

**Statement 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 1, 2007**

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 Local 2910, represents over 1600 professional employees at the Library of Congress. These employees are dedicated to providing the best possible service to Congress and the American people and we wish to use this occasion to present you with their concerns.

The Library of Congress is the oldest federal cultural institution in the United States, having begun in 1800. As is true of all great institutions, the Library serves many communities and clients. The Library serves the Congress by providing a number of vital services, including specialized library services; the authoring of complex studies in support of legislative activities; and maintaining one of the most used Web sites in the country. The Library serves the blind and physically handicapped through its “talking books” program and, through its Copyright Office a national copyright registration system is sustained serving owners and users of copyrighted works. The Library serves the library community by providing high-quality and accurate bibliographic records, through the operation of the gift and exchange program, and through participation by staff members at professional meetings, and many other activities. And of course the Library serves the American public in a myriad of ways.

For the fiscal year 2008, the Library requests a total budget of \$703.339 million (661.616 million in net appropriations and \$41.723 million in authority to use receipts) an increase of \$99.716 million above the FY 2007 level. With one caveat, the Guild strongly supports the Library’s request. While the budget request is no small sum, it should be considered in light of protecting the intellectual basis on which the American society rests.

The Library’s vast print and digital collections – in many languages – provide assistance to researchers around the world. The catalog record of both the Library and the Copyright Office provide a comprehensive record of intellectual production in the United States and abroad as well as assisting libraries to organize their own collections. While the various Internet search engines are amazingly efficient in retrieving nuggets of information, in-depth knowledge can only be gained by utilizing the resources available in libraries. Through the Library’s dynamic Web site, vital information is being provided for free on a world-wide basis. Yet, the collections of the Library house numerous unique or copyrighted materials that are only available for research at the Library. Given the importance of information in maintaining our way of life, the Library’s budget request is relatively small and so, we believe, it is worthy of your support.

Also before you is the budget request of the Copyright Office which is seeking an appropriation of \$51.562 million of which \$35.373 million will be offset by fees generated from delivering copyright services, such as registration of copyright claims and recordation of documents. The Guild supports this request without reservation. The coming year will be a challenge for the office as it moves from a paper-based processing system to an electronic-based system. Two important jobs in the office, examiners and catalogers, are being combined into one position: a copyright registration specialist. A new, untried technology must be implemented on a wide scale to permit the processing of copyright claims electronically. For applications received in paper form, the cost of processing is likely to soar because those paper applications have to be converted into electronic records.

In the Copyright Office, clear efficiencies will be achieved where submissions are made through the Internet. In the long run, the Guild believes the efficiencies that management has promised will be achieved. In the next year, however, difficulties such as dealing with paper submissions, implementing a new and complex technology, and retraining many of the staff, will likely make it impossible to achieve any sudden increase in efficiency for the Copyright Office. This past year the Guild and the Employees' Union (AFSCME Local 2477) have been meeting consultatively with Copyright Office management and, as a result of our discussions, we negotiated a temporary relocation of staff to Crystal City and two pilot projects. Recently, the Copyright Office reorganization package was approved by the Librarian and implementation bargaining will soon begin.

Our overall support for the Librarian's proposed budget does have a caveat: we request that the Subcommittee, in your capacity as an oversight committee of Library programs, review the activities of the Office of Workforce Management, formerly known as the Labor-Management Relations Office. This is the office which we, and our colleagues in the other three Library unions, deal with on a day-to-day basis.

This past year our elected officers and stewards have worked cooperatively with individual staff members of the Workforce Management office on a number of projects. This is what you would expect in a labor-management relationship that has been built over a thirty-year period in which six master contract agreements have been successfully negotiated. But beginning in 2006, the Office of Workforce Management embarked on a radical change of direction and began putting forward a new agenda that looks more like the corporate model for union-busting and less like the collaborative collective bargaining federal sector model that has served the parties so well over the years.

This year we had to go to arbitration to maintain our long held right to file a grievance over health and safety matters. While in the end we prevailed before the arbitrator, this fire safety and emergency evacuation grievance could have been resolved with a 30-minute meeting. Unfortunately, management forced us all the way to arbitration just so the union could determine if smoke detectors were operating in the elevator shafts housing elevators used by staff and the public.

