.7%	43	45.3%	198	52.5%
	Total Men	1,697	44.8%	54	56.8%	224	59.4%
Women	African American Women	892	23.6%	6	6.3%	25	6.6%
	American Indian/ Alaska Native Women	9	0.2%	1	1.1%	0	0.0%
	Asian/ Pacific Islander Women	160	4.2%	1	1.1%	7	1.9%
	Hispanic Women	52	1.4%	1	1.1%	6	1.6%
	White Women	976	25.8%	32	33.7%	115	30.5%
	Total Women	2,089	55.2%	41	43.2%	153	40.6%
Total All		3,786	100.0%	95	100.0%	377	100.0%

Mr. CLAY. Go ahead, Mr. Ogden. Did you have a response——

Mr. OGDEN. Yes, Mr. Clay. I believe we have provided that information in one of our attachments to our report. We have a complete breakdown of the entire work force. Just one of the distinctions at GPO is we have a fairly significant blue collar work force as well as a large white collar work force, too. Those numbers are broken down, and in the back of our report—I'm looking right now.

Mr. CLAY. In this one, right?

Mr. OGDEN. Page 26 of our report.

Mr. CLAY. Page 26. You did understand what I was asking in regards to——

Mr. OGDEN. I did understand what you were asking previously, Mr. Clay, as well. Under the circumstances, as you know, we don't get involved in any complaints to this—with respect to the issue of whether or not people are being passed over. That information wouldn't necessarily come to our office. We didn't look specifically at that particular issue in the numbers of people that have alleged being passed over. But certainly it is an important issue for the agency to address, to ensure that everyone is being given a fair opportunity.

And I think that one of the things you also discuss though, and also Mr. Marchant, was the importance of expanding the pool, so to speak, and ensuring that the outreach is there. One of the recommendations that we did make is that our EEO office does get to go to universities and do outreach in historically black universities and Hispanic universities to try to enlist, you know, interest in the Government Printing Office and in the work that we have coming up available and such. What we've recommended is they now develop some tracking mechanisms to ensure that those methodologies are actually coming to fruition and proving, you know, fruit.

The other issue is to think much more broadly and to expand those horizons, and I think those are issues that we are certain that we have encouraged the agency to look at, and the EEO office has indicated they are looking to expand those opportunities as well.

Mr. CLAY. And that's the point I would like to stress, that when they come back to you with their affirmative action plans, that just don't let them off the hook, so to say, on an entire group or subsection of that work force that's been there for years that have played by the rules and done everything right and have been passed over for promotion. Don't let them off the hook.

Mr. OGDEN. Yes, sir.

One other I guess comment, too, is that diversity, as you mentioned, Mr. Marchant and also Mr. Clay, is it is a cultural issue, it is not just a numbers issue. And that's why it's so important that the breadth of the conversation be enlarged and that the outreach efforts be made.

Thank you.

Mr. CLAY. Thank you so much, Mr. Ogden, and to clarify, Mr. Chairman, if I may, for all of the other agencies, if they could breakdown for the subcommittee the racial breakdown of the total female employment force.

Mr. DAVIS. If they would do that, we would appreciate it.

Mr. CLAY. Thank you.

[NOTE.—The report entitled, "Compilation of Legislative Branch IGs' Reports on their Respective Agencies' Diversity Programs for FY 2007," can be found in subcommittee files.]

Mr. DAVIS. Thank you very much, Mr. Clay. Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman. I want to go to Mr. Ogden first. I was just thinking about how at the Government Printing Office—I used to work for the Government Printing Office as a student at Howard University 35 years ago, and I was thinking about the work force and looking at these figures where 59 percent—well, basically 60 percent of the work force is minority and then when you look at the SES figure it is 11.5. Are we to draw any conclusions on that?

Mr. OGDEN. Um, I think that the——

Mr. CUMMINGS. Maybe I'm leading you down a road that you don't know where you're going. Let me shine a little light on it. When the ranking member asked his question about whether people had the educational requirements to do certain things and whether they were coming out with the kind of degrees and whatever. You know, I did a journey back to when I was there at the Government Printing Office and we were students working from about—and I don't know whether they still have this program or not, but we would working from about 10 at night to 6:30 a.m., and the money was good, two nights a week. But there were a lot of very frustrated people who were permanent employees there who basically could not see themselves moving up. Many of them had a good education, a lot of them felt that they had been passed over—my time can't be up, Mr. Chairman—oh, oh. I was just getting warmed up. And they were passed over, they felt that they were passed over. And I guess I just wonder, you know, when we're looking at all these numbers, and if you went to any group, any barber shop or you talked to any group of people working for an agency like this, what you will hear are some stories that, if assuming they are true and many instances they are, are very painful, because so many people feel like they've been invisible.

Let me tell you what you'll hear a lot, the people came in and then they were under me; I trained them and then they became my supervisor. I see people in the audience nodding their heads. I'm just wondering taking that into consideration, are we pulling on the work force that we have? In other words, are we passing them by to get to some other folk who, you know, since you have a pool, you have a big pool there, what happens to them, do they stay there and then die or retire? Can you help me with that?

Mr. OGDEN. Mr. Cummings, I believe you raise some very valid points. And unfortunately, in my office we didn't look at any of those particular issues in this report. And some of the issues you raise are really imperatives for the agency to address and for our office to assist in the manner in which it is appropriate for our office to do so in that regard. I think that this report is valuable in that we've made recommendations and the agency has concurred with those recommendations that will hopefully address some of the long-term systemic issues and will again help create a much more diverse pool.

Mr. CUMMINGS. Give me three recommendations that would go to what I just said, off the top of your head.

Mr. OGDEN. One is developing a plan of action with respect to their diversity outreach and the diversity within the agency; having a solid plan is going to be an imperative. Incorporating diversity as a basic tenet of the strategic planning process of the agency. I mean those two are fundamentally. And three is ensuring that the agency head take annual and a regular commitment to the responsibility for diversity in the work force.

Mr. CUMMINGS. You know I remember, I think it was this subcommittee, maybe it was called something else, but I remember every year we had one time some folk from these private corporations that they are entitled the best places to work. And one of the things that was consistent with them is they had excellent diversity plans, and another consistency within those plans was that they promoted people based upon their supervisors, based upon their ability and outcomes of having a diversified work force with regard to promotions. Is that a part of anything that you all are doing, any of you all? You just talked about the plan, that you've got to have a plan; is that part of it?

Mr. OGDEN. Yes, I believe so. And—yes, it is an imperative.

Mr. CUMMINGS. You seem confused.

Mr. OGDEN. The plan of action is an imperative. And again it is one of the recommendations not only in MD–715 but in the GAO best practices. It is the recommendation that we've made to the agency because we feel, you know, in the IG that it is an important aspect. And the agency has responded back in the affirmative, but I will let them address specific——

Mr. CUMMINGS. I understand. The other thing I want to say is this, is that when people get passed over, it is not just them that get passed over, their families get passed over too, because of things they could be doing for their families, the schools that your children go to, that they would like to send their kids to, they don't have the resources and when they should have had the resources. A lot of people don't think about it like that, but it is real. And I just, you know, I think these kinds of—whatever you have come up with, I think it is important that these agencies strive to make sure they happen.

Yes, on the end.

Mr. SCHORNAGEL. I want to mention that one of the things that we have recommended in our individual report is that the Library evaluate the success of its programs. I think that's a very, very important thing for all agencies. How are these programs working? You can say you have all these programs in place, but if you can't afford to fund them, if you don't know whether they are resulting in any difference, then, you know, you might be just spinning your wheels.

Mr. CUMMINGS. My mother calls it motion, commotion, emotion, and no results.

Thank you very much, Mr. Chairman.

Mr. DAVIS. Thank you very much, Mr. Cummings.

Let me just continue for a minute. Has any of your agencies done any analysis to identify barriers to the advancement of hiring women, minorities or people with disabilities? Any agency done any

study to look at barriers that would prevent individuals from moving?

Ms. BATES. I don't know if the agency has done a study of the barriers; however, I would like to note that when an applicant applies for a job, whether or not they check their race is an optional feature. So despite an agency's attempt to get a diverse applicant pool, the selection officials may or may not know the true makeup of the pool, and that would be one barrier to hire more women and minorities.

Mr. DAVIS. Anything, any of the other agencies?

Mr. SCHORNAGEL. The Library has agreed based on recommendations to conduct those barrier analyses. And one of the things that we also recommend and that the Library agreed to is to conduct exit interviews to find out why people are leaving the Library. It is something that was done quite a while ago but it was stopped. But I think it could possibly provide some valuable information.

Mr. DAVIS. Then I would like to ask if each one of the agencies would take a look at what barriers may be existing that would prevent us from making more progress than what it appears that we have made. It seems to me that we've been discussing diversity ever since I've been an adult, at least I have, every place that I've ever been. And we still, while we've made some progress, it seems to me that the pace is much slower than what the pace has to be, especially if we put a real focus on it. And that's certainly what we hope to do and it is what I hope to do in this subcommittee, not only for certainly the rest of this year, but I would suspect I'm going to be chairman of it next session as well. And it's one of the areas that I just find very difficult to understand, especially as we've talked about goals, as we've talked about approaches, as we've talked about ways to do things. It just seems to me that we are still so contradictory and have not found a way to do it. And so I would appreciate it if you would take a look at those barriers.

Ms. GARCIA. Mr. Chairman, the GAO has taken two giant steps regarding that. One element is the new diversity work force plan which identifies barriers. And the other one is the pay disparity review that the Ivy Planning Group did for us on African Americans. While they concentrated on African Americans, the recommendations will apply to all minorities. And GAO is in the process of starting conversations with staff which will be mandatory on race.

So I'm very optimistic that by this time next year there will be some improvements in GAO's work force diversity plan because we now have a road map and something to compare ourselves to.

Mr. DAVIS. Well, thank you very much.

Mr. Marchant, do you have any additional questions or comments?

Mr. MARCHANT. No, sir.

Mr. DAVIS. Mr. Cummings.

Then thank you very much. We appreciate you being with us.

Ms. GARCIA. Thank you, Chairman.

Mr. DAVIS. As we transition to our next panel, I will identify them. Our panel 2 witness list consists of Ms. Teresa Bailey, who is the Director of the Equal Employment Opportunity and Conciliation Program at the Architect of the Capitol, which provides internal Architect of the Capitol procedures for claims of alleged em-

ployment discrimination based on race, color, sex, national origin, age, religion or disability and for claims of EEO-based retaliation.

We also have Ms. Gloria Jarmon, who is the Chief Administrator Officer for the U.S. Capitol Police where she is responsible for financial management, information technology, human resources management, and facilities management. Prior to this she was the Managing Director for Congressional Relations at the U.S. Government Accountability Office.

We have Mr. Ronald Stroman, as the Managing Director for the Office of Opportunity and Inclusiveness for the Government Accountability Office. The office manages GAO's Equal Employment Opportunity [EEO], program counseling and GAO's former discrimination complaint process. The Office of Economic Opportunity and Inclusiveness also operates the agency's early resolution and mediation program by helping managers and employees resolve workplace disputes and EEO concerns without resorting to the former process.

We have Ms. Nadine Elzy, as the Director of the Office of Equal Employment Opportunity for the U.S. Government Printing Office. Ms. Elzy directs the activities of the affirmative programs and counseling and complaints processing divisions within the office. She has 20 years of Federal experience, most of it within the area of equal employment opportunity. Thank you.

And Ms. Stephanie Ruiz is the Director of Human Resources and Equal Opportunity Office at the Congressional Budget Office. Prior to joining CBO, Ms. Ruiz was the Assistant Director for the Employee Relations at Georgetown University's McDonough School of Business and was the Human Resources Administrator at Sampson. Thank you very much, Ms. Ruiz.

And Mr. Jesse James, Jr. is the Acting Director for the Office of Workforce Diversity in the Library of Congress, a position that he has held since February 2008. Prior to his appointment as the Acting Director of the Office of Workforce Diversity, Mr. James held a position of Associate General Counsel in the Library's Office of General Counsel, where he managed and supervised the Litigation and General Law Sections of the Office of General Counsel.

Let me thank you all. If you will join with me, I will extend the oath. It is the procedure of this committee that all witnesses be sworn in, so if you'd raise your right hands.

[Witnesses sworn.]

Mr. DAVIS. The record will show that the witnesses answered in the affirmative. Let me thank all of you for being here with us this afternoon. Our usual procedure is to take 5 minutes of summation of your written testimony. The entire written statement will be included in the record. The green light indicates the full 5 minutes are available, the yellow lights indicates we are down to 1 minute, and of course the red light indicates time is up and we would then proceed to questions.

Thank you very much, and we will begin. Ms. Bailey.

Ms. BAILEY. Mr. Chairman, Congressman Marchant, members of the subcommittee—is it on?

Mr. DAVIS. I think you may need to hit that button.

STATEMENTS OF TERESA BAILEY, DIRECTOR, EEO/CONCILIATION PROGRAM, ARCHITECT OF THE CAPITOL; GLORIA L. JARMON, CHIEF ADMINISTRATIVE OFFICER, U.S. CAPITOL POLICE; RONALD STROMAN, MANAGING DIRECTOR, OFFICE OF OPPORTUNITY AND INCLUSIVENESS, U.S. GOVERNMENT ACCOUNTABILITY OFFICE; NADINE ELZY, DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY, U.S. GOVERNMENT PRINTING OFFICE; STEPHANIE RUIZ, DIRECTOR, HUMAN RESOURCES, CONGRESSIONAL BUDGET OFFICE; AND JESSE JAMES, JR., ACTING DIRECTOR, OFFICE OF WORKFORCE DIVERSITY, LIBRARY OF CONGRESS

STATEMENT OF TERESA BAILEY

Ms. BAILEY. Thank you for this opportunity to discuss the AOC's diversity management program and our efforts to identify, attract, hire, promote and retain a diverse work force. Respect and diversity are among our agency's core values.

The AOC values our employees' individual differences and the very backgrounds, talents and skill they bring to their jobs. Our commitment to Equal Employment Opportunity is strong and we have marked a number of achievements in the past year.

Mr. Chairman, I am pleased to report that the Architect of the Capitol recently implemented its first affirmative employment program. As noted in the AOC's Inspector General report, this order, "will form the basis and framework for success in the resolution and removal of barriers impacting the diversity management program and the under representation of women, minorities and persons with disabilities."

This program assures that job applicants and employees looking to advance professionally are considered fairly and equally. Its primary component will be a plan delineating action-oriented strategies and measurable goals to increase our work force diversity. The program puts into action our longstanding commitment to equal opportunity in every area of employment.

We are also implementing our first reasonable accommodation policy for persons with disabilities which formalizes procedures to accommodate the needs of disabled employees and prospective employees. The AOC also provides mandatory EEO training for all supervisors and managers, and we are looking to expand this training to include diversity training for all AOC employees.

In addition to continuing to development existing talent in our agency, we are conducting a comprehensive work force analysis. The information gathered will help us to better focus our recruiting and hiring efforts. While the representation of women and minorities in our senior level positions remain the 33 percent and 18.5 percent respectively, these percentages demonstrate a significant increase over our 2002 levels.

As of August 15th, minority representation in the GS–15 theater pool has increased from 12.8 percent to 18 percent, and for the number of women has increased from 23.1 percent to 25 percent.

The IG's report also noted the importance of establishing a diversity network between the AOC and other EEO diversity directors to share best practices and discuss critical issues we have in common. I am pleased to note that my peers on this panel agree and

welcome the opportunity to strengthen our ties and work together toward common goals.

Last, the report highlighted personnel practices in other areas that merit attention. We have developed an action plan to address a number of these issues and are working to expand programs or policies already in place.

As I noted last November, we advertise our career opportunities nationwide through a wide and diverse number of Web sites, newspapers and professional networks and associations. We also continue to actively participate in recruitment events to increase awareness of job opportunities with our agency.

In addition, we recently advertised positions in our Architect's mobility program. This program offers career opportunities for high potential employees who are currently in career limiting positions and lack the experience to enter other AOC career fields. Participants are provided on-the-job training and formal classroom training. The program will assist us in increasing diversity in established career fields, while providing an exciting path for the participants.

We are also participating in Operation Warfighter, the Defense Department's program for service members convalescing at military treatment facilities in the Washington area, many of whom were stationed in Iraq and Afghanistan. This program enables us to benefit from the considerable talents of these soldiers and to affect their recuperation by providing a positive work environment. To date five service members have worked with us in a variety of jobs.

Although we have made great progress, we recognize we still have work to do. The AOCis deeply committed to our goal of attracting and retaining a diverse work force, and this commitment began at the top of our organization. We all benefit from a workplace that brings together people with different backgrounds, skills, experiences and perspectives, and we are diligently working to further increase the diversity in our work force and in particular among our senior level management.

This concludes my statement. I would be happy to answer any questions that you may have.

[The prepared statement of Ms. Bailey follows:]

STATEMENT OF TERESA BAILEY
Director, Equal Employment Opportunity/Conciliation Programs Division
OFFICE OF THE ARCHITECT OF THE CAPITOL

"Legislative Branch Diversity Management Review"

Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, Committee on Oversight and Government Reform
U.S. House of Representatives

September 16, 2008

Mr. Chairman, Congressman Marchant, members of the Subcommittee, thank you for this opportunity to discuss the Office of the Architect of the Capitol's (AOC's) diversity management program, and our efforts to identify, attract, hire, promote, and retain a diverse workforce.

Respect and diversity are among our Agency's core values. The AOC values the individual differences of its employees and the varied backgrounds, talents, abilities, knowledge, and skills they bring to their jobs. Our commitment to equal employment opportunity is strong, and we have marked a number of successful achievements since we testified before this Subcommittee in November of last year. We are very proud of our efforts to integrate diversity at every level of the AOC as we carry out our mission to serve Congress and the American people.

The core values are an integral part of the AOC's Strategic Plan and, as such, our senior leadership team regularly discusses them and our mission with AOC staff. Senior managers are also expected to personally demonstrate a commitment to each of the core values, and are accountable for ensuring equal opportunities for all employees and job applicants, and for facilitating and enhancing the recruitment, career development, and advancement opportunities of women, minorities, and individuals with disabilities.

The Acting Architect of the Capitol has made a commitment to our workforce to foster open communication among colleagues, and I look forward to working with him to strengthen

communication channels to ensure that our EEO and diversity programs continue to be linked to the AOC's mission and strategic goals.

Mr. Chairman, I am pleased to report that the Architect of the Capitol recently implemented its first Affirmative Employment Program. It was a great achievement for the Agency, and I was honored to personally introduce the program to our senior management team. As is noted in the AOC's Inspector General report, this order "will form the basis and framework for success in the resolution and removal of barriers impacting the diversity management program, and the under-representation of women, minorities, and persons with disabilities."

The Affirmative Employment Program will serve as the foundation for ensuring diversity in senior-level positions, and other areas where under-representation has been determined. It will ensure that applicants for employment, and employees looking to advance professionally in the organization, are considered fairly and equally in all areas of employment. A primary component of the program will be the development of a plan that will delineate action-oriented strategies and measurable goals to increase the AOC's workforce diversity. The program puts into action our long-standing commitment to equal opportunity in every area of employment. This extends beyond hiring to include promotions, disciplinary actions, and training opportunities.

In the coming months, we will also implement our new Reasonable Accommodation Policy for Persons with Disabilities. This policy formalizes procedures to accommodate the needs of our disabled employees and will help to ensure a diverse and qualified workforce.

Every AOC employee will be receiving a copy of the new Reasonable Accommodation Policy. In fact, every new AOC employee receives copies of our policies, and my staff or I make a brief presentation at each new employee orientation session about the scope of each policy and the rights and protections they afford each and every employee.

The AOC also provides mandatory EEO training for all supervisors and managers. As we work toward achieving the goals set forth in our Human Capital Plan, we are looking to expand our

training to include diversity training for all AOC employees. Because the Human Capital Plan was designed to help ensure that we are adequately addressing the needs of our workforce, while at the same time, addressing the future needs of our organization by developing strong leaders and managers, we are looking for the resources to provide this training Agency-wide in the most effective way.

In addition to continuing to develop the existing talent within our Agency, we are conducting a comprehensive AOC Workforce Analysis to better identify the make-up of our workforce. We expect that the workforce analysis, including adverse impact analyses, will be completed in the coming months, and we believe it should provide a thorough and comprehensive understanding of any barriers that may prevent the full participation of women and minorities in our workforce.

This information will also help us to better focus our recruiting and hiring efforts. As my colleague on the first panel noted, the statistics provided in the IG report are out of date. The report noted an increase in the number of women and African-Americans hired at the SES-equivalent level between 2002 and 2007, but a corresponding decline in the number of Hispanic and Asian-Americans at those levels. We are all aware that there are challenges in interpreting statistical data when dealing with a small group to be measured.

Mr. Chairman, I would like to update those figures based on the information we have recently gathered. While the representation of women and minorities in our senior level positions remain at 33 percent and 19 percent, respectively, these percentages demonstrate a significant increase over 2002 levels. As of August 16, 2008, minority representation in the GS-15 development pool has increased from 12.8 percent to 18 percent, and representation for women has increased from 23.1 percent to 25 percent.

