

**PREPARED TESTIMONY  
TAMARA E. CHRISLER, EXECUTIVE DIRECTOR  
OFFICE OF COMPLIANCE**

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**SENATE APPROPRIATIONS  
SUBCOMMITTEE ON THE LEGISLATIVE BRANCH**

Madam Chair, Ranking Member Alexander, Members of the Committee, I am pleased to appear before you as the Executive Director of the Office of Compliance (“OOC”) in support of the Office’s 2009 fiscal year request for appropriations. When I last appeared before this Subcommittee, I was the Acting Executive Director. Because of the support of this Subcommittee, the Board of Directors of the Office of Compliance was successful in presenting to Congress legislation to amend the Congressional Accountability Act (“CAA”), which allows for internal promotion. These enabling amendments not only allowed for my official appointment to the Executive Director position, but they also provided for the possibility of other staff being promoted to any of the four appointed positions. This opportunity will not only provide for continued institutional knowledge, but it will improve the retention of talented staff, and it will overall increase staff morale. The agency will benefit from your efforts for many years to come, and our gratitude for your support will continue well into the future.

My appointment as Executive Director enabled the Board of Directors to appoint two new Deputy Executive Directors: Barbara J. Sapin, Deputy Executive Director for the Senate; and Sana F. Shtasel, Deputy Executive Director for the House of Representatives. Along with the new Deputy Executive Director appointments, Susan Green has joined the Office as Deputy General Counsel. With the addition of these new deputies, as well as my appointment, General Counsel Peter Ames Eveleth and I continue to work toward increased communication and collaboration with the agency’s stakeholders. Our focus of being a resource on Capitol Hill continues, and the recent additions to our leadership only strengthen our abilities to move forward in this way.

The Subcommittee will note that the Office of Compliance’s budget request for fiscal year

2009 is directly linked to its mission and strategic plan, supporting the agency's mandate to ensure a safe, healthy, and fair workplace on Capitol Hill. This year's budget request is a minimal increase over our request for appropriations in fiscal year 2008. In fiscal year 2008, the Office requested \$4,106,000 to fund such services as expert oversight of the remediation of the utility tunnels hazards and additional positions to meet the agency's increasingly demanding workload. After the .25-percent across the board recession, our total funding for fiscal year 2008 was \$3,341,625.

This agency understands the fiscal constraints under which the legislative branch is laboring and appreciates the delicate balancing act this Subcommittee must experience in responsibly exercising its appropriations responsibilities, mindful of the needs of the rest of the federal government. With that global perspective, the OOC has made efforts to present in our fiscal year 2009 budget request only those items that are essential for the operations of our agency. We, as an agency, have realized much success in our efforts to position ourselves as a resource on Capitol Hill. Sister agencies have called upon our expertise to assist with their review of safety and health plans and programs, as well as provide guidance on how to establish a fair workplace, free from discrimination. To our delight, one Senate Committee reached out to our office to request review of a disability access manual. Routinely, we are asked to review legislation to provide input on the possible impact of the Congressional Accountability Act on the legislative branch.

Our staff have appreciated the opportunity to respond to requests for input and technical assistance. It is our hope that we can continue to be a resource and provide assistance proactively for those issues that fall within the realm of the CAA. It is with that hope that we submit our fiscal year 2009 budget request. In its submission, the agency is requesting a total of \$4,307,500 for its operations. Although this request is only a 4.9% increase over the agency's 2008 budget request, we recognize that it is a significant percentage, if not dollar increase, over the agency's 2008 appropriated funds. Because of the across-the-board recessions and other cuts made to the agency's 2008 appropriations, the fiscal year 2009 request contains items that had been requested but not funded in fiscal years 2007 and 2008: approximately \$345,000 to fully fund the authorized

level of FTE positions and concomitant salaries; approximately \$134,000 for mandatory cost-of-living adjustments and employee salary increases; and \$156,000 for initiatives that were originally requested in FY 2007 or FY 2008. Setting aside these renewed repeat requests, mandatory COLAs, and the cost of fully funding the agency's current staff complement of 21, the agency's request for new "discretionary" projects (less than \$200,000) is extremely minimal but necessary to fulfill our mission.

In FY 2009, the Office of Compliance intends to build on its strong foundation of communication and collaboration with its stakeholders. During the past fiscal years, we have achieved much success in our safety and health program through increased communication with the Office of the Architect of the Capitol in remediating hazards in the utility tunnels and advancing abatement of fire safety hazards in Senate and House Office Buildings and other important facilities. We are realizing success in our education and outreach program through our publications and much utilized web site, as well as the implementation of a comprehensive baseline survey that will inform the Office's focus of ensuring that its programs are of maximum benefit to employing offices and employees on Capitol Hill and in the District and State Offices. In fiscal year 2009, the agency hopes to continue its success as a resource and improve its effectiveness and productivity on Capitol Hill.

