

March 5, 2003

GARY L. McCURDY
VICE PRESIDENT, EASTERN AREA OPERATIONS

SUBJECT: Audit Report – Sexual Harassment Prevention Measures in the Greensboro and Harrisburg Districts – Eastern Area (Report Number LH-AR-03-006)

This report presents the results of our audit of sexual harassment prevention measures in the Greensboro and Harrisburg Districts – Eastern Area (Project Number 02YG010LH002). Our overall objective was to determine if the districts had adequate policies and procedures in place to prevent sexual harassment in the workplace, and to effectively address sexual harassment complaints to mitigate liability. This report is based on a self-initiated review, and is the sixth in a series of ten reports we will be issuing regarding sexual harassment prevention measures Postal Service-wide.

We found that the Greensboro and Harrisburg Districts' sexual harassment policies and procedures were adequate and that employees found responsible for sexual harassment or inappropriate actions/comments were appropriately disciplined or corrective action was taken. We also found that although no Postal Service national policy existed regarding the retention time for informal complaint files, Greensboro was retaining files indefinitely and Harrisburg was retaining files at least 2 years. We also found, however, that some areas needed improvement. Specifically, the storage of complaint files was not centrally located in both districts and Greensboro management could not locate some files when we asked for them. Both districts have taken some action to correct this deficiency. We also found that most sexual harassment complaints in both districts were not effectively addressed.

The report included two recommendations to help the Greensboro and Harrisburg Districts improve their sexual harassment prevention program. Management disagreed with both recommendations and the finding that most complaints were not effectively addressed. Although management disagreed with recommendation 1 in its entirety, we believe actions taken by management are responsive to the first part of recommendation 1 and should resolve some of the issues identified in this report. However, actions taken or planned are not responsive to the second part of recommendation 1, to fully document detailed evidence of actions taken to address complaints, or recommendation 2. The Office of Inspector General (OIG) considers that part of recommendation 1 and all of recommendation 2 as unresolved and will address

both in a separate capping report to the senior vice president, Human Resources. Management's comments and our evaluation of these comments are included in this report.

The OIG considers recommendations 1 and 2 significant and therefore, requires OIG concurrence before closure. Consequently, the OIG requests written confirmation when corrective actions are completed. These recommendations should not be closed in the follow-up tracking system until the OIG provides written confirmation that the recommendations can be closed.

We appreciate the cooperation and courtesies provided by your staff during the audit. If you have any questions, please contact Chris Nicoloff, director, Labor Management, at (214) 775-9114, or me at (703) 248-2300.

B. Wayne Goleski
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for Core Operations

Attachment

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EXECUTIVE SUMMARY

Introduction

This report presents the results of our audit of sexual harassment prevention measures in the Greensboro and Harrisburg Districts, located in the Eastern Area. This review was self-initiated to determine if the districts had adequate policies and procedures in place to prevent sexual harassment in the workplace, and to effectively address sexual harassment complaints to mitigate liability.

Results in Brief

The audit revealed that the Greensboro and Harrisburg Districts' sexual harassment policies and procedures were adequate and that employees found responsible for sexual harassment or inappropriate actions/comments were appropriately disciplined or corrective action was taken. We also found that although no Postal Service national policy existed regarding the retention time for informal complaint files, Greensboro was retaining files indefinitely and Harrisburg was retaining files at least 2 years. We also found, however, that some areas needed improvement. Specifically, the storage of complaint files was not centrally located in both districts and Greensboro management could not locate some files when we asked for them. Both districts have taken some action to correct this deficiency. We also found that most sexual harassment complaints in both districts were not effectively addressed.

Summary of Recommendations

The report included two recommendations to help the Greensboro and Harrisburg Districts improve their sexual harassment prevention program. We recommended the vice president, Eastern Area, instruct the Greensboro and Harrisburg District managers to establish controls to ensure managers and supervisors effectively address all sexual harassment complaints and inappropriate actions/comments of a sexual nature and fully document detailed evidence of the actions taken to address complaints; and ensure all informal complaint files are stored in a central location and retained for at least 4 years.

Summary of Management's Comments

Management disagreed with both recommendations and the finding that most complaints were not effectively addressed. Management stated the Eastern Area had already established controls to ensure managers and supervisors effectively addressed all sexual harassment complaints. Management also disagreed that all actions taken to

address complaints should be fully documented. They said they followed Postal Service policy that stated, “some complaints can be resolved simply and directly between the parties without the need for a formal written record.” Management stated the Eastern Area has undertaken several initiatives to address the problem of sexual harassment and that they are firmly committed to providing an effective mechanism to combat the problem and to provide a work environment free of sexual harassment.

Management disagreed with the finding that complaints were not effectively addressed. Management agreed that two complaints were not investigated promptly and one was not thorough.

Management also disagreed that informal complaint files should be filed in a central location and retained for at least 4 years, because Postal Service policy did not require documentation of all complaints and, therefore, there was no need for central location and storage. Management stated a policy already existed for investigations conducted by the Sexual Harassment Fact Finding Teams that required central storage and 10 year retention.

Management also stated they were concerned with a general lack of precision and specificity regarding particular verbiage used in the report. Specifically, the report appeared to shorten or simplify the definition of sexual harassment, and it used the terminology “formal” and “informal” which was confusing. Management’s comments, in their entirety, are included in Appendix B of this report.

**Overall Evaluation of
Management’s
Comments**

Management’s actions taken or planned are responsive to the first part of recommendation 1. However, management’s comments are not responsive to the second part of recommendation 1, and all of recommendation 2. Although management disagreed with recommendation 1 in its entirety; their actions are responsive and meet the intent of the recommendation to ensure complaints are effectively addressed. However, regarding the second part of recommendation 1, we do not agree that fully documenting actions taken to address complaints will potentially lead to a failure in the ability of supervisors to quickly resolve minor workplace issues. Documenting the action management took, after they

address the complaint, has no impact on how quickly a matter can be resolved. It does, however, play an important role in determining credibility and mitigating liability. Postal Service policy is clear that serious complaints must be documented, and further provides that “When in doubt, document.” We believe the policy does not limit management from documenting all actions, it simply establishes a floor, not a ceiling for addressing complaints.

Regarding management’s disagreement with the finding that complaints were not effectively addressed, we believe the audit results support the assertion. Management was provided opportunities during and after our fieldwork to show how these complaints were addressed.

We do not agree with management, regarding recommendation 2, that the Eastern Area policy is sufficient because the policy does not include inquiries or investigations conducted by anyone other than those conducted by the Sexual Harassment Fact Finding team.

We also do not agree that shortening the legal definition of sexual harassment distorted the precise legal meaning of the concept. Additionally, we do not agree that the use of the term “informal” for complaints outside of the Equal Employment Opportunity process was confusing since the report is clear as to the definition of that term.