Furthermore, in the guise of maintaining records on our use of official time for representational activities, the Office of Workforce Management has interfered with the basic right of employees to assist our organization without fear of penalty, by requesting an arbitrator to put Guild representatives on leave without pay. This interference in internal union affairs has even extended to the simple requirement of the Federal Service Labor-Management Relations Statute regarding notification of the Weingarten right – an employee’s right to request union representation when they are undergoing an investigative examination. This year, management obfuscated the annual notice and buried it in massive information about union members’ rights to take action against union officials, creating the impression that management regards Library unions as corrupt organizations. Despite these challenges we remain optimistic that a brighter labor-management relationship between this office and the Guild is possible.

Family-Friendly Initiatives and Programs

The Guild would like to report to Members of the Subcommittee that, in the past year, the Library has continued to make strides toward becoming a more family-friendly workplace due, in part, to the work of our union. While the Executive Branch, through the Office of Personnel Management (OPM), began the process of humanizing the federal workplace decades ago, Library employees had to obtain these improvements through the collective bargaining process initiated by the unions. Because of the separation of powers, improvements in human resources programs in the Executive Branch do not magically get transferred into the Legislative Branch. These changes in conditions of employment are negotiated into the Library by Guild officers and stewards who see themselves as movers and shakers and who perform their work as union representatives on official time.

Advocating for change at the Library of Congress since we were chartered by AFSCME International in 1976, Guild bargaining teams have worked with our colleagues in the other unions and our counterparts in management to bring about the following milestones:

The Little Scholars Child Development Center cares for children from three months to five years of age. Currently there are over 100 children enrolled in the center, twenty-seven whose parents work at the Library and the remainder of whom are children of House and Senate employees. The day care center was started by a joint labor-management committee initiated by the Guild and the Employees Union in 1982. As early as 1978, in the Guild’s first contract, a provision for day care read as follows: “The Library is sensitive to the need for day care for children of employees and agrees to make every reasonable effort to assist employees in exploring the availability and use of such facilities.” Today, first priority for enrollment in the center – as well as for scholarships – goes to the children of Library employees.

Alternative Work Schedules

Flexitime allows employees to vary their starting time between 6:30 a.m. and 9:30 a.m. (1978); Complex allows employees to work 8 nine-hour days and 1 eight-hour day each pay period thus

allowing for an extra non-workday in the pay period (1982); under the Maxiflex plan employees work 4 ten-hour days each week (2002). These alternative work schedules, which must be approved in advance by the supervisor and are subject to change by management, have assisted employees in balancing their personal and work lives. However, some areas of the Library (e.g., the Office of Strategic Initiatives) have still not come on board.

Credit Hours allow employees on flexible schedules to work extra hours in a given workday in order to shorten the length of another workday or workweek. At present employees may, with prior supervisory approval, earn up to twenty-four credit hours which they can substitute for either sick or annual leave. Credit hours were first implemented at the Library in 2002 courtesy of the Guild contract and, today, employees can use them for family emergencies or to schedule day care or elder care chores. New employees who begin their careers at the Library with zero balances of sick and annual leave find this benefit quite useful.

These improvements in the work environment have helped establish the Library of Congress as a modern and progressive institution, one in which employees can continually develop their skills so that they may maintain a high quality of public service and performance. These benefits can also be utilized to recruit new employees to the Library because “the best and the brightest” understand that work is so much more than just a paycheck.

Now we wish to bring the Subcommittee’s attention to two recent programs which Guild members have participated in as organizers and builders: Telework and the Voluntary Leave Bank.

Telework

While many Library employees believe that teleworking gives them much needed flexibility and assistance in dependent care situations, the Library telework policy is expressly not intended for this purpose. At the Library of Congress there are two types of telework available based upon the recommendation of the immediate supervisor with the approval of the service unit head: “continuing” telework in which the employee works at home on a recurring basis as part of the employee’s regular work schedule; and “short-term” telework in which the employee works at home for a limited period, in response to the Library’s need or in response to a staff member’s request, e.g. health accommodation. Approval is based on the operational needs of the Library.

