

**Statement of**  
**Barbara J. Sapin, Executive Director**  
**Office of Compliance**  
**Before the Subcommittee on the Legislative Branch,**  
**Committee on Appropriations, United States Senate**  
**Fiscal Year 2015 Budget Request**  
**April 8, 2014**

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Madam Chairwoman, Senator Hoeven, and Members of the Subcommittee, I appreciate the opportunity to present this statement on the Congressional Office of Compliance's (OOC) budget request for fiscal year (FY) 2015. I want to thank the Subcommittee for its continued support of the OOC and its mission of advancing workplace rights, safety, health and accessibility for Congressional employees and members of the public that visit the Capitol.

The Office of Compliance ("OOC") is requesting an appropriation of \$4,020,000 for FY2015. This is a 3.93% increase from FY 2014 and reflects the OOC's immediate need to update our information technology (IT) infrastructure; provide education opportunities to Members, their staffs, and other Legislative Branch employees; and ensure that our safety and health program continues to protect the Congressional community.

**Ensuring a Model Workplace for Congressional Employees**

The OOC continues to be one of the most cost effective investments Congress makes in itself and its personnel. Despite having only 22 full-time equivalents (FTE) positions inclusive of a part-time Board of Directors, the OOC serves the same functions as multiple agencies in the Executive Branch at a fraction of the cost, including the Equal Employment Opportunity Commission, the Department of Labor, the Department of Justice (for access for people with disabilities), and the Federal Labor Relations Authority.

These areas of responsibilities for the OOC go beyond creating a model workplace for Congressional employees but proactively provide savings to the legislative branch for every dollar expended. For example, training and education programs on workplace protections similar to the ones conducted by the OOC pay dividends far beyond reducing complaints, litigation and settlement costs borne by the government. Rather, studies have shown that an effective sexual harassment and discrimination training program significantly reduces absenteeism, increases productivity and lowers employee turn-over. In addition, empirical studies have shown that safety and health inspections have a cost-benefit ratio of between \$3 to \$10 of savings for every \$1 invested in improving workplace safety. Further, in FY2013, the OOC's in-house mediation program resolved over 70% of employee claims without the need for costly litigation or hearings.

**FY2015 Request**

In developing this year's budget request, the OOC reviewed its current operations from a zero base to identify opportunities to reduce costs without sacrificing the quality of services to the 30,000 employees of the legislative branch. Between FY 2010 and FY 2014, the OOC's funding had been reduced by approximately \$537,000 which represented over 12% of our FY 2010 budget.

### *Education and Training*

While OOC has a statutory mandate to train and educate Congressional employees on their rights and responsibilities under the Act, budget cuts limited our ability to do so. Reductions in this necessary training typically cost the government more in litigation and personnel costs. In FY 2013, the OOC analyzed the potential savings that came from mandatory training in the Executive Branch. We saw that, although there was a brief spike in litigation of discrimination claims during the training period, this was followed by a dramatic decline in litigation overall, as mandatory training was implemented, employees were educated about their rights, and management level employees were trained to create model working environments and avoid actions which could give rise to unnecessary litigation. Findings of discrimination also dramatically decreased after the mandate for training was put into effect.

Follow-up studies have also shown that an all-inclusive training approach, where both supervisors and employees are trained together, has the greatest impact on workplace behavior. In FY 2014, we have been able to increase our training budget to strengthen training across campus and for FY 2015, we plan to extend educational opportunities throughout the Legislative community. This will include developing web-based modules and expanding in-person training sessions. Our FY 2015 Budget request supports our initial plans to broaden our outreach program.

### *Information Technology Improvements*

A large part of our request for additional funds in FY 2015 is for the development and maintenance of a new case management system. This system will replace an outdated system that is unable to expand to accept many of the current processes used by most federal and state judicial and administrative forums. For example, the OOC's current data system platform has been unable to keep pace and cannot be modified to accept money saving advancements such as paperless case files and electronic filing. Although relatively novel in 2007 when the current system was first installed, electronic filing is now the standard in federal and state courts and most administrative forums. Use of these new systems eliminates the waste and costs of multiple copies of pleadings and other litigation documents and significantly reduces uncertainty on issues of filing timeliness. Electronic filing and the migration of litigation records from a paper format to an electronic format is an involved process that includes developing a system that supports digital signatures, allows privacy and public access portals, and facilitates docket and document management.

