



The Library of Congress
Office of the Inspector General



Office of Support Operations

*Follow-up Review of the Office of
Opportunity, Inclusiveness and Compliance*

Report No. 2011-PA-106
June 2011

FOR PUBLIC RELEASE



UNITED STATES GOVERNMENT

LIBRARY OF CONGRESS

Memorandum

Office of the Inspector General

TO: James H. Billington
Librarian of Congress

June 15, 2011

FROM: Karl W. Schornagel
Inspector General

A handwritten signature in black ink, appearing to read "Karl Schornagel".

SUBJECT: *Follow-up Review of the Office of Opportunity, Inclusiveness and Compliance*
Report No. 2011-PA-106

This transmits our final report summarizing the results of the Office of the Inspector General's follow-up review on the Office of Opportunity, Inclusiveness and Compliance (OIC). The executive summary begins on page *i* and our findings and recommendations appear on pages 4 to 12. Based on the written comments to the draft report, we consider all of the recommendations resolved except for recommendation V. Please provide, within 30 calendar days, an action plan addressing implementation of the recommendations, including an implementation date, in accordance with LCR 2023-9, *Rights and Responsibilities of Library Employees to the Inspector General*, §6.A. The final report will be publicly available.

We appreciate the cooperation and courtesies extended by OIC during this follow-up review.

cc: Chief of Staff
Chief of Support Operations
Chief, Office of Opportunity, Inclusiveness and Compliance
Director, Human Resources Services

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▶▶ EXECUTIVE SUMMARY

In 2007 and 2008, the Office of the Inspector General (OIG) prepared reports on the Library's diversity program – then the Office of Workforce Diversity (OWD) – which identified numerous organizational and functional problems within the program. Subsequent to these reports, the OWD was renamed the Office of Opportunity, Inclusiveness and Compliance (OIC) and the Library's Executive Committee approved the Library's 2011-2016 Multi-Year Affirmative Employment Program Plan (MYAEEP). The MYAEEP provides a strategic methodology to assess the Library's achievement of diversity in its workforce.

This report provides the results of a follow-up review we performed to assess the Library's progress in addressing issues we identified in our previous reports. Given the OIC work that lies ahead, we will continue to track the office's progress in implementing the MYAEEP and in eradicating barriers to equal employment opportunities in the Library.

Improved Staffing and Focus on Analysis and Oversight—The OIC has reduced staffing to almost half of the level that OWD had in 2007, focused more effort on analysis and oversight, and published the Library's 2011-2016 MYAEEP. However, its efforts to conduct barrier¹ analyses have been hampered by high staff turnover.

More Accountability Needed—Implementing the MYAEEP will require a collaborative effort with the OIC working with the selection officials, service unit officials, and HRS. We recommend that OIC, in collaboration with the Library's Human Capital Management Flexibilities Working Group, complete the barrier identification and elimination process initiated with the MYAEEP.

Improved Representation—The MYAEEP recommends some actions that the Library should take to improve the representation of Hispanics and persons with disabilities within the Library's workforce. Implementing the suggested recruitment strategies is dependent upon Library managers

¹ A barrier is a policy, principle, or practice that limits or tends to limit employment opportunities for members of a particular sex, race, or ethnic background, or based on an individual's disability status.

ensuring that selection officials are held accountable. In a future review, we will seek to determine whether the OIC and Library management have taken appropriate actions to develop and implement recruitment strategies for improving Hispanic representation in the Library's workforce.

Inclusion of the OIC Director in Major Decisions Affecting Diversity—The Librarian and senior Library officials have not included the OIC in major decisions involving workforce diversity since the organizational changes were made. We recommend that the Chief for Support Operations seek commitment from the Librarian and other senior officials to include the OIC Director in senior-level discussions and decisions which involve workforce diversification issues pertaining to the Library.

Failure to Post Voluntarily "No FEAR" Data— In our 2008 report, we recommended that the Library voluntarily make its "No FEAR"² data available to staff via the Library's staff intranet web site. The OIC has not implemented this recommendation. We reiterate our 2008 recommendation to make the Library's "No FEAR" data available to staff.

