

STATEMENT OF
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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 715¹ (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.