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Written statement of

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to the Committee on House Administration, United States House of Representatives  
at its hearing on "Oversight of the Congressional Research Service"

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Good morning. Next year marks the 50th Anniversary since Congress gave what had been the Legislative Reference Service, a new name: the Congressional Research Service. President Nixon signed that bill into law on October 26, 1970.

The 91st Congress wanted our group to focus beyond information gathering. It wanted us to also provide analysis as a way of better meeting the needs of Congress.

At CRS, I am a Specialist in Drug Safety and Effectiveness. In that role I do both information research and policy analysis. My doctorate in epidemiology, work as a manager at New York City's Emergency Medical Service, research at hospitals, and, then in the Washington, D.C., research at the Department of Health and Human Services, and policy work for Congress and the Institute of Medicine all contribute to my ability to provide expert support to Members, committees, and their staff.

I testify today in another role: President of the Congressional Research Employees Association—CREA. We are a local of the International Federation of Professional and Technical Engineers. In addition to CREA, IFPTE members include NASA scientists, Social Security and immigration administrative law judges, and GAO analysts.

At CRS, CREA represents all employees who are not managers or who serve in management-confidential positions. We represent about 500 of the 600 CRS employees. About 400 are analysts, attorneys, or librarians. Another 100 are administrative staff, editors, graphic designers, those who create bill summaries, communications and program specialists, and others who don't routinely have direct contact with Congress.

We are federal employees with a mission. We help individual Members and committees of Congress craft legislation and perform oversight supported by our work adding historical perspective, describing the opinions and advice of groups interested in your decisions, analyzing what you and other stakeholders see as problems and solutions, and perhaps offering other perspectives or an assessment of possible intended and unintended results of legislative proposals. We offer this information and analysis on a confidential basis, and maintain the CRS mandate to be non-partisan, objective, timely, and comprehensive in our work.

This is a time when there is such controversy about accuracy and the need for evidence in policy and political speech. At CRS our mission—both management and employees—is to make sure that regardless of Party, you have both.

So if you expect me, as a union president, to rail against management misdeeds, I may disappoint you. CREA seeks to realize the CRS mission by diminishing the obstacles to our work

in support of Congress. Sharing commitment to the CRS mission with the Librarian of Congress and CRS management, we must work together.

In my three years as CREA president, I have sought—successfully, I believe—to build relationships with CRS and Library leadership. I meet regularly with CRS Director Mary Mazanec, her legal counsel and associates, the Library’s labor relations team, and intermittently with Librarian of Congress Carla Hayden.

Dr. Mazanec and her senior staff have increasingly included bargaining unit employees and CREA officials on working groups. I, for example, now serve on a management-employee group looking at the CRS work product. That includes issues like staffing patterns and technology. CREA is glad to have that opportunity. But my employee colleagues and I see missed opportunities, as well.

In what follows I outline four such examples where we want CRS management and CREA to work together.

- Steps towards making CRS and the Library workforce more diverse and inclusive.
- Work-life balance, including telework.
- Staffing and scope of work, including ensuring a fair and hospitable work environment.
- Performance appraisal and promotion criteria and procedures.

## **1. Steps towards making CRS and the Library workforce more diverse and inclusive.**

**A. CRS efforts.** The Federal Employees Viewpoint Survey in 2016 revealed dissatisfaction among CRS staff about agency attention to diversity and inclusion issues. Partly in response, the CRS Director formed an advisory group consisting of analysts, librarians, supervisors, and CREA representatives.

The group conducted the standard type of research that you expect from CRS. The research revealed a lack of diversity, especially in more senior positions, and a failure to retain minority staff. Based on its research, the group prepared a comprehensive report that laid out a plan to hire and retain a more diverse and inclusive workforce. But central office staff edited the group’s report extensively before submitting it to the Director in the group’s name. It changed so much of the analysis and recommendations that the group protested and asked that the report be withdrawn, returned to its original form, and resubmitted to the Director.

Eventually much of the content was restored and resubmitted. But the Operations staff that oversaw the work of the advisory group informed group members that the Director had declined to meet with them. When Management put the report online many of the working group's key recommendations were missing.

CRS has since formed two other working groups to address diversity issues in recruitment and retention. Naturally, participants fear that management will dismiss their recommendations without discussion and true consideration. Meanwhile, we see few useful steps towards diversity within CRS.