The Office of Inspector General considers recommendations 1 and 2 as unresolved and will address both in a separate capping report.¹

¹We will issue a capping report on the audit results for the nine areas we visited, including the Eastern Area, where recommendations regarding national policy will be made to the senior vice president, Human Resources.

INTRODUCTION

Background

Sexual harassment is defined by law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that becomes a term or condition of employment. According to a Postal Service Law Department report, in fiscal years (FY) 2000 and 2001, the Postal Service paid approximately \$439,102² for sexual harassment judgments and settlements in the Eastern Area.³

Objective, Scope, and Methodology

Our overall objective was to determine if the districts had adequate policies and procedures in place to prevent sexual harassment in the workplace, and to effectively address sexual harassment complaints to mitigate liability. Our objective, scope, and methodology are discussed in Appendix A.

Prior Audit Coverage

We did not identify any prior audits or reviews related to the objective of this audit in these two districts.

² This amount represents 15 complaints. None of these complaints were within the scope of our review.

³ In September 2001, the Postal Service reorganized its area and district offices and the Allegheny Area and the majority of the former Mid-Atlantic Areas changed to the Eastern Area.

AUDIT RESULTS

Policies and Procedures Adequate

We found that the Greensboro and Harrisburg Districts had adequate policies and procedures that should enable district management to identify and prevent sexual harassment or inappropriate actions/comments, and provide management with guidance to respond effectively to complaints, thus mitigating liability and costs.

We also found that the districts:

- Established as district policies, Postal Service Publication 552, Manager's Guide to Understanding Sexual Harassment, and Publication 553, Employee's Guide to Understanding Sexual Harassment.
- Established investigative teams at the district level to investigate all complaints.
- Used Voice of the Employee surveys⁴ to monitor the work environment and when necessary provided additional training to raise awareness.

In addition, we found the Greensboro District issued a memorandum reinforcing the Postal Service's zero tolerance policy for sexual harassment.

⁴ The Voice of the Employee survey was a data collection instrument that the Postal Service had established to help improve workplace relationships and to ensure all employees were treated with fairness, felt safe in their workplace, had opportunities to participate in improvements, and took pride in being Postal Service employees.

Employees Appropriately Disciplined or Corrective Action Taken

We found that employees responsible for sexual harassment or inappropriate actions/comments were appropriately disciplined, or corrective action was taken.

Equal Employment Opportunity Commission 1990 and 1999 guidelines recommended agencies take immediate and appropriate corrective action, including discipline, when sexual harassment occurred. Postal Service policy stated employees engaged in sexual harassment would be subject to disciplinary action, up to and including removal. The policy also stated that disciplinary action might result even if the conduct was not sexual harassment as defined by the law, but was inappropriate and of a sexual nature.

Our review of formal and informal⁵ complaints in the Greensboro and Harrisburg Districts showed that:

- Of the 18 formal and informal sexual harassment complaints filed in the Greensboro District, sexual harassment or inappropriate actions/comments were not substantiated in 6, substantiated in 4, and inconclusive in 1. For the remaining seven complaints, management did not conduct an inquiry or investigation to determine whether sexual harassment or inappropriate actions/comments had occurred, and thus no discipline or corrective action was considered or taken.
 - In one of the six unsubstantiated complaints, a sexual harassment awareness video was shown to all employees in the facility.
 - In the four substantiated complaints, four employees were involved and all were appropriately disciplined or corrective action was taken.
 - In the one inconclusive complaint, no discipline or corrective action was taken.

⁵The term “informal” complaint refers to those not filed using the Equal Employment Opportunity process.

- Of the two formal sexual harassment complaints filed in the Harrisburg District, sexual harassment or inappropriate actions/comments were not substantiated in one. For the remaining complaint, management did not conduct an inquiry or investigation to determine whether sexual harassment or inappropriate actions/comments had occurred, and thus no discipline or corrective action was considered or taken.
 - For the complaint where management conducted an inquiry, the two employees involved received a discussion on sexual harassment policies, even though sexual harassment was not substantiated.

Pay for Performance

Equal Employment Opportunity Commission guidelines included a reduction in wages as an effective corrective measure to stop harassment and ensure it does not reoccur. Postal Service policy stated an employee whose conduct was clearly unacceptable may be excluded from the Pay for Performance Program.⁶ The Postal Service described unacceptable behavior as “notoriously disgraceful or immoral conduct, or other conduct prejudicial to the Postal Service.”

We found that the four employees in the Greensboro District found responsible for sexual harassment or inappropriate actions/comments were not eligible for the Pay for Performance Program.

⁶ The Pay for Performance Program, formerly referred to as the Economic Value Added Program, was an incentive award program for nonbargaining employees. The amount of money received by each employee was based on a group achievement of performance targets and financial measurements.

**Most Complaints Not
Effectively Addressed**

Our audit disclosed that 15 of the 20 complaints were not effectively addressed in the Greensboro and Harrisburg Districts. Equal Employment Opportunity Commission guidelines defined an “effective” investigation as a prompt, thorough, and impartial review with documented evidence. Postal Service policy required managers to conduct sexual harassment inquiries promptly and investigate all complaints, and document “serious” complaints with detailed evidence.⁷

We found that:

- Postal Service national policy did not require that “all” complaints be documented—only those that managers believed were “serious.”
- Of the 18 formal and informal complaints filed in the Greensboro District, 5 were effectively addressed and 13 were not.
 - For the 13 not effectively addressed, 5 were not prompt, 1 was not thorough, and 7 were not investigated.
- Of the two formal complaints filed in the Harrisburg District, neither was effectively addressed--one was not prompt and the other was not investigated.

Both districts could not provide an explanation why complaints were not effectively addressed.

Complaints not effectively addressed could result in liability because the Postal Service cannot demonstrate it exercised reasonable care to prevent and promptly correct harassing behavior. We believe the lack of a Postal Service policy requiring documentation of all complaints may have been a factor. We will address these issues in a separate report.

⁷ Publication 552 was revised effective September 2001, and replaced the term “serious” with the statement “some complaints can be resolved simply and directly between the parties without the need for a formal written record.” The revised policy also provided that managers/supervisors needed to decide early in the process whether formal documentation was warranted, and that a good rule of thumb was when in doubt, document.

Recommendation

We recommend the vice president, Eastern Area Operations, instruct the Greensboro and Harrisburg District managers to:

1. Establish controls to ensure managers and supervisors effectively address all sexual harassment complaints and fully document detailed evidence of the actions taken to address complaints.

