

**Oral Testimony of
Saul Schniderman, President
Library of Congress Professional Guild
AFSCME Local 2910
Before the Committee on Appropriations
Subcommittee on Legislative Branch Appropriations
U.S. House of Representatives
February 24, 2010**

Chairwoman Wasserman Schultz, Ranking Member Aderholt and Members of the Subcommittee:

My name is Saul Schniderman and I am president of the Library of Congress Professional Guild, AFSCME Local 2910 and I am testifying on behalf of the over 1500 professionals at the Library - excluding employees of CRS - who thank you for your support of their work to make the Library of Congress a truly great institution.

I shall try to be brief this morning.

Last May when I testified before you I reported that the **EEO and Dispute Resolution** program at the Library was in administrative turmoil. Today, I am pleased to report that the OIC - Office of Opportunity, Inclusiveness and Compliance - is being restructured and, to date, we are pleased with the results.

Last summer a new director of OIC was appointed and, even though she has been here less than a year, we can attest that she is committed to fairness, diversity and resolution of disputes and EEO complaints. She has hired competent contract mediators, met with the deaf and hard of hearing staff to discuss their request for a staff interpreter, and initiated a series of educational brown bag teach-in sessions. OIC is rebuilding its programs but success is also dependent upon the level of institutional support for mediation, effective accommodation of disabilities, and the means to address discrimination in the workplace. We cannot say for certain that support is assured.

In regards to EEO (42 USC §2000e-16) the Library of Congress is peculiar because it is not subject to the jurisdiction of the Equal Employment Opportunity Commission (EEOC). For most federal agencies the EEOC is responsible for enforcing EEO laws. This makes sense as it would be foolish to expect an agency to enforce EEO laws against itself. But this is exactly the case at the Library of Congress where the Librarian is both the employer/respondent and the administrative official charged with making the final decision on an EEO complaint against the Library. In short, his roles are in conflict. For the same reason, the Library's EEO process is neither impartial nor fair because the Librarian rarely, if ever, rules in the employee's favor.

Compare the situation of Library employees to other legislative branch employees. For example,

legislative branch employees who are covered by the Congressional Accountability Act have the right to counseling, mediation, and adjudicatory procedures administered by the independent Office of Compliance, and may appeal to the Board of Directors of the Office of Compliance, a tribunal independent of their employing agencies. The Guild supports statutory changes in the EEO law which would establish independent review processes similar to other government agencies.

While the unions have not yet been briefed on the Librarian's proposed FY 2011 budget, we have been provided with an advance copy for our review. While we are generally supportive of Dr. Billington's request, one item we cannot support is the request for the establishment of a more **centralized workforce performance management program** in Human Resources, particularly the 2 FTEs requested to "manage" staff performance.

The Guild believes that maintaining high performance begins and ends on the shop floor where the work is done. The best assurance of high performance is timely supervision and feedback on assignments given and completed. In areas of the Library where supervision is good, performance tends to be excellent. The converse can also be true. Where supervision is poor, performance may be spotty.

Regarding improvements in work performance, we support Dr. Billington's funding request for supervisory and staff development, but we are skeptical about the request for more positions on the sixth floor of the Madison Building which move paper from here to there. Respectfully, we request that the Subcommittee question the Library on what it means by words such as "guide staff to high-performance that aligns their daily work with the accomplishment of the strategic goals of the Library." (Workforce Performance Management at www.loc.gov/staff)

The Library's current regulations and the provisions of the Collective Bargaining Agreement provide for a continuous process of observation and evaluation of employee performance, a process that encourages communication between supervisors and employees. The last thing the Library needs is a greater bureaucracy centralized on its sixth floor.

This past year has been a difficult one for the **Copyright Office**. To management's credit, a more realistic view has begun emerging regarding the shortcoming of the electronic system which was implemented in August, 2007. Currently, the Office has approximately 500,000 claims waiting for processing. This is down from approximately 545,000 a couple of months ago. The reductions stem from the temporary reassignment of supernumerary staff, rather than a clear improvement of the system. In December, 2009, approximately 20 staffers were detailed to the Registration Program and in January 50 additional employees were detailed from Library Services for a two month period. These additional workers have increased registrations a few thousands per week, and for the first time since implementation of the new system, the backlog is declining. It remains to be seen whether this progress can continue once the 70 workers return to their normal duties.

Recently, management initiated a project to digitize pre-1978 catalog records, and place the

records on the internet. Many works registered and cataloged before 1978 are still under copyright protection, and making these records widely accessible would perform a great public service. We request the Subcommittee to support this initiative.

I would like to touch upon two other matters which merit support from the Subcommittee. The Guild was in favor of the recently completed merger of the LOC and Capitol Police to better coordinate campus-wide security. But staffing shortages and new procedures are causing delays for employees coming to work, especially at the C Street entrance to the Madison Building where lines down the sidewalk are all too common. **More police** are needed to provide adequate access to Library Buildings.

The Library is also out of space for collections on Capitol Hill. The Fort Meade facility provides appropriate and necessary off-site storage for the book collection and special format materials such as manuscripts and maps. Collections grow day by day, and without support for **Collection Storage Module 5** there will be no place for hundreds of thousands of books that are on the floor, a number that will grow.

This ends my oral testimony. I do request the ability to submit, at a later date, more detailed written testimony. Thank you.

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