

**Statement of
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**Before the
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives**

**At a Hearing Entitled
“Budget Hearing – Fiscal Year 2025 Request for the
Office of Congressional Workplace Rights”**

**Presented
April 16, 2024**

Chairman Valadao, Ranking Member Espaillat, and Members of the Legislative Branch Subcommittee, thank you for providing me the opportunity to submit this statement regarding the budget request of the Office of Congressional Workplace Rights (OCWR) for Fiscal Year 2025. We thank the Subcommittee for its steadfast support as we carry out our mission to advance workplace rights, safety and health, and accessibility in the legislative branch.

For FY 2025, the OCWR requests funding of \$8,591,887, of which \$500,000 would remain available until September 30, 2026, and two additional full time equivalent (FTE) positions. This represents an increase of 5.42 percent above FY 2024 enacted levels.

I. The OCWR’s Statutory Mandate

Congress passed the Congressional Accountability Act (CAA) more than 25 years ago with overwhelming bipartisan support. The CAA embodies Congress’s ongoing promise to the American public that it will hold itself accountable under the same federal workplace and accessibility laws that it applies to executive branch agencies and private sector employers. These laws prohibit discrimination, harassment, and retaliation in the congressional workplace; they promote equal employment opportunity; they provide enhanced access to job opportunities for veterans; they guarantee minimum wage and overtime compensation, job-protected leave, paid parental leave, and unionization rights on the Hill and in congressional offices throughout the country; and they require hazard-free workplaces in the legislative branch, as well as services and facilities that are accessible to people with disabilities.

Congress established the OCWR as the independent, nonpartisan office to administer the CAA. We are a very small office with a very broad mandate, performing many of the same functions for the legislative branch as do multiple agencies for and within the executive branch, including the Equal Employment Opportunity Commission (EEOC), the Federal Labor Relations Authority, the Occupational Safety and Health Administration, and other components of the Department of Labor.

The OCWR has one program—to administer the CAA. To achieve our mandate, the OCWR operates several distinct but complimentary subprograms:

- We develop and provide outreach, education, and training to the congressional community, which promotes workplace rights, encourages the creation of hazard-free and accessible workplaces, and prevents disputes from arising in the first place.
- We provide privileged and confidential counseling and advice to covered employees about their rights and responsibilities under the CAA in light of their particular circumstances.
- We operate an Administrative Dispute Resolution (ADR) program, which includes voluntary mediation and administrative hearings, to resolve claims brought under the CAA.
- Our Office of General Counsel (OGC) investigates alleged violations of laws governing hazard-free workplaces, accessibility, and unionization; works with stakeholders to resolve alleged violations; and prosecutes violations of such laws. Each Congress, OGC also inspects more than 18 million square feet of facilities and grounds in the legislative branch to ensure that they are and remain hazard-free and accessible.
- Our Board of Directors proposes and, upon congressional approval, promulgates regulations to implement various statutes applied to the legislative branch through the CAA. The Board also recommends actions that each Congress can take to ensure the protections and responsibilities applied through the CAA are equivalent to those applicable to the private sector and the executive branch.
- We also administer the statutorily required biennial Congressional Workplace Climate Survey to more than 30,000 legislative branch employees, which assesses the workplace environment, including attitudes regarding sexual harassment.

II. The OCWR's FY 2025 Budget Request

The OCWR's budget request for FY 2025 focuses on its statutory mandates and on improving the delivery of services to legislative branch stakeholders. It does not embody any significant new program areas or large-scale initiatives.

In FY 2024, the OCWR has been able to hire experienced professionals as FTEs and rely on its newly acquired in-house expertise to perform services previously provided by contractors and service providers. Although, as discussed below, this has resulted in an increase in projected personnel costs, it has also resulted in significantly lower costs for contractual services. We anticipate that such non-personnel costs will also be substantially lower in FY 2025 and subsequent fiscal years.

Of the total FY 2025 request amount, the OCWR requests that \$500,000 remain available until September 30, 2026. This flexibility is especially crucial to cover costs for the services of essential contractors, including hearing officers, mediators, and expert consultants, because the timing of these expenses is not entirely within the OCWR's direct control.

A. Personnel Costs

The OCWR depends heavily on its FTEs to accomplish its varied mission. As a result, the majority of the OCWR's annual budget is for personnel costs, including pay and benefits, for OCWR staff. Specifically, approximately 76 percent of the OCWR's FY 2025 budget request, or \$6.5 million, is for costs associated with 36 authorized full-time FTEs, which includes the five part-time Board members, who serve on a "when-actually-employed" basis and together comprise one of the FTEs.

Because it is crucial for the OCWR to recruit and retain highly skilled professionals to carry out its mission, the amount the OCWR requests for FY 2025 represents an increase of 24% percent, or \$1,252,606, above the FY 2024 enacted amount. This increase incorporates a 4.5% across-the-board pay increase based on Congressional Budget Office projections.