**B. CREA contract dispute.** The collective bargaining agreement between CREA and CRS mandates that CRS supply CREA with certain data, including workforce demographic data, so CREA can effectively represent CRS employees. Unfortunately, it has taken a lengthy grievance process, a prod from the Librarian, and over a year of negotiations to reach an agreement that I think we will all finally sign this week.

**C. Library efforts.** There have been missed opportunities at the Library level as well. CREA, along with the other two Library unions that cover non-CRS employees, worked intensely as the Library revised its regulations on equal employment opportunity (EEO) and diversity activities.

Originally, management felt it was enough to simply count employees by racial and ethnic background. That's a good start but such aggregated statistics would not reveal, for example, whether one group was all GS-8s and another was GS-15s.

The three CREA unions insisted that the Library to go beyond reports with data too aggregated to be useful in identify areas for improvement. We also wanted a management commitment to seek to understand the barriers that different groups, including people with disabilities, face in applying for Library jobs, being selected for those jobs, and then thriving in the Library workplace.

Although we were unable to get those points included in either the Library's regulation or its EEO Plan for Diversity and Inclusion, the agreement between the Library and the unions included a pilot Diversity and Inclusion Working Group, with union participation. The Working Group *could* examine analysis of workforce demographics by position type, grade, promotion potential and history. We *could* consider and recommend job descriptions that encompass diverse routes of obtaining knowledge and experience and specific policies to deal with inclusion and retention issues. The Working Group *could* find ways to measure the value of a diverse and inclusive workforce to the institution, its clients, and its current and potential employees.

The Working Group has met four times. We have heard guest speakers present current Library policies on reporting discrimination and the aggregate data from the most recent FEVS survey—not, I note, broken down by Library service unit or CRS division or office. There have been no discussions about how to identify and address diversity and inclusion concerns. The unions have shared this concern with the Librarian and believe that we can help make this Working Group effort more focused on the goals we envisioned when bargaining for it.

## **2. Opportunities to improve work-life balance, including telework.**

CRS employees face many of the same obstacles as other public and private employees. How do we arrange, such as through episodic offsite work, to do our work during snow storms or when the Metro closes our stations for repair? How do we balance our work and our responsibilities to our families?

One useful tool has been telework. Unlike the Executive Branch and the Library of Congress, CRS was late in joining the national movement towards flexible work schedules. The 2010 telework agreement between the Library and CREA reflected CRS management caution about this issue. Now, after eight years of generally successful experience, we seek to clarify and somewhat expand the option to telework. CREA reopened bargaining on the telework agreement and, after multi-month delays with bargaining from both sides, operating in good faith, we hope for continued discussion and problem-solving.

We recognize that management has some valid reasons for refusing that option in some cases. CREA has submitted a proposal to management that would offer a few, limited, flexibilities that would be both a boon to efficiency and a welcome convenience without hurting the work product of teleworkers or their colleagues.

### **3. Need to explore staffing and scope of work, including ensuring a fair and hospitable work environment.**

I now move to issues that do not involve specific documents to negotiate. They relate to the very core of what CRS has been and can be. These issues have had a profound effect on morale within CRS and, consequently, effects on long-term productive contributions to the CRS mission.

**A. Experts.** Traditional staffing in CRS has involved experts in every field for which Congress might need support.

When I applied for a CRS specialist position back in 2002, the vacancy announcement listed such qualifications as “national expert” and the ability to apply “professional subject-area knowledge.”

CRS has gradually moved away, in part, from that model. CRS continues to hire a mix of people at mid-career and earlier career points, and CRS needs both cohorts in its staff mix. Mid-career hires provide key expertise and perspective, and earlier career hires are often more up to date on emerging academic and practitioner perspectives. However, there has been an increasing trend away from more experienced and mid-career hires who may have substantial experience in the industries, organizations, and agencies that are the focus of congressional actions.

One indication of this change: The last announcement of a job opening for a Specialist GS-15 analyst appeared in August 2018. Almost a year ago. Does Congress really want such a change? A first-line CRS supervisor typically manages 8 to 12 analysts, librarians, or attorneys. Some of those specialists were hired specifically because they were nationally recognized experts in their fields.

The move to hiring more junior staff, CRS leadership says, is have a more flexible workforce to meet the demand for short reports on many different issues. Such reports would have less in-depth analysis. The influx of new staff—while welcome—puts a burden on the more senior analysts whose time spent mentoring takes away from time spent on their own analytic work.