**Management's
Comments**

Management disagreed with the recommendation and stated controls had already been established. Management also disagreed that all actions to address complaints should be fully documented. They said they followed Postal Service policy that stated, "some complaints can be resolved simply and directly between the parties without the need for a formal written record." Management further stated to require a written report of every minor incident would potentially lead to a failure in the ability of supervisors to quickly resolve minor workplace issues. Management stated that the complaints we reviewed took place between September 1999 and September 2001 and since that time; the Eastern Area had undertaken several initiatives to address the problem of sexual harassment including the Sexual Harassment Fact-Finder Program. In addition, management stated they continue to address the issue through effective communications and training of employees. Management also stated they were firmly committed to providing an effective mechanism to combating sexual harassment and to providing a work environment free of sexual harassment.

Management also disagreed with the finding that most complaints were not effectively addressed. They stated both complaints in the Harrisburg District were effectively addressed, and in one complaint, management took prompt and appropriate action by removing the alleged harasser from the work area. Management stated the second complaint was not sexual harassment, and it was not clear why this complaint was included in the draft report.

Management agreed that two complaints in the Greensboro District were not investigated promptly, and one was not thorough. However, they disagreed that the other ten complaints were not effectively addressed. They stated the three complaints identified as not prompt were

investigated from 3 to 26 days from receipt of the complaint. Management considered this prompt because the time required to investigate them varied, depending upon circumstances of the allegation. Management disagreed that the passage of a few days or weeks to conduct an investigation should lead to the conclusion that complaints were not effectively addressed.

Management also stated the report mislabeled several complaints as sexual harassment. For example, they said one complaint concerned an allegation of disparate treatment with no allegations of sexual harassment. Another was initiated as a result of a co-worker's use of the phrase, "OK, sugar, alright darling."

Finally, management stated for those complaints we reported as not investigated, we overlooked that some complaints could be addressed simply and directly between the parties, without a need for written reports or documentation. Management also stated that seven complaints not investigated were resolved early in the Equal Employment Opportunity process.

**Evaluation of
Management's
Comments**

Management disagreed with the recommendation in its entirety, however, management's actions taken or planned are responsive to the first part of the recommendation to establish controls to ensure managers or supervisors effectively address all sexual harassment complaints. We believe management reaffirmed the requirement that managers and supervisors effectively address sexual harassment complaints, when it issued guidelines and two memorandums in November 2002, on sexual harassment investigations. (See Appendix B.) In addition, our report acknowledged the initiatives taken by the Eastern Area to raise awareness.

Management's comments were not responsive to the intent of the second part of the recommendation to fully document actions taken to address complaints. We do not agree with management that documenting actions would potentially lead to a failure in the ability of supervisors to quickly resolve minor workplace issues. Documenting action management took after they address the complaint has no impact on how quickly a matter can be resolved. It does, however, play an important role in determining

credibility and mitigating liability. Specifically, it provides a record of the action taken to address and resolve sexual harassment complaints. Postal Service policy is clear that serious complaints must be documented, and further provides that “When in doubt, document.” We believe the policy does not limit management from documenting all actions, it simply establishes a floor, not a ceiling for addressing complaints.

Regarding management’s disagreement with the finding, we believe the audit results support the assertion that complaints were not effectively addressed. Management was provided opportunities during and after the fieldwork to provide information that would show how the complaints were effectively addressed. For example, in one complaint district management told us they were aware of the allegation, however, they did not conduct an investigation beyond the Equal Employment Opportunity process. In the second complaint, management could not support that prompt action had been taken to address the complaint. Although an investigation had been conducted, it did not begin until at least a month after the initial allegation was reported.

We do not agree that complaints in the Greensboro District addressed within a 3 to 26 day timeframe should be considered prompt, and that the passage of a few days or weeks to conduct an investigation should not lead to the conclusion that complaints were not effectively addressed. We determined that complaints not addressed within 48 hours would not be considered prompt. This standard was based on Equal Employment Opportunity Commission and Postal Service guidelines, the definitions of “prompt” and “immediate” (used in guidelines and policy), and discussions with Postal Service Headquarters officials. In addition, the standard was discussed with, and agreed to, by headquarters officials prior to audit work. One vice president told us he expected his managers or supervisors to respond to a complaint within 24 hours. Additionally we did not make our determination of promptness based on how long it took to complete the inquiry or investigation, but rather how long it took management to respond when they became aware of the allegation.

We also do not agree that some complaints should not have been included in the report. As stated in the report, the complaint files we reviewed were obtained from the Postal Service Equal Employment Opportunity case file database and district management, and were classified as sexual harassment by those sources. Our intent was to determine how management addressed an allegation of sexual harassment at the time it was received, regardless of what was determined after the investigation. Also stated in our report is our inclusion of complaints defined by Postal Service policy as inappropriate actions/comments of a sexual nature.

Regarding complaints that were resolved early in the Equal Employment Opportunity process, Postal Service policy, in addition to Equal Employment Opportunity guidelines, state that even when an employee files an Equal Employment Opportunity claim, management still has an obligation to conduct their own internal inquiry or investigation. We believe that although the complaints were resolved in the Equal Employment Opportunity process, management still should have conducted their own inquiry independent of that process. In doing so, management could have ensured that the alleged incident was not affecting the work environment of other employees.

We view the disagreement on this recommendation as unresolved and it will be addressed in our capping report.

**File Retention and
Storage Needed
Improvement**

Our audit found there was no Postal Service policy regarding the retention time for informal complaint files. In addition, the retention of informal complaint files was adequate in Greensboro, but not in Harrisburg. Also, storage of files was not adequate in either district.

Equal Employment Opportunity Commission guidance stated formal sexual harassment complaint files should be retained for at least 4 years after resolution of the complaint. Postal Service policy stated once an inquiry/investigation was conducted, files should be forwarded for storage, to the district Human Resources manager. According to a headquarters senior Postal Service manager, the intent of this policy was to centrally locate the files with the Human Resources manager.

Eastern Area policy stated management inquiries conducted by fact-finders⁸ were to be forwarded to the area office for storage and retained for 10 years. Area policy also stated that management inquiries conducted by managers or supervisors were to be stored at the facility and retained for 2 years.

We found that:

- Greensboro retained most informal complaint files indefinitely.
- Harrisburg retained files in accordance with Eastern Area policy.
- Neither district stored complaint files in a central location, and Greensboro could not locate some files when we requested them. Greensboro District management stated some files could not be located because the managers that worked in the district when the complaints were made were no longer there and the current managers did not know where the files were located.

⁸ Fact finders were Postal Service employees trained to inquire or investigate alleged sexual harassment complaints.

- Eastern Area officials stated they would consider revising the retention period for the initial management inquiry to 10 years and requiring that all management inquiries be forwarded to the Human Resources office.

During the audit, both districts took actions to correct the problems we identified. The Greensboro District was developing a policy to ensure complaint files would be stored in a central location. The Harrisburg District developed instructions to store informal files in a secure location.

Retaining and storing informal complaint files in a central location would ensure file availability if needed to mitigate liability. We will address the need for a national retention policy in a separate report.