B. Non-personnel Costs

The remaining approximately 24% of the OCWR's budget request is for non-personnel costs. These costs include contract services, such as contracted pay for our Hearing Officers and Mediators in our ADR program, and for other contract services, equipment, and supplies needed to operate the OCWR. These non-personnel costs also cover costs associated with our interagency agreements for services provided to the OCWR by partner federal agencies, including the Library of Congress and the National Finance Center.

As stated above, the OCWR's non-personnel costs have significantly decreased in FY 2024, and we expect this trend to continue in FY 2025. Therefore, the OCWR's request of approximately \$2.1 million for non-personnel costs represents a 36% decrease from the FY 2024 enacted amount.

I highlight some of the especially significant non-personnel costs below.

i. Administrative Dispute Resolution

The OCWR requests \$400,000 for non-personnel services for FY 2025 for the administration of its ADR processes. This amount includes funding to pay the contract rates for our Hearing Officers and Mediators. It also includes funding for technical services and necessary updates to support the operation of the ADR e-filing system.*

With respect to the ADR non-personnel cost projection, we note that it is impossible to predict with certainty the number of cases claimants will file with the OCWR's ADR program each year. In light of that, we based the ADR non-personnel estimate upon average actual expenditures from FY 2021 through FY 2023.

Although we believe that relying on FY 2021 through FY 2023 as guides for FY 2025 is reasonable, there is some risk that the number of cases could climb, or fall, from the caseload

* The requested amount does not include non-personnel costs associated with the Board of Directors' function as the reviewing body for claims that are appealed from OCWR hearing officers under the ADR program.

that sustained the FY 2021 through FY 2023 costs. We note that claims filed in FY 2023 nearly tripled over FY 2021, from 19 to 55. Moreover, requests for Confidential Advising increased approximately 86% from FY 2021 to FY 2023, from 66 to 123 requests. Similarly, requests for voluntary mediation more than tripled, from 11 in FY 2021 to 35 in FY 2023.

ii. General Information Technology/Communications/Web Services

IT modernization and security continues to be a key focus for the OCWR. The OCWR administers a local area network, inclusive of personal computers for employees and a number of on-site contractors, and the hardware and software required to support the network. The OCWR requests approximately \$710,000 for non-personnel services for FY 2025 for information technology equipment and operations. These non-personnel costs cover the necessary equipment, contractor, and interagency agreement costs to facilitate these efforts, which are in addition to the costs specifically for contractor support of the ADR e-filing system. This part of the non-personnel request also includes periodic upgrades to the OCWR's communications systems and website and the estimated costs of future enhancements to the Risk Management Suite used by OCWR safety professionals. The OCWR's request of approximately \$710,000 for non-personnel costs for this subprogram represents a decrease of \$1.5 million, or 47%, from the FY 2024 enacted amount.

iii. Education and Training

Among the OCWR's significant responsibilities is its statutory mandate to provide a program to educate Members of Congress and legislative branch staff on their rights and responsibilities under the CAA. OCWR trainers deliver remote and in-person training sessions tailored to meet the unique needs of legislative branch stakeholders. Demand for OCWR training and outreach services continues to increase, and the OCWR has continued to enhance its training program, delivering new and informative modules via web-conferencing, in-person sessions, and on-line videos.

The OCWR requests \$155,000 for non-personnel services for FY 2025 to facilitate OCWR staff in support of this program, a decrease of \$75,000, or 56%, from the FY 2024 enacted amount. These non-personnel costs include contracts for editing, website operation and updates, along with development and refreshing training videos and materials.

Congressional Workplace Climate Survey

As noted above, the OCWR is responsible for administering the biennial Congressional Workplace Climate Survey. This confidential survey of legislative branch employees covers the workplace environment. \$350,000 of the requested non-personnel amount would be used to pay for services necessary for OCWR staff to construct, administer, and tabulate the surveys.

iv. Inspecting Legislative Branch Facilities

The OGC is responsible for inspecting all facilities in the legislative branch for occupational safety and health violations at least once each Congress. The OGC is also responsible for inspecting the public areas of all facilities in the legislative branch for compliance

with titles II and III of the Americans with Disabilities Act. In FY 2024, the OCWR has been able to hire as FTEs experienced safety professionals and perform inspections and investigations previously provided by contractors and service providers. As such, the non-personnel allocation includes \$100,000, a decrease of approximately 67% from the FY 2024 enacted amount.

v. *Miscellaneous Expenses*

The remaining projected non-personnel costs would pay for contract services, including cross-servicing providers, such as the Library of Congress and the National Finance Center, and other services, equipment, and supplies needed to operate the OCWR.

III. Conclusion

The OCWR is committed to executing our crucial mission in the coming fiscal year. I believe this budget request will allow the OCWR to succeed while remaining efficient and serving as a responsible steward of taxpayer's money. As such, I respectfully ask for your support of this request. I look forward to providing this Subcommittee with any additional information it may require at this hearing and the coming days as part of the appropriations process.

Thank you.