With the implementation of the Affirmative Employment Program and the completion of our workforce analysis, we will be able to strengthen our process for recruiting and hiring diverse, qualified candidates for senior-level and development pool positions, and we will have better tools at our disposal by which to measure our progress and success.

The IG's report also noted the importance of establishing a "Diversity Network" between the AOC and other Legislative Branch Agency EEO/Diversity Directors in order to share best practices and discuss the critical issues we have in common. I am pleased to note that my peers agree with this recommendation and welcome the opportunity to strengthen our ties and work together toward common goals.

Lastly, the report highlighted personnel practices and other areas that merit attention. We have developed an action plan to address a number of these issues, and are working to expand programs or policies already in place.

As I noted last November, we advertise our career opportunities nationwide through a wide and diverse number of Web sites, newspapers, and professional networks and associations. We also continue to actively participate in recruitment events to increase awareness of job opportunities with our Agency. This past year, we attended the Federally Employed Women Job Fair Conference; Representative Eleanor Holmes Norton's annual job fair; Former Representative Albert Wynn's annual job fair, and the League of United Latin American Citizens Job Fair. Over the next few weeks, we will be participating in Mayor Fenty's DC-Wide Job Fair, and the Asian Job Fair in Arlington, Virginia.

In addition, the AOC has recently advertised positions in our Architect's Mobility Program. This program, which is strongly supported by the Acting Architect of the Capitol and our senior leadership team, offers career opportunities for high potential employees who are currently in career limiting positions, and lack qualifying experience to enter career fields within the AOC. Participants are provided on-the-job training as well as formal classroom training. Participation is limited to current, permanent AOC employees who have one year or more of continuous service. Eligible employees are at Grades 1 through 8 under the GS, WG, WL, and RW pay plans. Eligible employees are typically in positions such as Laborer, Custodial Worker, Recycling Utility Workers, Waiters/Waitresses, Food Service Workers, and Subway Car Operators, to name a few examples.

The Architect's Mobility Program provides promotion potential to the diverse population typically occupying these positions, and we anticipate an increased number of opportunities. Our Senate Superintendent's Office is currently filling three AMP positions, one in each of the following trades: Elevator Mechanic Helper (trainee); Painting Helper (trainee); and Masonry Helper (trainee). The Architect's Mobility Program will assist in increasing diversity in established career fields, providing an exciting path for participants.

We are also participating in Operation Warfighter, the Department of Defense's temporary assignment/internship program for service members that are convalescing at military treatment facilities in the National Capital Region, many of whom were stationed in Iraq and Afghanistan. Operation Warfighter is designed to provide recuperating service members with meaningful activity outside of the hospital environment that assists in their wellness and offers a formal means of transition back to the military or civilian workforce.

This program enables the AOC to benefit from the considerable talent and dedication of these soldiers, and to positively affect their recuperation by providing a positive work environment. The soldiers have an opportunity to explore employment interests, develop job skills, and gain federal government civilian work experience, all of which will help prepare them for the future.

To date, five service members have worked with us in a variety of jobs in these AOC organizations or divisions: Project Management, Construction Division, Photography Branch, House Superintendent's Office, and Information Technology Division. Although Operation Warfighter assignments are temporary, we hope program participants will be interested in applying for permanent employment opportunities with the AOC.

We are extremely proud, as an Agency, to do our part to help the men and women of our Armed Forces "build their resumes, explore employment interests, develop job skills, and gain valuable federal government work experience." The mission of Operation Warfighter mirrors that of our EEO Program and our organization's core values.

Although we have made great progress, we recognize we still have work to do. The AOC is deeply committed to our goal of attracting and retaining a diverse workforce and this commitment begins at the top of the organization. We all benefit from a workplace that brings together people with different backgrounds, skills, experiences, and perspectives, and we are diligently working to further increase the diversity in our workforce, and in particular, among our senior-level management.

This concludes my statement. I would be happy to answer any questions the Subcommittee may have.

Mr. DAVIS. Thank you very much, Ms. Bailey, and we will proceed to Ms. Jarmon.

STATEMENT OF GLORIA L. JARMON

Ms. JARMON. Chairman Davis and members of the subcommittee, thank you for the opportunity to appear before you today to discuss diversity within the work force and especially within the senior levels of U.S. Capitol Police. I assure you the Chief of the U.S. Capitol Police and his executive team are totally committed to the continued improvement of the Department's work force diversity, including our requested funding for a diversity officer in fiscal year 2009. We also intend to have a formal written diversity policy in fiscal year 2009.

Despite the lack of a formal equal employment office or a diversity office we believe that the Department's made significant improvements in recent years and achieve strong female and minority representation within the Department's work force and its senior level staff relative to the Federal and civilian work force.

That said, we also know that we need to improve the representation of females and specific minority staff throughout the Department, especially in our sworn and senior level staff, and we will continue to seek new approaches toward achieving these goals.

As of the end of August the Department's on board staff total 2,010, 350 civilian and 1,660 sworn. Of these about 23 percent are women and about 39 percent are minority staff. Minority representation among our senior level staff has improved in the past fiscal year from about 14 percent to 22 percent, while our female representation at a senior level has experienced a slight decline from about 28 percent to 22 percent.

We are encouraged by the increasingly diverse composition of our senior level developmental pool, which will provide the Department with a trained and experience cadre of minority and female inspectors, captains, and civilian managers from which to draw into our senior level positions going forward. This developmental pool has increased its representation of minorities by 5 percent and of women by 2 percent in the current fiscal year.

Much of our success can be attributed to our aggressive recruiting plans, which includes universities, colleges and job fairs throughout the country targeted toward women and specific minority populations and also targets returning veterans. In addition, we have used participation in senior level developmental training programs to improve the representation of women and minorities in our senior levels.

Our Strategic Capitol Plan draft has been completed and is being reviewed before final issuance. We intend to update the strategic plan with fiscal year 2008 data as appropriate and view this plan as a living document through which we will be able to set that recruitment, retention, advancement and succession planning goals, measure our progress in meeting them and make adjustments as warranted.

Diversity representation is an integral part of this plan, and we intend to fully implement it early in fiscal year 2009.

Within the U.S. Capitol Police discrimination complaints are investigated by our Office of Professional Responsibility. That office

in was currently investigating seven cases of alleged violations of our policy on anti-discrimination, anti-harassment.

In response to our recent Inspector General report on our work force diversity we are reconsidering the appropriate office to perform legal sufficiency reviews in consultation with the Capitol Police Board for all of the Office of Professional Responsibility cases involving grievance or discrimination complaints.

Currently our Office of Employment Counsel conducts these reviews in addition to representing the Department or the Capitol Police Board should the case make its way to court. In conjunction with new directives on discipline, dispute resolution and grievance procedures, we will determine the best process to avoid any appearance of conflict going forward. We expect to make these sound determinations and issue these directives in the near future.

We appreciate the attention this subcommittee has focused on this issue within the Department and are working diligently to address the IG's recommendations related to this issue.

Mr. Chairman and members of the subcommittee, this concludes my statement. I will be happy to answer any questions you may have.

[The prepared statement of Ms. Jarmon follows:]

PHONE: 202-224-5151

UNITED STATES CAPITOL POLICE
WASHINGTON, DC 20510-7218

Statement of
Gloria L. Jarmon
Chief Administrative Officer, U. S. Capitol Police

Before the
Subcommittee on Federal Workforce, Postal Service,
and the District of Columbia
Committee on Oversight and Government Reform
U.S. House of Representatives

September 16, 2008

Chairman Davis and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss diversity within the workforce, and especially within the senior levels, of the United States Capitol Police. Thank you for bringing attention to this important issue not only in the Legislative Branch, but throughout the federal government.

Let me also assure you that the Chief of the United States Capitol Police and his Executive Team are totally committed to the continued improvement of the Department's workforce diversity, including our requested funding for a diversity officer in fiscal year 2009. We also intend to have a formal written diversity policy in fiscal year 2009, as requested by our appropriators.

Despite the lack of a formal Equal Employment Opportunity (EEO)/Diversity Office, we believe that the Department has made significant improvements in recent years and achieved strong female and minority representation within the Department's workforce and its senior level staff, relative to the federal and civilian workforce. That said, we also know that we need to improve the representation of females and specific minority staff throughout the Department, especially in our sworn and senior level staff, and we will continue to seek new approaches toward achieving these goals.

As of August 29, 2008, the Department's on-board staff totaled 2,010 (350 civilian and 1,660 sworn). Of these, about 23% are women and about 39% are minority staff. Minority representation among our senior level staff has improved in the past fiscal year (from about 14% to 22%), while our female representation at the senior level has experienced a slight decline (from about 28% to 22%).

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

We are encouraged by the increasingly diverse composition of our senior level developmental pool, which will provide the Department with a trained and experienced cadre of minority and female inspectors, captains, and civilian managers from which to draw into our senior level positions going forward. This developmental pool has increased its representation of minorities by 5% and women by 2% in the current fiscal year.

Much of our success can be attributed to our aggressive recruiting plan which includes universities, colleges and job fairs throughout the country targeted toward women and specific minority populations and also targets returning veterans from the wars in Iraq and Afghanistan. As a result of this targeted recruiting, we have been able to achieve significant positive results in the diversity of our workforce which 'keeps the pipeline flowing' to increase the representation of women and minorities into the developmental pool and senior levels of the Department. In addition, we have used participation in senior level development training programs to improve the representation of women and minorities in our senior levels.

Our Strategic Human Capitol Plan draft has been completed and is being reviewed before final issuance. We intend to update this Strategic Plan with fiscal year 2008 data, as appropriate, and view this plan as a 'living' document, through which we will be able to set recruitment, retention, advancement, and succession planning goals; measure our progress in meeting them; and make adjustments as warranted. Diversity representation is an integral part of this Plan, and we intend to fully implement it early in fiscal year 2009. In addition, over the last several years, a number of key sworn assignments that have a direct impact on the future make up of the Department have been filled by women and minorities. These leadership positions serve to ensure that there is diverse representation in important personnel positions, including Recruiting and Background Investigations, the Firearms Training Section, and the Training Services Bureau.

While we do not have an Equal Employment Opportunity (EEO) office, as some other federal agencies do, for investigating discrimination complaints, such complaints are investigated by our Office of Professional Responsibility (OPR). OPR currently has two EEO-trained investigators and two additional OPR investigators are registered to attend EEO training this month, increasing the total number of trained EEO investigators to four. During fiscal year 2008, OPR investigated, or is currently investigating, seven cases of alleged violations of the Department's policy on anti-discrimination and anti-harassment.

In response to our recent Inspector General (IG) report on our workforce diversity, we are reconsidering the appropriate Office to perform OPR's legal sufficiency reviews for all of OPR's cases involving grievance or discrimination complaints. Currently, our Office of Employment Counsel conducts these reviews, in addition to representing the Department or the Capitol Police Board should the case make its way to court. In conjunction with our new directives on discipline, dispute resolution, and grievance procedures, we will determine the best process to avoid any appearance of

conflict going forward. We expect to make these final determinations and issue these directives in the near future.

We appreciate the attention this Subcommittee has focused on this issue within the Department and are working diligently to address our IG's recommendations related to this issue.

Mr. Chairman and Members of the Subcommittee, this concludes my statement. I would be pleased to respond to any questions that you may have.

Mr. DAVIS. Thank you very much. And we will go to Mr. Stroman.

STATEMENT OF RONALD STROMAN

Mr. STROMAN. Thank you, Mr. Chairman and Mr. Marchant. First of all, we agree with all of the Inspector General's recommendation and we have moved quickly to implement them. We have instituted internal controls for our tracking and case processing. We are amending our complaint to clarify responsibilities when we move cases from our office to another office, and we are making it clear in our order that our diversity plan will be done on an annual basis.

We appreciate the Inspector General's recognition of the gains that have been made at the managerial ranks. African Americans exceed the civilian labor force at the SES level, as well as the GS–15 equivalent level. Asian Americans exceed the civilian labor force at the SES. We've had a 53 percent increase in the percentage of Hispanics in our managerial ranks, and women have, you know, had tremendous growth within the agency.

Although, that being said, Mr. Chairman, we have gaps and we recognize that we have gaps, and we have developed what we think are plans to address them. We received, as you know, in April the Ivy report which had over 20 recommendations. The Acting Comptroller General has clarified that we will implement all of them and implement them quickly. We have begun that. We are having—starting with Ivy's recommendation that we begin with a facilitated conversation on race; that is, given the impact that race has in terms of performance related dialog and conversations, we need to raise this issue directly within the agency. So all of our employees, it is mandatory, will be part of this facilitated conversations on race that will begin in October.

We are reassessing our entire performance appraisal system. To date we have had over 15 interviews at the managerial level. We have had 30 task forces of GAO employees involved in this reassessment. Of those, 37 have been specifically targeted on issues of diversity. We have had African American—looking at African American issues, Hispanic issues, disability issues, gay and lesbian issues within the agency.

With regard to reviewing our standards for appraisal reviews, the Ivy report suggested that we standardize those. We have done that. We have met and created standard processes for all of our teams with regard to performance appraisals. Ivy recommended that we expand the mentoring program to include our PDP staff. We have expanded the mentoring program in the last several months.

Ivy suggested that we begin to track the ratings of our PDP staff at the same level that we are tracking the ratings of our analysts. We have instituted a tracking process and we have begun the process of tracking.

Ivy suggested mandatory DPM training; that is, that we train our analysts who are reviewing and assessing our analysts. We have instituted mandatory DPM training. We are having training for the development of self-assessments within the agency. We have established a task team to review the way in which we do re-

cruiting, where we go to recruit, who is involved in the recruiting process, and the establishment of a diversity recruitment plan. This is ongoing, Mr. Chairman.

We have taken steps to implement what Ivy suggested was to institute an upward feedback tool, similar to a 360, so that our staff can assess the performance of managers. We are in the process of doing that.

We have established a diversity committee, and that is made up of all of the diversity groups within the agency, African Americans, Hispanics, Asians, people with disabilities, and indeed our union, and we are consulting with them as we are implementing all of these changes.

We have developed, as the IG testified, a work force diversity plan which is directly consistent with Managing Directive 715 by the EEOC. And we did a data analysis of our work force, we did a barrier analysis, and then we had recommendations. And with regard to those recommendations, we not only had recommendations, but we had timeframes under which those recommendations will be implemented so that we can hold ourselves accountable.

In sum, Mr. Chairman, we understand that we have gaps in the diversity of our office. We have a plan. We are moving quickly to implement all of the Ivy recommendations. We are monitoring our work force diversity plan and we believe we will be able to show progress as consistent with what—the IG's testimony.

Thank you.

[The prepared statement of Mr. Stroman follows:]

United States Government Accountability Office

GAO

Testimony

Before the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, Committee on Oversight and Government Reform, House of Representatives

For Release on Delivery
Expected at 2:00 p.m. EDT
Tuesday, September 16, 2008

DIVERSITY MANAGEMENT

Important Actions Taken and Planned to Further Enhance Diversity

Statement of Ronald A. Stroman, Managing Director
Office of Opportunity and Inclusiveness

GAO-08-1160T

September 16, 2008

GAO
Accountability · Integrity · Reliability

Highlights

Highlights of GAO-08-1160T, a testimony before the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, Committee on Oversight and Government Reform, House of Representatives

DIVERSITY MANAGEMENT

Important Actions Taken and Planned to Further Enhance Diversity

Why GAO Did This Study

For GAO, having a diverse workforce at all levels is an organizational strength that contributes to the achievement of results by bringing a wider variety of perspectives and approaches to policy development and implementation, strategic planning, problem solving and decision making. GAO's Office of Opportunity and Inclusiveness (O&I) is responsible for all functions and activities designed to promote diversity and maintain a work environment that is fair, unbiased, and inclusive. O&I's analysis of performance appraisal data indicated that there were significant differences in appraisal averages for African American and Caucasian analysts. GAO contracted with the Ivy Planning Group to assess the factors that influenced the differences. Ivy issued its African American Performance Assessment Study report on April 25, 2008 and the Acting Comptroller General issued a memorandum on April 30, 2008 expressing his commitment to addressing all of the report's recommendations.

The subcommittee asked GAO's Inspector General (IG) to examine the effectiveness of O&I and analyze the representation of women and minorities in the agency's Senior Executive Service (SES) and managerial ranks (GS-15 and equivalent level). This testimony focuses on the results of the IG's review and provides information on actions taken and planned to further enhance diversity at GAO.

To view the full product, including the scope and methodology, click on GAO-08-1160T. For more information, contact Ronald A. Stroman at 202-512-8401 or stromanr@gao.gov.

What GAO Found

The Inspector General's (IG) report recognizes the gains GAO has made to enhance the profile of its SES and managerial ranks. The report notes that the representation of most groups in GAO's SES and managerial ranks exceeded or equaled the representation in either the civilian labor force or the executive branch agencies. For example, the percentages of African Americans at the SES level and at the GS-15 and equivalent level exceeded the percentages in both the civilian labor force as well as in the executive branch agencies. The report also acknowledges that GAO has implemented many of the leading diversity management practices. Additionally, the report includes four recommendations that GAO has already taken steps to implement. For example, GAO is revising the discrimination complaint process order to clarify responsibilities and procedures when a complaint concerns O&I staff, and strengthening its internal controls for tracking, reviewing, and reporting on complaint data.

In addition to implementing the recommendations in the IG's report, GAO has taken steps to address many of the recommendations in the African American Performance Assessment Study report prepared by the Ivy Planning Group. The report included more than 25 recommendations. The Acting Comptroller General has committed to addressing all of them and issued a memorandum on September 10, 2008 that highlighted the progress made. For example, GAO has developed an approach for convening a series of facilitated conversations on race, begun to reassess the appraisal system, created standards for appraisal reviews, and taken steps to strengthen its recruitment and retention initiatives.

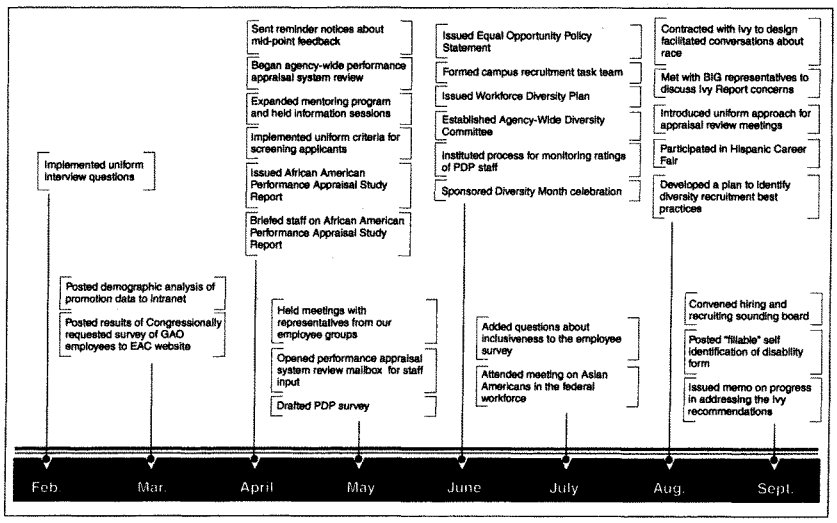
Furthermore, GAO plans to take additional steps to enhance its diversity by completing actions in its Workforce Diversity Plan. In June 2008, GAO issued a detailed Workforce Diversity Plan designed to build on the gains made in the diversity of its management and overall workforce. The plan lists about 20 actions that the agency will take. For example, the plan requires that GAO develop a diversity recruitment plan and calls for GAO to develop stronger relationships with Hispanic Serving Institutions and organizations that work with disabled students.

GAO is committed to working closely with all employees to ensure its diversity efforts and work environment are fully inclusive. GAO has established a comprehensive accountability framework to ensure the effective and efficient implementation of the Ivy report recommendations and the workforce diversity plan action steps. GAO has taken many steps and plans to take others to help enhance its diversity, recognizing that diversity is a journey that will require constant and sustained commitment.

Chairman Davis and Members of the Subcommittee:

I am Ron Stroman, Managing Director of the Office of Opportunity and Inclusiveness at the United States Government Accountability Office (GAO). Thank you for the opportunity to testify about the Inspector General's (IG) report on GAO's diversity efforts. GAO has a diverse workforce. Specifically, as of April 2008, minorities represented about 30 percent of our total workforce, and women comprised more than one-half. Nonetheless, we have gaps in certain categories. We are committed to making improvements. To this end, as figure 1 shows, we have completed several tasks in support of our diversity management efforts. Also, we have undertaken a number of important initiatives and have plans to implement others to improve the diversity of our leadership as well as our overall workforce, which I will discuss later in my testimony.

Figure 1: Timeline of Key Diversity Management Related Tasks Completed From February to September 10, 2008



Source: GAO.