Recommendation

We recommend the vice president, Eastern Area Operations, direct the Greensboro and Harrisburg District managers to:

2. Establish controls to ensure all informal complaint files are stored in a central location and retained for at least 4 years.

**Management's
Comments**

Management disagreed with the recommendation to the extent the recommendation concerned documentation of "informal" sexual harassment complaints. They said Postal Service policy did not require all sexual harassment complaints be documented, and, therefore, there was no need for central storage procedures. Additionally, management stated to the extent the recommendation refers to inquiries and internal investigations, the Eastern Area's Sexual Harassment Fact-Finding Program had a document retention policy consistent with this recommendation. Management stated that fact-finding reports are maintained centrally at the Eastern Area office upon completion and maintained for 10 years.

**Evaluation of
Management's
Comments**

Management's actions taken or planned are not responsive and do not meet the intent of our recommendation. The Eastern Area policy does not include inquiries or investigations that may be conducted by anyone other than the Sexual Harassment Fact Finding teams. As stated previously, we believe all actions taken to address complaints should be fully documented. We further believe all files, including inquiries and investigations conducted by managers and supervisors, should be stored in a central location and retained for at least 4 years. This ensures file availability if needed to mitigate liability. We view the disagreement on this recommendation as unresolved and it will be addressed in a separate report.

**Additional
Management's
Comments**

Management stated they were concerned with a general lack of precision and specificity regarding particular verbiage used in the report. Specifically, the report appeared to shorten or simplify the definition of sexual harassment, thereby distorting the precise legal meaning of the concept. Management also stated that it appeared that a few matters labeled by the draft report as sexual harassment clearly fall short of the precise definition of sexual harassment.

Additionally, management stated they found the use of the terminology "formal" and "informal" confusing because this terminology is a "form of art" commonly used to describe Equal Employment Opportunity complaints.

**Evaluation of
Management's
Comments**

We do not agree with management that the legal definition of sexual harassment was distorted by shortening the legal meaning of the concept. Some of the complaint files reviewed may not have risen to the legal definition of sexual harassment; however, they did meet the Postal Service's criteria for when such complaints should be addressed. In addition, they fell within our scope and audit objectives that included coverage of the Postal Service policy regarding inappropriate actions/comments of a sexual nature. Specifically, that policy states "that even if a certain behavior does not seem to be "sexual harassment" as defined by law, if it is inappropriate, stop it!"

Our use of the term "informal" for complaints outside of the Equal Employment Opportunity process was not meant to confuse the reader, but rather provide an explanation of terms that some readers may not be familiar with. We believe the footnote in the report is clear regarding the meaning.

APPENDIX A OBJECTIVE, SCOPE, AND METHODOLOGY

Our objective was to determine if the Greensboro and Harrisburg Districts, in the Eastern Area, implemented adequate policies and procedures to prevent sexual harassment⁹ in the workplace and to effectively address sexual harassment complaints to mitigate liability. Our district selections were based on interviews with the senior vice president, Human Resources; vice president, Diversity Development; and vice president, Eastern Area. We also considered the number of closed formal sexual harassment complaints in each of the 15 Eastern Area districts.

To accomplish our objective, we reviewed applicable laws, policies, procedures, and other documents including Equal Employment Opportunity Commission guidelines, Postal Service national policies, the Eastern Area, and the Greensboro and Harrisburg District policies for preventing sexual harassment in the workplace. We also reviewed Postal Service national policy regarding the Pay for Performance Program. In addition, we reviewed previously issued OIG reports related to sexual harassment issues. Further, we interviewed Postal Service Headquarters, Eastern Area, and Greensboro and Harrisburg District officials.

To determine if adequate policies and procedures were in place to prevent sexual harassment from occurring in the workplace, we identified Equal Employment Opportunity Commission key recommendations to agencies regarding policies and procedures that should be in place to prevent sexual harassment and reduce the risk of agency liability. We then reviewed the Postal Service national, Eastern Area, and Greensboro and Harrisburg District policies and procedures to determine if the recommendations were included.

To determine whether district managers effectively addressed informal sexual harassment complaints to mitigate liability, we analyzed the documentation contained in formal and informal complaint files that were filed and closed¹⁰ in FYs¹¹ 2000 and 2001, for the two districts we selected. We recorded information related to promptness, thoroughness, impartiality and the level of documentation. These fiscal years were chosen because they were the most recent and complete fiscal years at the time of our fieldwork. The number of formal and informal closed complaints was obtained from the Postal Service Equal Employment Opportunity case file database and district

⁹ For the purpose of this report, we used the legal definition of sexual harassment defined, in part, in 29 C.F.R. § 1604.11(a), as unwelcome sexual conduct that is a term or a condition of employment. In addition, we included the Postal Service policy regarding inappropriate actions/comments of a sexual nature when reviewing sexual harassment complaint files.

¹⁰ Sexual harassment complaints may be considered closed for a number of reasons including: (1) the inquiry/investigation was completed, (2) a settlement had been reached, (3) the complaint was withdrawn, or (4) discipline or corrective action was taken.

¹¹ We used the Postal Service fiscal year that started September 11, 1999, and ended September 7, 2001.

management, respectively. We then excluded those complaints where the employees filed their complaints directly with the Equal Employment Opportunity office and requested confidentiality. These were excluded because honoring the request for confidentiality precluded the Equal Employment Opportunity office from notifying district management that a complaint had been made. This in turn precluded management from conducting an investigation. We determined there were 20 closed complaint files as follows:

District	Complaints		Total Complaints Per District
	Formal	Informal	
Greensboro	11	7	18
Harrisburg	2	0	2
Total	13	7	20

We also determined if the retention and storage of informal files were adequate using Postal Service national, area, and district policies as well as Equal Employment Opportunity Commission guidelines.

In addition, we determined whether employees found responsible for sexual harassment received appropriate discipline using Equal Employment Opportunity Commission guidelines, Postal Service policies and procedures, and some elements of the Douglas Factors.¹² We included in this determination whether or not managers or supervisors found responsible for sexual harassment or inappropriate actions/comments were considered for exclusion from the Pay for Performance Program.

This audit was conducted from February 2002 through March 2003 in accordance with generally accepted government auditing standards and included such tests of internal controls as were considered necessary under the circumstances. We discussed our conclusions and observations with appropriate management officials and included their comments, where appropriate.

¹² The Douglas Factors were developed as a result of case law (*Douglas v. the Veterans' Administration*) where the Merit Systems Protection Board ruled that management must document certain factors to be considered in making a determination of appropriate disciplinary action.