While the Library has had a limited work-at-home regulation on the books since the early 1980s, it was not until 1997 that the subject was seriously raised in master contract negotiations by the Guild. The Library would not agree to our proposals and so we raised the issue again in the next round of contract talks in 2001. A Telework Pilot Program was established with a joint labor-management telework committee providing oversight and evaluation. In 2002, advocates for telework received a boost when Representative Frank R. Wolf of Virginia urged federal agencies to broaden their policies and programs.

Following the successful pilot, the Deputy Librarian notified the Guild president in April 2005

that “the Executive Committee decided to make telework a permanent flexibility in the Library.” What actually became permanent, we discovered, was a policy and not a program (i.e., an official telework coordinator was never appointed). Furthermore, it was up to each service unit to decide whether or not to participate.

From ergonomics to professional development, Library Services, the Library’s largest service unit, has never shied away from initiatives that benefit the Library of Congress and its employees, so it was natural that they took the lead. In the beginning it was a bit rocky as some managers still held onto the “if-we-don’t-see-you-you-are-not-working” attitude. But at the service unit level, the telework story is one of unqualified success. Approximately 200 Library Services’ employees are currently working at home one or two days per week and, as a result, productivity and employee satisfaction levels have risen.

We estimate that there are approximately 250 employees currently working in telework arrangements of one sort or another. With the high price of gasoline and the escalating traffic crisis in the metropolitan Washington area, we would like to see this number increase.

Voluntary Leave Bank

The Voluntary Leave Bank (VLB) program which currently operates at the Library of Congress arose out of the Guild’s 2002 contract negotiations. The bank provides the means for Library employees to donate either 4, 6, or 8 hours of annual leave, depending on length of federal service, in exchange for the right to withdraw hours should a medical emergency occur.

Originally a small, pilot program only available to the 1600 bargaining unit members of AFSCME Local 2910, the bank operated with 100 members. The three-member, labor-management bank board oversaw the distribution of about 800 hours per year to eligible recipients from 2003 to 2006. With the increased success of the program, employees could receive up to 160 hours from the bank from 2004 to 2006. Imagine the relief at having a whole month’s salary to pay the rent, the mortgage or medical bills.

This is the first year that the VLB has been open to all 4200 employees at the Library of Congress. The enrollment quickly topped 325. To date, the bank has distributed 1321 hours to twenty employees.

A large number of the employees of the Library of Congress belong to the sandwich generation, those caught between raising children and caring for aging parents. In addition, because many Library employees tend to be in their 40s, 50s, and 60s, they often encounter their own medical conditions requiring ongoing treatment.

One Guild member joined the pilot program just to benefit others, but then found herself in need of the bank when cancer struck. A young employee who went into premature labor while on holiday felt secure in knowing that she could receive up to 160 hours of paid leave as her new baby fought for life in a neonatal intensive care unit. Another employee has used banked leave to

care for a quadriplegic mother when nursing care can't be found. She is relieved of the burden of having to choose between her mother and her paycheck when medical care is not available.

The Voluntary Leave Bank is an essential program to employees who confront personal and family medical emergencies. It is a flexible program, and allows those who are ill to have the peace of mind of knowing that they will have money coming in when they are ill or caring for a family member.

Reduction-In-Force, Relocations, Reassignments, and Reorganization

Many changes are currently underway in employment at the Library of Congress. This past year the Guild represented employees in two areas where job loss was imminent: the information technology series and the Motion Picture, Broadcasting and Recorded Sound Division (MBRS). In both situations, the Guild is grateful for the advocacy of the late Chairwoman Juanita Millender-McDonald of the Committee on House Administration who called for "soft landings" for Library employees disaffected by these personnel actions.

Reduction-in-Force (RIFs) of Information Technology Specialists

In 2006, twenty-nine employees in the Congressional Research Service (CRS) received RIF notices informing them that their positions in CRS were being abolished. According to provisions of the union collective bargaining agreements, if these employees could not fill vacant positions at the same grade, they had the right to "bump," i.e. displace, other Library employees with less seniority.