IG Cites Diversity Improvements and Makes Recommendations That We Are Implementing

We appreciate the IG's recognition of the gains GAO has made to the diversity profile of our Senior Executive Service (SES) and managerial (GS-15 and equivalent) ranks. The IG's report indicates that from 2002 to 2007, the number of women in the SES increased and the number of African American, Asian American, and Hispanic managers also increased. For example, the data in the report show that the number of Hispanic managers increased from 17 in 2002 to 26 in 2007—an increase of 53 percent. Additionally, the report notes that the representation of most groups in GAO's SES and managerial ranks exceeded or equaled the representation in either the civilian labor force (CLF) or the executive branch agencies. Specifically, the percentages of

- African Americans at the SES level and at the GS-15 and equivalent level exceeded the percentages in both the CLF as well as in the executive branch agencies.
- Asian Americans at the SES level exceeded the percentages in the CLF as well as in the executive branch agencies.
- Hispanics at the GS-15 and equivalent level slightly exceeded the percentage in the executive branch agencies; and
- women at the SES and GS-15 and equivalent level exceeded the percentages in the executive branch agencies and at the GS-15 and equivalent level the percentage of women nearly equaled the percentage in the CLF.

The IG's report also acknowledges that we have implemented many of the leading diversity management practices. For example, we have

- recruited at historically black colleges and universities as well as Hispanic serving institutions,
- implemented an agency-wide mentoring program,
- supported employee involvement in diversity management through our newly established Diversity Committee,
- included diversity in our strategic plan, and
- incorporated diversity principles into our performance appraisal systems.

Additionally, the IG's report identifies areas for improvement and includes four recommendations that we have already taken steps to implement. We are revising the Office of Opportunity and Inclusiveness (O&I) order to require an annual Workforce Diversity Plan and revising the discrimination complaint process order to clarify responsibilities and procedures when a complaint concerns staff within O&I. We are also strengthening our internal controls for tracking, reviewing, and reporting on complaint data. In addition, we are planning to incorporate the diversity plan goals into the SES performance appraisal system when it is revised. We are also looking into ways to remove O&I staff from the pre-complaint processing stage without reducing our ability to successfully resolve employee concerns informally.

Steps Taken to Address the Ivy Planning Group Recommendations

In April 2008, the Ivy Planning Group (Ivy) issued its African American Performance Assessment Study report. This study was undertaken in response to significant differences in performance appraisal averages between African American and Caucasian analysts. The fundamental issue identified by the Ivy report is that the GAO culture, which values a singular and uniform approach to producing its work for the Congress must continue to change. Ivy recommended that GAO improve its ability to adapt to the diverse backgrounds and working styles of its changing workforce and make its human capital process fairer, more consistent, and more transparent. Moreover, the Ivy Report recommended that GAO raise staff awareness of the role that race can and does play in affecting performance related communication. The report included more than 25 recommendations.

The Acting Comptroller General wrote to all GAO staff on April 30, 2008, to express his commitment to address all of the Ivy report's recommendations. He issued another memo on September 10, 2008 updating the progress in addressing these recommendations, including the following.

Convening a Series of Facilitated Conversations on Race

The Ivy report suggested that we begin our efforts to create a more inclusive environment by convening a series of facilitated conversations across the agency about perceptions and assumptions regarding race. These conversations are intended to eliminate barriers to effective performance-related communication and bridge different perceptions on the likely causes for ratings disparities. After thoroughly researching qualified firms and gaining an in-depth understanding of the complexities associated with this effort, we signed a contract with Ivy in August 2008 to help us design and facilitate these discussions. We decided to use Ivy because of its extensive experience in convening these sensitive discussions, and because of its knowledge of GAO's culture and understanding of diversity issues confronting GAO's workforce. Ivy has begun to plan for these sessions and we expect that they will begin this fall and last through the spring. Importantly everyone at GAO will participate in these conversations. Lessons learned from these conversations will inform agencywide diversity training—another of Ivy's recommendations—which we will develop as part of GAO's ongoing mandatory training curriculum for all employees.

Proactively Assessing the Needs of a Diverse Workforce

The Ivy report also stressed the importance of implementing our diversity initiatives in a broad and inclusive manner, and Ivy recommended that we proactively assess the needs of the broad ranges of groups within GAO as early steps in becoming more inclusive. O&I staff held meetings with representatives from Blacks in Government (BIG), the Advisory Council for Persons with Disabilities (ACPD), the Asian American Liaison Group (AALG), the Gay and Lesbian Employee Association, and the Hispanic Liaison Group (HLG) in conjunction with developing our June 2008 Workforce Diversity Plan. During these meetings the representatives shared their concerns about the work environment and suggested steps that we can take to make the environment more inclusive. We have already taken some steps to address several of these concerns. For example, to help address the concern about underrepresentation of Hispanics at GAO, we joined with HLG in setting up a booth at a Hispanic Career Fair. To help address a concern about retention of Asian Americans, we worked in partnership with AALG to attend an Equal Employment Opportunity Commission (EEOC) meeting on Asian-Americans in the federal workforce. Additionally, to help address the concern about limited information on staff with disabilities, we created a version of the self-identification of disability form that can be completed electronically.

Creating a More Inclusive Work Environment

In addition to the steps outlined above, this June we established and convened an agency-wide Diversity Committee, which aims to foster opportunities for dialogue and serve as an advisory body to the Executive Committee and other senior executives. Representation on the Committee is comprised of employees elected to the designated diversity seats on the interim council of GAO's Employee Organization, International Federation of Professional and Technical Engineers (IFPTE); employees designated by GAO employee organizations; and GAO management representatives. The committee has met twice to date, and a Website is in development so employees can learn more about its efforts.

In addition, in June the Acting Comptroller General issued an equal employment opportunity statement in which he articulated his view of and commitment to the principles of fairness and equal opportunity. Further, we added questions to the employee feedback survey to measure staff views about the inclusiveness of our work environment. We also instituted a process for monitoring the ratings of those in the Professional Development Program (PDP) to identify and assess any disparities by race or other factors, and opened up our existing mentoring program to PDP and other developmental staff.

Finally, but equally importantly, the Acting Comptroller General and members of the Executive Committee met with BIG representatives to discuss their views of the Ivy report and to learn more about their suggestions for our approach going forward. The Executive Committee committed to an ongoing dialogue with BIG and made the same pledge to other employee groups throughout the agency, including the new Diversity Committee.

Reassessing the Appraisal System - the PAS Study

Ivy recommended that GAO conduct an agency-wide review of our performance appraisal system. We had anticipated the need for such a study before Ivy's report was completed. Throughout the spring and summer, our Performance Appraisal System (PAS) study team has been working to re-examine what works, what does not, and what could be done better with our current system. The team is guided both by a Steering Committee of senior executives and a stakeholder group comprised of representatives from the Employee Advisory Council (EAC); IFPTE; and the Diversity Committee, as well as O&I and GAO's Applied Research and Methods (ARM) team, among others. The PAS study team has completed its interviews with more than 50 GAO executives and managers and conducted nearly 30 focus groups with staff from all pay plans and bands. Seven of the focus groups were convened to gather views from specific populations, including African Americans, Hispanics, and employees with disabilities, in order to determine whether there were issues of concern that were unique to these groups. In sum, more than 200 individuals participated in all of the team's interviews and focus groups. Additionally, the PAS team has drafted a survey that will be sent to all employees this fall. The objective of the survey is to systematically collect employee opinions on what aspects of the performance appraisal system are working well and what merits attention. The team's final report is expected in early 2009.

Training for Designated Performance Managers and All Staff on the Appraisal Process

Ivy also recommended that we retrain all Designated Performance Managers (DPMs) and reviewers and provide more specific examples of the performance that supports the work activities and standards for each rating. This month we issued a notice informing all DPMs that they will be required to take appraisal training by October 7. We also issued a notice advertising the briefings we have scheduled through September for employees on the appraisal process, as well as the one-on-one help sessions we will provide to (1) offer employees individual assistance with preparing self assessments and (2) provide an opportunity for DPMs to ask questions about or request guidance on assigning checkmarks or preparing narratives.

Creating Standards for Appraisal Reviews	Ivy also recommended that GAO create standards for team performance appraisal review meetings. In response, we studied existing practices across GAO as well as prevalent practices in the literature, and just recently issued interim guidelines for teams, staff offices, Chief Administrative Office (CAO) units and the field. These interim guidelines for review of performance ratings are to be used for the 2008 performance appraisal cycle.
Instituting and Deploying Upward Feedback Tools	Ivy also recommended that we design and implement a measure for upward feedback. Steps are underway to institute and systematically deploy an agency wide upward feedback tool to provide feedback on management's effectiveness in supervising and developing staff. The plan is to implement this tool in March 2009.
Monitoring Mid-Point Feedback	Ivy also honed in on the importance of ongoing feedback. In addition our staff, managers, and senior executives have indicated that mid-point feedback was either not occurring or not being documented. In response, we sent reminder notices earlier this spring about the importance of delivering mid-point feedback.
Addressing Concerns with the Professional Development Program (PDP)	We have established a working group of executives and managers to address the issues related to the PDP. Also, a survey instrument has been designed and pre-tested to assess the views of PDP staff as they complete the program. The survey includes questions about the role of the advisors.
Strengthening Recruitment and Retention Initiatives	We also have taken steps in response to three of Ivy's recommendations by (1) forming a task team to analyze the schools we visit; identify different types of on-campus activities we support; determine the numbers and types of staff that participate in our on-campus recruiting efforts; and measure the costs, outcomes, and yields from these efforts; (2) developing a plan to research and identify best practices in diversity recruitment; and (3) establishing consistent criteria for our screeners to use when evaluating applications and a consistent set of questions for our managers to use when interviewing candidates. We also plan to map the recruitment and hiring process to identify pain points and areas for improvement, and calculate the cost of turnover.

Workforce Diversity Plan Identifies Additional Steps We Will Take to Enhance Diversity

This spring we conducted a workforce diversity review. The review included a careful analysis of our workforce data in comparison to benchmarks recommended by the EEOC. In conducting this review, we consulted a wide range of sources to identify areas where barriers may exclude certain groups. Specifically, we shared data with and obtained views from representatives from our employee groups and the GAO unit of IFPTE, analyzed employee feedback survey responses for 2006 and 2007, reviewed relevant policies, procedures and practices; analyzed findings from prior O&I efforts; and interviewed responsible officials.

The review found that our overall workforce was diverse and included a significant percentage of minorities and women. Specifically, as of April 2008, our workforce was more diverse than the civilian labor force (CLF).[1] Minorities represented about 30 percent of GAO's total workforce, and women comprised more than one-half of the workforce. In comparison, minorities comprised about 28 percent of the CLF and women represented about 47 percent. Furthermore, the diversity in the predominant employee group—analyst and analyst-related staff—exceeded the diversity in the relevant civilian labor force (RCLF).[2] In addition, for three of the larger job series that included about two-thirds of the workforce—the analyst, auditor, and attorney job series—the representation of each minority group was about the same or exceeded such representation in the RCLF. Furthermore, we hired a diverse group of employees. From March 2007 to April 2008, we hired 238 new staff. The percentages of African American women hired equaled the CLF percentages and the percentages of Asian American men and women hired exceed the percentages in the CLF.

However, our review found that Hispanic staff were underrepresented in our total workforce when compared to the CLF. Although the total percentages of Hispanic staff in analyst and analyst-related positions as well as in attorney positions equaled the representation in such positions compared to the RCLF, the percentages of Hispanic staff in other positions were low. Our analysis revealed that additional steps are needed to recruit Hispanic staff. For the most part, our efforts have focused on recruiting

[1]The CLF is composed of those 16 and older (including federal workers) who are employed or looking for work and not in the military or institutionalized. We used 2000 CLF data because it is the most current and reliable at this time.

[2]RCLF data are the CLF data directly comparable (or relevant) to the occupational population being considered. We use the RCLF when analyzing occupational series. We use the 2000 RCLF because it is the most current and reliable data available at this time.

Hispanic staff for analyst and analyst-related positions. While we will continue to enhance these efforts, we also need to improve our approach to recruiting attorneys and recruiting for mission-support positions, recognizing that the number of opportunities to recruit for these positions may be limited.

Additionally, we determined that the percentage of staff with targeted disabilities in our workforce was lower than the EEOC-recommended benchmark.[3] The EEOC has raised concerns that data on employees with disabilities in the federal government may not be accurate. GAO shares this concern and will be following up to enhance the accuracy of self-reported information.

The review also indicated that there were few minorities at certain levels in several job categories. Furthermore, we obtained information about agency practices that need to be addressed to improve our efforts to develop and maintain an inclusive environment.

Based on the review we issued a detailed Workforce Diversity Plan in June 2008. The action steps in the plan are designed to build on the gains we have made in the diversity of our management and overall workforce. The Workforce Diversity Plan requires that we develop a specific diversity recruitment plan (also a recommendation in the Ivy report) that includes efforts to recruit for analyst, attorney, and administrative positions. We will expand our relationships with Hispanic-serving institutions as well as expand the range of sources from which candidates are found. Specifically, we plan to contact campus organizations, national sororities, and fraternities when visiting campuses; reach out to professional organizations that we have not previously established relationships with; and attend job fairs targeted to Hispanic and other minority candidates. We also are gathering information from our current Hispanic employees, as well as reviewing data from the national data base on college graduates.

The plan also commits GAO to take additional steps to recruit staff with targeted disabilities. In order to address this concern, we recently formed a working group on disability issues that included staff from the ACPD—our employee group that focuses on disability issues. Our diversity

[3]The targeted disabilities are deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and distortion of limb and/or spine.

recruitment plan will include efforts to recruit persons with disabilities for analyst, attorney, and administrative positions. We plan to expand and enhance our relationships with institutions and organizations that work with students with disabilities such as the Career Opportunities for Students with Disabilities—a nationwide consortium of higher education institutions and employers that facilitates the career employment of college graduates with disabilities. Also, we plan to gather information to help inform our recruitment efforts by surveying staff to update their disability status, interviewing our staff with disabilities, and analyzing national data on graduates. Further, we plan to use our non-competitive appointment authority to hire staff with disabilities.

As shown in Table 1, the plan recommends changes that can be accomplished by April 2009—12 months from the start of our review—in order to hold ourselves accountable for achieving the plan's goals. The plan will be updated annually and will lead to significant long term improvements to our human capital processes that are at the heart of diversity issues confronting GAO.

Table 1: GAO's 2008—2009 Workforce Diversity Action Plan

Action items	Completion date	Responsible units
GOAL: Recruit More Hispanics, African Americans and Staff with Disabilities		
1. Develop a diversity recruitment and hiring plan to enhance participation from all groups	April 2009	O&I, HCO
In support of this plan a. Interview current minority and disabled staff to determine what led them to join GAO	September 2008	O&I, HCO
b. Analyze data from Department of Education on minority graduates with selected majors	December 2008	O&I, ARM, HCO
c. Develop stronger relationships with Hispanic-serving Institutions, historically-black colleges and universities and institutions and organizations that work with disabled students.	January 2009	HCO, Campus Executives
d. Expand the range of sources from which candidates are recruited (including campus organizations, national sororities and fraternities and professional organizations as well as using electronic recruiting efforts).	March 2009	HCO
e. Issue guidance to recruiters emphasizing diversity as a recruitment factor and ensure that recruitment efforts include law schools and job fairs targeted to higher concentrations of minority students.	March 2009	GC
2. Use noncompetitive appointment authority to hire qualified staff with disabilities	March 2009	O&I, HCO
GOAL: Enhance Staff-Development Opportunities That Prepare Staff for Upper-Level Positions		
1. Expand one-to-one mentoring program	August 2008	HCO/LC
2. Hold managers accountable for providing performance feedback by analyzing data in our competency based performance system	December 2008	O&I
3. Identify steps for success and discuss the unwritten rules during workshops to share this information	January 2009	O&I, HCO/LC
4. Complete data analysis for performance appraisal system review	September 2008	HCO
5. Announce opportunities for staff to participate in agency-wide projects.	March 2009	CG
GOAL: Create a More Inclusive Environment		
1. Revise employee survey to include questions to measure the extent to which staff view our work environment as inclusive	June 2008	ARM, HCO
2. Issue EEO statement	June 2008	O&I, CG
3. Provide training sessions on EEO Policy/Harassment Issues	October 2008	O&I, GC
4. Provide employee groups with information that would allow them to reach out to new GAO staff and help improve retention of minorities	October 2008	HCO, GC
5. Hold facilitated discussions on race	December 2008	HCO/LC; O&I
6. Modify/revise Self-Identification of Handicap Form (SF 256)	December 2008	O&I, KS
7. Survey staff to update disability status	January 2009	HCO, O&I, ARM
8. Revise the reasonable accommodation process	March 2009	O&I, HCO
9. Interview minorities and staff with disabilities to obtain information on reasons for staying and reasons for leaving and analyze staff retention data	March 2009	O&I
10. Conduct diversity training to help staff understand barriers that may limit effective communication, coaching, and career development.	April 2009	O&I, HCO/ LC;

Source: GAO.

Conclusion

With the support of our top leadership, we have made diversity a part of our strategic plan, implemented leading diversity practices throughout the organization and developed annual plans that will help us enhance our diversity, particularly within our managerial ranks. Moreover, we have established a comprehensive accountability framework to ensure the effective and efficient implementation of the recommendations in the Ivy Report as well as the action steps in our Workforce Diversity Plan.

Finally, we are committed to working closely with the entire GAO community to ensure that our diversity efforts and our work environment are fully inclusive. We intend to take many steps to help enhance diversity at GAO, recognizing that diversity is a journey that will require constant and sustained commitment.

This concludes my prepared statement. At this time I would be pleased to answer any questions that you or other members of the subcommittee may have.

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Mr. DAVIS. Thank you very much, Mr. Stroman. And we will proceed to Ms. Elzy.

STATEMENT OF NADINE ELZY

Ms. ELZY. Good afternoon, Mr. Chairman and members of the subcommittee. Thank you for inviting the Government Printing Office to be here today. I am Nadine Elzy, the GPO's Director of EEO. My prepared statement has been submitted for the record, and with your permission I will summarize my remarks.

We have reviewed the Inspector General's report and concur with the recommendations. I am sure these recommendations will be submitted to the Public Printer for his review and consideration. I believe that the recommendations will have a positive impact to create a more diverse GPO in the future.

I would like to point out that even though GPO was not required to comply with MD–715 that it is noteworthy that we as an agency have already adopted many of these elements and feel that these initiatives have assisted us in our diversity efforts.

I am also very glad to be here to testify before you today, because I'm excited to report that since we—I was last here in November, we have made additional gains. We have in the Senior Level Service since my appearance here, we have one additional female and two additional minorities at a senior level. At that time GPO had three females in SLS positions, we now have four, which is 15 percent of the SLS population. We also now have four minorities in SLS positions.

Last fall 29 percent of Grade 15 positions were held by females. Now 32 percent of positions at the Grade 15 are held by females. Also minorities comprised 32 percent of the Grade 15 at the end of 2007; minorities have now grown to comprise 34 percent of employees at a Grade 15.

One of the things I would like to point out is in 2002 we had 1 female in the Grade 15, now we have 24. In 2002 we had 6 minorities in the Grade 15, now we have 26. This demonstrates small but steady strides that GPO is making to increase its diversity at the higher grade levels.

We also are continuing with our efforts to place qualified minorities and females in positions at the Grade 13 to 14, which will prepare them to become GPO's future leaders. The Public Printer has personally demonstrated his commitment to increasing diversity. Commitment comes from the top and flows down. In a recent Public Printer meeting Mr. Tapella expressed the importance of diversity and his support. He encouraged our continued outreach to colleges and universities.

GPO has developed a college recruitment plan for fiscal year 2009 that again includes colleges and universities that will strengthen our applicant pool with highly qualified diverse candidates. These colleges include Florida A&M University, the University of Texas El Paso, the University of New Mexico, and Berkeley. We have expanded our recruitment to include organizations such as the National Association of Black MBAs. We truly realize the importance of a diverse work force.

We will also again be recruiting at the national institute—Technical Institute of the Deaf in an effort to ensure that our organization is representative of this country's diversity.

EEOC has indicated that the percentage of people with disabilities in the Federal Government is decreasing, but we still rank as one of the top Federal Government employers for people with disabilities. As of September 8, 2008, the U.S. Government Printing Office had a work force of 2,398 employees. Of this total almost 7 percent are employees with a reportable disability and almost 2 percent are individuals with targeted disabilities. Most Federal agencies have less than 1 percent of employees with targeted disabilities. These employees work in various business units throughout our agency.

During this fiscal year we have also become actively involved with the Coming Home to Work Initiative. Through this initiative with the Veterans Administration, eligible service members and veterans are placed in positions at the Government Printing Office to gain valuable experience. The first participants reported to work this month.

We have also developed other efforts to ensure that GAO's supervisors and managers knows the agency's perspective on diversity and equity in the workplace. During this fiscal year myself and the Deputy EEO Director have been meeting with each business union manager to have an in-depth discussion on their organization's diversity and other EEO-related issues. During these meetings we discuss their current work force statistics and possible strategies to address any noted imbalances.

Again we are involved with EEO at GPO and most especially Public Printer Tapella clearly recognizes the significance of attaining diversity in GPO's management ranks, and we are firmly committed to achieving this goal. I am proud to be a part of an agency that is moving forward with great speed in the right direction, and again I would like to emphasize my personal commitment to attain this objective. GPO is an organization that wants to utilize the skills and abilities of all of its employees to move us forward in the 21st century.

Mr. Chairman and members of the subcommittee, this concludes my prepared statement, and I will be pleased to answer any questions you may have.