APPENDIX B. MANAGEMENT'S COMMENTS



December 31, 2002

B. WAYNE GOLESKI
ASSISTANT INSPECTOR GENERAL
FOR CORE OPERATIONS

**SUBJECT: Response to Draft Audit Report
Sexual Harassment Prevention Measures in the Harrisburg and
Greensboro Districts (Report No. LH-AR-03-Draft)**

Thank you for the opportunity to respond to the draft audit report ("the draft") concerning sexual harassment prevention measures in the Harrisburg and Greensboro Districts of the Eastern Area. We are particularly pleased that the audit found that the policies and procedures in effect in these two districts were adequate and that the districts took appropriate corrective actions including issuing discipline to employees found responsible for sexual harassment. We also note that the complaints of sexual harassment reviewed in the audit took place between September 1999 and September 2001. Since that time, the Eastern Area has undertaken several initiatives to address the problem of sexual harassment, most notably the establishment of the Sexual Harassment Fact Finder ("SHFF") program. In addition, the Area continues to address this issue through effective communications and the ongoing training of its employees. The Eastern Area is firmly committed to providing an effective mechanism to combat this problem and to provide a work environment free of sexual harassment.

General Comments

As articulated in our following comments, we are concerned with a general lack of precision and specificity regarding particular verbiage used in the draft. For example, the draft appears to shorten or simplify the definition of sexual harassment thereby distorting the precise legal meaning of the concept. We also found the use of the terminology "formal" and "informal" in differentiating between the types of complaints to be confusing. Formal and informal complaints are "terms of art" commonly used to describe EEO complaints during counseling (informal) and after the formal complaint is filed (formal complaint). We suggest the use of some other term to refer to non-EEO complaints (i.e. Management inquiries, internal investigations).

More importantly, it appears that a few of the matters labeled by the draft as complaints of sexual harassment clearly fall short of the precise definition of sexual

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harassment. As more fully explained below, one of the alleged sexual harassment complaints from the Harrisburg District concerns a claim by an employee who was accused of inappropriate conduct and who asserted that he was harmed because others claimed he was a harasser. In addition, one of the complaints from the Greensboro District concerns alleged rumors of a sexual nature, and one alleged disparate treatment based on gender. Such claims would fall very short of meeting the definition of sexual harassment found in federal regulations. We would also point out that the EEOC's Policy Guidance on sexual harassment explicitly states that "Title VII does not proscribe all conduct of a sexual nature in the workplace."

PART I – INTRODUCTION

Background

The legal definition of sexual harassment as contained in the draft does not comport with federal regulations. Page 10, footnote 10 of the draft defines sexual harassment as "unwelcome sexual conduct that is a term or condition of employment." (Citing 29 C.F.R. § 1604.11(a)). We suggest that the definition be modified to precisely track the definition found at 29 C.F.R. § 1604.11(a), which states:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

In addition, in footnote 2, the draft audit report refers to the formation of the Eastern Area in September 2001. It should be clarified that the Eastern Area was formed from both the former Allegheny Area and the majority of the former Mid-Atlantic Area. The current Eastern Area consists of a significantly larger portion of the country than just the former Allegheny Area.

PART II – AUDIT RESULTS-MANAGEMENT RESPONSE

The Eastern Area agrees with some of the conclusions and recommendations contained within the draft audit report and disagrees with others. We agree that both the Harrisburg and Greensboro districts had adequate sexual harassment

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policies and procedures in place; that employees that were found to be responsible for sexual harassment were appropriately disciplined and/or appropriate action was taken; and that management officials found responsible for sexual harassment were properly excluded from the Pay for Performance program. While we agree with the finding that central storage of complaint files may be helpful, we disagree with the language contained in the draft that all allegations of sexual harassment, no matter how minor, need to be documented. We also disagree with the conclusion that most of the complaints in the Greensboro and Harrisburg Districts were not effectively addressed. We will address each issue separately.

Most Complaints Not Effectively Addressed

We disagree with the conclusion contained in the draft that most complaints were not effectively addressed because a prompt and thorough investigation was not conducted. The standards and criteria that were utilized to reach this conclusion are not clearly articulated. Moreover, this conclusion overlooks the fact that some complaints can be addressed and are more effectively addressed simply and directly between the parties without the need for a formal written report.

While the draft concludes that both Harrisburg complaints were not effectively addressed, the facts underlying these two complaints show otherwise. In one of the Harrisburg complaints management took prompt and appropriate remedial action: the alleged harasser was interviewed by local management and removed from the work area. The subsequent EEO complaint filed by the alleged victim of the harassment was resolved during REDRESS mediation. The second complaint identified in the draft involves an employee accused of sexual harassment, who was in an off-duty status because of an unrelated physical altercation. It is not a sexual harassment complaint. The alleged harasser was himself complaining that he was wronged by other employees who filed allegations of improper conduct against him. While it is not clear why this complaint was included in the draft as a complaint of sexual harassment, the alleged harasser was separated from the alleged victims of his actions. The underlying facts in both Harrisburg complaints clearly indicate that the District management's actions were both effective and appropriate.

In regard to the complaints examined in the Greensboro District, the draft audit found that 13 of the 18 complaints were not effectively addressed because the matters were not investigated promptly, the investigation was not thorough, or the matters were not investigated at all. We would agree that two of the complaints were not investigated promptly and that one matter was not thoroughly investigated. However, we disagree with the conclusion that the other 10 identified Greensboro complaints were not effectively addressed, for the following reasons:

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- The investigations in three of the identified complaints were prompt, one complaint was investigated within 3 days, one case was investigated within 15 days, and one case was investigated within 26 days. The time required to investigate, such allegations will vary depending upon the circumstances of each allegation such as the number of witnesses interviewed and the availability of employees. Accordingly, we disagree that the passage of a few days or weeks to conduct an investigation leads to the conclusion that these complaints were not effectively addressed.
- The draft audit mislabels several of the Greensboro complaints as sexual harassment. One complaint that was found not to be investigated by the audit concerned an allegation of disparate treatment regarding discipline with no allegations of improper conduct of a sexual nature. Another complaint concerned allegations of mere rumor of a sexual content that did not rise to the level of sexual harassment. Another complaint concerned management's decision to prohibit a union official from participating in an employee orientation due to her inappropriate attire. One complaint was initiated as a result of a co-worker's use of the phrase, "OK sugar, alright darling." Another complaint concerned an instructor's inappropriate comments during a single class. Finally, in an another complaint found not to be investigated, an employee was offended by a co-worker's insistence that she should be nice to a male co-worker because he was so attractive.
- The audit reports that seven complaints were not effectively addressed because no documents were found concerning an investigation of these complaints. However, this conclusion overlooks the fact that some complaints of sexual harassment can be addressed simply and directly between the parties, without the need for written reports or documentation. As noted above, the EEOC's Policy Guidance on sexual harassment explicitly states that "Title VII does not proscribe all conduct of a sexual nature in the workplace."
- It is worth noting that the seven complaints that were found not to be investigated were resolved early in the EEO process. Two of the complaints were dismissed by the agency for failure to state a claim. Four of the complainants did not choose to pursue a "formal complaint" pursuant to the EEOC's regulations and one of the complaints was resolved in REDRESS mediation.