There is a need for short, primer-like products, but there is also a need for in-depth, longer analyses of complex, multi-disciplinary issues. In our view, the pendulum has swing too far, in part because CRS has not fully addressed Congress's diverse needs. Because CREA has not been a part of any conversation CRS management and those in Congress who oversee CRS may have had, we do not know how the complicated issues of staffing and work products may have been discussed.

We hear many complaints that supervisors care more about how many products we turn out than they do for the in-depth and trusted expertise that has distinguished CRS for decades.

I believe we need both. When I wrote the background paper for the Prescription Drug User Fee Act in 2007 it ran 55 single-spaced pages. But staffers told me they needed that information and they thanked me for providing such detailed and thorough information and analysis. They were able to navigate to the section of the report that was of most interest to them, often over the telephone in close consultation with me and CRS colleagues. Since then newer CRS analysts have capably updated the report. But without the original we would not have been able to offer Members and committees of Congress the substance you must have.

Members of this committee and your staff receive many sources of facts and opinion. They are often useful. But whether they come from the Alzheimer's Association or Big Pharma, they

support the goals of the sources. Seasoned CRS analysts can help sort through the facts and opinions and provide an unbiased overview. In the past, a CRS analyst could also provide analysis that went beyond synthesizing the recommendations and analysis of others. That is less likely, now.

Part of that results from tight budgets. The CRS budget was basically stagnant from 2012 to 2016. Much of the increase since then has gone to technology; staffing for analysts only recently seems to be coming back to the 2012 level.

That means CRS does not replace each analyst who leaves. For example, CRS was without an expert on U.S. relations with Russia for over a year because of budget constraints.

Individual analysts are being assigned broader subject portfolios. With so many topics to cover they cannot develop or maintain the same level of expertise as they had. And since we have fewer analysts responding to an increasing number of congressional requests they not only have less time to stay informed. They have less time to write in-depth reports. Regardless of CRS's level of resources, steps can be taken to re-balance CRS's service for Congress's varied needs.

**B. Increasing caution among senior staff.** And there is another constraint on the way analysts develop, maintain, and share expertise with Congress: what we see as an increasing caution among CRS leadership. Once in a while there are incidents where CRS withdraws a report because there were complaints from the Hill.

More often, we have seen instances which received no publicity. In those cases, management fear of Member objections overrode the nonpartisan, expert analysis and judgment of their analysts. Such constraint goes beyond whether or not to release a document. Authors see this trend and scale back analytically ambitious products on their own. In some cases, analysts are prevented in CRS's review process from synthesizing new perspectives on issues, and are told to instead focus only on what others have said. The chilling effect influences the design of new products and the review of draft products by peers, supervisors, division management, and the CRS Review Office.

Of course, rigorous review is essential and usually welcome—if not enjoyed—by analysts. Before CRS releases any report, it has gone through at least four different stages of review. But over the last few years, CRS management's aversion to possible criticism from the Hill has led some analysts and librarians to shy away from or avoid writing about controversial topics. CREA thinks that this does a disservice to Congress and those they represent. If *CRS* cannot discuss and point out flaws, contradictions, or key trade-offs in proposed policies, who can?

**C. Reports of problems in the American Law Division.** CRS has six research divisions. Four, including my Domestic Policy Division, are organized around subject areas. One, the Knowledge Services Group, focuses on information management CRS-wide.

Today I focus on concerns revolving around the sixth: the American Law Division. ALD.

CREA describes ALD's role as one that "provides objective, authoritative and non-partisan legal analysis and consultation to Members of Congress and their staff on issues of national importance that arise as part of the legislative process or that are otherwise of interest to Congress."

CREA has a few members from ALD, but none on our board. We have been told ALD attorneys are warned to avoid union activity. Turnover in that division is much higher than in other divisions. CREA's chief steward has assisted more ALD staff with problems with their

supervisors than in any other division. Some former and current ALD lawyers talk about an atmosphere of fear and distrust.

The attorneys leaving include new hires who came to CRS excited to join this well-respected icon on Capitol Hill. As they have told us, once here, they saw the atmosphere of fear and distrust in ALD even if they were not directly caught up in it. They may leave for better jobs or move across country for a spouse's job. But several have told us they soon looked for another job because they did not want to stay in CRS. Others felt they were being forced out after decades of outstanding, commendable, and fully successful service.