Exit Interviews Providing Limited Information— The Library's Human Resources Services automated "Exit Interview" questionnaire solicits voluntarily the staff member's perspective on issues involving workplace culture and values, and may provide useful information for the OIC. However, the questionnaire does not ask the departing staff member to identify his or her race. We recommend that the Library's Human Resources Services revise the questionnaire to include a question asking the former employee to identify voluntarily his or her racial identity.

Management generally concurred with our recommendations, but disagreed with our finding that the OIC has not been included in major decisions involving workforce diversity. Management has still not implemented our 2008 recommendation to post "No FEAR" data. We again strongly reiterate this recommendation.

² The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, commonly known as the "No FEAR" Act requires that executive branch agencies post on their public Web sites certain summary statistical data relating to EEO complaints filed against them.

▶▶ BACKGROUND

The Library of Congress' Strategic Plan for Fiscal Years (FYs) 2011-2016 states that "[t]he emphasis on ensuring, nurturing, and educating staff about diversity at the Library is a significant strength that must be sustained...." The Library addresses the need to cultivate and nurture a diverse workforce in part by its establishment of the Office of Opportunity, Inclusiveness and Compliance.

In 2007 and 2008, the Office of the Inspector General (OIG) prepared reports on the Library's diversity program – then the Office of Workforce Diversity (OWD) – which identified numerous organizational and functional problems within the program. This report provides the results of a follow-up review we performed to assess the Library's progress in addressing issues we identified in our previous reports.

Organization of the Library's Diversity Office

In a 2008 reorganization, the OWD was renamed the Office of Opportunity, Inclusiveness and Compliance (OIC). The reorganization included organizational restructuring and significant staff downsizing. In FY 2010, the OIC became one of the components of the Office of Support Operations, a reorganization of the Library's support functions. This reorganization moved principal responsibility for the diversity programs from the Office of the Librarian to the Chief for Support Operations.

OIC includes three program units: 1) the Counseling, Mediation, and Complaints Unit (equal employment opportunity (EEO) and dispute matters, complaint processing and investigation, and non-EEO mediation); 2) the Inclusiveness Unit (services for employee-related disability accommodations, interpreting services, and heritage observance/special emphasis events; and finally, 3) the Analysis and Compliance Unit (provides policy, oversight, and guidance to Library managers regarding compliance with employment laws, regulations, and the Library's Multi-Year Affirmative Employment Program Plan [MYAEPP]³). The MYAEPP provides a strategic methodology to assess the Library's achievement of diversity in its workforce.

³ The Library's Executive Committee approved the 2011-2016 MYAEPP on October 20, 2010.

OIG's 2007 and 2008 Reviews

In 2007, we performed a review of the Library's OWD.⁴ We concluded that the office was overstaffed and over-graded, had not properly focused its affirmative action program, had no clear performance management guidance, and was costing far more to operate than comparable diversity functions in other agencies. Accordingly, the OWD needed to perform regular systematic workforce and workload analyses, identify and define systemic barriers to equal opportunity, and develop practical solutions to address these problems.

In 2008, the Chairman of the Federal Workforce, Postal Service, and District of Columbia Subcommittee requested that the Inspectors General of the legislative branch agencies perform a review to: 1) determine whether the diversity programs/initiatives of those agencies were achieving better representation of women and minorities in top leadership positions, 2) assess the extent to which each agency's diversity office was independent of the agency's head and General Counsel, and 3) evaluate the accuracy and completeness of the complaints and discrimination data reported to Congress. In response to the Chairman's request we issued a report⁵ concluding that the Library had shown a strong commitment to and was following most of the recommended essential elements of Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD-715)⁶, including the implementation of a reporting structure which provided the OWD Director regular access to the Librarian. However, we found that the Library had neither conducted an analysis to identify systemic barriers impeding full minority participation in upper-level management positions nor fully developed and implemented its personnel succession plan.

⁴ *Review of the Office of Workforce Diversity*, Report No. 2007-SP-103, September 2007.

⁵ *Review of the Library's Diversity Management Program*, Report No. 2008-SP-104, July 2008.