Accordingly, we disagree with the draft audits conclusion that a majority of the complaints were not effectively addressed.

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Recommendation #1

“We recommend the vice president, Eastern Area Operations, instruct the Greensboro and Harrisburg District managers to:

1. Establish controls to ensure managers and supervisors effectively address all sexual harassment complaints and fully document detailed evidence of the actions taken to address complaints.”

Response to Recommendation #1

The Eastern Area has already established controls to ensure managers and supervisors effectively address all sexual harassment complaints. The Eastern Area has established a Sexual Harassment Fact Finder program area wide. This process existed in the former Allegheny Area beginning in March 2000, and the Harrisburg District has participated in the SHFF program since that time. The five former Mid-Atlantic districts that have become part of the Eastern Area, including Greensboro, were trained in the SHFF program in November 2002. We have attached to this response is a copy of the Sexual Harassment Fact Finder Policy issued to the Greensboro District on November 4, 2002. The Eastern Area trained four Greensboro employees as fact finders in November 2002 and will train additional team members in March 2003. A copy of the Greensboro Sexual Harassment Investigation Policy is attached.

Additionally, on November 4, 2002, a letter was issued to all Eastern Area employees concerning sexual harassment. Included in this letter was an instruction to all Eastern Area managers and supervisors (including acting supervisors) to “either conduct an immediate and thorough investigation of any report of sexual harassment or to report that complaint to a higher authority.” A copy of this letter is attached.

The Eastern Area disagrees with recommendation #1 to the extent that it requires the Area to fully document the actions taken to address every allegation that could be construed as sexual harassment. Postal Service Publication 552 states, “some complaints can be resolved simply and directly between parties without the need for a formal written record.” The policies in Greensboro and Harrisburg are consistent with this policy. To require a written report of every minor incident would potentially lead to a failure in the ability of supervisors to quickly resolve minor workplace issues. Many incidents are imprecisely labeled as “harassment” and are nothing more than workplace disagreements and/or boorish behavior that fail to meet the legal definition of sexual harassment. Minor incidents can be easily resolved simply and directly between parties without the need for a formal written report.

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Recommendation #2

"We recommend the vice president, Eastern Area Operations, direct the Greensboro and Harrisburg District Managers to:

- 2. Establish controls to ensure all informal complaint files are stored in a central location and retained for at least 4 years."*

Response to recommendation #2

The use of the term "informal complaint" is confusing. To the extent that the recommendation refers to informal complaints initiated pursuant to the EEOC's regulations, a system exists for retention of these records which is consistent with the recommendation. To the extent that the recommendation refers to management inquiries and internal investigations, the Eastern Area SHFF policy already has a document retention policy consistent with this recommendation. Fact finding reports are maintained centrally at the Eastern Area Office upon completion and maintained for ten years.

If you have questions or require additional information, please feel free to contact my office.

Sincerely,


for Gary L. McCurdy
Vice President, Eastern Area Operations

cc: Suzanne Mevidovich
Benjamin Ocasio
Edward Burke
David C. Fields
Gary R. Condley
Susan Duchek

GARY L. MCCURDY
ACTING VICE PRESIDENT, ALLEGHENY AREA OPERATIONS



March 7, 2000

Memorandum for: DISTRICT MANAGERS
SENIOR PLANT MANAGERS
REC SITE MANAGERS
MANAGERS BMC
PCES POSTMASTERS
MANAGERS, HUMAN RESOURCES

SUBJECT: Sexual Harassment Fact-Finding Procedures/Forms

This letter is written to communicate the procedures for use in the Allegheny Area in lieu of the Initial Management Inquiry Process developed by Headquarters and to provide you with the form to be submitted to the area office when you have made your decision on a fact finding.

The following outlines forms to be completed by managers, supervisors, and postmasters when an allegation of sexual harassment and/or other workplace issues are brought forward by an individual or observed by the manager. The Postal Inspection Service should be notified of all incidents involving substantial physical contact. In collaboration with the Law Office, Area Human Resources, Labor, and Diversity the following forms are provided:

Part A: Checklist for Allegation(s) of Sexual Harassment: This form is to be completed for all allegations of sexual harassment in the unit. The supervisor or manager who first becomes aware of the possible sexual harassment should complete Part A. For example, if a Supervisor, Customer Services observes an employee telling an inappropriate joke, that supervisor would complete this form and all subsequent forms below. In addition, it is completed if an employee, customer or vendor raises an allegation to any manager or supervisor. This document is to be maintained in a secure place in the unit for two years. If a Fact-Finding team is authorized, a copy of Part A must be provided and Part B, if completed to the fact finders.

Part B: Interview with Alleging Victim; **Part C:** Interview with the Alleged Harasser(s); and **Part D:** Interview with witness(s) - These interviews are to be completed by management within twenty-four (24) hours of the initial notification or observation of the incident. If there are extenuating circumstances that result in a delay of more than twenty-four hours, such as an intervening holiday, weekend, or scheduled days off, these reasons must be documented on all forms.

ONE MARQUIS PLAZA
5315 CAMPBELLS RUN ROAD
PITTSBURGH PA 15277-7010
PHONE: 412-494-2510
FAX: 412-494-2582

If the alleged harasser(s) is unknown, indicate so on the form "Part C." As with Part A, Part B through D must be maintained in the unit in a secure place for two years.

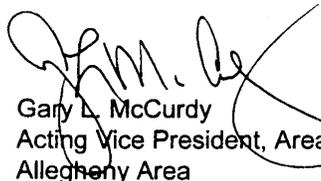
Upon completion of Parts A – D, local policy may dictate that a copy of these forms be forwarded to Human Resources in part.

Future Sexual harassment training for EAS managers/supervisors **must** include a review of the completion of these documents for all participants. For FY 00 this will be included in the two (2) hours of sexual harassment training, prior training on sexual harassment has been extensive.

The completion of these forms, training of all employees on sexual harassment, prompt and thorough investigation of complaints of sexual harassment, and promptly taking corrective action will assist in our affirmative defense should the matter end in court. In the end, these actions can contribute to the success of the Allegheny Area in the area of workplace environment issues as indicated on the Employee Opinion Survey and reduce our financial liability. More importantly it is the right thing to do!

Your Fact Finders have been notified of this requirement. Within thirty (30) days of the receipt of the report the assigning manager completes the form, Memorandum of Sexual Harassment Fact-Finding and forwards it to the area office. This form is also included in this packet. A copy is filed with the Fact-Finding report. This document was developed to ensure an affirmative defense should the matter escalate beyond the local level.

If you have any questions regarding any of these documents, please do not hesitate to contact Betty J. Davis, Senior Diversity Programs Coordinator, at 412 494-2598.