As a result of the RIF in CRS, five employees of the AFSCME 2910 bargaining unit were bumped from their jobs. Suddenly and unexpectedly these employees found themselves in the "line of fire" and all of the five had to accept lower-graded positions or hit the street. While they will retain their pay and grade for two years, they will now have to struggle to climb back to the grade level from which they tumbled.

These employees, who now have to learn new jobs, have had their careers disrupted. We are cautiously optimistic that they can find relief from the Library's Priority Placement Program which is designed to assist RIFed employees by giving them a leg up on posted vacancies inhouse. We hope that the capable staff assembled by the Library's Human Resources Services to administer the placement program will be successful in this regard.

Other legislative initiatives may also be helpful to RIFed Library employees. In its current budget request the Library has proposed language to confer *competitive status* on Library employees who have completed their probationary periods. This will assist Library employees who seek positions in the Executive Branch. The Library also requests that employees who are involuntarily separated in a RIF or for failing to transfer with their positions outside the commuting area, be granted the same priority placement rights as Executive Branch employees.

The Guild wholeheartedly supports these proposed changes.

Relocations, Reassignments, and the Move to Culpeper, Virginia

Soon the National Audiovisual Conservation Center (NAVCC) in Culpeper, Virginia, will open its doors as a world-class conservation center. Through the generosity of the Packard Humanities Institute, the Library of Congress will be able to centralize its extensive audio and moving image holdings to one facility.

Construction of the NAVCC began in 2003 and in that same year, along with our union colleagues in the Employees' Union, we began meeting with MBRS management to consult over many complex human resources issues facing the parties. Unlike our counterparts in the Executive Branch, who have vast experience with these situations, this is the first time the Legislative Branch has had to deal with such a large "transfer of function outside the commuting area."

How would employees who work on Capitol Hill and in Dayton, Ohio, at the Library's Motion Picture Conservation Center be relocated? How would staff who work on Capitol Hill, but who are unable to transfer with their jobs to Culpeper, be accommodated?

On a cold day in November 2004, Dr. Deanna Marcum, the Associate Librarian for Library Services, addressed an audience of MBRS staffers explaining the move to Culpeper and pledging that the Library could accomplish its objectives without causing any job loss. Union representatives were in attendance, Madam Chairwoman, and we can testify that despite reassurances, many MBRS staffers became extremely anxious about their future.

Since 2004, labor and management representatives have conducted monthly consultations and have signed a series of agreements that set forth procedures such as voluntary reassignments and job-swapping. If implementation is successful, and if the commitment on the part of management remains firm, the relocation of approximately fifty employees from Capitol Hill and Dayton, Ohio, to the NAVCC in Culpeper, and the reassignment of sixteen employees to vacant positions throughout Library Services, will occur with minimal disruption.

The Library of Congress owes a debt of gratitude to the dedicated staff of MBRS on Capitol Hill and in Dayton, Ohio, who have continued to perform their duties in an exemplary fashion during this transition. By working together, Library management and AFSCME representatives have helped to smooth the transition. The Guild wishes to state that much of the mutual trust and positive energy between the parties was facilitated by a staff member in the Office of Workforce Management, the same office which has led an assault on the official time of Guild representatives.

Reorganization in Library Services

The Library's Acquisitions and Bibliographic Access Directorate builds the Library's collection by acquiring published materials from around the globe. They also provide cataloging

information to describe those materials, cataloging which is used not only by the Library of Congress but also by libraries throughout the world. For example, each year the Library acquires materials using a variety of sources and methods. While copyright registration provides copies of many items published within the United States, the Library also makes a significant number of direct purchases, particularly for items published outside the United States. The Library also acquires items by exchanging them for our surplus materials. These exchange programs are conducted under statute and Library of Congress Regulation either on a piece-for-piece basis or on the basis of approximately equal value of material exchanged.

The work of our cataloging and acquisitions areas has suffered greatly in recent years because of the retirement of many of our most qualified catalogers as well as staff who oversee the Library's purchase and exchange programs and the acquisition of print and digital materials. In order to meet this challenge, the Acquisitions and Bibliographic Access Directorate is now proposing to implement a reorganization which will merge the Library's cataloging and acquisitions operations.