[The prepared statement of Ms. Elzy follows:]

Nadine L. Elzy
Director, Office of Equal Employment Opportunity
Government Printing Office

Prepared Statement before the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia

Committee on Oversight and Government Reform House of Representatives

On Legislative Branch Diversity Management Review

Room 2154, Rayburn House Office Building

Tuesday, September 16, 2008
2 PM

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Mr. Chairman and Members of the Subcommittee, thank you for inviting the GPO to be here today. I am Nadine Elzy, GPO's Director of EEO.

We have reviewed the GPO Inspector General's report and concur with their recommendations. The recommendations will be submitted to the Public Printer for his review and consideration. I believe that the recommendations will have a positive impact to create a more diverse GPO in the future. I would like to point out that even though GPO was not required to comply with MD-715, it is noteworthy that we as an agency had already adopted many of these elements and feel that these initiatives have assisted us in our diversity efforts.

I am also very glad to be here to testify before you today because I am excited to report that we have made additional gains in the area of diversity in the senior level service (SLS) and Grade 15. Since I last appeared before this Committee in November we have further diversified our workforce by adding 1 additional female and 2 additional minorities to our SLS. At that time GPO had 3 females in SLS positions, which was 11.5% of the SLS population; we now have 4 females, which represent 15% of the SLS population. We also now have 4 minorities employed in SLS positions. This is 15% of the GPO SLS population.

Last Fall, 29% of Grade 15 positions at GPO were held by females. Today 32% of positions at Grade 15 are held by females. Minorities comprised 32% of Grade 15 position at the end of FY 2007. They now comprise 34% of employees at Grade 15. This demonstrates the steady strides that GPO is making to increase diversity at management levels. We are also continuing with our efforts to place qualified minorities and females in positions at Grades 13-14 to prepare them to become GPO's future leaders.

The Public Printer has personally demonstrated his commitment to increasing diversity. Commitment comes from the top and flows down. In a recent Public Printer meeting, Mr. Tapella expressed the importance of diversity and his support. He encouraged our continued outreach to colleges and universities. GPO has developed a college recruitment plan for FY 2009 that again includes colleges and universities that will strengthen our applicant pool with highly qualified diverse candidates. These colleges include Florida A&M University; the University of Texas, El Paso; the University of New Mexico; and the University of California at Berkeley. We have expanded our recruitment to include organizations such as the National Association of Black MBAs. We truly realize the importance of a diverse workforce.

We will also again be recruiting at the National Technical Institute for the Deaf in an effort to ensure that our organization is representative of this country's diversity. The EEOC has indicated that the percentage of people with disabilities in the Federal Government is decreasing, but GPO still ranks as one of the top Federal employers for people with disabilities. As of September 8, 2008, the GPO had a workforce of 2,398 employees. Of these almost 7% are individuals with a reportable disability, and almost 2% are individuals with targeted disabilities. Most Federal agencies have fewer than 1% of their employees with targeted disabilities. These employees work throughout our agency.

During this fiscal year, we have also become actively involved with the Coming Home to Work Initiative. Through this initiative with the Department of Veterans Affairs, eligible service members and veterans are placed in positions at GPO to gain valuable work experience. The first participants reported to work this month.

We have also developed other efforts to ensure that GPO's supervisors and managers know the agency's perspective on diversity and equity in the workplace. During this fiscal year, the Deputy EEO Director and I have been meeting with each GPO Business Unit Manager to have an in-depth discussion on their organization's diversity and other EEO-related issues. During these meetings we discuss their current workforce statistics and possible strategies to address any noted imbalances.

Again, we who are involved with EEO at GPO and most especially Public Printer Tapella clearly recognize the significance of attaining diversity in GPO's management ranks and we are firmly committed to achieving this goal. I am proud to be a part of an agency that is moving forward with great speed in the right direction and I again would like to emphasize my personal commitment to attaining this objective. GPO is an organization that wants to utilize the skills and abilities of ALL of its employees to move us forward in the 21st century.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement, and I would be pleased to answer any questions you may have.

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Mr. DAVIS. Thank you very much, and we will go to Ms. Ruiz.

STATEMENT OF STEPHANIE RUIZ

Ms. RUIZ. Mr. Chairman, Congressman Marchant and members of the subcommittee, thank you for the invitation to discuss our efforts to have a diverse work force at the Congressional Budget Office. CBO's leadership shares your interest and diversity and, though we have made significant efforts to create such a work force, we are not yet satisfied with the results of those efforts and continue to seek ways to enhance them.

This afternoon I will address the following key points summarized from my written statement, the challenge of recruiting skilled staff in the fields necessary to do the analysis CBO prepares for the Congress, CBO's effort to recruit a diverse work force recent addition to those efforts, and recent progress toward greater diversity in the agency's work force.

As you know, CBO employs individuals with very specialized skills to do the complex economic and budgetary analysis the agency is charged to do for the Congress. More than two-thirds of our professional staff hold Ph.D.'s or Master's Degrees, and as a result of these specialized skills the demographics of the qualified candidates pose a significant challenge in creating a diverse staff.

According to the most recent survey of earned doctorates, approximately 1,000 people earned Ph.D.'s in economics in 2006. Only 30 percent of those new Ph.D.'s in economics were women. And even more dramatic, of those who came into the labor market only 6 percent were identified as members of a minority group. That is 60 people in the entire Nation. Those numbers are even more disheartening when you note that 14 percent entered government service in that population.

The demographics of Master's level graduates are somewhat less of a problem. According to data from the National Association of Schools of Public Affairs and Administration, those completing Master's Degrees in 2007 were 58 percent female and 31 percent minority.

In the face of the demographic challenges we have, CBO must be both aggressive and creative in its efforts to reach out to women and minority candidates.

A few examples of how we target our recruiting are sending mailings to Historically Black Colleges and Universities, HBCUs, and Hispanic-serving institutions, HSIs, that have populations from which we can draw candidates; visiting myriads of college campuses, including HBCUs, HSIs, and large campuses with diverse student populations, and contacting the American Indian Graduate Center to provide Native American candidates information about CBO opportunities.

CBO also manages a summer internship program with an eye toward diversity. For example, 63 percent of our interns were minorities and 38 percent with women. In addition to the substantive work these students do, the program introduces them to the challenge and reward of public service. Our goal is for them to consider CBO employment upon graduation, and considering 7 percent of our current work force are former interns, I think we are doing OK there.

Despite our small size, we devote considerable effort to grass roots recruiting; that is, seeking to enlarge the pool of female and minority candidates in the populations from which we recruit. Data indicate that most students who pursue a doctorate in economics also studied economics as an undergrad, and so CBO, although we don't hire very many analysts with just a bachelor's degree, engages in various recruitment activities to introduce undergrads to the ideas of pursuing a Ph.D. In economics or a master's in public policy, and to acquaint them with the types of government careers to which those paths may lead.

For example, we make special efforts to present to groups such as Moorhouse Filman's joint economics clubs, and to Howard economics majors every year. We also participate annually in two national programs, the Public Policy Institute and International Affairs Program, and the American Economic Association's summer program and minority scholarship program. Both of these are national programs focused on preparing students of underrepresented groups for advanced degrees in the areas from which we recruit.

In short, few students from underrepresented groups complete advanced degrees in economics and public policy. We have little hope of recruiting CBO staff representative of the Nation's rich diversity.

Recent additions to our program since the subcommittee's hearing last November have been many. I will share a few of them. Dr. Peter Orszag, our director, and deputy director Robert Sunshine make diversity a principal topic of the CBO management conference in January, emphasizing CBO's unequivocal commitment to diversity, highlighting the challenges we face, and encouraging vigorous and creative efforts toward that goal. We followed up with CBO's staff to communicate our efforts and solicit suggestions to improve diversity, and we have implemented a number of those suggestions.

We implemented a tracking system that identifies candidate CBO interviews, and in several cases the director and deputy director have declined to consider making job offers until there was additional diversity amongst the candidates interviewed.

Dr. Orszag has developed personal efforts to develop new recruitment opportunities. Among them, he contacted permanent economists, who were minorities, to solicit assistance. One of those contacts resulted in identifying a new program designed to address the underrepresentation of minorities in public policy research. We were able to make a presentation to that program's initial class, and several CBO staff shared one on one about CBO's work and job opportunities with those students. He telephoned the deans of top programs offering Ph.D.s in economics and master's degrees to emphasize CBO's interest in recruiting their strong minority students.

Though there are many more other recent additions, I will wrap up with the seminars that we provided to the fellows of the Congressional Black Caucus Foundation and the Congressional Hispanic Institute this past summer, as we hope to make those staples of our annual recruiting events.

Most important to these efforts are progress. Like his predecessors, Dr. Orszag is committed to diversity. In his short tenure,

52 percent of the staff hired at CBO have been women and 17 percent have been minorities. Looking forward, if we include those who are scheduled to start work at CBO in the next month, that 17 percent minority number goes to 23 percent. Since last year, we have increased the share of employees who are women and the share of professional positions filled by women by about 2 percentage points, to 42 percent. The shared employees from minorities remains essentially unchanged at about 13 percent. And as for executive-level positions, the share filled by women and minorities both increased by nearly 3 percentage points.

This improvement has occurred despite the fact that our minority staff members are often highly sought after. And with CBO's small staff size, the gain or loss of a few staff members can significantly affect our numbers.

In conclusion, CBO's most valuable resource is a strong staff, and to that end we dedicate a great deal of time, effort, and resources to the agency's recruitment program. An important focus of that program has been and will continue to be the recruitment of a diverse work force. Though we are pleased with our progress, we take seriously our need to continue the improvement and diversity of our staff. I will be happy to take whatever questions you may have.

[The prepared statement of Ms. Ruiz follows:]

Congressional Budget Office

Testimony

Statement of
Stephanie M. Ruiz
Director of Human Resources and
Equal Employment Opportunity Officer

Diversity at the Congressional Budget Office

before the
Subcommittee on Federal Workforce,
Postal Service, and the District of Columbia
Committee on Oversight and Government Reform
U.S. House of Representatives

September 16, 2008

This document is embargoed until it is delivered at 2:00 p.m. (EDT) on Tuesday, September 16, 2008. The contents may not be published, transmitted, or otherwise communicated by any print, broadcast, or electronic media before that time.

CONGRESSIONAL BUDGET OFFICE
SECOND AND D STREETS, S.W.
WASHINGTON, D.C. 20515

Mr. Chairman, Congressman Marchant, and Members of the Subcommittee, thank you for the invitation to discuss our efforts to have a diverse workforce at the Congressional Budget Office (CBO). This is an important subject—CBO's leadership shares your interest in diversity and is strongly committed to having a representative workforce. We have made significant efforts to create such a workforce and will continue to do so. We are, however, not yet satisfied with the results of those efforts and continue to seek ways to enhance them.

My testimony this afternoon will address the following key points:

- The challenge of recruiting staff skilled in the fields necessary to do the analysis CBO prepares for the Congress,
- CBO's efforts to recruit a diverse workforce,
- Recent additions to those recruiting efforts, and
- Recent progress toward greater diversity in the agency's workforce.

The Challenge of Recruiting Skilled Staff

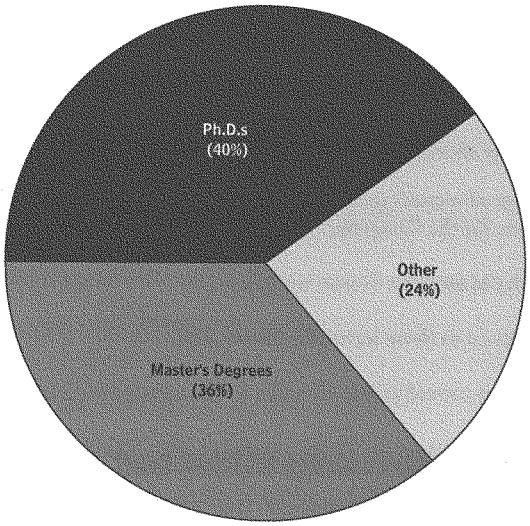
The demographics of our pool of qualified candidates pose a significant challenge in recruiting a diverse staff. CBO employs individuals with very specialized skills to do the complex economic and budgetary analysis the agency is charged to do for the Congress. More than three-quarters of CBO's professional staff members hold Ph.D.s or master's degrees (see Figure 1). (About 40 percent hold Ph.D.s, most of them in economics, and an additional 36 percent hold master's degrees, generally in public policy or administration.)

As a result of the specialized skills needed at CBO, our organization faces a substantial challenge in achieving a diverse workforce, given the demographics of the people completing the necessary educational requirements. According to the most recent Survey of Earned Doctorates (SED), approximately 1,000 people received doctorates in economics in 2006.[1] Only 30 percent of those newly minted Ph.D. economists were women (see Table 1). An additional recruiting difficulty for CBO is that foreign nationals make up the majority of doctoral students in economics: approximately two-thirds in 2006. Although CBO hires some non-U.S. citizens, the small proportion of U.S. citizens among new Ph.D.s in economics nonetheless limits the pool from which the agency can attract candidates. Perhaps even more dramatically, among the roughly 1,000 new economists who came into the labor market, only 6 percent (60 people in the entire nation) were identified as members of a minority

1. The SED is conducted by the NORC Academic Research Center at the University of Chicago for the National Science Foundation and five other federal agencies: the National Institutes of Health, U.S. Department of Education, National Endowment for the Humanities, U.S. Department of Agriculture, and the National Aeronautics and Space Administration.

Figure 1.

Academic Degrees of CBO's Professional Staff



Source: Congressional Budget Office.

group. Those numbers are even more disheartening in light of the small portion of new Ph.D. economists who enter government service: only 14 percent in 2006.

The characteristics of graduates are somewhat less of a problem in recruiting master's-level employees. For example, according to data from the National Association of Schools of Public Affairs and Administration, 58 percent of those completing master's degrees in 2007 were women, and 31 percent were identified as members of minority groups.

CBO's Efforts to Recruit a Diverse Workforce

In the face of this demographic challenge, CBO must be both aggressive and creative in its recruiting efforts to achieve a diverse staff. Traditional recruiting activities such as advertising and college recruiting alone do not work. We make special efforts to reach out to women and minorities to seek candidates for open positions. We also devote considerable effort to "grassroots" recruiting, that is, seeking to enlarge the pool of female and minority candidates in the populations from which we recruit.

Table 1.

Diversity Information About Recipients of Ph.D.s in Economics and Econometrics Awarded in the United States in 2006

	As a Percentage of the Total
Recipients	
Males	69.8
Females	30.0
Citizenship	
United States	28.2
Non-U.S. Citizen	65.6
Race of U.S. Citizens	
White	21.2
Minority	
Black	1.1
Hispanic	1.4
Asian	3.2
American Indian	0.2
Subtotal, minority	5.8
Other and unknown	1.2
Postdoctorate Employment by the U.S. Government	14.1

Source: Congressional Budget Office based on data from the Survey of Earned Doctorates, conducted by NORC Academic Research Center, University of Chicago.

Notes: The total number of Ph.D.s in economics and econometrics was 1,029.

Numbers may not add up to totals because of rounding.

Not all respondents provided demographic information.

In our recruiting, we particularly focus on female and minority candidates. For example:

- CBO provides information on relevant employment opportunities to groups such as Women in International Security.
- We send targeted mailings to all Historically Black Colleges and Universities (HBCUs) and Hispanic-Serving Institutions (HSIs) that have programs from which CBO can draw candidates.
- In our college recruiting program, we visit myriad campuses, including HBCUs, HSIs, and large flagship campuses with diverse student populations.

- We are regularly in touch with the American Indian Graduate Center, the only national nonprofit organization dedicated to aiding Indian graduate students in all fields of study, to ascertain if it can suggest students in economics and public policy whom CBO may contact about employment opportunities.

- The head of CBO's National Security Division, which needs scientific as well as economic expertise, has participated in the Society of Hispanic Engineers' student conference to describe careers in public policy that engineers may consider and, specifically, such opportunities at CBO.

- Though we do not recruit attorneys as analysts, a representative of CBO attended the Latino Law and Public Policy Conference at the Kennedy School of Government in hopes of identifying candidates with skills and interests in line with CBO's responsibilities.

CBO also manages its summer internship program with an eye toward diversity. This past summer, for example, 63 percent of our interns were minorities and 38 percent were women. In addition to the projects these students work on while at CBO, the program serves to introduce them to the challenge and reward of positions in public service. Our goal is to make it more likely for them to consider full-time employment at CBO upon the completion of their academic preparation. And the results suggest that this approach has been an effective recruitment tool: About 7 percent of the agency's current staff members are former CBO interns.

Despite its small size, CBO engages in significant grassroots efforts to enlarge the pool of potential candidates over the longer term. Data indicate that most students who pursue a doctorate in economics studied that subject as undergraduates. With that fact in mind, staff of CBO—which hires very few analysts with only a bachelor's degree—visit a number of campuses and participate in various programs to encourage undergraduates in underrepresented groups to pursue further education and positions like those at CBO. For example, we make a special effort to make presentations to undergraduate student groups such as the Morehouse/Spelman's Joint Economic Club and Howard University's economics majors. Such presentations provide an opportunity to introduce undergraduate students to the idea of pursuing a Ph.D. in economics or a master's degree in public policy and to acquaint them with the types of government careers to which such paths may lead.

We also participate annually in these programs:

- The Public Policy and International Affairs Program (PPIA), a national program focused on preparing students of underrepresented groups for advanced degrees leading to careers in public service. CBO has contributed to this program in a variety of ways, including presenting seminars on the agency's work at host campuses across the country, organizing and participating in a multiagency panel (attended also by representatives of the Government Accountability Office), and attending and serving on panels related to government service at career expos for PPIA alumni in various cities.

- The American Economics Association's Summer Program and Minority Scholarship Program, which seek to prepare talented undergraduates for doctoral programs in economics and related disciplines. In two of the past five years, we have hosted the students for lunch and seminars at CBO, and in three other years, we have presented seminars at the host campuses. On several occasions, the CBO Director has personally addressed the groups.

In the end, if few students from underrepresented groups enter advanced degree programs in economics and public policy, we have little hope of recruiting CBO staff representative of the nation's rich diversity.

Maintaining a desirable work environment is another important recruiting tool. To assess that environment, CBO conducted its first-ever employee satisfaction survey in 2008. Given the priority we have placed on diversity, it was one of the factors that we looked at in our analysis. Specifically, we:

- Examined the responses to all questions by sex and race/ethnicity to see if there were concerns in the workplace that would make women or minorities reluctant to work at CBO.

- Examined the responses to questions related to diversity for issues that may need to be addressed.

We were very pleased that for all questions in the employee satisfaction survey, a substantial majority of the responses were favorable—and the response by women and minorities were equally or more favorable.

Recent Additions to CBO's Recruiting Program

Since the hearing held by this Subcommittee last November, CBO has explored ways to extend its recruiting efforts. The Director, Peter R. Orszag, and Deputy Director, Robert A. Sunshine, made diversity a principal topic of the CBO management conference in January. Dr. Orszag emphasized CBO's unequivocal commitment to diversity, highlighting the challenges we face and encouraging vigorous and creative efforts toward that goal. Both he and I followed up with CBO's staff to communicate our efforts and solicit suggestions as to how we might improve recruiting. I was encouraged by the suggestions that members of the staff shared, and we have been able to implement a number of them.

To help monitor the effort, the agency implemented a tracking system that identifies the candidates interviewed for a position. In several cases, the Director and the Deputy have declined to consider making job offers until there was additional diversity among the candidates interviewed.

In addition, Dr. Orszag has made personal efforts to develop new recruitment opportunities. He telephoned the deans of the top programs offering Ph.D.s in economics and master's degrees in public policy or public administration to explain CBO's interest in recruiting strong minority candidates from their programs and to solicit their assistance in identifying ways to improve our recruiting. Dr. Orszag also contacted prominent minority economists to solicit assistance. One of those contacts resulted in identifying a new program designed to address the underrepresentation of minorities and people from distressed communities in public policy research: the Urban Institute's Summer Academy for Public Policy Analysis and Research. A CBO executive and the Director made a presentation to the program's initial class of 11 minority students on the economic and budgetary challenges of health care and assistance to Freddie Mac and Fannie Mae. After the seminar, several CBO staff and interns joined the students for lunch to allow more personal interaction about CBO's work and employment opportunities as well as career opportunities in policy research and analysis.

CBO staff also:

- Participated in a diversity forum at Howard University to discuss best practices for minority recruitment.
- Met with a representative of the Congressional Hispanic Staff Initiative to explore ways to inform individuals who seek jobs on the Hill about opportunities at CBO.
- Joined Howard University economics students at their annual honor society dinner.

In addition, CBO representatives addressed the fellows programs sponsored by the Congressional Black Caucus Foundation and the Congressional Hispanic Caucus Institute. We hope to add those seminars to our annual efforts.

Recent Progress Toward Improved Diversity in CBO's Workforce

Like his predecessors, the current Director, Dr. Orszag, is committed to diversity. In his short tenure, 52 percent of the CBO staff members hired have been women, and 17 percent have been members of underrepresented minority groups.