⁶ EEOC's MD-715 provides policy guidance and standards for establishing and maintaining effective affirmative programs of equal employment opportunity and effective affirmative action programs for all government agencies except the legislative branch. Although MD-715 does not apply to the legislative branch, lacking other guidance, we believe it provides useful criteria to evaluate whether the legislative branch is establishing and maintaining effective EEO and diversity management programs.

►► OBJECTIVES, SCOPE, AND METHODOLOGY

The objective of this review was to assess the progress that the OIC has made in responding to the findings included in our 2007 and 2008 reports. To address our objective, we interviewed OIC staff, reviewed the Library's 2011-2016 MYAEPP and a preliminary draft of the OIC's MYAEPP implementation plan, and compared current staffing levels to the OWD's 2007 staffing.

We conducted this review from January through February 2011 in accordance with generally accepted government auditing standards and Library of Congress Regulation (LCR) 211-6, *Functions, Authority, and Responsibility of the Inspector General*. Government auditing standards require that we plan and perform audit work to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our objectives. We believe that the evidence we obtained provides a reasonable basis for our findings and conclusions based on our objective.

►► RESULTS OF REVIEW

The OIC has made significant progress in addressing our 2007 and 2008 findings: it has reduced staffing to almost half of the level that OWD had in 2007, focused more effort on analysis and oversight, published the Library's 2011-2016 MYAEPP, and has developed performance goals and measures.

Additionally, the OIC has provided training to educate Library supervisors about diversity programs and related issues, and taken other steps to ensure that new employees and all supervisors are aware of the Library's EEO policy statement.

However, additional action is needed to improve the Library's diversity practices. Among other things, the OIC needs to implement the MYAEPP by conducting more systematic analyses of various diversity measures, assessing results, and making recommendations. Additionally, the OIC needs to clearly specify requirements for maintaining organized dispute resolution case files. Details on significant results we obtained through our review are provided in the following sections.

I. Improved Staffing and Focus on Analysis and Oversight

The OIC is more appropriately staffed than the OWD was in 2007. Moreover, it is now implementing our recommendation to identify trends and proactively address issues affecting successful diversity management. However, its efforts to respond to our recommendation to conduct barrier analyses have been hampered by high turnover in certain positions. In addition to conducting barrier analysis, the OIC needs to clearly specify requirements for maintaining organized dispute resolution case files. Doing so will assist it in managing the performance of staff assigned to work on complaints and grievances, and increase the likelihood that information regarding active dispute cases will be consistently tracked and responsibly evaluated.

As shown in Table 1, the OIC has reduced its staffing to about half of the 2007 level. Among the reductions, the OIC eliminated five positions which previously required the incumbents to spend most of their time planning cultural awareness programs. Moreover, the office has added two

positions (an Executive Assistant and a temporary Analyst) to assess the progress of each Library service unit in implementing the MYAEPP and managing diversification activities. As a result, the OIC is spending less time planning

**Table 1. OIC Staffing Levels
(as of 2007 and 2011)**

Position	Grade	2007	2011
Director	SL	1	1
Deputy Director/EEO Specialist	15	1	0 (abolished)
Special Assistant	14	1	1
ADA Program Manager	13	1	1
Administrative Officer	11	1	1
Support staff	06/08	1	1
Executive Assistant	08	0	1
EEO Specialists	13	2	0
EEO Specialist	11	1	1
EEO Intake	06	1	1
Convener/Mediator	14	3	1
Affirmative Action Chief	15	1 (vacant and frozen)	0
Affirmative Action (Special Assistant, Program Specialist, EEO Specialist [see note below] and a Statistician)	13	4	0
Total FTE		18	9
Non FTE:			
Temporary Interpreter	11	1	1
Temporary Outreach Support	06	1	0
Interns	01/02	2	0
Temporary Analyst	14	0	1
Total Staffing		22	11
Note: Although an EEO Specialist, this employee spent 100 percent of their time on Affirmative Action programs.			

cultural awareness programs and more time conducting analyses to identify trends and proactively address issues affecting successful diversity management.

The OIC is still involved with cultural awareness programs, but now it puts more emphasis on oversight. The office has suggested that each service unit be responsible for sponsoring, hosting, funding, and implementing one or more Library-wide special emphasis heritage events.⁷ Furthermore, it has proposed that the Library host an annual diversity event. A similar all-inclusive event held at the U.S. Patent and Trademark Office has been well received.