So while we are alarmed by the number and types of complaints we hear *from* ALD staff and *about* ALD from analysts and supervisors in the other research divisions, we hesitate to generalize about what might be the underlying reasons. Current practice of ALD management appears to have made collaboration between attorneys and analysts more difficult.

But we don't need individual testimony to see that multiple problems exist. With bargaining unit employee data available to us, we have looked at attrition rates in the research divisions. For Fiscal Years 2016, 2017, and 2018, attrition in the other research divisions was about 7.4% per year. For ALD, the annual attrition rate was about 19%. This represents a massive hemorrhaging of expertise that has had adverse effects on service to Congress.

In the research divisions other than ALD, 29% of current analysts have been at CRS for less than three-and-a-half years. For ALD that number is 54%. For CRS to serve Congress well, every division needs those who have been here long enough to understand the history of legislation. CREA urges the Members of this Committee to explore the reasons for this sharp difference and if you feel CREA can be helpful, please tell us how.

#### **4. Performance appraisal and promotion criteria and procedures.**

We have observed managerial shortcomings surrounding the handling of annual performance appraisals and promotion requests. There is great variation in how supervisors approach those evaluations. This is no surprise. The Evaluation criteria are unclear. The result, though, is often seemingly arbitrary decisions. CREA has handled cases where employees have received a commendable or outstanding performance evaluation one year, and have been warned they were at risk of receiving a minimally successful rating the next year, when there had not been a significant decline in their productivity. At CREA we believe that when employees perceive actions as unfair, management loses some of its moral authority. It creates low morale. The lack of information and the related lack of respect for the process is more than an annoyance to employees. It affects decisions to leave CRS.

When the value of CRS to Congress lies in large part in our expertise, failing to retain promising employees—reflected in attrition rates—is costly. Both to achieving our mission and in the staff time required to recruit, screen, hire, and train new people.

Here, there is hope. Over the years, CREA has raised these issues at all levels of management. When I raised the promotion process again with the CRS Director a month or so ago, she said that her office was interested in addressing this issue.

Dr. Mazanec, I hope you include bargaining unit employee and CREA participation in discussions on how to change—and improve—the promotion process. I hope we can review anonymized data on performance appraisals and promotions to help identify possible misuse or ineffective use of procedures that could be used to encourage excellent performance and to work towards efficient and effective service to Congress.

I also hope that when management is at the early stage of any change, they consult us.

First, involving staff and CREA in the development of important changes gives CRS the advantage of our expertise, insights, and recommendations. Second, it allows us to understand what managers are suggesting and offer ways to improve their proposals before we enter into formal negotiations. Third, it shows bargaining unit employees—and our supervisors and managers—that CRS leadership values our input, evidence, and opinions.

This inclusive, cooperative approach would help yield a plan more likely to succeed and give a boost to employee morale.

At the hearing on Thursday, I will see some congressional staff in the room. Earlier in my career I was a Hill staffer. I sought support from GAO, OTA, and CRS.

One of the great pleasures of being at CRS has been meeting young legislative correspondents saying, "You work at CRS? I love CRS!" Actually, so do I.

While I have talked about missed opportunities, there have also been opportunities seized.

CRS analysts, attorneys, and librarians and all those who work behind the scenes do a lot. To remember that, all I have to do is to look the list of CRS reports to Congress—and now policy and law blogs, podcasts, maps—on our website. CRS has counts of inquiries filled. Even though I object counting a 5-minute phone call and a six-month immersion in a policy issue both as one unit, I must recognize that the large number of CRS contacts with congressional requesters is one indication that we are busy, needed, and useful.

I have offered here, today, ways I believe CRS could do better. Just as the work of CRS endeavors to discover and illuminate problems and solutions in our country, so must we turn that light inward and discover ways in which we can improve ourselves. The better we function, the better we can serve you.

The best way to do that? Find ways for CRS management, employees, and our oversight committees work together.

That's what I hoped would come when I saw you had scheduled this hearing. Seeing it actually happened today, makes me believe that when that 50th anniversary rolls around on October 26, 2020, the CRS Director and the CREA President will propose a toast at the party, shake hands, and say, "We did it! And Congress helped."

Thank you.