With last year as a benchmark, CBO's diversity has improved. We have increased the share of employees who are women and the share of professional positions filled by women by about 2 percentage points. That latter figure stands at 42 percent. The share of employees who are minorities—in both the agency overall and in professional positions—remains essentially unchanged, at about 13 percent. As for executive-level positions, the shares filled by women and minorities both increased by nearly 3 percentage points.

That improvement has occurred despite the fact that our minority staff members are often highly sought after by other employers—which is a tribute to their skills and ability but makes it even harder to maintain or enlarge their number on our staff. In this fiscal year, CBO has had 32 employees leave the agency, of whom five have been minority staff members. (Two of the five went to other positions in the legislative branch, and one went to an executive branch agency.) With our small staff size, the gain or loss of a few staff members can significantly affect our numbers.

Conclusion

CBO's most valuable resource is a strong staff, and in pursuit of that end, we dedicate a great deal of time, effort, and resources to the agency's recruitment program, including presenting seminars and information sessions for students from more than 60 campuses in each of the past five years, hosting student groups at CBO, and participating in groups of schools' "consortium" recruiting events in Washington, D.C. During that period, we have reached students from more than 100 college campuses. An important focus has been, and will continue to be, the recruitment of a diverse workforce at all levels in the organization. Over the past year, we have enhanced our efforts toward that goal, and we welcome ideas for additional steps we might take in the future. Though we are pleased with our progress, we take seriously our need to continue to improve the diversity of our staff.

Mr. DAVIS. Thank you we have. We have four votes. Fortunately, they are 5-minute votes. So if you can remain, we would appreciate it, and we should return in about 20 minutes.

[Recess.]

Mr. DAVIS. Thank you very much. I think we are OK for a minute, and I really do appreciate the fact that you all are still here.

And I believe we had gotten down to you, Mr. James.

STATEMENT OF JESSE JAMES, JR.

Mr. JAMES. Yes, sir. Yes, Mr. Chairman.

Chairman Davis, members of the subcommittee, my name is Jesse James, Jr. I am the Acting Director of the Office of Workforce Diversity at the Library of Congress, a position which I have held since February 2008. Prior to this appointment, I had retired from the Library's Office of General Counsel, where I managed and supervised the litigation and general law sections of the Library for approximately 8 years. Thank you for the opportunity to update you on the status of our efforts to increase staff diversity throughout the Library of Congress and specifically within the senior level management.

For the fiscal year ending September 30, 2007, the Library's total work force of 3,786 consisted of 55.2 percent women and 45.6 percent minorities. Of the total of 95 senior level executives, 43.2 percent were women, and 21.1 percent were minorities.

With respect to the feeder positions of GS–13 through GS–15 pay cluster, who are the Library's future senior leaders, women represent 50.3 percent, and minorities represent 25.6 percent of those employees. The number of minorities at this level has gone from 281 in 2002 to 380 in 2007. While the percentage of Hispanics in this group remain below that of the general population, the number of Hispanics at the GS–15 level more than doubled over the same period of time. The percentage of women has remained stable.

Since your last review of the diversity within the legislative branch, the Library has undertaken a number of new initiatives. First, our chief operating officer created a Library-wide task force to overhaul the Library's hiring process for filling senior level vacancies. The Library's proposed process incorporates best practices of the private sector.

Second, our Office of Workforce Diversity, which reports directly to the Office of the Librarian, is undergoing a major reorganization. We expect this new entity will play a more effective leadership role in fulfilling our diversity and fairness goals throughout the Library.

As part of the development of the Library-wide 2008–2013 strategic plan, we link the function of OWD to our overall work force goals and objectives. We have provided more details about the reorganization in our written statement. The new reorganization will address and evaluate the successes of programs, analyze barriers, and provide data to management as to how to address any concerns that we come in contact with.

Let me just assure you that under this new plan OWD will be better positioned to focus on and identify potential systemic barriers to diversity, measuring programs' effectiveness, and working

proactively to ensure that Library managers continue to successfully implement strategies to recruit and retain a diverse work force.

Third, we have expanded our staff development programs for Library employees at all GS levels.

Finally, we have retained an executive recruitment consultant to assist us in identifying and seeking highly qualified diverse candidates for senior level positions. We are using this consultant presently to assist us in filling the vacant position of the Law Librarian of Congress.

While we are working diligently on the recruitment front, we find these efforts are undercut by the fact that we are falling behind the rest of the Federal Government on senior level paid compensation. Our senior professionals trail virtually all executive agency level employees in both pay caps and aggregate compensation caps. We ask the subcommittee to consider the impact on the Library of S–1046 currently before this body, and that you assist us in maintaining our position as an employer of choice for talented professionals.

This series of hearings and our reorganization of OWD are taking place at a key juncture for the Library. We are expanding our internal staff development leadership programs to enhance the available pool of applicants in order to have a diverse, talented, and qualified work force that we need to have everyone in the marketplace participate.

I am happy to answer any questions the subcommittee may have.

Mr. DAVIS. Thank you very much.

[The prepared statement of Mr. James follows:]

Statement of Jessie James, Jr.
Acting Director, Office of Workforce Diversity
Library of Congress
Before
The Committee on Oversight and Government Reform
Subcommittee, Federal Workforce, Postal Service and the District of Columbia
United States House of Representatives
on
Legislative Branch Diversity Management Review
September 16, 2008

Chairman Davis and Members of the Subcommittee:

My name is Jessie James, Jr. I am the Acting Director of the Office of Workforce Diversity (OWD) at the Library of Congress. Thank you for the opportunity to update you on the status of the Library's efforts to increase staff diversity throughout the Library of Congress, and specifically within the Library's senior management.

The Library of Congress, the nation's oldest federal cultural institution, is the world's preeminent reservoir of knowledge, providing unparalleled resources, in all formats and 470 languages. Today, the Library serves Members of Congress and their staff, the public, scholars and researchers. Each of the Library's component entities – the National Library, Congressional Research Service, Copyright Office, Law Library, and National Library Service for the Blind and Physically Handicapped – requires staff and managers who are highly skilled and well-trained experts, not only fluent in the new technologies of the information age but also possessing the traditional scholarly substantive expertise required by the richness and diversity of our collections and the institutions and public we serve.

Recognizing this need, the Library is well underway with our workforce transformation effort, through which we identify 21st century skills and knowledge needs throughout the agency, assess the skill gaps, and provide solutions through recruitment, training and development. As is the goal throughout the legislative branch, we continuously strive to achieve the most qualified, diverse and talented workforce possible. Central to this effort, the Library's Office of Workforce Diversity is playing a leadership role by establishing accurate workforce data, establishing a framework to achieve our strategic goals, communicating our goals and objectives to Library managers and staff, and ensuring that all service units are actively committed to diversity and fairness at the Library.

Overview; Update since Last Hearing

As was noted in this Subcommittee last year, the Library' diversity, particularly within the senior management, has increased since 1990 when the Library's Senior Level Executive System (comparable to the executive branch's Senior Executive System) was created. Then, only 12.4 percent of our Senior Level work force was minority.

For the fiscal year ended September 30, 2007, the Library's total workforce of 3,786 staff consisted of 55.2 percent women and 45.6 percent minorities. Of the total of 95 Senior Level Executives, 43.2 percent were women and 21.1 percent were minorities. The Library's current Executive Committee, representing the agency head and heads of each of our service units, is comprised of 57 percent women and 14 percent minorities, and our Operations Committee, representing the key managers advising on and carrying out policy throughout the Library's service units and infrastructure, is comprised of 45 percent women and 32 percent minorities.

This level of diversity has come about through concerted effort, under the leadership of Librarian of Congress James H. Billington, to build and nurture diversity throughout its workforce, even as the Library's staff has been reduced by nearly a thousand compared with the early 1990's. During this period, the Library's aggregate minority profile has grown to exceed that of the federal civilian workforce, and the Library continues to recruit, retain and develop management-caliber staff from among different racial, ethnic, gender and disabilities demographics.

With respect to the key GS-13 to GS-15 pay cluster – the Library's future senior leaders – women represent 50.3 percent and minorities 25.6 percent of these employees. The percent of minorities at this level reflects a significant increase from 13 percent in 2002. While the percentage of Hispanics in this group has remained below that in the general population, the number at the GS-15 level in the Library has more than doubled over that same period. The percent of women has remained stable.

Since your last review of diversity within the legislative branch, the Library has initiated a number of new initiatives:

- We engaged an executive recruitment consultant to identify and seek highly-qualified, diverse candidates for Senior Level positions, including the current opening for Law Librarian of Congress.

- Our Chief Operating Officer created a Library-wide task force to revamp the Library's hiring process for filling Senior Level Senior Level vacancies. Consistent with the direction advocated in May 2008 by the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, the Library's proposed streamlined process incorporates best practices of the private sector.

- Our Office of Workforce Diversity is undergoing a reorganization in order to play a more effective leadership role in fulfilling our diversity and fairness strategic goals throughout the agency.

- We have expanded our staff development programs to encourage talented Library employees at all GS levels to seek opportunities to move up within the organization.

The Subcommittee also asked the Library to report back on a 2007 finding that the average total compensation for minority Senior Level officials was approximately $1700 less than that for their non-minority counterparts. We provided the Subcommittee with our determination regarding the causes of this difference, and brought the issue to the attention of our Performance Review Board. Bonuses for Senior Level employees are reviewed, in accordance with the Library's Senior Level regulation, by a Performance Review Board to make certain that levels of achievement and recommendations regarding Senior Level final ratings and performance recognition are justified properly in the performance appraisal, and to ensure equity and consistency among and across ratings. The Board carefully reviewed Senior Level bonus recommendations and concluded that in all cases, the overall average difference was performance-based and not based on any discriminatory factors. The Board will continue to monitor this issue in fiscal 2009, and we have added the step of evaluation of senior level bonuses by the Office of Workforce Diversity in future reviews.

Role of Office of Workforce Diversity

At last year's hearing, this Subcommittee made it clear that it expects more than incremental improvement in the diversity of federal agency senior management, and it expects that agencies' efforts will be guided by strong leadership from proactive workforce diversity management programs. As a result of the Subcommittee-directed review, the Library's Inspector General concluded that the Library is strongly committed to a diverse workforce. We are actively engaged in putting in place an effective program under the auspices of our OWD.

In 2003, the Librarian elevated our diversity management program to a direct report to the Office of the Librarian, with high-level oversight over all components of the OWD: the Equal Employment Opportunity Complaints Office (EEOCO), the Dispute Resolution Center (DRC), and the Affirmative Action and Special Programs Office (AASPO). More recently, as part of the Library's development of our 2008-2013 Strategic Plan, we ensured that the functions of the OWD are directly linked to our overall workforce goals and objectives as we carry out our mission in the future.

Prior to last year's hearing, the Library's Chief Operating Officer requested our Inspector General to initiate a review of the Library's OWD. This study, completed in October 2007, concluded that the OWD has not been effectively and competently accomplishing its mission. As a result of IG and management reviews and assessments of our existing diversity management operations, as well as best practices within the

federal government and consultation with OWD staff, I proposed a plan to reorganize the Library's OWD to create an effective organization that has the capability to direct and support the agency's policies for diversity and fairness throughout the Library.

Organizational/Functional Changes

In this study, the IG reported as a result of the first review that the existing OWD structure was overstaffed, over-graded, and unable to reliably demonstrate results. Employees of the OWD did not perform mission-critical functions, and performance management guidance was unclear. The IG also noted that Library spending on this function is considerably more than other agencies spend on corresponding programs.

Following the initial IG Report, I was asked to serve as Acting Director of the OWD, and conducted a two month internal assessment of the OWD's accomplishments, its value to the Library, staff duties and responsibilities. I recommended to COO Jo Ann Jenkins that the OWD be restructured and reorganized to better align the office's functions with the Library's strategic workforce goals reflected in both our Strategic Plan and the Multi-Year Affirmative Employment Program Plan, as well as fulfill the specific recommendations made in the IG report.

A reorganized OWD will be more focused on mission-critical activities, and will be staffed and positioned to monitor our demographic profile; identify root causes, trends, and solutions regarding diversity and fairness in the workplace; devise recruitment strategies; evaluate career development opportunities and programs; assess hiring trends, and improve Library inclusiveness and accountability through constructive communications with managers throughout the organization. These are key tasks that are unable to be performed effectively within the current office.

For this restructured OWD, the Library is revising employee position descriptions to reflect the skills and competencies needed to carry out these tasks. We have completed a review of grade and staffing levels. The Library is using several organizational development flexibilities to manage the restructuring, in consultation with our oversight committees. In early June, the Library requested, and the Office of Personnel Management granted, permission to use Voluntary Early Retirement Authority ("early-outs), since a majority of the OWD employees are retirement-eligible. In July, we formally requested from our congressional oversight committees authority to provide Voluntary Separation Incentive Payments ("buyouts") to offer, in a highly-targeted manner, $25,000 retirement payments to the OWD employees. We have not yet received buyout authorization, but hope to before the 110th Congress adjourns. OWD employees would be eligible to apply for positions in the restructured office and throughout the Library.

OWD Leadership Role

The reorganized OWD will be positioned to achieve three major Library human capital functions – employment discrimination complaint processing, management of

inclusiveness and diversity programs, and development and management of cultural exchange and awareness programs.

We have already begun the extensive analysis of workforce demographics that will create a baseline and be a critical element of planning for staff development. We already know that we need to do more to recruit and retain Hispanics at all staff levels, and believe individuals with disabilities are also underrepresented at the Library.

Since your last hearing, we have completed the process of updating our Multi-Year Affirmative Employment Program Plan (MYAEPP). We have revised it to link it to specific elements of the Library's overall 2008-2013 Strategic Plan, incorporating accountability, performance, indicators, strategies, and outcomes designed to achieve the goals set out in the Strategic Plan. Under this plan, the Library fully integrates diversity into our workforce planning. The Plan includes specific outcomes, strategies, and performance indicators and measures to evaluate our success in incorporating management accountability and equal employment values. The plan will assist managers in acquiring and retaining a diverse workforce to support the critical tasks of acquiring, cataloging, ensuring accessibility, and preserving the ever-expanding world of knowledge and information. The Library's Executive Committee will be considering the new MYAEPP, and we will then begin collective bargaining with our unions prior to full implementation.

Recruitment and Hiring

In last year's testimony, we provided details on the Library's hiring system, governed by our Merit Selection Plan, and the diversity analysis applied to each pool of qualified applicants. Our hiring system was developed in 2001 as a key element of the settlement of the Cook class-action case that dated from 1975. The Plan, comprehensively covering development of job descriptions through the final selection process, continued to keep the goal of a diverse workforce at the forefront throughout the process.

This process, in conjunction with the Plan, has been instrumental in increasing diversity within the Library's workforce over the last several years. We have found that the Library's hiring process needs to continue to evolve and have formed a Library-wide working group to look specifically at how we recruit and select applicants for our Senior Level positions. We are increasingly at a disadvantage when compared with the private sector, academia, and the executive branch due to a number of factors, including compensation and the hiring process itself.

As a result, we are developing a new model for filling Senior Level vacancies, incorporating more of the best practices of the private sector. Our new procedure will attract a larger and more diverse pool of applicants, shorten the time lag between posting and selection, and make it more likely that resumes of minority candidates will reach the selecting official. As part of this initiative, we have also engaged an executive

recruitment consultant who is assisting us in identifying and recruiting highly-qualified, diverse candidates for Senior Level positions.

While we are working diligently on the recruitment front we find these efforts undercut by the fact that we are falling behind the rest of the federal government on Senior Level compensation. The Library has requested to be included in S. 1046, currently pending before this Subcommittee. S. 1046 would allow executive branch agencies to raise the cap on the maximum rate of basic pay for Senior Level and Scientific/Technical professional staff. This bill is modeled on the system currently in place for federal Senior Executive Service employees. The Library is not expressly included in the direct impact of this bill, and it is our conclusion that we will be at a significant disadvantage in recruiting and retaining Senior Level and Scientific/Technical employees if enacted. If the legislation is enacted without reference to the Library, our senior professionals would trail virtually all executive agency senior employees in both pay caps (by $13,400 assuming current levels) and aggregate compensation caps (by $29,100 assuming current levels). This would further impair both hiring and retention of key Library staff. In addition to the disparity in compensation, the Library's authority to adopt locality pay for our Senior Level employees might also be at risk.

The Library has asked for the assistance of the Senate Committee on Homeland Security and Governmental Affairs and our oversight and appropriations committees in fixing this anomaly, and we would respectfully ask this Subcommittee to consider including us in this bill. We are equally concerned that under H.R. 5683, now on its way to the White House, our senior level salaries will fall further behind those of the Government Accountability Office, disadvantaging our recruitment efforts for CRS analysts and other professionals working directly with Congress.

We currently have a vacancy for the position of Law Librarian of Congress, who is not only in the Senior Level but also serves on our Executive Committee. While we are actively recruiting applications from the best and the brightest to serve at the helm of our world-class Law Library, it is our hope that the lower compensation available to Library executives does not serve as a deterrent.

The Law Librarian vacancy also exemplifies an issue raised in our IG's most recent review of our diversity management program; the net decline in Hispanics at the senior level and in the GS - 13 to 15 grade range (the incumbent, who recently retired, is Hispanic). This decline has occurred despite extensive diversity outreach to Hispanic organizations (e.g., the League of United Latin American Citizens, the National Association of Hispanic Federal Executives, the National Association of Latino Elected Officials, the National Institute for Latino Policy, and the National Community for Latino Leadership).

As the IG notes, studies by the American Libraries Association (ALA) indicate that some minority groups are seeing a decrease in the number of credentialed librarians under age 45 despite recent diversity recruitment measures. We agree with the IG and

the ALA that this trend presents a significant challenge in improving upper management level diversification via recruitment, and that we need to continue to focus on in-house development of current staff through training and mentoring programs.

I would also like to take this opportunity to thank Ms. Holmes Norton for her invitation to participate in her annual Job Fair at the Washington Convention Center, which proved to be a wonderful recruiting opportunity. The Job Fair is an excellent forum for getting more local exposure to the Library, and we had direct face-to-face contact with interested members of the local workforce. We have already committed to participating in the next Job Fair.

Staff Development and Succession Planning

Since last year's hearing, we have drafted our Library-wide succession plan, to be presented to the Library's Executive Committee later this month for its review and approval.

The plan will be used to ensure that staff are prepared to perform well at the Senior Level before the need arises and to improve the retention of external new hires across the Library, critically important in this highly competitive environment.

Similar to the situation throughout the federal government, 25 percent of Library employees are currently retirement-eligible. The succession plan has been developed to help the Library identify, share, and implement strategies to transfer and preserve institutional knowledge of the retiring workforce to non-retiring and new employees. In accordance with the plan, we have begun to identify both leadership and professional mission-critical occupations in each service/support unit in order to forecast, at the service unit level and Library-wide, staff needed to fill their mission-critical vacancies and tailor recruitment and retention strategies to meet those needs. The succession plan will identify strategic training and developmental programs so that the needed skills sets will be present in our workforce.

As we reported last year, the Congressional Research Service began implementing succession planning strategies during fiscal year 2008, filling 29 GS-15 section research manager positions. Twenty-one percent of these managers are minorities. The research managers will also serve as a rich candidate pool from which to fill the senior management positions as current incumbents retire.

During fiscal 2009, Human Resources Services will design a pilot Senior Level Development Program, with a target participant audience of current GS-14 and GS-15 Library employees. This development program will build upon other highly successful Library training and development initiatives, including the Leadership Development Program (target audience of GS-11 to GS-13 employees), the Supervisor Development Program (target audience of all supervisors, up to and including GS-15), and the Career Development Program (target audience of GS-2 to GS-9 employees).

As our IG notes in his recent review of workforce diversity management, our OWD is taking steps to quantify and analyze more closely various measures of participation by employees, by demographic group, in workforce programs and opportunities. Beginning in fiscal years 2008 and 2009, the Library will begin measuring key indicators by gender, race, national origin, age, and disability, among others, in order to more fully understand and eliminate subtle barriers to equal opportunity in the workplace. We will add, among others, the following key diversity indicators to establish a baseline for future comparison:

- Number and percent of employees with current Employee Performance Plans
- Number and percent of employees and supervisors in a mentoring relationship
- Number and percent of employees who received awards and bonuses
- Number and percent of employees participating in Librarywide committees
- Number and percent of employees participating in Librarywide diversity training
- Number and percent of interns converted from internships and fellowships

and, at the recommendation of the IG,

- Promotions to determine whether there is consistency among groups
- Performance evaluations to determine whether a particular group receives a disproportionate number of lower ratings.

Performance Measurement and Compensation

At last year's hearing, a question was raised concerning the Library's written performance appraisal requirements. As we noted at the time, all Library supervisors must ensure that their employees are given annual performance appraisals. Our Human Resources Services office tracks the completion of these appraisals and provides monthly alerts to service units on upcoming due dates and overdue evaluations, so that corrective action can be taken.

In addition, our master labor agreement with AFSCME Local 2477, the Employees Union, contains a comprehensive performance management article that includes performance plans, mid-year and annual reviews, and individual development plans. Management and labor are working collaboratively to implement these provisions throughout the fiscal year. Library-wide, we have significantly increased the percentage of staff receiving a current, written performance appraisal, from 69 percent a year ago to 85 percent as of August 31, 2008.