In view of the increased requests from the Congressional community for data and reports on the use of the OOC services, continued reliance on our outdated system seriously hinders our case processing and compromises information management. The current system cannot be modified to meet the increased demands for data and statistics regarding our statutorily mandated programs. The platform of the current system is unreliable in compiling data and issuing accurate reports. This means that in order to provide the reports requested by Congressional committees and Member offices or required for the Annual Report, data must be compiled manually. While these manually completed reports contain accurate information, they are time consuming to prepare. Moreover, the current system is not flexible enough to provide for any additional reports that may be needed or requested. In addition, the current platform cannot support the proactive trend analysis that the OOC needs to identify problem areas in legislative branch workplaces early on. Under a new system, the OOC would be able to monitor employee inquiries and complaints in particular employing offices and then work with those entities through training and education to address the issues proactively instead of responding to them in costly litigation. The changes and the development of a new case management system will not only provide for more streamlined service delivery by our office to the Congressional community but will also allow cost savings in the long run.

The OOC will require the appropriations allocation discussed in our FY2015 budget to complete the development and maintenance of a system that is affordable and can be tailored and scaled to the requirements of our mission.

#### *Health and Safety Inspections*

The past cuts in funding forced us to significantly reduce Occupational Safety and Health ('OSH') inspector hours. Starting in FY 2012, the OOC developed and instituted a risk-based approach to the biennial OSH inspection. With this approach, OOC inspectors targeted high-risk and high-consequence areas such as machine shops, high voltage areas and child care centers in lieu of more comprehensive inspection of the Capitol campus. While this approach focuses our limited resources, it also requires specialized expertise because such inspections are more complex. Last fiscal year, our risk-based inspections were compromised by reduced inspector hours. We experienced a 6 month delay in completing the inspections for the 112<sup>th</sup> Congress. We managed to rebuild our inspection team to consist of four contract inspectors (two full time and two part time) and two employee inspectors. These inspectors are working to complete both the 112<sup>th</sup> and 113<sup>th</sup> biennial inspections. The same inspectors have been trained to conduct the biennial ADA inspections. After an increase in funding in FY 2014, we are encouraged that we can continue to make progress in our inspections and in FY 2015, we look forward to moving two contract inspector positions to vacant employee positions. This move is expected to save money and help us achieve a stable, experienced workforce. To accomplish this, we are requesting a shift in dollars from two year contract funds to one year money for staff.

#### *Administrative Dispute Resolution Program*

The Office is also requesting minimal funds to ensure that the OOC administrative dispute resolution (ADR) program is at full operational capacity. This program is a critical part of the CAA. Through mandatory counseling and confidential mediation, and the option of bringing an administrative complaint to the OOC, Congress, in passing the CAA, anticipated that workplace disputes could be handled confidentially at the earliest stages. By its very nature, the program is unpredictable in the number of constituents served and complexity of hearings. Costs can fluctuate greatly over the course of the year. For instance, as of the date of this testimony, complaints filed by Congressional employees with our office were up over 40% from the last fiscal year. While the number of complaints filed in federal court during the same time period is about 1/3 of that number. The ADR program is customer driven and because the number of complaints brought to OOC varies considerably, OOC must maintain the necessary funding to ensure that each complaint can be expeditiously processed.

We have managed to maintain the high level of service for the program through judicious assignment of Hearing Officers, exploration with other federal agencies on the use of trained Hearing Officers, cross training of existing staff, and bringing mediations in-house. Using senior employees who are highly trained in-house mediators has resulted in significant costs savings to the OOC while still providing unparalleled service. For instance, in FY2013 our in-house mediators conducted 80 mediations. Of those 80 mediations over 70% were resolved without further action by the complainant. This resolution rate for compelled mediation is well above current alternative dispute resolution standards and comes close to mirroring voluntary mediation success rates.

### *Information Technology*

The FY 2015 IT budget request reflects OOC's focus on other IT needs in addition to the case management system, such as improvements to current data systems used in health and safety and ADA inspections, upgrading security to meet current threat levels, enhancement of video conferencing equipment to save travel money for Hearing Officers, and consolidating IT functions.

### **Conclusion**

The Office of Compliance and its Board of Directors are proud of the level of services we deliver to the regulated community. As the Executive Director, I want to make sure that our highly professional and talented staff members have the tools they need to perform their statutorily mandated functions. While our budget is small, our mission is large and we work very hard to make the most of the funding that we do receive. Our small size and interrelated missions mean we can ill-afford to underfund one statutorily mandated area and still expect to succeed in the others. We all believe in the mission of the Office of Compliance and work to ensure that we continue to successfully serve the Congressional community. We thank the Subcommittee again for the opportunity to submit this statement. My staff and I are pleased to answer any questions that Members of the Subcommittee may have.