This reorganization will not only merge staff organizationally, but will also require them to begin cross-training in both specialties—thus effectively eliminating a staff member's chance to become an expert in acquisitions policy and oversight. In a recent Guild survey of our professional staff, it was this loss of specialization, and the dilution of professional skills acquired over years of service, that employees identified as their chief concern regarding this reorganization.

While we recognize the Library's right to adopt the organization it deems to be the most efficient, we continue to have very serious concerns regarding the effect of this reorganization on the Library's ability to pay its' bills for acquired materials on a timely basis. The reorganization plan calls for the Library to disperse and decentralize the staff responsible for paying bills, for overseeing exchange programs, and administering our programs for processing gifts and donations. It thus hampers the ability of our senior staff to focus exclusively on taking the steps necessary to satisfy the Library's financial obligations. We strongly encourage the Library to reconsider this course of action and take steps to insure the fiscal soundness of our acquisitions activities.

As you know, subject expertise in cataloging has always been part of the Library's claim to fame and that expertise may be difficult to maintain if each cataloger is given responsibility for all areas of bibliographic access and control. The "future of cataloging" is uncertain at the Library, but we can say that cataloging remains critical to sustain our mission.

The Future of Cataloging

On January 16, 2004, Dr. Marcum, the Library's Associate Librarian for Library Services, rocked the library world by delivering her address, "The Future of Cataloging." In this address Dr.

Marcum posed the question: how should we think about cataloging in the Age of Google?

“I have not come to say that we no longer need the cataloger-produced bibliographic entry. I recognize that my own institution, the Library of Congress, created the bibliographic structure that is used by nearly every library in this country and by many around the world. Before starting any revolution against that structure, I want to take care to consider the potential consequences. But I have many questions about cataloging, and I believe we must face them together and begin answering collectively. I therefore welcome the invitation to speak here as an opportunity to begin that discussion.”

During the past three years, professionals in the national library community have taken up Dr. Marcum’s challenge and a debate has ensued. In articles published in professional journals on Web sites and blogs, various authors have expressed their viewpoints on subject cataloging, the Google search-box, the digital library, and the role played by the Library of Congress in delivering information and bibliographic data to Congress and to the nation’s libraries. Our union has jumped into this debate feet first in response to the concerns of our members. Library of Congress employees – many of whom have spent a lifetime building the Library’s diverse collections – love the institution and care deeply about its future.

Employees, working on their own time, wrote a number of essays which we posted on our Web site (www.guild2910.org) and we invite the Members and staff of the Subcommittee to read their work for in-depth analysis.

We have learned three key points from the debate and from working many years in the vineyards of the Library of Congress:

1. You can’t put it all on the Internet.

Because of copyright restrictions you can’t reproduce content on the Internet without first seeking permission from the author. Even if copyrighted books become available on the Internet, it is not certain that people would want to read them electronically. The Internet is popular for speedy retrieval of *information* by people seeking, for example, consumer tips, highlights of current events, and homework assignments. But the printed book provides the *knowledge and understanding* that is necessary for scholarly research.

2. You can’t find it all on the Internet.

The Google search-box and other search software mechanisms are limited by the requirement to type in keywords, which are then retrieved and ranked in an automatic computer algorithm. Only the words typed into the box get retrieved. If you type in “capital punishment,” you get over 10 million hits and even if you use the advanced Google search technique you still retrieve so much irrelevant material that it is difficult, sometimes impossible, to distinguish the wheat from the chaff.

Library of Congress catalogers, on the other hand, create subject headings which round up all the

works in a given topic, and even works in a foreign language are retrieved. Trained Library staff use a conceptual cataloging and classification scheme to guide scholarly research by indicating how a particular work fits into the larger world of knowledge. The Library's subject headings bring like items together and enable readers to make comparisons with other works to broaden and expand their understanding. Guild member Thomas Mann, a veteran reference librarian working in the Main Reading Room and author of *The Oxford Guide to Library Research*, cautions Library of Congress administrators not to give away the birthright of American scholars "in exchange for a mess of Internet pottage."