This series of hearings, and our reorganization of our OWD, are taking place at a key juncture for the Library. We are significantly expanding our internal staff development programs, hoping to train and inspire members of our current diverse workforce to work their way up in the Library. We are expanding our outreach and recruitment efforts. In order to have a diverse, talented and qualified workforce, we need to have everyone in the marketplace participate.

I am happy to answer any questions Subcommittee members may have.

Mr. DAVIS. And again, let me just thank all of you for your patience and your willingness to be here to share with us.

Let me just ask, are we all aware of the fact that the Office of Compliance offers training and workshops for agency personnel regarding workplace rights? We all are aware of that? That being the case, what is your opinion of the training? I mean, do you think it is helpful or do you have an opinion that you would venture? Ms. Bailey.

Ms. BAILEY. I have had the opportunity to attend one of the Office Compliance trainings not that long ago. It was a training on alternative dispute resolution, and it was good information to have in terms of addressing some information that we have already known, particularly for those of us who are in that profession. But I think overall the training was helpful to us.

Mr. DAVIS. Anyone else?

Ms. ELZY. I attended that same training. It was very beneficial. The only difference I have from any of the other legislative branches is that the Government Printing Office, as far as complaints, reports to the Equal Opportunity Commission. But the training itself was very beneficial.

Mr. JAMES. I also had the opportunity to attend, and I think I have attended at least twice. And I think it was beneficial and helpful, at least in the instances that I attended.

Ms. RUIZ. Equally, at the Congressional Budget Office, I attended and I had one of my colleagues from my office attend. And the first training they offered on ADR, alternative dispute resolution, we had a number of our staff members attend. And one of the things that was most beneficial was the exercises they did with us at the end and the fact that they bring in a variety of different consultants and different perspectives into the training.

Mr. DAVIS. Did they address EEO diversity issues in any of the sessions that any of us may have attended?

Mr. JAMES. I don't think so.

Mr. DAVIS. Do you think it might be helpful if they had a structured program where a part of the training kind of centered on EEO and diversity kind of concerns that would help people to have those issues in mind and recognize them as part of workplace expectation?

Ms. RUIZ. Sir, yes. I think that would be a very beneficial thing from a couple standpoints. No. 1, it would provide uniform information to all the leg branch agencies. And it is also, from the standpoint of the appropriators, who we all have some recollection with, the ability for us to capitalize on working cohesively together and using money in an appropriate way.

Mr. DAVIS. Anyone else?

Ms.BAILEY. I concur with what Ms. Ruiz has said. But I also think that we also need to consider the right audience. We have to target the right audience for those programs. So we need to include it and expand it to supervisors and managers of our various agencies.

Mr. DAVIS. Yes.

Mr. STROMAN. Mr. Chairman, there have been a number of studies recently, some done by Harvard University, that have shown

that some diversity training is not very helpful in terms of resolving issues, EEO issues.

The key, it seems to me, is to have targeted training. That is, that you have to have training which is directly targeted to the concerns in your workplace, or else you are going through an exercise.

The other thing that their studies have indicated is that the training has to be part of a larger package of changes within the institution. And if that is kind of what you are focusing on, again, you are not going to be successful.

So I would say two things: that it would be helpful to do the training, but they need to do the training targeted to specific issues at specific leg branch agencies, and it needs to be part of a larger package.

Mr. DAVIS. Let me ask. We have talked about success of pools, and especially that you have highlighted them, Mr. James. Let me just ask, why are these successive pools important? And could any of you think of what the impact might be, let's just say, if your agency was to promote women and minorities in direct proportion to their GS–15 successive pools? That if you had as many people above as you had in the GS–15 pool, do you see any kind of impact, either negative or positive, that would have on your agency?

Mr. JAMES. Well, I think that if it were possible in a world where everything was equal, that you could actually do that, I think that it would have positive effects for the agency. But some of the discussion that would take place with the IGs, I question whether you are going to be able to get that, unless you have these schools and others where the people coming out of school are going to be equal to that. And if you don't have that, then I think that is the thing that affects it more than anything else. And I know for a fact that the Library is making those efforts, but it is running up against the difficulty of finding people to bring into the agencies coming out of colleges and places like that. It is going to the Historical Black Colleges and making contacts with those schools. But as we all know, the numbers coming of minorities coming out of colleges isn't as large.

So I think that is where the problem is. I don't think the problem is actually getting them there; the problem is getting the numbers in sufficient numbers to put them in the feeder pools so that they can come up through that system.

Mr. STROMAN. Mr. Chairman, I think particularly at the SES level, that is really where the decisionmakers are. And if you have a proportionate representation, I think what you will have is two things: One is I think you will have better results as an agency. Studies have indicated that when you have a diverse workpool, particularly in the leadership level, that your solutions are better; that you get more creative, more innovative, faster solutions as an agency. So I think that they would be better.

Second, I think that when you are trying to attract people to the agency, they are really looking at the leadership. They are looking at the leadership to determine whether or not, you know, they can get to that point. I mean, one of the things, you know, regardless of one's political affiliation, is what Senator Obama has done. When they talk to young African American kids now, 65 percent

said they believe they can be President of the United States. Forty percent of white children say they could be President of the United States. And I think that is a direct correlation between seeing a role model that you can model your behavior after. So I think it has tremendous potential within each of the agencies.

Ms. JARMON. I just wanted to add, at the Capitol Police we have been focusing on the successive pool. For us, it would be like inspectors, captains on the sworn side; and on the civilian side it would be civilian managers. And our numbers for that feeder pool are actually higher than the SES equivalent group as we have been focusing on development and training of that group. And I think it would be helpful in years to come as those people are promoted to higher levels.

Mr. DAVIS. As I think about, I think of situations where I know individuals who are police captains but they never get high command posts. I have never been able to quite understand it. Of course, this is outside the Federal Government. This just happens to be in the Chicago Police Department, which is a great big agency. It is a big operation. It is no small entity. We have about 3 million people in our city. But I actually know people, and we have sort of wondered, I mean, how is this person a captain but might be a watch commander, and somebody else is a lieutenant and they are a station commander or they have some other executive post beyond that. And what kind of criteria is being used by the upper levels who make these decisions and determinations.

Well, that is not your problem. It is just something that I have thought about.

Well, let me just thank you all very much. We have a number of questions that we would like to submit; and if you would agree to answer those in writing and get them back to us, we would really appreciate it. We have some questions that I think could be very helpful to us, if we could submit those and have you respond in writing.

Thank you so very much. And, again, you have been a wonderfully patient group, and we greatly appreciate it.

And we will go to our last panel, panel 3. We have Tamara Chrisler. She is the Executive Director of the Office of Compliance. She was appointed to this position in January 2008. Prior to joining the Office of Compliance, Ms. Chrisler served as a labor and employment attorney for the Federal Bureau of Prisons, representing the interests of the government as well as the administrative agencies in claims brought by employees before the Federal court.

And we have Ms. Janet Crenshaw Smith who is the president of Ivy Planning Group LLC, which is a leading consultant and training firm that specializes in diversity strategy and leadership.

Ladies, I appreciate your being with us. And if you would stand and be sworn in, then we could proceed.

[Witnesses sworn.]

Mr. DAVIS. I certainly want to thank both of you for your long-enduring patience and the fact that we are still here. And if you would begin, and we will try to wrap this up.

STATEMENTS OF TAMARA E. CHRISLER, EXECUTIVE DIRECTOR, OFFICE OF COMPLIANCE; AND JANET CRENSHAW SMITH, PRESIDENT, IVY PLANNING GROUP LLC

STATEMENT OF TAMARA E. CHRISLER

Ms. CHRISLER. Thank you, Mr. Chairman. Good evening. I would like to thank you for the opportunity to testify at your oversight hearing on the representation of women and minorities in executive level positions in the legislative branch. The Office of Compliance is privileged to be included in your review of the reports from those agencies that have performed diversity audits at the direction of this subcommittee. Briefly, I would like to tell you a little bit about our office before answering any questions that you may have.

The Office of Compliance is governed by the Congressional Accountability Act [CAA] of 1995, which requires covered legislative branch agencies to follow employment and workplace safety laws applied to the private sector and to the Federal Government at large.

Of particular relevance to today's hearing is section 201 of the CAA, which requires that all personnel actions involving covered employees be free from discrimination based on race, color, religion, sex, or national origin, disability, and age for those 40 or older.

The Office of Compliance is committed to guaranteeing that the workplace of legislative branch employees is a fair one and providing assistance to Congress and its instrumentalities and agencies in meeting their workplace demands.

Certain of our core statutorily mandated functions are pertinent to this hearing. Our education mandate requires us to educate covered employees in employing offices in the legislative branch about their rights and responsibilities under the CAA. We meet this mandate by maintaining a comprehensive Web site and providing written materials and publications; by participating in a quarterly briefing sponsored by the Congressional Research Service; and, by publishing our Annual Report to Congress, providing both statutorily mandated statistics and narratives detailing accomplishments tracked to our strategic plan.

The agency has most recently conducted our second major conference on alternative dispute resolution for managers, which the prior panel spoke to briefly, and has a similar conference scheduled for September 23, 2008 for union officials.

The CAA establishes a confidential and mandatory dispute resolution process for covered employees that is implemented by the Office of Compliance as a neutral and independent agency. The statutorily mandated process requires initial counseling and mediation. Our mediation program, a proven method of alternative dispute resolution, has been highly successful in assisting both employees and employing offices come to resolution without the cost and burdens of litigation.

Not included among our core functions is the authority to review and comment on the adequacy of any particular diversity plan, nor do we develop those plans for our covered community. However, we do have authority to conduct educational programs tailored to the specific diversity needs of our covered community. We seek always

to serve as an expert resource and an educator and trainer on the rights and protections afforded by the CAA.

I appreciate the question that you asked, Mr. Chairman, on training that our office can provide. Our office is always looking to improve our education and outreach program.

The point that I would like to make about our education and outreach program is that the training that we provide is provided from our perspective. What we would like to do and what the office has efforts to provide at this—as we speak is engage the employing offices and employees in a survey so that they can tell us what their needs are. They can share with us their understanding of their rights and responsibilities under the CAA so that we can target and focus our training efforts to the needs of our stakeholders.

This survey is being implemented now. It is on our Web site. It was sent out in our newsletter, so that all employees of the legislative branch were made aware of the survey. And hopefully that information will help us to target our efforts and training.

We are here to serve you and to assist you in ensuring a fair, safe, and accessible workplace for the thousands of legislative branch employees and visitors to the Capitol complex. We are constrained in our aspirations only by resources to do more and better education and outreach. With additional resources, our agency could provide enhanced outreach to our stakeholders and district offices, additional publications and materials, and more training sessions and conferences. The Office of Compliance applauds the work of this subcommittee in seeking to ensure that legislative branch agencies' personnel policies and practices are both fair and promote the opportunity for all employees to maximize their contributions to their agency. The Office of Compliance is dedicated to those same ends, and we seek to assist the subcommittee in its efforts.

I am available to answer any questions you may have.

Mr. DAVIS. Thank you very much. And we appreciate your testimony.

[The prepared statement of Ms. Chrisler follows:]

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

Office of Compliance

Testimony of the Office of Compliance

Tamara E. Chrisler, Esq.
Executive Director

before the
United States House of Representatives
Committee on Oversight and Government Reform
Subcommittee on Federal Workforce, Postal Service, and the
District of Columbia

on
Legislative Branch Diversity Management Review

Tuesday, September 16, 2008

Room LA 200, Adams Building · 110 Second Street, SE · Washington, DC 20540-1999 · t/202.724.9250 · f/202.426.1663 · tdd/202.426.1912

www.compliance.gov

Mr. Chairman and Members of the Subcommittee:

I am Tamara Chrisler, Executive Director of the Office of Compliance. Thank you for the opportunity to testify today at your oversight hearing on the representation of women and minorities in executive level positions in the legislative branch. The Office of Compliance is privileged to be included in your review of the reports from those agencies that have performed diversity audits at the direction of this Subcommittee. Consistent with our own statutory mandate, we are also proud to share our expertise with our covered community.

About the Congressional Accountability Act and the Office of Compliance

The Office of Compliance, established as an independent agency by the Congressional Accountability Act (CAA) of 1995, advances safety, health, and workplace rights in the United States Congress and the legislative branch. The CAA -- the first piece of legislation passed, with broad bipartisan support, by the 104th Congress -- requires covered legislative branch entities to follow many of the same employment and workplace safety laws applied to the private sector and to the federal government.

Included in the CAA's ambit are twelve civil rights, labor, and workplace safety laws:

The Age Discrimination in Employment Act of 1967
The Americans with Disabilities Act of 1990
Title VII of the Civil Rights Act of 1964
The Employee Polygraph Protection Act of 1988
The Fair Labor Standards Act of 1938
The Family and Medical Leave Act of 1993
Chapter 71 of the Federal Services Labor-Management Relations Act
The Occupational Safety and Health Act of 1970
The Rehabilitation Act of 1973
Uniformed Service Members Employment and Reemployment Rights
under Chapter 43, Title 38 of the U.S. Code
The Worker Adjustment and Retraining Notification Act of 1989, and
The Veterans Employment Opportunities Act.

Implementing the CAA, our Office educates employees and employing offices about their rights and responsibilities under the Act, provides an impartial dispute resolution process, and investigates and remedies violations of the Act. Of particular relevance to today's hearing is Section 201, which requires that all personnel actions involving covered employees be free from discrimination based on race, color, religion, sex or national origin; disability; and age for those 40 or older. Personnel actions generally include hiring, discharge, promotion, pay, benefits, reassignment, and other personnel actions affecting the terms and conditions of employment.

The CAA protects more than 30,500 employees of the legislative branch, including employees of the House of Representatives and the Senate, the Capitol Guide Service, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance (OOC), and the United States Capitol Police. Certain provisions of the CAA also apply to the Government Accountability Office (GAO) and the Library of Congress (LOC). Thus, in whole or in part, the CAA covers almost all of the agencies subject of this oversight hearing and aspires to be a resource to the entire covered community.

Selected Services of the Office of Compliance

The Office of Compliance is unwaveringly committed to:

- guaranteeing that the workplace of legislative branch employees is a fair one; and
- providing assistance to Congress and its instrumentalities and agencies in meeting their workplace demands.

Three of our core, statutorily-mandated functions include:

1) Education: The Office of Compliance educates covered employees and employing offices in the legislative branch about their rights and responsibilities under the CAA. Education and information activities include maintaining a comprehensive website and developing and distributing written materials and publications, such as handbooks, brochures, pamphlets, "Fast Facts," and our annual Newsletter – featuring substantive legal and regulatory activities. Our education mandate is additionally met by participating in quarterly briefings sponsored by the Congressional Research Service for legislative branch employees located on campus, as well as in state and district offices; distributing informative handouts to all new Congressional employees regarding their rights and how to exercise them; and by our Annual Report to Congress, providing both statutorily-mandated statistics and narrative detailing accomplishments tracked to our Strategic Plan. We are always available on request to offer workshops and trainings for Washington, DC personnel. In fact, staff from the OOC have participated in the Senate Office of Education briefings, conducted our own briefings for House employees, and briefed labor organizations in our office. The agency has most recently conducted our second major conference on alternative dispute resolution for managers and has a similar conference scheduled for September 23, 2008 for union officials. Our education and information activities also include providing referrals and information to employees and employing offices on an individual or group basis, in Washington DC or in your states and districts.

2) Dispute Resolution: The CAA establishes a mandatory dispute resolution process for covered employees that is overseen by the OOC, as a neutral and independent agency. The statutorily-mandated process requires initial counseling and mediation. The counseling program, conducted by lawyers trained in the substantive areas of Section 201 of the CAA, allows for confidential discussion of the facts leading up to the allegation. Then, at no cost to the parties, the agency provides trained mediators to assist in resolving their dispute. Our mediation program, a proven method of alternative dispute resolution, has been highly

successful in assisting both employees and employing offices come to resolution without the cost and burdens of litigation. If the parties are not able to resolve their dispute through counseling and mediation, however, an employee may either pursue a non-judicial administrative hearing process with the Office of Compliance or file suit in Federal court. Should an employee file an administrative complaint with our office, an impartial hearing officer is assigned to hear the evidence and to render a decision. Either party may appeal the hearing officer's decision to the agency's Board of Directors. The Board of Directors' decision is the agency's final decision, which can be appealed to the Federal Circuit.

3) Reports and Recommendations to Congress: Section 301(h) of the CAA requires an annual report to Congress presenting statistics on the use of the Office of Compliance by covered employees and employing offices in the legislative branch. This report includes the number and type of contacts made with the Office of Compliance and the reasons for such contacts; the number of covered employees who initiated proceedings with the Office under the Congressional Accountability Act and the result of such proceedings; and the number of covered employees who filed complaints, the bases for the complaints, and the action taken on the complaints. Section 102(b)(2) of the CAA requires the Board of Directors to submit a biennial report to Congress on the applicability to the legislative branch of any employment laws not already made applicable by the CAA.

Contacts and Requests for Counseling under Section 201 of the CAA

As previously mentioned, the Office of Compliance annually submits a statistical report to Congress documenting activity during that fiscal year. In Fiscal Year 2007, our experience under Section 201, which would pertain to diversity issues, was as follows:

Fiscal Year	Number of Contacts	Requests for Counseling
2007	103	64

In compiling statistics, the Office of Compliance is ever mindful of the strict confidentiality provisions of the CAA and of our agency's Procedural Rules. We are, of course, optimistic that our education programs effectively work both towards our goal of a fair workplace on campus, and of community knowledge of rights. In addition, we have committed to the Government Accountability Office that we will use complaint data to better target our education efforts.

I also note for the Subcommittee that the Office of Compliance has no authority to review and comment on the adequacy of any particular diversity plan, nor do we develop those plans for our covered community. However we may conduct educational programs tailored to the specific diversity needs of our covered community. We seek always to serve as an expert resource and an educator and trainer on the rights and protections afforded by the CAA.

Office of Compliance Mission and Possibility

The mission of the Office of Compliance is simultaneously vast and discrete. We are here to serve you and to assist you in ensuring a fair, safe, and accessible workplace for the thousands

of legislative branch employees and visitors to the Capitol complex. We are constrained in our aspirations only by resources to do more and better education and outreach. Our staff includes only one executive and one junior staffer primarily dedicated to these functions. In addition, however, our skilled counselors are also responsible for providing employees who request counseling with all relevant information on their rights under the CAA. Moreover, the Office of Compliance, as mandated by the CAA maintains a master list of independent mediators and hearing officers who are experienced in adjudicating or arbitrating the kinds of personnel and employment rights issues that present themselves under the CAA.

Still, with enhanced funding, there is so much more we could do for you, including:

- regular outreach to congressional Members and staff, not limited to appropriations and oversight committees;
- training to every office and/or groups of offices on a regular basis, including at the district level;
- providing a genuinely searchable and considerably friendlier, enhanced website with user-interactivity and education streaming on a variety of topics;
- numerous annual publications, not limited to those statutorily-prescribed;
- enhanced tracking of contacts/counseling/mediation/administrative claims/appeals, to include break-out by agency and basis; and
- collaborative efforts with all sectors of our covered community to achieve the mission for the benefit of all.

Conclusion

The Office of Compliance applauds the work of this Subcommittee in seeking to ensure that legislative branch agencies' personnel policies and practices are both fair and promote the opportunity for all employees to maximize their contribution to mission. Assuredly, the Office of Compliance is dedicated to those same ends.

We seek to assist the Subcommittee in its efforts. I am available to answer any questions you may have.

Mr. DAVIS. Ms. Smith.

STATEMENT OF JANET CRENSHAW SMITH

Ms. SMITH. Chairman Davis and members of the subcommittee, thank you for the invitation to testify regarding the GAO African American and Caucasian analyst performance assessment study. In March, I testified before this committee on tasks one and two. Today I am pleased to return to provide the final report, and I will highlight just a few points.

As background, the Ivy team performed the tasks, the study in three tasks. Task one was the statistical analysis; task two was an assessment and comparison of education, engagement roles, background, etc., of new hires; and task three was collecting more qualitative data on the analysts and raters, the interview focused groups, and also an assessment of best practices. We completed the study in April 2008 and presented our findings.

Ivy concluded that the factors that contribute to the average performance ratings disparities between African American and Caucasian analysts fell into three categories: human capital, processes and management practices, GAO's culture, and the significance of race.

With regard to human capital processes and management practices, GAO has invested a significant amount of resources, result in human capital processes including performance management, that do incorporate industry best practices. There are opportunities to improve these processes, including recruiting, the role of the PDP advisor, and training and development. And also, some of these processes, while best practices, are executed inconsistently, which may attribute to the ratings disparity.

With regards to GAO's culture, GAO has a distinct culture. It is an intense environment where people are committed to meeting the mission with limited resources and with a focus on excellence. There is a GAO way, and some of its elements are both unwritten and subtle.

The benefits of GAO's culture, that it is high energy, high quality work, with a consistent look and feel and demand for more from their satisfied clients. However, the same culture drives supervisors to manage production, not people.