The OIC’s staffing changes are commendable. However, high turnover has delayed the implementation of initiatives to

address our 2008 recommendations regarding barrier analyses. In 2009 and 2010, the OIC filled three positions – the Deputy Director, Mediator, and Executive Assistant, all of whom have since resigned. We note that at the time of our fieldwork, recruitment efforts were underway for the analyst position. Having a permanent analyst available for the systematic analyses and oversight that we recommended is crucial. Likewise, maintaining a talented workforce for continuity of operations is equally crucial.

⁷ During FY 2010, OIC provided staff support and sponsorship for the following cultural observance months: National Hispanic Heritage, National Disability Employment Awareness, National American Indian Heritage, Black History, Women’s History, Jewish-American Heritage, Asian-Pacific-American Heritage, and Gay and Lesbian Pride.

Recommendation

None.

II. More Accountability Needed

The OIC's effort to prepare the Library's 2011-2016 MYAEEP directly addresses our recommendation that the OIC be more focused on barrier⁸ analysis. However, the plan only establishes a framework for assessing diversity management success and identifying potential barriers to equal employment opportunities. It is very important that the OIC collaborate with the Library's Human Capital Management Flexibilities Working Group (also known as the Human Resources Flexibilities Working Group) and service unit managers to put the plan into action. We will monitor the OIC's progress as it works to identify and help eliminate barriers to diversity.

Although not required of the legislative branch agencies, the EEOC instructions to federal agencies⁹ provide an effective four-step process for identifying and eliminating barriers to equal employment opportunities. That process "at a glance" is shown in Figure 1.

The MYAEEP conforms to EEOC's process for barrier identification and elimination by:

- including appropriate "snapshots" to identify possible equal employment opportunity barriers,
- comparing the Library's workforce information to national civilian labor force (CLF) data, and
- evaluating the distribution and proportionality of the workforce through an examination of major occupational job categories, grade levels, accessions, separations, and promotions.

Additionally, the MYAEEP includes 19 "Representative Measures" to help the Library identify possible barriers to equal employment opportunities. Analyses of information

⁸ A barrier is a policy, principle, or practice that limits or tends to limit employment opportunities for members of a particular sex, race, or ethnic background, or based on an individual's disability status.

⁹ U.S. Equal Employment Opportunity Commission, *Instructions to Federal Agencies for EEO MD-715, §II, Barrier Identification and Elimination*.

yielded through these “Measures” may raise an important question(s) concerning one or more Library policies, procedures, and/or practices. Policies, procedures, and/or practices which come into question should be thoroughly investigated to determine whether they indeed are limiting

employment opportunities for a specific group(s) of the workforce and, if so, should be revised.

In addition to the analyses that should be performed related to the “Representative Measures,” the OIC should analyze the distribution of performance ratings. The OIC believes this may be a difficult target to analyze because performance ratings are not determined consistently among the service units. The OIC is analyzing performance plans and Individual Development Plans. Regarding the performance ratings, the OIC plans to ask each service unit to analyze its own set of performance ratings in order to identify potential disparities affecting particular groups.¹⁰

