

**Statement of Saul Schneiderman  
President  
of the  
Library of Congress Professional Guild  
AFSCME Local 2910  
Before the Committee on Appropriations  
Subcommittee on Legislative Branch Appropriations  
U.S. House of Representatives  
May 5, 2009**

Madam Chairwoman, Mr. Ranking Member and Members of the Subcommittee, thank you for providing us with this opportunity to testify and present you with our concerns. The Library of Congress Professional Guild, AFSCME 2910 represents 1500 professional employees at the Library of Congress.

The Guild thanks the Subcommittee for the support it gave the Library of Congress in the last budget cycle. For Fiscal Year 2010, the Library is requesting a total budget of \$699,371,000, an increase of \$52,610,000, or 8.1% above our fiscal 2009 funding level. We support this budget since most of the requested funding serves absolutely vital Library programs. In particular, the Guild supports the request for additional funding to modernize the information technology systems supporting in some way virtually all programs at the Library.

Except that another century has passed, Oscar Wilde's quip still stands: "The youth of America is their oldest tradition. It has been going on now for three hundred years." This country has maintained its youthful vigor over the centuries by embracing change through communications and technology, by the exchange of information, and by applying a rule of law which protects all of our citizens.

Fifty years ago, one could view the Library of Congress as an institution which stored dusty books and produced a card file to identify its holdings, and maintained a "public record" of copyright information which was only accessible to those willing to travel to Washington. Today, it is an entirely different institution because its intellectual and cultural resources are ever more available to world-wide communities of diverse interests and backgrounds. It must lead in a dynamic and expanding universe of information. It also provides specialized library services to its most important client – the Congress. The Library of Congress has missions which are central to the success and vitality of our nation and we hope this budget request meets with your approval.

### **Employee Survey**

Recently, about 2,000 staff members participated in the Library of Congress Employee Survey, and the results have just been released. We are pleased to report to the Subcommittee that these employees report high levels of job satisfaction, especially in the area of work performance. Positive responses were recorded for "the people I work with cooperate to get the job done" (81.7%), "my work gives me a feeling of personal accomplishment" (72.1%); "I am held accountable for achieving results"(73.3%) and "my performance appraisal is a fair reflection of my performance (63.5%). And 79.8% of respondents rated the overall quality of work performed by their work group as "positive." The Subcommittee can rest assured that as long as the Library of Congress maintains a good work environment where the staff can continue to develop their skills, that we will consistently provide high levels of quality service and performance to the Congress and the American people.

### **Transit Fare Subsidy**

Please support the Library's request for an increase in the level of transit fare subsidy. This is the very

best way to encourage staff to use mass transit and to lower pollution levels and alleviate traffic and parking problems on Capitol Hill. Last year Forbes magazine rated Metro Washington, DC as the 8th worst traffic city for commuters in the nation, worse than Los Angeles and San Francisco. As for air quality, the American Lung Association ranked the region of Baltimore/Washington/Northern Virginia as the 9th worst urban area polluted by ozone.

### **Merit Section**

In 1975 Howard Cook, a library technician working in the Congressional Research Service, walked into the Equal Employment Opportunity (EEO) Office and filed a complaint which eventually resulted in changes to the procedures by which the Library rates and ranks job applicants. The goal of Mr. Cook and his colleagues (Cook Class Action Case) was to purge bias from the job selection process and to persuade the Library to promote more African Americans from within. The Office of the General Counsel and Human Resources Services, which last year processed over 18,000 job applications, are to be commended for maintaining safeguards designed to ensure equity and fairness in the merit selection process. The Library's Merit Selection Plan could well serve as a model for other federal agencies, though barriers persist at the Library for some staff who have proven themselves to be qualified.

### **The Office of Opportunity, Inclusiveness and Compliance (OIC)**

Its name is unfamiliar to staff and difficult to remember, but this new office replaced the former Office of Workforce Diversity which was downsized and reorganized last year. The responsibilities of OIC are critical: equal employment opportunity complaints processing, alternative dispute resolution, affirmative action programs, and an interpreting services program for deaf and hard of hearing employees and members of the public.

Unfortunately, the advent of OIC has been marked by administrative turmoil. First and foremost it appears to us that the Equal Employment Opportunity Complaints Office has been virtually shut down. Title VII of the Civil Rights Act requires the Library to have an EEO program and we, as a labor organization, have been assured that discrimination complaints will continue to be processed. But, in general, there is no guidance to the workforce on changes to the process and, quite frankly, the office appears to be in an official state of neglect.