Regarding the significance of race, statistical analysis show there are differences in ratings between the African American analysts and Caucasian analysts in general by competency, pay band, team location, regardless of the race of the rater, and those differences are statistically significant. While it is clear that race is a factor in the ratings disparity, the causes for the ratings disparity are not clear.

The statistical analysis didn't determine the disparity between the actual performance and the rated performance. It also didn't address the impact of subjectivity on the disparity. Beliefs about these causes and disparities vary also by race. Caucasians were more likely to question the quality of the recruiting process, while African Americans were more likely to question the quality, integrity, and execution of the performance appraisal system itself.

The workplace experience also varied by race. Ivy's final report, as you have heard, provided more than 20 recommendations to the

GAO. Many of those recommendations require a shift in GAO's culture, and culture change does not happen quickly. Some of those recommendations included that GAO take steps to create a more inclusive workplace culture; that they address the race issue directly; and they provide skills training, not just awareness training.

We also recommended that GAO encourage more balance between managing the work and developing people; that there should be a culture of shared accountability. We recommend that GAO take steps to make the unwritten rules of the workplace more clear; that they do it through analysis, communication, mentoring, and training. We also recommended that GAO reassess how it evaluates performance.

As the president of an 18-year-old management consulting firm, I know that success comes by moving beyond strategy and taking action. We therefore encourage GAO to create performance metrics to monitor their progress.

Although many of our recommendations require a shift in GAO's culture, overall GAO's senior leaders and employees at all levels have been receptive. Ivy will be involved in some aspects of the implementation of our recommendations. As you heard earlier in Mr. Stroman's and Ms. Garcia's testimonies, GAO has also taken steps independently to act positively on our recommendations.

This study centered on issues that are critical to GAO's work force, and I also believe that it has more broad implications to the entire Federal work force. Issues of fairness, diversity, integrity, inclusion, and transparency should be considered by all agencies. These issues impact the performance of our government, and they impact the experiences and the careers of employees.

Mr. Chairman, that concludes my prepared statement. Thank you for the opportunity to testify on this critical matter.

Mr. DAVIS. Thank you very much. And we certainly appreciate the work that you and your company does and the work that you have done.

[The prepared statement of Ms. Smith follows:]

Ivy Planning Group LLC
Testimony Before
The Committee on Oversight and Government Reform
House of Representatives
Subcommittee on Federal Workforce, Post Service,
and the District of Columbia

On U.S. Government Accountability Office (GAO)
African American Performance Assessment Study
Findings and Recommendations

Statement of
Janet Crenshaw Smith
President
Ivy Planning Group LLC

Room 2154
Rayburn House Office Building

Tuesday, September 16, 2008
2 p.m.

Chairman Davis and Members of the Subcommittee:

I am Janet Crenshaw Smith, President of Ivy Planning Group LLC. Thank you for the invitation to testify regarding the U.S. Government Accountability Office (GAO) African American and Caucasian Analysts' Performance Assessment Study.

On March 13, I testified before this Committee on Tasks One and Two of the study. Today I am pleased to provide a more complete picture, the culmination of all three tasks and the Final Report – which includes Ivy Planning Group's recommendations to GAO.

Background

In 2007, GAO issued a solicitation seeking a third party assessment of the factors influencing the performance rating average differences between African American and Caucasian analysts. GAO retained Ivy Planning Group to be the prime contractor for this solicitation. SRA International is a subcontractor to Ivy Planning Group.

This project was divided into three tasks.

- **Task One was an analysis of 2002-2006 performance data for African American and Caucasian Analysts.** The purpose of this task was to confirm that there were differences between the ratings of African American and Caucasian analysts. The Ivy Team performed a statistical analysis to determine if there are significant differences in the performance ratings of the two groups.

- **Task Two was an assessment and comparison of education, engagement roles, and performance of new GAO hires and onboard employees rated from 2002-2006.** The purpose of this task was to determine if African American analysts and Caucasian analysts have the same abilities and background when they arrive at GAO and to begin to look at what happens to them during their tenure at GAO. The Ivy Team evaluated key characteristics to determine if both groups are equal at time of hire; controlled statistically for differences in education, experience, key roles, and gender; assessed rater demographics on outcomes; and reviewed human capital processes for consistency with agency goals.

- **Task Three was an assessment of internal and external best practices in implementing performance management systems; and preparation of a final report that brings Tasks One, Two and Three together.** Task Three involved researching best practices in performance management in the Federal and private sectors and within GAO; collecting qualitative data from African American and Caucasian analysts and raters at GAO; and presenting our overall recommendations to GAO.

Ivy completed the study in April 2008, and presented its findings to GAO's Executive Committee, Managers, and employees via briefings and videoconferences.

Findings and Conclusions

Ivy concluded that the factors that contribute to the average performance ratings disparities between African American and Caucasian Analysts fall into three categories:

1. Human Capital Processes and Management Practices
2. GAO's Culture
3. The Significance of Race

Human Capital Processes and Management Practices

Process - GAO has invested a significant amount of resources resulting in human capital processes, including performance management (e.g., expectation setting, feedback, annual appraisal, career planning, coaching and mentoring) that incorporate industry best practices.

Opportunities to Improve - There are opportunities to improve the human capital processes that may contribute to the ratings disparity between African American and Caucasian Analysts. This includes areas such as recruiting, Professional Development Program (PDP) Advisor Role, and training and development.

Execution - Some human capital processes are executed inconsistently across the agency despite the availability of thorough documentation and training. Inconsistent execution also may contribute to the ratings disparity. This includes ongoing feedback and appraisals.

GAO's Culture

GAO has a distinct culture. It is an intense environment where people are committed to meeting the mission with limited resources and with a focus on excellence. There is a "GAO way." Some elements of the "GAO way" of doing things are unwritten and subtle. Benefits of GAO's culture are high energy, high quality work with a consistent look and feel that creates a demand for more from satisfied clients.

However the culture and demands for more drive supervisors to manage production, not people. Most analysts reported receiving limited unsolicited informal feedback. Staffing has not kept pace with the growing workload. When staffing engagements, rather than follow the formal project assignment process, managers often seek out analysts who they know to be or who are reported to be high performing. Positive and negative perceptions of analysts, once established, may be difficult to change.

The Significance of Race

Statistical analysis showed that there are differences in ratings between African American analysts and Caucasian analysts in general, by competency, pay band, team, location, and regardless of the race of the rater. The differences are statistically significant.

While it is clear that race is a factor in the ratings disparity, the **causes** for the rating disparities are not clear. The statistical analysis did not determine if there is a disparity between the "actual performance" and the "rated performance" among African-American and Caucasian analysts. Quantitative and qualitative data did not conclusively measure the impact of subjectivity on the disparity.

Beliefs about the causes of ratings disparities varied according to race. Both African-Americans and Caucasians expressed concern that competencies were open to interpretation and applied inconsistently. However, Caucasians were more likely to question the quality of the recruiting process for African-American analysts and their qualifications, while African-Americans were more likely to question the quality, integrity and execution of the performance appraisal system.

The data shows that recruiting produces a pool of African American and Caucasian analysts with different characteristics. Also, success factors – such as having a Ph.D or being on a high-risk project - did not affect both groups similarly.

African American and Caucasian analysts experience the GAO workplace differently. This began almost immediately upon their arrival at GAO with the PDP and included the value of informal feedback, participation in informal networks, and other aspects of the workplace experience.

Recommendations

Ivy's final report provided more than twenty recommendations to the GAO. Many of the recommendations require a shift in the GAO culture. We also recognize that culture change does not happen quickly, but is cultivated by clearly and periodically articulating and reinforcing the expectations, creating the appropriate performance measures and incentives, and through leaders and managers modeling the desired behaviors. Many elements of the diversity change process require time to be fully executed; this is a journey. I will highlight a few of those recommendations.

We recommend that GAO take steps to create a more inclusive culture. Before thinking about diversity more broadly, we believe GAO will benefit from addressing the race issue directly in order to mitigate any barriers that may limit communication, coaching, and career development. GAO should provide skills training that focuses on difference as an organizational enabler. This includes learning to recognize talent when it is in a different package. We also recommend that GAO proactively assess the needs of other demographic groups as part of becoming more inclusive.

We recommend that the GAO culture seek to create more balance between managing the work and developing people. This includes managing the workload so that managers have more time to manage human capital; and equipping managers with the skills they need to more effectively manage human capital assets. GAO should create a culture of shared accountability for analyst development including mandating rather than suggesting development meetings, and increasing their frequency. Ongoing feedback and coaching should become a norm.

We recommend that GAO take steps to make the unwritten rules of the workplace known to everyone through analysis, communication, mentoring and training. We also recommend that GAO reassess how it evaluates performance including looking at the competencies, and minimizing subjectivities in the process.

Success comes by moving beyond strategy, and taking action. We therefore encouraged GAO to create performance metrics to monitor their progress.

The operating environment for this study was somewhat unique in that Ivy was consulting to the consultants. GAO sought an independent expert view, and received it. Although many of our recommendations require a shift in the GAO culture, overall GAO's senior leaders and employees have been receptive. Ivy will be involved in some aspects of the implementation of our recommendations. GAO has also taken steps independently to act positively on Ivy's recommendations.

This study centered on issues that are critical to the GAO workforce. And we believe that it has implications more broadly to the entire federal workforce. Issues of fairness, diversity, integrity, inclusion and transparency should be considered by all agencies. These issues impact the performance of our government. And they impact the experiences and careers of employees.

Thank you for the opportunity to testify.

Mr. Chairman, that concludes my prepared statement.

Mr. DAVIS. Ms. Chrisler, let me ask you, what happens when there is a complaint; and say if the complaint is found to be valid or there is validity, what happens as a result of that?

Ms. CHRISLER. Mr. Chairman, there are a number of results that could come about after having a finding that a complaint is valid. Let me just give a little background about our program and what it is we offer and the process that we have.

When an employee approaches our office with an inquiry, with an allegation of a violation of the CAA, we offer the counseling program, which is strictly confidential; we offer mediation, which is also confidential. And if the issue is not resolved in mediation or in counseling, then the employee has the opportunity to move forward to a complaint, either an administrative complaint filed with our office that goes before a hearing officer for an evidentiary hearing, or a civil action in court that goes through a court proceeding.

In answer to your question, once a determination has been made that the allegation of the violation of the Congressional Accountability Act is in fact an act of discrimination, a hearing officer or a court could award a number of things for the employee: could award damages, could award reinstatement, could award selection to the position for which there was a nonselection.

Going more to the matters at hand before this subcommittee, perhaps what could happen within the agency is that the agency take a look at some of the scenarios and circumstances that gave rise to the allegation where there was a finding of discrimination. Our office and our agency is not involved in that process in the aftermath of the finding of discrimination.

What we do is provide the process, the fair and neutral and impartial proceeding for the employee through our dispute resolution program. The education and outreach components of our statutory mandate does provide the agency with the ability and the authority to reach out to the agencies' employing offices and employees, and provide training and provide workshops and provide conferences to help assist them in addressing any of the issues that were part of the circumstances that gave rise to the allegation.

Mr. DAVIS. Does the agency receive any kind of instruction or recommendation? And, if so, where does it come from.

Ms. CHRISLER. Would you explain your question for me, Mr. Chairman?

Mr. DAVIS. The question is: Does the agency receive any kind of instruction? Does anybody say to the agency, you have been found to not be in compliance with the Accountability Act, and here's what we think you ought to do. Or, here's what you should do. Or, here's what you must do.

Ms. CHRISLER. Thank you for that clarification.

Once there is a determination that there has been a violation of the Congressional Accountability Act, if there is an administrative complaint filed—and I want to be clear in the distinction between the administrative complaint and the civil action, because our agency is not involved in the processing of the claim once it reaches district court. We are not even privy sometimes to the filing of a complaint in district court. But once there is a finding of a violation of the CAA through an administrative proceeding, the hearing officer will render a decision with an analysis of the facts and analysis

of the law and a determination as to why the circumstances that brought about—equal to a violation of the act.

In the hearing officer's decision, there is the remedy that is provided to the employee. Going beyond that, our agency does not step into the employing office and say, Now that this finding has been entered against you, you should do this or you must do that. Our act is very specific with respect to the jurisdiction that we have, with respect to dispute resolution programs, and we don't have that authority. However, our education and outreach program does allow us to hold these trainings and workshops in other seminars and other venues and functions should an employing office request our assistance. If the employing office receives the finding and says, "Office of Compliance, we would like for you to hold some training for us," we would be more than happy to sit down with the employing office and help them work through some of the underlying issues.

Mr. DAVIS. So the employee gets a remedy, but there is nothing necessarily that will keep the agency from doing the same thing again to another employee other than the fact that we got caught this time. And so if individuals don't continue to—as often happens. I mean, not every person will file a complaint, not every person will followup and follow through. And I am just trying to think through. Maybe we want to revisit a little bit and see if there is some way to help the agency to not do the same thing over and over and over again, as well as getting some remedy for the employee.

I really appreciate you taking me through that process.

Ms. CHRISLER. Thank you, Mr. Chairman. If I may add, we do hope that our proactive programs are helpful to the agencies and do act as information providing and educating the agencies in different methods that they can use to address issues. At a lower level, our dispute resolution conference we heard from the testimony was very helpful and very beneficial. Hopefully, our baseline survey that we have implemented, that we are hoping to get data back on, will also inform us of other areas where we can be helpful.

So in addressing the issue that you so eloquently raised, we hope that our actions and our efforts through our education and outreach program are helping the agencies be proactive, and not waiting to get to a point where there is a complaint filed and there is a hearing and there is a finding against the agency before they say, OK, well now what do we do? We want our efforts to help on the front end and not on the back end.

Mr. DAVIS. I recognize that you have not been with the agency an extended period of time. But have you had a chance to look at data and notice any trends that might relate to the last 5 years as to whether or not there is an increase in complaints, or are they about remaining the same or a decrease in any of the areas?

Ms. CHRISLER. Thank you for that. And I have not been with the agency for an extended period of time, but I have looked at some of the data that we have over the last few years. Let me preface this by saying we only see the numbers from our perspective. We only see a portion of the entire circumstances. So we don't see the agency's recruitment efforts. We don't see the internal informal programs that they have to address issues of discrimination and to

address other workplace issues. So we do see the numbers only of what's brought to our office.

But from what it is that we have seen, there is no significant changes in the numbers over the years to suggest a trend one way or the other.

Mr. DAVIS. Thank you very much.

Ms. Smith, let me ask you. You found there to be significant differences in the ratings of African Americans and Caucasian or non-African American staff at the GAO. As you found, or as this was revealed to you through your efforts, what came to mind in terms of your thinking about all of the individuals that obviously got hired. I mean, they all had certain prerequisites in order to merit hiring. They had all been to school, they have all basically got the same kind of credentials coming in. What went through your mind?

Ms. SMITH. Well, Mr. Chairman, this was what I consider to be groundbreaking work because the nature of the study allowed for the opportunity to go about answering the question in a very structured manner. So the statistical analysis allowed the opportunity to really isolate all of the factors that may have contributed to the performance, the average performance ratings disparity.

So at first what went through my mind was well, let's break it out to see what might be contributing, and the regression analysis allowed us to do that. So we could look to see, was it degree? Was it work background? What might be causing that difference? We were able to, through the data—and it was really important to perform the data analysis, because that allows people to really understand when it is looking at the data versus only talking to people to get their perspective. And the data showed that race indeed was a factor.

Now, what caused that? One of the most interesting things to witness was to be in those focus groups where we had focus groups with Caucasian analysts and then African American analysts, with Caucasian raters and then African American raters. And, again, the difference just in the voices in answering the question why the difference in performance ratings again was divided by race, such that Caucasian analysts, Caucasian raters are more likely to believe that it was a matter of the talent, the actual performance, while African American analysts and raters are more likely to believe that it was something about the system. Although, across the board, both African Americans and Caucasians said there is a lot of subjectivity in this system.

The answer is it is probably a "both and," both in terms of something about the performance—again, we were never able to determine is the actual performance consistent with the actual performance rating? So does the performance rating that says you are a great writer, is it actually consistent with you being a great writer, for both African American analysts and Caucasian analysts?

So the answer, we believe, is very much tied to developing people, understanding what it takes to do well, those unwritten subtle things that are going on, and learning to look at all kinds of differences not as less than but indeed as more than. And in terms of how do you actually address this, you address this through having a clear plan that is focused on organizational improvement, and then holding people accountable for executing that plan.

Mr. DAVIS. If you were asked to make some recommendations to GAO in terms of saying here's what I believe or we believe that you can actually do to strengthen diversification throughout your agency, what would you say to them?

Ms. SMITH. Well, we had the opportunity to make recommendations and there were more than 20. I think one of the key pieces is starting with an understanding that we must do this for our survival, because we are already a diverse agency and we need to be more inclusive. There is a lot of talent here. They couldn't have entered the work force unless they were talented. Let's understand what it really takes to do well here, and let's do it across the board, because we don't know that the Caucasian analysts who got high performance ratings performed better than those who didn't—even inside, even inside race. So let's understand what it takes to do well here, and make sure that everybody knows.

The beauty of transparency is if everybody knows the rules, then those who really perform well will be the ones that are the highest performers. If everybody knows the rules, then let's measure true behavior, true performance, and the agency wins. And when you look at diversity as that mission-critical enabler, that is when organizations do well, because they understand that we need the true talent to be leading this organization.

Mr. DAVIS. Well, let me just thank both of you, as we thank all of our witnesses for the evening. We may have some additional questions that we would like to submit to you and ask if you could respond to those in writing.

I appreciate greatly the work in which you are engaged, all of you, because I firmly believe that the greatest of all human desires is the desire to be treated fairly, equally, with equal protection under the law, and the notion that you will experience a sense of equal justice and that man is in absolute pursuit of that notion. And that as long as there are people who feel that is not happening to them and for them, then there will be the divergent notions and attitudes about our country, about America, and about how far America has actually come.

I think of the athletes who, if you hit 800 home runs, everybody knows that you are a superstar athlete. But if you were a minority athlete and you were kind of like a journeyman utility player, a guy who could make it but wasn't a superstar, you generally didn't stick around too long. I mean, before you knew it, you were back on the sand lot playing in pickup games. You had some skill, but you weren't a superstar and you just didn't stay long. And I know athletes who just had that kind of comparative resentment when they think of other players that they have known that they felt they were just as talented as. I mean, they were all scoring six points a game, which weren't that many, but they stayed a little bit longer.

So let me thank you as we struggle with this highly complex issue. We appreciate all of you coming, we appreciate your testimony, and we appreciate those whose endurance have kept you with us into the evening. So thank you very much. And this hearing is adjourned.

[Whereupon, at 5:48 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

Panel II, Questions for the Record
Hearing Topic: Legislative Branch Diversity Management Review
Conducted on September 16, 2008

All Witnesses:

1. Yes, we are aware that the Office of Compliance (OOC) offers training and workshops for agency personnel regarding workplace rights. The U.S. Government Printing Office (GPO) participated in the Alternative Dispute Resolution training sponsored by OOC in 2008 which was informative.

2. "Successor pools" are very important because they provide a pool of qualified individuals who can assume leadership positions. If GPO promoted women and minorities in direct proportion to their GS-15 successor pools there would be an improvement in the diversity of the senior level positions.

3. The U.S. GPO is creating an environment where individuals with disabilities can excel and gain promotion. GPO has a longstanding record in the employment of people with disabilities. We rank as one of the top Federal Government employers of people with disabilities. As of September 8, 2008, almost 7 percent of our workforce had a reportable disability and of that almost 2 percent are individuals with targeted disabilities. Most Federal agencies have less than 1 percent of their employees with targeted disabilities.

4. We have an effective and responsive program to provide reasonable accommodations to applicants and employees with disabilities which enforces our philosophy of hiring and retaining employees with disabilities. In addition, we also participate in efforts to increase our representation of people with disabilities such as our recruitment initiatives at the National Technical Institute for the Deaf.

GPO Questions

1. Yes, GPO intends to implement the Inspector General's recommendations as follows:

    a. GPO will continue to issue and disseminate to employees an annual signed written policy statement expressing the agency's commitment to equal employment opportunity as well as maintaining a workplace that is free of discriminatory harassment and practices.

    b. We will meet with the appropriate officials to discuss the integration of equal employment opportunity policy and practices into future agency strategic plans.

c. EEO officials presently meet with business unit managers. Discussions will be held with Human Capital (HC) and other appropriate officials regarding the development of an EEO plan for individual business units.

d. EEO and HC will work jointly to conduct an annual self assessment that will monitor the progress, identify areas where barriers may exclude certain groups, and develop strategic recruitment plans to eliminate those barriers to the extent possible.

e. GPO will continue to provide EEO officials with sufficient resources to monitor the workforce and identify agency practices that will help eliminate barriers.

f. HC will discuss incorporating compliance with applicable EEO laws and EEOC regulations in the performance standards for all managers including SLS personnel.

United States Government Accountability Office
Washington, DC 20548

October 10, 2008

The Honorable Danny K. Davis
Chairman
Subcommittee on Federal Workforce,
Postal Service, and the District of Columbia
Committee on Oversight and Government Reform
House of Representatives

Subject: *Posthearing Questions on Diversity Management*

On September 16, 2008, I testified [1] before the Subcommittee on a hearing entitled "Legislative Branch Diversity Management Review". This letter responds to a request that I provide answers to questions for the record. The questions, along with my responses, follow.