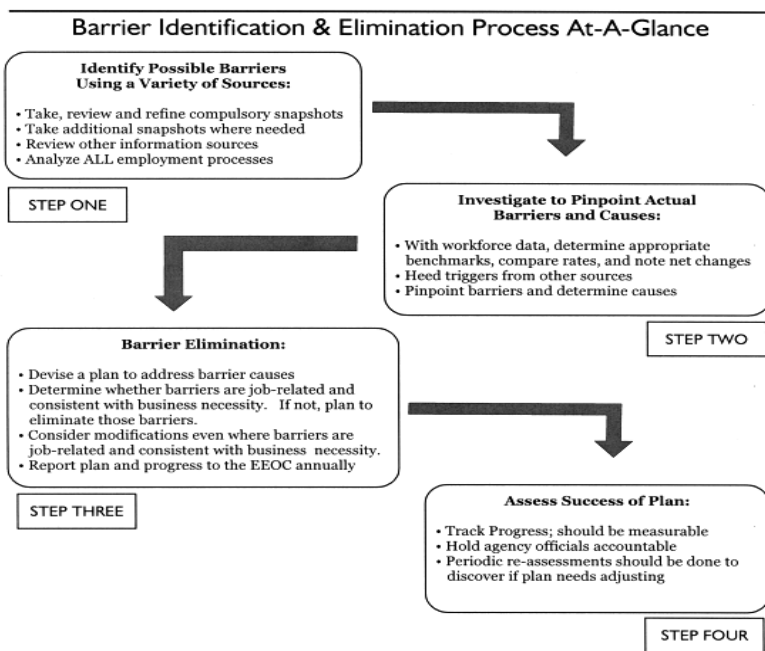


Figure 1: EEOC Instructions to Federal Agencies on MD-715.

Recommendations

We recommend that the OIC, in collaboration with the Library’s Human Capital Management Flexibilities Working Group:

1. Implement our 2008 recommendation to track performance evaluations to determine whether there is consistency among groups.
2. Complete the barrier identification and elimination process initiated with the MYAEPP by a) pinpointing barriers and determining causes, b) devising a plan to address barrier causes, and c) assessing the success of the plan.

¹⁰ The 2011-2016 MYAEPP defines “Underrepresented” as “[s]ubstantial disparity of a particular group in the overall workforce, job, series, grade level, or specific personnel action.... The percentage of a group is compared to the relevant availability of that group in the civilian labor force.”

Management Response

Management concurred with our recommendations but noted that “[t]he Executive Committee would need to provide final decision making on tracking performance evaluations to determine whether there is consistency among groups.”

III. Improved Representation

In our 2008 report, we recommended that OIC develop sound strategies to improve Hispanic representation. We note that Hispanic underrepresentation is a government-wide issue. According to an April 2010 report by the Office of Personnel Management, “[a] great concern that remains is that the percentage of Hispanics in the permanent Federal workforce is 8.0 percent, while Hispanics make up 13.2 percent of the Nationwide Civilian Labor Force.”¹¹

OIC has taken initial action to respond to our recommendation and additional action is in progress.

The OIC has prepared the MYAEPP for FYs 2011-2016 which recommends some actions that the Library should take to improve the representation of Hispanics and persons with disabilities within the Library’s workforce. The plan also recommends that the Library establish partnerships to recruit American Indians for particular occupational categories identified during the MYAEPP analysis.

Additionally, the OIC has developed a draft Diversity Management Plan, that includes strategies the Library should follow in order to implement the previously stated MYAEPP recommendations. At the time of our review, this draft guidance was undergoing internal review.

OIC’s draft Diversity Management Plan proposes specific strategies for Library managers to follow in order to recruit Hispanics more effectively. That guidance includes 1) establishing associations with Hispanic organizations (e.g., the Hispanic Alliance for Career Enhancement, the League of United Latin American Citizens, the National Council of La

¹¹ *Ninth Annual Report to the President on Hispanic Employment in the Federal Government*, United States Office of Personnel Management, April 2010.

Raza, etc.) to increase understanding of the Hispanic demographic, 2) engaging the Library's Hispanic Cultural Society to assist in Library recruiting, and 3) establishing partnerships with academic institutions with significant Hispanic student populations.

We note that the OIC draft MYAEEP Implementation Guidance also includes strategies which should improve the effectiveness of Library managers in recruiting American Indians and persons with disabilities, among other things. This guidance includes establishing partnerships with organizations which advocate the interests of these two underrepresented groups.

Implementing the suggested recruitment strategies is dependent upon Library managers ensuring that selection officials are held accountable for adhering to the *Library of Congress Merit Selection Plan*, which requires that a Recruitment Plan be prepared for each vacancy. This Recruitment Plan identifies areas and degrees of current Library under-representation in the job category being advertised. It also identifies internal and external recruitment sources designed to attract qualified applicants to the vacancy, including members of the under-represented groups. The selection official in consultation with the job analysis panel, service unit administrative staff, Human Resources Services (HRS) specialists, and the OIC develop the *Recruitment Plan*. HRS must receive the plan prior to the position posting.

Recommendation

None.