3. The "digital library" should not be viewed as a substitute for the traditional "brick and mortar" Library of Congress, the nation's oldest cultural institution.

Librarian of Congress Dr. James Billington, in his recent testimony before the Subcommittee, stated the challenge this way: "how to superimpose the dynamic world of digital knowledge and information onto the still-expanding world of books and other traditional analog materials?"

How can we choose between the breadth of the Internet vs. the depth of the research library; the speedy retrieval of information vs. scholarly research for the deepest learning; the short life span of a Web site vs. the book forever on the shelf; intellectual access derived from subject cataloging and classification of the largest collection of human knowledge vs. key-word searching?

The book is far from extinct; we acquire almost 1200 books per day. So we see the challenge as a balancing of print and digital resources rather than a transition from an analog to a digital library. While the digital Library of Congress must expand and promises to open new and exciting windows on our vast resources, we don't want to throw out the baby with the bath water.

For more than 100 years, libraries throughout the United States have depended upon the Library of Congress to share bibliographic records and cooperate in setting high cataloging standards. Degrading the quality of Library of Congress cataloging will degrade the service to Congress and to public, school and academic libraries throughout the nation.

We agree with the author who said that technology should be integrating itself into the library, not bulldozing it. (See "33 Reasons Why Libraries and Librarians are Still Extremely Important," Will Sherman, January 30, 2007. <http://www.degreetutor.com/library/adult-continued-education/librarians-needed>).

Health and Safety

Occupational health and safety has always been a primary concern for our union. For many years the Legislative Branch was exempted from the Occupational Safety and Health Act (OSHA). The Library's buildings are architectural marvels and we love them, yet we recognized that they can pose serious challenges to workplace safety. While Library employees lacked OSHA

protections, the Guild had collective bargaining rights and the grievance procedure. Beginning in 1978, the unions negotiated to establish a joint committee with management as a programmatic way to meet employee concerns for a healthful and safe work environment.

The Library of Congress Joint Labor-Management Safety and Health Committee is still going strong today. Each year since 1978 it has conducted over 100 inspections in all Library facilities in an effort to identify and report unsafe conditions thus enabling the Library to correct many hazards and to avert harm to employees.

Over the years, the Guild has filed grievances to seek corrective action to safeguard employees. These grievances have tackled such diverse problems as fire and electrical safety, locked exit doors, blocked stairwells and exit aisles, holes in the floor, inadequate ventilation, lack of heat, elevator safety, asbestos, and emergency evacuations of people with disabilities. Madam Chairwoman and Members of the Subcommittee, please note that the Guild's role and responsibility to assure workplace safety at the Library is long and distinguished and that we will continue to be watchdogs for the Library and its employees.

The Congressional Accountability Act of 1995 authorized the Office of Compliance (OOC) to enforce OSHA standards in the Legislative Branch, and the benefits of this independent review are now being seen at the Library. But the day-to-day work of promoting occupational safety and health throughout the Library is still accomplished by the Library's Safety Services Office, the Library of Congress Joint Labor-Management Safety and Health Committee, and the Library's unions.

Some conditions require special attention, such as the hazards posed by asbestos and lead contamination, and the complex issues surrounding emergency management on Capitol Hill in the post-9/11 world. In these problematical areas of workplace safety, the Guild has redoubled its efforts in 2006. We regret to report that the Guild has sometimes met with resistance from the Library to the detriment of all – employees, the Library, and the public we serve.

Asbestos is present in the Library buildings that we inhabit and this is just a fact of life. Because asbestos exposure can be so devastating to employee health, the Library and the Architect of the Capitol (AOC) very sensibly agreed in the 1980s upon a plan to manage the asbestos. Important elements from that asbestos management plan included:

- Identification and maintenance of an inventory
- Hazard evaluation
- Hazard control
- Training/hazard communication
- Periodic and episodic surveillance
- Medical management plan
- Record keeping

That plan has since been abandoned, in effect. The Library now maintains that asbestos

management is the sole responsibility of the AOC and that the Library's Safety Services staff will not monitor asbestos materials in the workplace.