Questions for all witnesses

1. **Are you aware that the Office of Compliance (OOC) offers training and workshops for agency personnel regarding workplace rights? If yes, what is your opinion of OOC's training? If no, would it be helpful if OOC had a structured training program for EEO and diversity issues?**

   Since GAO employees do not usually interact with the OOC, I was not aware that the OOC offered training and workshops and therefore I do not have a basis to judge whether a structured training program for EEO and diversity issues would be helpful.

2. **Why are the "successor pools" important? What would be the outcome if your agency promoted women and minorities in direct proportion to their GS-15 successor pools?**

   Successor pools are important because they represent the source of candidates for promotion to leadership and executive positions. Since most leadership positions are filled by promotions of internal candidates, agencies should have diverse successor pools, in order to have a diverse cadre of leaders.

   Because GAO's SES population is very diverse, promoting women and minorities in direct proportion to our GS-15 successor pools would increase representation of some populations while the representation of others would decrease. Specifically, using the fiscal year 2007

[1] GAO, *Diversity Management: Important Actions Taken and Planned to Further Enhance Diversity*, GAO-08-1160T (Washington, D.C.: Sept. 16, 2008).

data from our Inspector General's report on diversity,[2] the percentages of women and Hispanics would increase, while the percentages of African Americans and Asian Americans would decrease. The following table summarizes the percentages of women and minorities at the SES and GS-15 levels as of fiscal year 2007.

Table 1: Diversity at the SES and GS-15 Equivalent, Fiscal Year 2007 (in percentages)

Pay Level	Population Group			
	Women	African-Americans	Asian-Americans	Hispanics
SES	42.9	11.1	4.8	1.6
GS-15 and equivalents	45.6	10.6	3.5	4.4

Source: GAO.

3. **What are your respective agencies doing to hire and promote persons with disabilities?**

GAO is taking several steps to hire and promote persons with disabilities. As identified in our June 2008 Workforce Diversity Plan, we plan to

- interview current staff with disabilities to determine what led them to join GAO and identify the recruitment efforts that have been successful in the past;
- develop stronger relationships with universities, institutions, and organizations that work with disabled students; and
- use our noncompetitive appointment authority to hire qualified candidates with disabilities.

Additionally, we have made arrangements to attend a career expo for people with disabilities in Washington, D.C. on November 17, 2008. In terms of promotions, our internal review of the promotion process will focus on staff with disabilities to ensure that they have been treated fairly.

Questions for GAO

1. **GAO has touted the fact that it publishes its complaint and discrimination data on its agency Web site. However, the IG report found errors in the FY 2007 data posted on the website and reported to Congress. In addition, the IG could not verify the number of days it takes your office to process complaints.**

   a. **As the government's premier auditor and fact finder, why doesn't GAO have controls and systems in place to ensure that its own data is accurately recorded and documented?**

   The errors were mostly due to an unusually large number of complaints filed by one individual that were not processed by the Office of Opportunity and Inclusiveness (O&I) in order to avoid any appearance of conflict of interests. We did not have adequate procedures for tracking complaints removed from O&I. We have taken steps to improve our controls and systems. We are revising the discrimination complaint order to clarify responsibilities and procedures when a complaint concerns staff within O&I. We are also strengthening our internal controls for tracking, reviewing, and reporting on complaint data.

[2] GAO, *Diversity at GAO: Sustained Attention Needed to Build on Gains in SES and Managers*, GAO-08-1098 (Washington, D.C.: Sept., 10, 2008).

b. **Since the IG was unable to come up with a number, in your estimate, on average, how long does it take to process a complaint?**

For fiscal year 2008, as of June 30, 2008, the average number of days in investigation stage was 87 and the average number of days in final action stage was 139.

2. **Previously, GAO told the Subcommittee that its performance management system had checks and balances in place to ensure inter-rater reliability. Why didn't GAO's system neutralize or catch the rating disparities between African American and Caucasian analysts?**

GAO has two rating review processes. The first review process is designed to ensure inter-rater reliability and functions on a team-by-team or unit-by-unit basis and to consider the ratings for a single year. The second review process examines rating data agency-wide and compares the data from year to year. The agency-wide review process identified the rating disparities between African American and Caucasian analysts, which led to GAO's decision to seek an independent, third-party assessment of the causes for the ratings disparities.

3. **GAO had the lowest percentage of Hispanics in its SES among the six legislative branch agencies—specifically how does GAO plan to address this gap?**

GAO plans to improve the representation of Hispanics in our SES through long term and short term efforts. In the long term, as listed in our June 2008 Workforce Diversity Plan, we are committed to recruiting more Hispanics. In support of this goal, we plan to expand our relationships with Hispanic-serving institutions as well as expand the range of sources from which candidates are found. In August 2008 we worked with staff from our Hispanic Liaison Group and participated in a job fair focused on hiring Hispanics. We expect that efforts such as these will bring in more Hispanics at the entry level. In the shorter term, we anticipate that the percentage of Hispanics in the SES will increase because there is greater representation of Hispanics in the Band III/GS-15 successor pool. Specifically, as of April 2008, about 4.4 percent of the Band III/GS-15 staff were Hispanics—more than twice the representation level in the SES. O&I is working with GAO's executive committee and unit leaders to ensure that sufficient development opportunities are being provided.

If you or your staff members have additional questions, please contact me at 202-512-8401 or stromanr@gao.gov.

Ronald A. Stroman

Ronald A. Stroman
Managing Director,
Office of Opportunity and Inclusiveness

Questions for the Record

1. Are you aware that the Office of Compliance (OOC) offers trainings and workshops for agency personnel regarding workplace rights? If yes, what is your opinion of OOC's training? If no, would it be helpful if OOC had a structured training program for EEO and diversity issues?

Answer:

A number of Library staff have attended training provided by the OOC on mediation and dispute resolution processes. We have found the training to be sufficient and comparable to industry standards. OOC's jurisdiction over Library workplace issues is limited to occupational safety and health, employee rights programs, and a few other discrete areas.

The Library is participating with other Legislative Branch agencies' human resources officials in regular meetings to discuss common issues and we will stay abreast of training opportunities offered by the OOC. Subsequent to this Subcommittee's first legislative branch hearing, the agencies created a Legislative Branch Diversity Council to advance diversity in our individual agencies, discuss critical issues our agencies face in common, and share best practices. The Council is meeting next on October 22.

2. Why are the "successor pools" important? What would be the outcome if your agency promoted women and minorities in direct proportion to their GS-15 successor pools?

Answer: Most federal agencies, including the Library of Congress, confront a "retirement bubble" that is particularly pronounced at the senior leadership levels. In the Library's case, a significant majority of our senior executives will be retirement eligible within the next five years. It is essential, therefore, that we put our efforts into multiple fronts – internally developing a cadre of Library staff who are ready to assume senior leadership roles, and externally recruiting a diverse group of trained professionals with 21st century skills. We share the concern of several of our sister agencies, however, that it will be difficult to maintain a diverse successor pool in years to come, since the diversity of newly trained professionals emerging from library schools and other professional programs is likely to remain static or decrease.

Our draft succession plan, which we anticipate finalizing within one month, includes training and knowledge transfer strategies to ensure that staff have opportunities for upward mobility and are prepared to perform well at the senior level before the need arises. Diversity has been a key element of the Library's Leadership Development Program, which helps prepare employees at the GS-11 through GS-13 levels for leadership positions. In fiscal 2009, diversity will also be an important consideration as we design the Library's future Senior Leadership Development Program, which will target employees at the GS-14 and GS-15 levels for executive positions.

For the period ending September 30, 2007, the percentage of women and minorities in the Library's senior level ranks slightly exceeded the percentages found in the GS-15 successor pools. There is greater diversity within the larger GS-13 through 15 pools. The Library continues to provide and implement excellent training and development opportunities for upward mobility within our own ranks.

3. What are your respective agencies doing to hire and promote persons with disabilities?

Answer: The Library is committed to hiring and promoting persons with disabilities. The Library has recently revised its Selective Placement Program specifically for disabled candidates and will effect these revisions as part of the redesign of the Office of Workforce Diversity. Under this program as revised, a disabled applicant could, outside of the Merit Selection System, receive 1) a selective placement appointment for a one-to-two-year period, during which time he or she may be converted to a permanent position if performance is acceptable or 2) a temporary (up to 120 days) appointment, during which time he or she could receive a selective placement appointment if the applicant possesses the needed competencies.

The Office of Workforce Diversity, as redesigned, will include a Selective Placement Manager to utilize and maintain a register of disabled applicants, advise managers of candidates available for jobs under special hiring authorities, provide managers information on reasonable accommodations and needs assessments for applicants and employees, coordinate recruitment efforts for disabled applicants, and provide information about job opportunities and reasonable accommodations to applicants as well as to public and private organizations involved in the placement of applicants with disabilities.

4. What is the status of the LOC's reorganization of its diversity office?

Answer:

Prior to this Subcommittee's 2007 hearing, the Library's Chief Operating Officer requested our Inspector General to initiate a review of the Library's OWD. The IG reported that the existing OWD structure was overstaffed, over-graded, and unable to reliably demonstrate results. Following this IG review we extensively assessed ways to restructure and reorganize the OWD to better align its functions with the Library's strategic workforce goals reflected in both our Strategic Plan and the Multi-Year Affirmative Employment Program Plan, as well as fulfill the specific recommendations made in the IG report.

Our reorganized OWD will be more focused on mission-critical activities, and will be staffed and positioned to: monitor our demographic profile; identify root causes, trends, and solutions regarding diversity and fairness in the workplace; devise recruitment strategies; evaluate career development opportunities and programs; assess hiring trends, and improve Library inclusiveness and accountability throughout the organization.

For this restructured OWD, the Library is revising employee position descriptions to reflect the skills and competencies needed to carry out these tasks. We have completed a review of grade and staffing levels. The Library is using several organizational development flexibilities to manage the restructuring, in consultation with our oversight committees. In early June, the Library requested, and the Office of Personnel Management granted, permission to use Voluntary Early Retirement Authority ("early-outs"), since a majority of the OWD employees are retirement-eligible. In July, we formally requested from our congressional oversight committees authority to provide Voluntary Separation Incentive Payments ("buyouts") to offer, in a highly-targeted manner, $25,000 retirement payments to the OWD employees. OWD employees not exercising either of these options would be eligible to apply for positions in the restructured office and throughout the Library.

The Library has already begun the extensive analysis of workforce demographics that will create a baseline and be a critical element of planning for Library staff development. We already know that we need to do more to recruit and retain Hispanics at all staff levels, and believe individuals with disabilities are also underrepresented at the Library.

Phone: 202-224-5151

UNITED STATES CAPITOL POLICE
WASHINGTON, DC 20510-7218

House Committee on Oversight and Government Reform
Subcommittee on Federal Workforce, Postal Service, and the District of Columbia

Hearing Topic: "Legislative Branch Diversity Management Review"
September 16, 2008

Responses to Questions for the Record

General questions for all witnesses:

1. **Are you aware that the Office of Compliance (OOC) offers training and workshops for agency personnel regarding workplace rights? If yes, what is your opinion of OOC's training? If no, would it be helpful if OOC had structured training programs for EEO and diversity issues?**

   We are aware that OOC offers training and workshops for agency personnel regarding workplace rights; however we have not surveyed the few USCP employees who have attended and are not in a position to provide an opinion on the training. The Department believes that it would be helpful if OOC had structured training programs for EEO and diversity issues as they relate to the legislative branch agencies. While the Department intends to continue to send our investigators to the EEOC for their formal training, having EEO and diversity training for our sworn and civilian employees available through the OOC could be beneficial and cost effective. If such training were to be initiated by the OOC, we would include it in our Master Training Plan for our employees.

2. **Why are the "successor pools" important? What would be the outcome if your agency promoted women and minorities in direct proportion to their GS-15 successor pools?**

   "Successor pools" are important to achieving diversity in the senior ranks of any organization, but they are especially important in a law enforcement agency where the majority of positions above entry-level are filled through experience and by promotion 'through the ranks'. The Department has only 24 senior level positions and 79 positions in its 'successor pool'. Consequently, it would only require the promotion of one or two employees from the successor pool to have a significant impact on the proportion of women and minorities in our senior level positions. Unfortunately, due to their limited numbers, these senior level positions may not become available for promotion frequently. However, the Department is committed to continuing to increase the number of women and minorities in the 'pipeline' and in our successor pools, and encouraging these women and minorities to apply for the training and experiences that will enable them to be competitive when senior level positions become available.

3. **What are your respective agencies doing to hire and promote persons with disabilities?**

   The Department currently employs persons with disabilities; however, we do not yet have a formal plan for identifying positions that may be performed by those with disabilities and then reaching out to the disabled community for advertising and recruitment purposes. We have made tentative inquiries with the Department of Veterans Affairs in becoming a partner in the Wounded Warrior Program. We will pursue this initiative as we fill civilian vacancies in fiscal year 2009.

Questions specific to the U.S. Capitol Police:

1. **The USCP IG noted that USCP does not have a formal diversity program or EEO office. Does the USCP intend to create a diversity program or EEO office? If yes, when? If not, why not?**

   The Department is committed to creating a diversity program in fiscal year 2009 and the position description for the Diversity Officer position is currently in process. We intend to fill this position by the end of calendar year 2008.

2. **The IG report found that USCP personnel conducting discrimination investigations lack formal training. How do your intend to remedy this problem?**

   The Department has remedied this situation since the IG completed his report. Currently 4 of our 5 investigators (80%) have completed the 32 hour EEO discrimination investigation training at the EEOC training facility. We also intend for our investigators to receive training on the Congressional Accountability Act and EEOC refresher training going forward.

3. **What steps does the Capitol Police plan to take to increase the representation of minorities and women in its SES? In what ways does this differ from the steps the Capitol Police have taken in the past?**

   The department will continue to recruit and train increased numbers of women and minorities, as it has for the past several years, however with the inception of our Diversity Office and the full implementation of our Strategic Human Capital Plan this year, we will formalize these efforts and be better positioned to identify potential barriers and resources to help us overcome these barriers. This should increase the retention and promotion of the women and minorities we have hired and enable us to better measure our progress against targeted goals. In addition, the Department has recently initiated a series of leadership training courses which should increase the ability of our current employees to move into more senior level positions.

a. **What, specifically, does the Capitol Police plan to do to increase the representation of Asian officials in its SES ranks?**

The department has already increased its recruitment and hiring of Asians into both its sworn and civilian ranks. In fiscal year 2008, Asians represented over 10% of our new hires. Currently Asians represent only 3% of our 'successor pool'; however there are several more Asian employees positioned to compete for this successor pool in the near future.

4. **USCP's own regulations and EEOC best practices recommend that disciplinary reviews and EEO complaints should not be handled by the same office. However, both functions are being handled by USCP's Office of Employment Counsel.**

a. **How and when does USCP intend to separate these functions into two different units?**

The Department is considering moving its disciplinary reviews to its Office of Human Resources, so that the Office of Employment Counsel can continue to represent the Department and the Board in any EEO complaints without the appearance of a conflict. The Department will coordinate with the Capitol Police Board to try to make this change in the current fiscal year.

I have attached a table for USCP responsive to Mr. Clay's request from my office. Also, in response to the question: "Does USCP have goals for people with disabilities? (have you identified areas of work preference for the disabled.)", the USCP response is below.

> At the present time, USCP does not have specific goals for people with disabilities and does not track this data for its current workforce.
>
> The Department does currently employ people with disabilities, primarily within its civilian workforce. Once we establish our Diversity Office, this goal will be considered along with determining our goals for the recruitment and retention of women and specific minorities. Also, the Department has made tentative inquiries with the Department of Veterans Affairs in becoming a partner in the Wounded Warrior Program. We will pursue this initiative as we fill civilian vacancies in fiscal year 2009.

Regards,

Carl W. Hoecker
Inspector General
U.S. Capitol Police

United States Capitol Police Workforce Diversity

Table 1– USCP Total Workforce Contrasted with Senior Level Employees and Developmental Pool as of September 30, 2007

Employees	**Total Workforce**		**Senior Level Employees**		**Developmental Pool for Senior Positions**	
Males	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**
White	995	49.73%	12	57.14%	38	57.58%
African American	427	21.34%	2	9.52%	6	9.09%
Asian American/Pacific Islander	38	1.90%	0	0.00%	2	3.03%
Hispanic American	66	3.30%	1	4.76%	0	0.00%
Native American	4	0.20%	0	0.00%	0	0.00%
Total Males	**1530**	**76.46%**	**15**	**71.43%**	**46**	**69.70%**
Females						
White	232	11.59%	6	28.57%	13	19.70%
African American	212	10.59%	0	0.00%	6	9.09%
Asian American/Pacific Islander	5	0.25%	0	0.00%	0	0.00%
Hispanic American	19	0.95%	0	0.00%	1	1.52%
Native American	3	0.15%	0	0.00%	0	0.00%
Total Females	**471**	**23.54%**	**6**	**28.57%**	**20**	**30.30%**
Overall Totals	**2001**	**100.00%**	**21**	**100.00%**	**66**	**100.00%**

Percentages may not total due to rounding.

USCP does not have SES positions. For senior level positions, we included equivalent graded USCP employees CP 14 and 15, administratively determined positions, and Deputy Chiefs.

The vast majority of potential successors for career SES positions come from the general schedule pay (GS) pay plan for grades GS-15 and GS-14. USCP does not have GS-15 and GS-14. For succession or developmental pool, we included equivalent graded USCP employees of CP 12/13, Captains and Inspectors.

SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND THE DISTRICT OF COLUMBIA

HEARING TOPIC: "Legislative Branch Diversity Management Review"

QUESTIONS
PANEL II

All Witnesses - CBO

1. **Are you aware that the Office of Compliance (OOC) offers training and workshops for agency personnel regarding workplace rights? If yes, what is your opinion of OOC's training?**

   Yes. We have had a few managers and HR staff members participate in two different Alternative Dispute Resolution trainings provided by OOC. The consensus among those who attended was that it was well put together and worthwhile.

2. **Why are the "successor pools" important? What would be the outcome if your agency promoted women and minorities in direct proportion to their GS-15 successor pools?**

   The products CBO produces and the role we fulfill for the Congress are very unique. In very few other agencies can individuals gain CBO applicable work experience. As a result, most managers at CBO are promoted from within the agency and the experience necessary to manage work groups to produce CBO products is best gained at CBO. This experience makes successor pools very important to our ability to develop future managers.

   If CBO were to promote directly in relation to the populations in its successor pools, the results would be mixed. The number of women in the GS-15 equivalent pool is about 40% - which is more representative of the overall CBO workforce and reflective of the pool of candidates from which we draw. (Approximately 30% of new Ph.D.s and 58% of new master's in public policy/administration are women.) Therefore, for women the outcome would increase the current number of SES-equivalent to a number that is more representative.

   Unfortunately, because the percentage of minority staff members at the GS-15 equivalent level is smaller than that of the current SES equivalent staff size, promoting in direct proportion in that area would cause diversity at the SES-equivalent level to suffer. As a result we must continue to recruit diverse mid-career staff at the GS-15 equivalent level to the extent possible, and we must continue to retain and invest in diverse CBO staff members with less experience so as to further develop the GS-15 equivalent pool.

3. **What are the respective agencies doing to hire and promote persons with disabilities?**

CBO searches the resume bank of The Employer Assistance & Recruiting Network (EARN) for resumes of disabled persons who may fit our educational and experiential needs. EARN is funded by the Department of Labor's Office of Disability Employment Policy.

We have also provided employment information to the economics program and career services office at Gallaudet University and have started discussions with them about how we may best get information directly to their 3 economics majors. In addition, we have contacted the offices which work with students with disabilities at the local universities to learn how we may do the same for economics majors at those schools.

Finally, we have recently identified a career fair hosted in Washington by Careers and DisABLED magazines that will be held in November and we are investigating participation. (We have shared information about this career fair with our legislative branch sister agencies.)

4. **Workforce Diversity Table Requested by Representative Clay**

CBO Workforce Diversity as of September 1, 2008

		Total CBO Staff		SES Equivalent		GS-15 Equivalent	
Gender	**Race/Ethnicity**	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**
Men	African-Americans	6	2.6%	1	2.8%	2	2.8%
	Asians	6	2.6%	1	2.8%	0	0.0%
	Hispanics	2	0.9%	0	0.0%	1	1.4%
	Native Americans	0	0.0%	0	0.0%	0	0.0%
	White	117	50.0%	26	72.2%	40	56.3%
	Total Men	131	56.0%	28	77.8%	43	60.6%
Women	African-Americans	16	6.8%	1	2.8%	0	0.0%
	Asians	5	2.1%	1	2.8%	1	1.4%
	Hispanics	3	1.3%	1	2.8%	0	0.0%
	Native Americans	0	0.0%	0	0.0%	0	0.0%
	White	79	33.8%	5	13.9%	27	38.0%
	Total Women	103	44.0%	8	22.2%	28	39.4%
Total		234		36		71	

○