

Statement of Jessie James, Jr.
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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's 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.