IV. Inclusion of the OIC Director in Major Decisions Affecting Diversity

In our 2008 report, we stated that the Library was following best practices by having the OWD Director report directly to the Librarian via the Chief Operating Officer.¹² However, the reporting relationship changed in FY 2010 when the OIC became a component of the newly-formed Office of Support Operations. This reorganization put a layer of management

¹² EEOC Management Directive 110: "Each federal agency shall appoint a Director of Equal Employment Opportunity (EEO Director), who shall be under the immediate supervision of the agency head."

between the OIC Director and the Librarian which did not exist when OWD was in place.

The organizational change may have unintentionally weakened the Library's commitment to its diversity program. Although its written strategic plans indicate that the Library's commitment is strong, the Librarian and senior Library officials have not included the OIC in major decisions involving workforce diversity since the organizational changes were made. According to the Director, the Librarian has only met with her twice in 16 months, and only one of those meetings was substantive.

In our view, the OIC Director must have senior-level involvement in workforce diversity matters affecting the Library to effectively carry out successful diversity programs.

Recommendation

We recommend that the Chief for Support Operations seek commitment from the Librarian and other senior officials to include the OIC Director in senior-level discussions and decisions which involve workforce diversification issues pertaining to the Library.

Management Response and OIG Comments

Management disagreed with our finding stating that the OIC Director is included in meetings with the Librarian, briefing the Executive Committee, and the Operations Committee as necessary. Further, management noted that the OIC Director reports to an Executive Committee member who reports directly to the Librarian. According to management, "[t]his decision has yet to be proven a deterrent or weakness in the Library's commitment to its diversity program." Based on our fieldwork, we believe that a perception, if not a reality, exists concerning senior management not fully including the OIC Director in senior level decisions.

V. Failure to Voluntarily Post "No FEAR" Data

The *Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002*, commonly known as the "No FEAR" Act,¹³ requires that executive branch agencies post on their

¹³ Public Law 107-174, May 15, 2002.

public Web sites certain summary statistical data relating to EEO complaints filed against them. Because the Library is an agency of the legislative branch, it is not required to comply with this law. Nevertheless, we believe the law's requirements should be considered "best practices" that the Library should adopt. Notably, the Government Accountability Office, another legislative branch agency, voluntarily posts its "No FEAR" data on its Web site.

In our 2008 report, we recommended that the Library make its "No FEAR" data available to staff via the Library's staff intranet Web site and benchmark this data against other federal agencies of similar size. Both the HRS Director and the Acting OWD Director concurred with our finding and recommendation. Nevertheless, the OIC has not implemented this recommendation.

The OIC disclosed Library data regarding EEO complaints and dispute resolution allegations in its FY 2010 Annual Report. For that year, the major types of allegations included non-selections for employment opportunities, hostile work environments, and disagreements over job performance appraisals. Additionally, the report listed EEO cases that were active in FY 2010 by service unit, and showed Library of Congress Regulation timelines for completing those cases.

Notwithstanding its effort toward transparency, OIC has not disclosed data that reveals actual times taken in completing various stages of the EEO process (i.e., average numbers of days in the investigation and final action stages), or complaints broken down by basis (i.e., race, color, religion, sex, national origin, age, and disability).

Recommendation

We reiterate our 2008 recommendation to make the Library's "No FEAR" data available to staff.

Management Response and OIG Comments

Management neither agreed nor disagreed with our recommendation. Instead, management stated that

implementing this recommendation dictates a change in policy that would require Executive Committee approval.

We strongly urge the Library to implement this recommendation.

VI. Exit Interviews Providing Limited Information

In our 2008 report, we recommended that the Library conduct exit interviews to determine why staff leave and identify employee perceptions about organizational commitment to diversity.

In response, the Library's Human Resources Services developed an automated questionnaire that a staff member may voluntarily complete and submit upon leaving the Library's employment. The questionnaire solicits the staff member's perspective on issues involving workplace culture and values, and may provide useful information for the OIC.

We noted that the questionnaire does not ask the departing staff member his or her race. A representative of HRS acknowledged this omission, and then informed us that, because it is voluntarily-provided, the information yielded by the questionnaire has been limited.

Recommendation

We recommend that HRS revise its automated exit interview questionnaire to include a question asking the former employee to identify voluntarily his or her racial background.