## **PREVENT AND REDUCE**

The Office plans to introduce an efficient and proactive approach to reducing the number of incidents giving rise to allegations of violations of the Congressional Accountability Act, which will ultimately resolve complaints at the lowest possible level and save taxpayer dollars. As originally discussed in our House FY 2008 appropriations hearings, language similar to the Notification and Federal Employee Anti-discrimination and Retaliation Act ("NO FEAR Act") was drafted for the legislative branch. In keeping with the spirit of the NO FEAR Act language of resolving complaints at the lowest possible level and reducing the cost to taxpayers in discrimination and retaliation claims, we received encouragement to dedicate one or two FTEs toward educating the employing offices of their rights and responsibilities. The Office sees as a

benefit to Congress its request of additional staffing to assist the agencies in complying with the requirements of the CAA, and encouraging resolution of personnel-related disputes at the lowest possible level.

Currently, the agency's statutory mandate includes an education and outreach component, which requires the agency to inform both employing offices as well as employees of their responsibilities and their rights under the CAA. The agency has achieved much success in providing material to employees and employers of their rights and responsibilities under the CAA. The OOC continues to produce newsletters and bulletins, handbooks and guides on the substantive laws implemented by the CAA. The agency's website has developed into an extremely useful tool for individuals (both local and remote) to receive information and education. Our statutory mandate, however, cannot be realized fully unless this Office's education efforts include programs that are focused on assisting agencies in resolving disputes at the earliest possible time. As a matter of fact, studies done as recently as 2006 in the private sector, federal government, and academia have all shown that the use of a trainer or ombuds person in an agency's/office's/company's training efforts resulted in a decrease in litigation by 75% and a reduction in the number of claims of discrimination as well. The agency is requesting FTE positions for a trainer and an ombuds person for conflict prevention for this purpose.

The agency also requests an additional FTE for a Fire Safety Engineer to augment the work of the agency in preventing serious fire hazards and abating serious unabated fire safety hazards that exist in the Capitol, Senate and House Office Buildings, and in Library of Congress facilities. During FY 2007, the OGC closed 11 of 38 outstanding citations. While some progress has been made, several of the most serious fire safety citations have remained unabated since they were issued in 2000 and 2001. After extensive discussions, in June 2007, the AOC provided the Office of Compliance with a detailed plan to abate these outstanding hazards. The AOC also identified specific actions taken to address many additional fire safety deficiencies during 2005 and 2006. The Office of Compliance's General Counsel expressed concern to the Architect that under the AOC's proposed abatement plans, the most serious hazards involving open stairwells would not be fully abated for an excessive period of time – in one facility, not until 2015, while in

other instances, abatement dates were undetermined.

Accordingly, we suggested alternative means for accelerated abatement. Subsequently, after further discussions, the AOC developed, and the OOC has approved, innovative and more efficient and potentially less costly abatement plans for the Cannon, Longworth and Russell Office Buildings that resolve the fire safety hazards identified in the 2000 citations involving these three buildings. These abatement plans not only abate the fire safety hazards but do so in a manner that assures that the historic architectural features within those buildings are preserved. Achieving and maintaining the minimum required level of fire safety within the Capitol and the House and Senate office buildings remains a primary goal of the Office of Compliance. The agency is committed to continue working with the AOC and other entities to achieve an acceptable level of fire safety within the other legislative branch buildings, and this requested FTE would support, and over time, play a leadership role in the Office's ongoing fire safety abatement initiative. The incumbent of this position would be groomed to assist and succeed an existing contract inspector— a nationally renowned fire safety expert— to allow for continuity in this critical area.

The second piece to the agency's efficient approach to reduce the number of incidents giving rise to allegations of violations of the Congressional Accountability Act is reduction. The program designed to minimize legislative branch agencies' overreliance on the OOC's safety and health inspections, and instead empower them to proactively identify and remediate hazardous conditions within their facilities. This program would fund contracted services for the OOC's Zero Accident Initiative, which involves working with employing offices to implement preventive maintenance programs, and training supervisors and employees to follow safe practices. The OOC would offer to assist them in analyzing accident and injury records, identifying systemic problems, prioritizing remedial measures, and creating effective policies designed to prevent future accidents. Together, these two approaches (resolving disputes at the lowest possible level and equipping agencies to identify and remediate safety and health deficiencies) amount to about half of the newly requested "discretionary" funding for FY 2009. Clearly, both of these efforts ultimately would lessen the financial burden which results from violations of the CAA and would, in turn, not only save taxpayer dollars, but in certain instances, could save lives of visitors to and

employees of Capitol Hill.

## **CONCLUSION**

The Office welcomes fiscal year 2009 with enthusiasm for the programs we hope to implement pursuant to our mandate and in line with the success we have realized through our communication and collaboration efforts. The majority of the agency's request for appropriations is to fund program requests that we believe are critical to our mission but were not funded in prior years. The agency's focus for fiscal year 2009, of preventing violations of the CAA and reducing the number of hazards, will meet workplace and safety and health concerns shared by many on Capitol Hill. These requested funds will allow the agency to comply with its mandate, continue communication and collaboration efforts, and assist the employing offices of the legislative branch to address concerns at the lowest possible level, which will result in ultimate cost-savings to Congress.

The Office continues to see itself as a growing resource to the Congress and its instrumentalities on Capitol Hill. Our appropriations request will enable us to continue the progression we have been on over the past several years from a strictly regulatory agency, to an enabling and supportive resource for legislative branch agencies. We are positioned to assist our stakeholders in meeting the requirements of the CAA, be they safety and health matters, or assuring fairness in the workplace for all employees. Thank you for your support, past and future, of our mission.

I remain available to answer any questions that you have.