Asbestos incidents in 2006 in the Thomas Jefferson Building stacks, particularly Decks A, B, C and 38, show why the Library's current hands-off approach is insufficient. Old flooring in the Jefferson stacks contains a high amount of asbestos. For years these floors were allowed to deteriorate and, when they became damaged, posed a hazard to the staff who work there. Unnoticed by the AOC or by the Library's Safety Services staff, the hazardous flooring between decks B and 38 was discovered by a Guild steward.

The Guild asked the Office of Compliance to investigate and, after doing so, the OOC ordered that remedial work be performed immediately in that one location. If the Library and the AOC had in place an adequate asbestos management plan, we believe this situation would not have occurred. We must insist that the Library and the Architect sit down together and work out a new asbestos management plan that meets OSHA standards and better protects Library employees.

Also, we wish to bring to your attention other environmental problems in the makeshift offices in the Jefferson decks: lead paint and damage to walls and ceilings from numerous water leaks. Before employee health is further compromised, we request that the Library improve conditions for the staff who work there.

We are pleased to report to you that the Library's Office of Security and Emergency Management has made tremendous strides in building a sound emergency response program in the last few years. Some of the effectiveness in emergency management depends upon upgrades to old systems, such as the public address system now completed in the Madison Building. Some elevators, however, still need to be brought up to code.

In 2006 the Guild accompanied the OOC in an inspection on the top floor of the Madison Building which houses mechanical systems for heating, ventilation, air conditioning, and elevator systems. During that inspection, a Guild steward observed that there were no smoke detectors in some of the Madison Building elevator mechanical rooms. Knowing that smoke detection was important for safe daily use of elevators and being aware of the relationship between smoke control and the emergency evacuation by elevator of disabled employees, this concerned steward consulted Guild leadership.

The Guild decided to file a grievance. Our contract explicitly allows us to grieve a workplace hazard and explicitly provides that, "the Library shall take whatever actions are necessary, including requests to the Architect of the Capitol and Congress, to remedy any serious unsafe or unhealthful condition." Yet, we soon found ourselves in a protracted dispute with the Office of Workforce Management over our very right to file a grievance on health and safety issues or to obtain information about smoke detectors in the elevators. Rather than working with us to address the hazards, the Office of Workforce Management forced us to go to arbitration. Witnesses at the hearing confirmed that as a result of our grievance, the Library was alerted to

the problems, and those problems have since been fixed or are in the process of being fixed. We prevailed in the arbitration case but had to endure unnecessary delays in addressing the hazards. (For more information, see the Arbitrator's Opinion and Award of March 22, 2007, posted on the Guild website: <http://guild2910.org/firesafety.pdf>)

The Library's behavior in this grievance has made us wonder whether the priorities of the Office of Workforce Management aren't a bit askew. Limiting the Guild's rights seemed to be higher on their agenda than the safety and well-being of Library employees. (On April 20, 2007, the Library filed exceptions to the arbitral award with the Federal Labor Relations Authority, thus ensuring further litigation on this health and safety grievance.)

We note that in March 2007 there were two fires in the Madison Building elevator control rooms. Firefighters responded and it took them over an hour to clear away heavy smoke from one of the very elevator control rooms that was identified in our grievance as missing a smoke detector. These fires highlight the importance of fire safety for libraries. Unions who grieve fire safety hazards at the Library of Congress should be applauded for their efforts, not thwarted.

Official Time for Representational Activities

In Dr. Billington's budget testimony on the Library's appropriation request, you Madam Chairwoman asked a number of questions concerning the current controversy over the reporting of official time by representatives of our union. We thank you for your interest in the subject and we wish to inform you, the Ranking Member, and the Members of the Subcommittee why the Guild, and the professional employees we represent, are so concerned about recent management actions in this area.

Under our Collective Bargaining Agreement, the Guild president, chief steward and all of the stewards are required to complete a form regarding their use of official time, and to turn that form into their supervisor. In September 2004, the Inspector General (IG) investigated the issue of official time and sent a report to the Librarian of Congress. We cooperated fully in this investigation, meeting with an official of the IG's office and furnishing him with any and all information he desired.