Management Response

Management concurred.

» CONCLUSION

OIC is effectively identifying specific groups of people which are underrepresented in the Library's workforce. But, doing so is only half of the barrier analysis process. As such, OIC needs to become more active in investigating questionable Library policies, procedures, and/or practices, and seeking corrections in the ones that are limiting employment opportunities for any particular groups. We recognize that this will require a collaborative effort with the OIC working with the selection officials, service unit officials, and HRS. It will also require service unit officials holding selection officials accountable for taking appropriate action to investigate and remove potential barriers to workforce diversity and affirmative action.

At the time of our review, OIC was working with the Library's Human Capital Management Flexibilities Working Group (also know as the Human Resources Flexibilities Working Group) to develop a plan to put the MYAEPP into action. Therefore, given the OIC work that lies ahead, we will continue to track the office's progress in implementing the MYAEPP and in eradicating barriers to equal employment opportunities in the Library.

Major Contributors to This Report:


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▶▶ APPENDIX: MANAGEMENT RESPONSE

UNITED STATES GOVERNMENT

*Memorandum**Office of the Chief of Support Operations
Library of Congress***TO:** Karl W. Schornagel
Inspector General**DATE:** April 20, 2011**FROM:** Lucy E. Suddreth

Chief, Support Operations**SUBJECT:** Draft Report. No. 2011-PA-106

Thank you for the opportunity to comment on Draft Report. No. 2011-PA-106 regarding the Follow-up Review of the Office of Opportunity, Inclusiveness, and Compliance. I am pleased that you acknowledged the significant progress made by OIC in addressing your 2007 and 2008 findings. I read your recommendations for improvement and I have attached OSO comments and responses.

It should be noted that two of your four recommendations will require Executive Committee decision in order to implement. I will forward those for consideration.

Attachment

c: Robert Dizard
Naomi Earp
Dennis Hanratty

1. More Accountability Needed

Recommend that OIC in collaboration with the Library's Human Capital Management Flexibilities Working Group: (1) Implement our 2008 recommendation to track performance evaluations to determine whether there is consistency among groups, (2) Complete the barrier identification and elimination process initiated with the MYAEP by a) pinpointing barriers and determining causes, b) devising a plan to address barrier causes, and c) assessing the success of the plan.

Concur: OIC will work with the HCM Flexibilities Working Group to devise an action plan for completing barrier identification and its elimination.

Pending EC Decision: The Executive Committee would need to provide final decision making on tracking performance evaluations to determine whether there is consistency among groups

2. Inclusion of the OIC Director in Major Decisions Affecting Diversity

Recommend that the Chief for Support Operations seek commitment from the Librarian and other senior officials to include the OIC Director in senior-level discussions and decisions which involve workforce diversification issues pertaining to the Library.

We disagree with the OIG finding and recommendation. The commitment to include the director of OIC in senior level discussions and decisions involving workforce diversification already exists. This includes meeting with the Librarian, briefing the Executive Committee, and the Operations Committee as necessary. The Library's Strategic Plan (2011-2016), the Multi-Year Affirmative Employment Program Plan (2011-2016), and the Human Capital Management Plan (2011-2016) provide a pathway to how the Library will focus, execute, and hold senior leaders accountable for workforce diversification. The director of OIC will be expected to continue to brief and to provide insight on how we can ensure successful diversity management. Finally, the reorganization continued the practice of having the director of OIC report to an Executive Committee member who reports directly to the Librarian of Congress. This decision has yet to be proven a deterrent or weakness in the Library's commitment to its diversity program.

3. Failure to Voluntarily Post "No Fear" Data

Reiterate our 2008 recommendation to make the Library's "No Fear" data available to staff.

Pending EC decision. The No Fear Act is not applicable to the Library and therefore, there is no legal requirement for the Library to post such information. While the OIC does report annual EEO data, this specific reporting dictates a change in policy that would require Executive Committee approval.

4. Exit Interviews Providing Limited Information

Recommend that the Library's Human Resources Services revise its automated exit interview questionnaire to include a question asking the former employee to identify voluntarily his or her racial background.

Concur: HRS will add this question for voluntary identification to its automated exit interview questionnaire.