

Statement for the Record

Sen. Kyrsten Sinema

July 16, 2019

Nomination hearing for Ann C. Fisher and Ashley E. Poling to be Commissioners on the Postal Regulatory Commission (PRC); Rainey R. Brandt and Shana Frost Matini to be Associate Judges on the Superior Court of the District of Columbia; and Catherine Bird to be General Counsel for the Federal Labor Relations Authority.

Thank you, Mr. Chairman.

Today we are considering two nominees to serve on the Postal Regulatory Commission, two nominees to serve as Associate Judges on the Superior Court for the District of Columbia and one nominee to serve as General Counsel of the Federal Labor Relations Authority.

The Postal Regulatory Commission (PRC) is an organization whose unique perspective has been extremely important to various ongoing postal policy debates. As the Postal Service looks to tackle future financial stability, the PRC's role will be crucial in addressing the questions surrounding proposed changes to its financial structure and concerns over service performance. This analysis will inform how the Postal Service proceeds with its plans and will provide key decision makers, such as Congress, with important insight into the resulting impact to postal customers, postal employees, and other important stakeholders.

Having over 20 years of experience as a senior executive working on postal issues in the U.S. Senate, the Postal Service, and the PRC, Ms. Fischer is no stranger to the postal community. This is true of Ms. Poling as well, who has more than six years of experience working within the Senate, focusing extensively on Postal issues. I believe the strong experience of both Ms. Fischer and Poling will provide valuable regulatory insight as the Postal Service considers significant operational changes.

We are also pleased to consider two nominees to serve as Associate Judges of the District of Columbia Superior Court. The court currently faces a historically high number of vacancies, while also dealing with a heavy caseload. A full complement of judges on the Superior Court is 62, and there are currently 10 vacancies, with an additional three expected this year due to retirements. Continued vacancies at the D.C. Superior Court slow the administration of justice.

Ms. Brandt and Ms. Matini have displayed a well-established commitment to public service. Both currently serve as Magistrate Judges within the District of Columbia Superior Court. Ms. Brandt has served as a Magistrate Judge for seven years and previously worked as Special Counsel to the Chief Judge of the Superior Court of the District of Columbia for fourteen years. Ms. Matini has served as a Magistrate Judge for almost four years and previously as an attorney in the Office of the Attorney General (OAG) for the District of Columbia, Civil Litigation Division for eleven years.

The FLRA's Office of General Counsel (OGC) is responsible for investigating, prosecuting, and adjudicating Unfair Labor Practice (ULP) allegations—claims that agencies or labor organizations have failed to uphold their legal obligations to other parties or individual employee.

Ms. Bird, the nominee for the General Counsel of the FLRA, has served as Principal Deputy Assistant Secretary for Administration at the Department of Health and Human Services (HHS) since May 2017. In this position, she has represented HHS management in labor negotiations. Before working at HHS, Ms. Bird worked as a legislative aide in the California State Senate, and as a student life specialist at Simpson University in California.

In the 2018 *Best Places to Work* rankings compiled by the Partnership for Public Service (PPS), the FLRA ranked third to last in overall employee job satisfaction among small agencies. The agency experienced the largest score shift of all small agencies between 2017 and 2018. A motivated workforce is an effective workforce, and I hope FLRA leadership will develop a strategy to reverse this trend.

The FLRA also faces a significant case backlog. Over 200 Unfair Labor Practice Complaints await disposition. I encourage Ms. Bird, if confirmed, to pursue fair and innovative strategies for disposing of pending complaints in a timely and conscientious manner while continuing to process the FLRA's normal influx of complaints and appeals.

I would like to thank the nominees who have volunteered to serve in these important positions, and I look forward to hearing their testimony.