When we testified before you last year we identified to members of the Subcommittee an inherent conflict of interest in processing discrimination complaints at the Library of Congress. The Librarian of Congress is the employer and respondent in charges of discrimination and is also the official charged with making final decisions on EEO complaints against his agency. In other words the Librarian of Congress is responsible for enforcing EEO laws against himself, and, therefore, rarely rules for the complainant. Is it any wonder, then, that to obtain redress employees must go to court and incur all the expenses of litigation? Surely there is a better way.

The Dispute Resolution Center, like the former EEO Office, seems to have vanished and its doors are also locked. No office space is currently dedicated for EEO complaints and there is no "Center" for employees who wish to resolve disputes informally through mediation. The former staff of twenty in the Office of Workforce Diversity has been whittled to six clerical and administrative employees and contractors are now carrying out dispute mediation, EEO complaints processing, and interpreting services for deaf employees and members of the public.

The Guild is committed to the process of alternative dispute resolution because this process is less contentious and the outcome is more comprehensive. Many of the professionals we represent prefer to resolve disputes at the lowest possible level utilizing the skills of a mediator who is a competent neutral. We have worked with OIC on a process to move forward with contractors but disruptions to

the program have been harmful to some employees.

For the third year, the Guild comes before you to highlight deficiencies in the Interpreting Services Program. We support the deaf and hard of hearing staff in their advocacy for a staff interpreter and we provided many details in our testimony last year outlining why we take this position. In decline since 2004, interpreting service has deteriorated further this year after the OIC reorganization prompting grievances and charges of discrimination. OIC made a unilateral decision to reduce and contract out interpreting service despite objections from deaf and hard of hearing staff. None of the OIC staff responsible for coordinating and scheduling interpreting service has a background in deaf culture or the ability to communicate with deaf employees. This great institution needs an interpreting service worthy of its mission. Sadly, the Library is not meeting its obligation to deaf and hard of hearing employees and the public and we must ask: how much longer can they wait? For more background on deaf and hard of hearing employees at the Library of Congress, please see our 2008 testimony which is posted on our website at [www.guild2910.org](http://www.guild2910.org).

And so a rebuilding job lies ahead and congressional oversight may be needed to assure an effective implementation of OIC programs. We urge the Librarian to appoint a permanent director and we wish to meet with that individual on Day One.

### **Labor Relations**

Last year we expressed to you our concern that the Office of Workforce Management was promoting a labor relations agenda that did not serve the best interests of the Library of Congress. We believe a course correction is in order. Costly and partisan actions taken by this office are similar to union-avoidance tactics that cause so much conflict in the private sector. When these actions have gone forward to outside arbitrators, the Federal Labor Relations Authority and the Federal Services Impasses Panel, the Guild has prevailed and we are stronger than ever before. But these actions by the Library are a poor use of tax dollars and we call on the Library to promote a less confrontational and more cooperative Labor Relations program.

### **Support for Staff Specialization**

Another significant event during the past year occurred in October 2008, with the reorganization of the Acquisitions and Bibliographic Access (ABA) Directorate, the unit of the Library responsible for acquiring, organizing, and making accessible the Library's extensive collections. The ABA reorganization merged two traditional Library functions, acquisitions, the actual acquiring of digital and physical materials for the Library's collections, and cataloging, the creation of bibliographic records which describe those items and provide the basis for retrieving those materials and managing the physical inventory of the Library's collections.

The ABA reorganization has had a significant impact on hundreds of the Library's employees because it moves them into a new "blended" and greatly expanded position description, which is so general in nature that many staff members may never perform the full range of duties described there. Although we respect the Library's desire to promote efficiency, there is a real concern that this broad merging and mixing of duties will inevitably result in a dilution of the highly specialized skills of the Library's professional staff.

Traditionally, senior staff in the Acquisitions and Bibliographic Access Directorate, who often bring unique language skills and advanced educational degrees to their positions, have had the opportunity to truly function as experts in one area of librarianship by focusing on a discrete set of activities based around a language or subject specialty. The Acquisitions and Bibliographic Access Directorate's greatest resource is its highly trained workforce, many of whom have devoted their careers to developing the skills necessary to support the Library's mission of making America's creativity and

the world's knowledge accessible. The records and information provided by the Library are considered authoritative and are adopted and used by libraries throughout the world.

We call upon the Library to preserve and foster the skills of its professional employees by resisting the temptation to reduce its professional staff to "generalists" without the specialized skills and expertise needed to continue to provide the unique services to the libraries of the world that have made the Library of Congress a preeminent American cultural institution.

