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**INTRODUCTION OF THE LEGISLATIVE BRANCH PERSONNEL APPEALS PROCEDURAL CONSOLIDATION ACT -- (Extensions of Remarks - August 01, 2008)**

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SPEECH OF  
**HON. ELEANOR HOLMES NORTON**  
OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES  
FRIDAY, AUGUST 1, 2008

- Ms. NORTON. Madam Speaker, today I am introducing the Legislative Branch Personnel Appeals Procedural Consolidation Act of 2008 to bring the GAO in line with other legislative branch agencies and to address an important issue of equal rights at Government Accountability Office, GAO, after extensive consultation with all concerned. Over the past year my office has worked closely with the Committee on Oversight and Government Reform to resolve serious employee wage and discrimination disputes at the GAO. African Americans, and older employees who have been disproportionately affected by these disputes and have complained that discrimination cases at GAO must be heard internally, the only grievance system where Federal employee charges of discrimination are processed and determined within a Federal agency without any independent review. This bill resolves this unique conflict of interest and due process issue that allows GAO to render the final administrative decisions on discrimination, labor and other issues against the GAO with the agency head appointing all the decisionmakers in the process and no review by any disinterested or third-party agency official.
- The wage disputes and complaints about the grievance system began when the GAO implemented dramatic and controversial pay-for-performance revisions to classify and pay its employees. The Comptroller General assured GAO employees that the annual COLAs that Congress votes for all federal employees would not be affected. However, many employees, including a disproportionate number of African Americans, did not receive their COLAs for FY06 and FY07, though all had ratings of "meets expectations" or above.
- Consequently, GAO employees filed formal race and age discrimination complaints against the Comptroller General with the Personnel Appeals Board, PAB, which hears all such complaints. The PAB members are appointed by the Comptroller General to decide not only discrimination cases based on race, sex, age and religion, but also cases involving violations of labor, and of civil service or merit system rights. All other Federal and legislative branch employees carry employee complaints to independent agencies.
- It was the excellent work of Chairman *Danny K. Davis* and the Federal Workforce subcommittee, whose hearings uncovered the discriminatory effects of the pay system and negotiated back-COLA payments for all GAO employees. An independent assessment by the Ivy Group, hired by GAO after the watchdog organization, Blacks In Government, recommended a study of discrimination at the GAO, showed that there are many race-based disparities in ratings, promotions and other employment practices between African American and Caucasian analysts at the GAO. For example, having a PhD has a statistically significant positive effect for Caucasian analysts, but has no effect for African American analysts, and Caucasian analysts receive a ratings benefit from being assigned to lead roles on projects, contrasted with African American analysts, who show no statistically significant effect of being assigned to such roles.
- This bill provides for independent review of complaints by transferring jurisdiction to the OOC, which handles such

matters for all other legislative branch employees. The OOC represents the most recent bipartisan thinking and action of Congress concerning equal treatment for employees of the legislative branch. Because of the small case loads generated by legislative branch agencies, the OOC is able to handle the broadest enforcement mandate of any executive or legislative agency and currently enforces 12 different employee protection laws and is the only employee protection agency required by statute to continuously review new laws and incorporate them into its own jurisdiction.

- The bill does not assign responsibilities to an agency beyond its expertise and does not put additional responsibility on the congressional leadership to make appointments. The OOC has indicated the feasibility of its participation and offered evidence that the statute that established the OOC contemplates granting additional authority to the OOC of the kind we seek.
- I hope all my colleagues join me in assuring equal rights to GAO employees.

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