Gary L. McCurdy
Acting Vice President, Area Operations
Allegheny Area

Attachments

cc: Sr. Diversity Programs Coordinator
Area Manager, Human Resources

GARY L. McCURDY
VICE PRESIDENT, EASTERN AREA OPERATIONS



November 4, 2002

Memorandum for: **Lead Executives**
 Greater South Carolina
 Greensboro
 Kentuckiana
 Mid-Carolina
 Appalachian

SUBJECT: **Overview of the Sexual Harassment Fact Finding Process**

During the week of November 18-22, 2002, four employees from your PC, two male and two female, will participate in a one-week training session on how to conduct fact finding investigations into allegations of sexual harassment. These investigations will be management's tools to enable them to respond promptly, effectively and thoroughly to allegations of sexual harassment.

This memorandum provides an overview of this initiative and explains how it is intended that management will utilize these fact finders.

Assignment of Fact Finding Teams:

1. Who can convene and assign a Fact Finding Team?

When the alleging victim and/or the alleged harasser is a Manager EAS-22 or below, District Managers, Senior Plant Managers, BMC Managers, REC Site Managers, PCES Postmasters and Human Resource Managers may convene a Fact Finding Team and assign the team to conduct an investigation.

When the alleging victim and/or the alleged harasser is a Manager EAS-23 or above, the Fact Finder Project Manager for the Eastern Area or the Area Manager of Human Resources will make the assignment.

2. Under what circumstances should a Fact Finding Team be convened?

In cases where a manager becomes aware of either possible sexual harassment, in all but the simplest cases, the manager should convene a Fact Finding Team and assign the team to conduct a fact finding investigation.

3. How should a Fact Finding Team be convened?

The assigning manager should select two of the individuals from within the Performance Cluster who have received the training. It is important that two investigators be sent on each investigation to ensure the accuracy and completeness of the information obtained. It is also important that the team consist of one male and one female to provide all parties involved with a person on the team to whom they can relate.

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Fact finders must not be assigned to conduct investigations involving facilities or personnel where they have a personal relationship with the parties involved, or involving someone with whom they have a direct reporting relationship.

Where it is not possible to convene a Fact Finding Team from within the Performance Cluster, the assigning manager should contact Human Resource Managers from districts within the Eastern Area to borrow fact finders. Districts are encouraged to assist each other by providing fact finders when necessary.

Conduct of Fact Finding Investigation:

4. What support will a Fact Finding Team need while they conduct the fact finding investigation?

The Fact Finding Team should be provided with a laptop and the name of a contact person at the site where the investigation will be conducted. The site contact will assist in providing the team with appropriate work space, scheduling interviews, and any other assistance they might need.

5. What actions might an assigning manager have to take while the Fact Finding Team is conducting its investigation?

Depending on the initial understanding of the severity of the situation, the alleged harasser may need to be separated from the alleging victim, pending the completion of the fact finding. The decision to take this step should only be made after consultation with Labor Relations, which should take place before the Fact Finding Team begins its investigation.

In the course of conducting its investigation, the Fact Finding Team may discover additional victims. If this occurs, the Team will contact the assigning manager to determine whether to include the additional victim(s) in their ongoing investigation or if the assigning manager will convene another Fact Finding Team to conduct a separate investigation.

The assigning manager may also need to assist the Team if travel or logistics become an issue. Occasionally, a fact finder's manager may insist that the fact finder return to his or her job before the fact finding investigation has been completed. The assigning manager may need to explain the importance of a completed investigation in these instances.

6. What will the Fact Finding Team provide to the assigning manager once the investigation is completed?

The written Fact Finding Report will consist of a summary of the allegations, interview summaries and factual findings. The Fact Finding Team **will not** provide an opinion about whether or not sexual harassment or other inappropriate conduct occurred. The Report will provide the assigning manager with the acquired information in totality. The original copy of the Report will be provided to the assigning manager, along with all of the fact finders' notes, computer disks, exhibits and other documents. A copy of the Fact Finding Report only will be provided to the Eastern Area Project Manager under confidential cover. The fact finders will not retain copies of any of these materials. Materials should not be maintained on the hard drive of the laptop or desktop computer used by the fact finders.

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The Fact Finding Report and the supporting materials should be maintained in a secure location for ten years.

Duties of Assigning Managers After Fact Finding Report is Received:

7. What does the assigning manager do, once s/he receives the Fact Finding Report?

Based on the facts discovered by the Fact Finding Team, as stated in the report, the assigning manager will decide what disciplinary action is appropriate, if any. The assigning manager should consult with Labor Relations at the district and/or Area level, as necessary, when determining what disciplinary actions are appropriate.

Once this decision is made, the assigning manager or designee will make contact with the alleging victim and the alleged harasser to advise them of the results of the fact finding and what actions will be taken, if any. Within **30 days** of receipt of the report, the assigning manager will complete the form Memorandum of Sexual Harassment Fact Finding and forward it to the Area Office SHFF Project Manager.

It should be kept in mind that this fact finding process is management's tool to conduct administrative inquiries. The alleging victim may still pursue other avenues, such as the EEO complaint process or grievance procedures. Likewise, it does not eliminate normal due process procedures if discipline is imposed.

8. What other steps should assigning managers take?

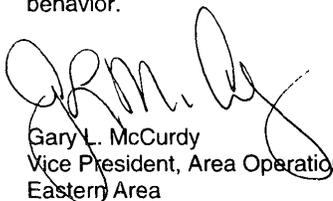
An overview of the fact finding process should be included in the fiscal year mandatory training requirement in the area of sexual harassment for both EAS and craft employees.

Managers should be made aware of the fact finding process and their responsibilities under this process.

9. To whom should the assigning managers address any questions or concerns about the fact-finding process?

You should contact Gary Condley, Area Manager Human Resources, at 412-494-2515 if you have any questions regarding the process.

The Eastern Area is on the cutting edge of this process. We are ensuring that individuals performing these investigations have the skills necessary to provide the decision-makers with quality results. I am committed to its success and I'm confident that the above actions will reduce our liability and demonstrate our strong commitment to an environment free of sexual harassment and inappropriate behavior.



Gary L. McCurdy
Vice President, Area Operations
Eastern Area

cc: Sr. Diversity Programs Coordinator
Area Manager, Human Resources

GARY L. MCCURDY
Vice President, Eastern Area Operations



November 4, 2002

ALL EASTERN AREA EMPLOYEES

SUBJECT: Sexual Harassment

The United States Postal Service is committed to providing a work environment free of sexual harassment. I am committed to the Eastern Area obtaining this goal. I want all Eastern Area employees to understand what sexual harassment is and what steps you must take to stop it.