### **Crisis in the Copyright Office – Part II**

The Copyright Office is requesting a total budget of \$55,476,000 of which \$34,476,000 will be offset by fees generated from delivering services, and \$20,864,000 will be appropriated dollars. The Guild supports this request, but repeats the caveat we made in our testimony last year that enactment of the Copyright Office's full request will not enable the Office to complete all its work in a timely manner.

This reality is due to continuing inefficiencies resulting from the implementation of a new electronic processing system in 2007. The new system provides a method for the public to file an electronic copyright registration claim, known as an e-service claim. However the Copyright Office continues to receive many registration claims in paper format, which are referred to as "ingested claims," because these must be converted to electronic format by the staff of the Copyright Office before they can be processed in the new system. The necessity to key-in and manipulate this information to make it usable in the electronic system is a burdensome inefficiency which has bogged down the entire Copyright Office.

In fiscal year 2008, the Copyright Office received 559,653 claims, and the Office registered 232,907 claims, which constituted 41.6% of receipts. Virtually all of the claims not registered were placed in a backlog. When the Guild testified last May, the backlog in the electronic system was about 300,000 copyright claims. Today, the backlog is over 520,000 and grows by a few thousand new claims every week. Management believes the backlog will stop growing in a few months. The Guild believes the backlog will continue to grow. At current rates of productivity, it would take existing staff almost two years to eradicate the backlog without doing any other work.

This year the Copyright Office will likely register slightly more than 300,000 copyright claims. The increase over last year is due solely to the increase of e-service claims coming into the Office. In July of last year the Office finally made e-service available to the general public, and e-service claims rose to slightly over 50%. Since processing e-service copyright claims is far more efficient than processing ingested claims, productivity has roughly doubled from last May. Yet even with a doubling of productivity over this time last year, the Office is still far short of completing weekly receipts. Backlogs in e-service claims awaiting processing now exceed 40,000. Processing time for ingested claims now stands at 17 months, and processing time for e-service is around 6 months. The wait time is increasing in both categories. This is a stark contrast to the 4 month average processing time before the reengineering effort which implemented the new electronic system.

All agree to the necessity of an efficient electronic system. This efficient electronic system is not yet a reality. Despite the fact that numerous mistakes were made in implementing the new electronic system, the office is continuing to follow much the same course plotted out eight years ago. Therefore, the most pressing concern now is how to move decisively toward a stable and efficient system that will serve the office for the long term.

To assist in evaluating the alternatives available to the Copyright Office, the Guild recommends the hiring of a contractor to do usability testing and design review of the electronic system currently being used by the Copyright Office. The hiring of the contractor should be done outside of the Library of Congress, since a contractor anticipating further contracts from the Library would likely not produce

an objective report. Analysis of the electronic system by outside experts un beholden to Copyright Office management is the best means to evaluating alternative paths for moving the agency effectively forward.

It should be noted, that despite the exponential growth in the backlog, there are numerous heroes among the staff who, in a stress-filled environment full of obstacles, register thousands of copyright claims a week, and answer tens of thousands of telephone inquiries in the same time period. These employees, graded at GS-11 and GS-12, have become the true experts at performing work in the Copyright Office. Top graded personnel of the agency, by and large, cannot use the electronic system due to its complexity. Clearly one means to address the growing backlog is to increase staff where there is success, such as the position of registration specialist. Despite the creativity of the staff in overcoming the daily challenges to the new processing system, Copyright Office positions remains undergraded compared to comparable jobs in the Library.

### **Food Service**

In June the Library plans to award a new contract to operate its food service facilities. We ask the Subcommittee to join with us in urging the Librarian to award this contract to a vendor whose employment practices are fair and equitable. Employees have a great deal of affection for the food service workers at the Library who have provided us with efficient service for so many years and brightened our days. They deserve respect and their union contract should be upheld.

### **Life Safety**

We urge Congress to approve funding requests by the Architect of the Capitol to remedy fire safety and life safety deficiencies in Library buildings. We need fire door and exterior door improvements, sprinkler systems, elevator modernization, and egress improvements as described in the Architect's request to meet code requirements and to properly protect the great treasures in our care along with the safety of employees and visitors to our public buildings.

### **In Closing**

In closing, we thank again this Subcommittee for all the previous budgets requests of the Library of Congress you have approved. We hope the budget request for fiscal year 2010 meets with similar approval. We also urge that Committees, Subcommittees, and interested Members of Congress who have ideas for bettering the Library of Congress to voice those concerns. While there are many fine programs at the Library, there are significant areas where improvement is in order.