The IG's report documented that in some instances the reporting of official time was lax, both on the part of union representatives, and on the part of supervisors who sometimes failed to forward the completed forms to the Office of Workforce Management. The report also documented that the supervisors viewed the time spent on representational activities as minimal and that representational time had not caused problems for them in managing the day-to-day activities of their operations. Finally, the IG found no instances of abuse of official time by any union representative.

As a result of the IG's report and recommendations, at its own initiative, the Guild tightened up the reporting of official time used by its representatives. In 2005 and 2006, all Guild

representatives submitted reports for their use of official time. Under our contract, the President (myself), and Chief Steward (Melinda Friend), are each granted up to 1560 hours per year for representational activities. Our eighteen stewards are each allowed up to twenty hours per month for representational activities, but rarely do they ever use this much time.

In the last quarter of 2006, for example, Guild stewards averaged only 6.3 hours per month performing representational tasks such as grievance handling, discussing complaints and discrimination allegations, collective bargaining, and preparing for consultations with management. This amount of time is below that of labor organizations operating in the Executive Branch. Since we never exceeded our allowance and since we reported our use of official time, we believed we were meeting the terms of our collective bargaining agreement.

On August 31, 2006, the Director of Workforce Management sent a puzzling email to the Library unions objecting to the “lack of specificity” in the recording of our official time. While he conceded that he knew of no instance of abuse of official time by any Guild representative, he began to issue new “requirements” on how we were to report official time to our supervisors. At first, these requirements included giving the names of employees who come into the Guild office to meet with us. We objected because an employee has the right to consult with the union in confidence. Now the Director of Workforce Management still wants us to provide him with the subject matter of the discussions we have, e.g. harassment, the location of the division where the employee works, e.g. the Law Library, and the name of the manager with whom the union’s representative is meeting. We object to providing information that could identify the employee and subject him or her to possible retaliation.

Madam Chairwoman, we have had a constructive relationship with the management of the Library of Congress for over thirty years, but always based upon the premise that those employees who come to us for assistance will have their privacy and confidentiality respected. In this regard, we believe we are no different from Health Services, the Employee Assistance Office or the EEO Office. Privacy and confidentiality issues resonate deeply with professional librarians and other library employees as we are taught early on that these are bedrock principles upon which a library is founded.

In October 2006 several meetings were held between the Guild and representatives of the Office of Workforce Management. They did not go well. We felt bullied and at one meeting Ms. Friend and I were threatened with being put on leave without pay. The Office of Workforce Management even went so far as to telephone Ms. Friend’s supervisor and instruct him not to sign off on her forms for recording her use of official time for union representational activities. Her supervisor was eventually allowed to sign off on her forms, but such interference, coupled with the threat of having one’s pay docked, has a chilling effect on employees who seek to act as union representatives freely and without fear of penalty and reprisal.

We said then, and we state it today: as union officials elected to our positions by our colleagues, we cannot in good conscience disclose the names, work location or subject matter – except in the broadest of terms defined in our contract – of discussions held with the employees we represent.

Furthermore, we cannot understand why the Office of Workforce Management wants this information or how they would use it without causing harm to the employees we represent and to our union.

On October 16, 2006, the Director of Workforce Management filed a grievance against the Guild seeking as a remedy, “that any insufficiently documented official time for September 1, 2006 and ongoing be converted to annual leave or Leave Without Pay (LWOP).” At the same time, they reopened Article 6 of our contract dealing with official time. The Guild has countered by filing a grievance against the Library asserting that threatening the pay of Guild representatives is coercive and constitutes an unfair labor practice.

The two grievances were heard before Arbitrator James Harkless on January 25, 2007, and briefs were filed on March 19, 2007. It would serve no purpose to speculate on how Arbitrator Harkless is going to rule on the issues presented to him. We do hope that his decision will go a long way to resolving this dispute which now has spilled over into the national labor and library communities.

We hope our testimony today has highlighted the accomplishments of Guild representatives who work so hard during those hours of official time provided for by contract and law. We are Library employees who volunteer to serve our colleagues and strive to build a better Library of Congress. We seek a return to the good will and cooperation that has characterized our relationship with management in the past. We know it can be done.

Thank you for allowing us to testify before you today.

Saul Schniderman
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