There are two categories of sexual harassment. The first type occurs when a person of authority (e.g. a supervisor, manager, etc.) makes demands of a sexual nature as a precondition for an employment benefit. This type of sexual harassment is called "quid pro quo", meaning "something for something" and can be committed only by someone in the organizational structure who has power to control the victim's job destiny. An example of this is a supervisor requesting an employee submit to sexual advances in order to be promoted.

The second kind of sexual harassment is called a hostile environment. A sex based hostile environment occurs when a supervisor, coworker or someone else with whom the victim comes into contact, creates an abusive work environment or interferes with the employee's work performance through words or deeds relating to the employee's gender. Behavior such as discussing sexual activities, telling sex related jokes, displaying sexually explicit pictures, using demeaning terms, crude or offensive language and hostile physical conduct can create a hostile work environment.

If you think you are a victim of sexual harassment, tell the person harassing you to stop and report it immediately to your supervisor or to another manager.

It is the responsibility of every Eastern Area supervisor (including an acting supervisor) and every manager to either conduct a prompt and thorough investigation of any report of sexual harassment or to report the complaint to a higher authority. Supervisors and managers who have questions regarding how to respond to sexual harassment complaints should contact their manager or District Human Resources Manager immediately.

The Postal Service may discipline any employee, supervisor or manager found to have sexually harassed a coworker or employee, up to and including removal.

Remember sexual harassment is illegal, against Postal Service policy, and it hurts the entire Eastern Area, not just the victim.

A handwritten signature in black ink, appearing to read "G. L. McCurdy".

Gary L. McCurdy
Vice President, Area Operations
Eastern Area

One Marquis Plaza
5315 Campbells Run Road
Pittsburgh, PA 15277-7010
(412) 494-2510

SEXUAL HARASSMENT INVESTIGATION GUIDELINES

In order to comply with the Eastern Area Sexual Harassment Investigation guidelines and the OIG, the following measures are in effect for the Greensboro Performance Cluster.

1. When a management employee is notified of a sexual harassment complaint, he/she is to immediately contact the Manager, Human Resources. This can be done either by cc-mail or by calling 336-668-1214. On weekends, holidays, evenings, etc., call 336-339-1973.
2. Upon receipt of the complaint, the Manager, Human Resources, will have the Labor Relations Department send out a trained investigative team that will consist of one male and one female. UNDER NO CIRCUMSTANCES IS ANYONE FROM LABOR RELATIONS OR EEO TO PARTICIPATE AS A MEMBER OF THE TEAM.
3. If the alleged harasser is an EAS-22 or below, the investigation is to be conducted by the Local/District Fact-Finding Team. However, if the alleged harasser is an EAS-23 or above, the investigation is to be done by the Eastern Area Fact-Finding Team.
4. When a team is summoned, their manager, POOM, supervisor, etc., is to ensure that the individual is immediately released. If it is absolutely essential that the individual remain at the office, call Labor Relations who will see if it is possible to obtain an alternate to function in his/her place. ONLY THOSE EMPLOYEES WHO HAVE RECEIVED TRAINING FROM THE EASTERN AREA MAY BE A MEMBER OF THE TEAM.
5. Prior to the team visiting the office, a decision must be made as to whether or not it is necessary that the individual making the complaint be immediately separated from the alleged harasser. THIS IS TO BE DONE BY CONSULTING WITH LABOR RELATIONS.
6. During the investigation, the team may discover additional victims. Should this occur, the team will immediately contact the Manager, Labor Relations, to determine whether to include the alleged victims in their ongoing investigation or to conduct a separate independent investigation.
7. *Once the investigation is completed, the Fact-Finding Team will submit a report consisting of the following:*
 - A summary of the allegations.
 - Interview summaries.
 - Factual findings.
 - Under no circumstances is the report to contain any opinions from the team. The report must be objective containing only factual information.

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- The original report, along with any exhibits and other documents, will be provided to Labor Relations, who will retain it in a secured, locked location for 10-years.
- *Labor Relations will provide a copy of the report to the Eastern Area Project Manager under confidential cover.*
- No materials are to be maintained on the hard drive of a laptop or desktop computer belonging to the Fact-Finding Team.
- Once the report is completed, a decision, in consultation with Labor Relations, will be made as to whether or not disciplinary action should be administered.
- Once this is done, the Manager, Labor Relations, will contact the alleged victim and the alleged harasser to advise them of the results of the fact finding and what action, if any, will be taken.

Within 30 days of receipt of the report, the Manager, Labor Relations, will complete the form "Memorandum of Sexual Harassment Fact Finding" and forward it to the Area Office SHFF Project Manager under confidential cover.



January 15, 2003

B. WAYNE GOLESKI
ASSISTANT INSPECTOR GENERAL
FOR CORE OPERATIONS

SUBJECT: ADDENDUM
Response to Draft Audit Report
Sexual Harassment Prevention Measures in the Harrisburg and
Greensboro Districts (Report No. LH-AR-03-Draft)

This is the Eastern Area's Addendum to our December 31, 2002 response to the draft audit report captioned above. The purpose of this addendum is to further clarify the Area's response as to whether or not there is agreement with the two recommendations listed in the draft audit.

Recommendation No. 1: *"Establish controls to ensure managers and supervisors effectively address all sexual harassment complaints and fully document detailed evidence of the actions taken to address complaints."*

Because the Eastern Area has already established protocols for managers and supervisors to address all sexual harassment complaints, we disagree with the recommendation that such controls need to be established. We also disagree with the second part of the recommendation to the extent that it requires managers and supervisors to "fully document" all actions taken in response to every allegation that could be construed as sexual harassment. Postal Service policy found in publication 552 states, "some complaints can be resolved simply and directly between the parties without the need for a formal written record." To require documentation regarding every minor incident would potentially lead to a failure in the ability of supervisors to quickly resolve minor workplace issues. The Eastern Area will follow Postal Service policy on the issue of documentation.

Recommendation No. 2: *"Establish controls to ensure all informal complaint files are stored in a central location and retained for at least 4 years."*

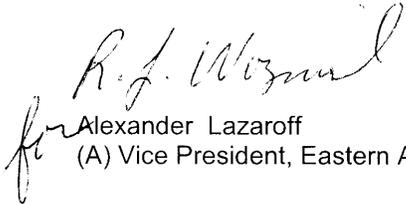
To the extent that this recommendation concerns documentation of what the draft audit report defines as "informal" complaints of sexual harassment, the Eastern Area also disagrees with this recommendation. Because documentation of all "informal"

- 2 -

complaints is not required by Postal Service policy, there is no need for central storage procedures.

If you have any further questions or require additional information, please feel free to contact my office.

Sincerely,


for Alexander Lazaroff
(A) Vice President, Eastern Area Operations

cc: Suzanne Mevidovich
Benjamin Ocasio
Edward Burke
David C. Fields
Gary R. Condley
Susan Duchek