

March 5, 2003

SYLVESTER BLACK
VICE PRESIDENT, WESTERN AREA OPERATIONS

SUBJECT: Audit Report – Sexual Harassment Prevention Measures in the Dakotas and Portland Districts - Western Area (Report Number LH-AR-03-007)

This report presents the results of our audit of sexual harassment prevention measures in the Dakotas and Portland Districts - Western Area (Project Number 02YG010LH009). 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 seventh in a series of ten reports we will be issuing regarding sexual harassment prevention measures Postal Service-wide.

We found that the Dakotas and Portland Districts' sexual harassment policies and procedures were adequate and that most 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, the Dakotas District was retaining files indefinitely and Portland retained them for a period of 10 years. In addition, the storage of files in Portland was adequate, and all sexual harassment complaints in the Dakotas District were effectively addressed. We also found, however, that some areas needed improvement. Specifically, in the Portland District, one manager responsible for sexual harassment was not considered for exclusion from the Pay for Performance Program and some sexual harassment complaints were not effectively addressed. In addition, the storage of complaint files in the Dakotas District was not centrally located. The Dakotas District advised us they have taken action to correct this deficiency.

The report included three recommendations to help the Dakotas and Portland Districts improve their sexual harassment prevention program. Management agreed with recommendations 1 and 3, and the first part of recommendation 2. The actions taken or planned should correct some of the issues identified in this report. Management did not agree, however, with the second part of recommendation 2, to fully document detailed evidence of the actions taken to address complaints. The Office of Inspector General (OIG) considers that part of recommendation 2 unresolved and will address it 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 recommendation 2 significant and, therefore, requires OIG concurrence before closure. Consequently, the OIG requests written confirmation when corrective actions are completed. This recommendation should not be closed in the follow-up tracking system until the OIG provides written confirmation that the recommendation 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
Assistant Inspector General
for Core Operations

Attachment

cc: Suzanne F. Medvidovich
Murry E. Weatherall
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EXECUTIVE SUMMARY

Introduction

This report presents the results of our audit of sexual harassment prevention measures in the Dakotas and Portland Districts, located in the Western 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 Dakotas and Portland Districts' sexual harassment policies and procedures were adequate and that most 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, the Dakotas District was retaining files indefinitely and Portland was retaining files at least 10 years. In addition, the storage of files in Portland was adequate, and all complaints in the Dakotas District were effectively addressed. We also found, however, that some areas needed improvement. Specifically, in the Portland District, one manager/supervisor responsible for sexual harassment was not considered for exclusion from the Pay for Performance Program, and some sexual harassment complaints were not effectively addressed. In addition, the storage of complaint files in the Dakotas District was not centrally located. The Dakotas District advised us some action has been taken to correct this deficiency.

Summary of Recommendations

The report included three recommendations to help the Dakotas and Portland Districts improve their sexual harassment prevention program. We recommended management instruct the Portland district manager to establish controls to ensure that managers/supervisors disciplined for sexual harassment or inappropriate actions/comments of a sexual nature are considered for exclusion from all pay for performance or bonus programs. We also recommended the Portland District manager 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. Finally, we recommended the Dakotas District

manager establish controls to ensure all informal complaint files are stored in a central location.

**Summary of
Management's
Comments**

Management agreed with recommendation 1 that managers and supervisors disciplined for sexual harassment or inappropriate actions/comments of a sexual nature be considered for exclusion from all pay for performance or bonus programs. Management issued a letter to the districts in January 2003, reaffirming this position. Management also agreed with recommendation 3 that informal complaint files be stored in a central location in the Dakotas District, and stated that the Dakotas District's complaint files are now centrally stored and the remaining 11 districts in the Western Area will follow this procedure.

Management also agreed with the first part of recommendation 2 that all sexual harassment complaints be effectively addressed. Management did not agree, however, with the second part of the recommendation to fully document detailed evidence of the actions taken to address complaints. They stated Postal Service policy allows some matters to be resolved simply and directly between the parties without a formal written record and to require documentation on every minor incident would potentially undermine the ability of supervisors to quickly and effectively resolve minor workplace issues. Management also stated that although all matters will be fully investigated, not all complaints would result in a full written record with detailed evidence. 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 recommendations 1, 3, and the first part of recommendation 2. Management's comments are not responsive to the second part of recommendation 2, that all actions taken be fully documented. We do not agree that fully documenting actions taken to address complaints would potentially undermine the ability of supervisors to quickly resolve minor workplace issues. Documenting the actions 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 creditably 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. The OIG considers this part of recommendation 2 unresolved and will address it in a separate capping report.¹

¹ We will issue a capping report on the audit results for the nine areas we visited, including the Western 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 \$725,300² for sexual harassment judgments and settlements in the Western 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 12 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 Mid-West Area was changed to the Western Area.

AUDIT RESULTS

Policies and Procedures Adequate

We found that the Dakotas and Portland 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.

In addition, we found that the two districts took several additional initiatives including the following:

- The Dakotas District:
 - Issued three memorandums in 2000, 2001, and 2002, regarding sexual harassment policy.
- The Portland District:
 - Issued a district policy that required all Executive and Administrative Schedule employees to immediately report allegations of sexual harassment to the district manager or Human Resources manager.

**Most Employees
Appropriately Disci-
plined or Corrective
Action Taken**

We found that most 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 informal⁴ complaints in the Dakotas and Portland Districts showed that:

- Of the four formal and informal complaints filed in the Dakotas District, sexual harassment or inappropriate actions/comments was not substantiated in any of the four complaints, and no discipline was rendered. However, in one of the complaints, corrective action was taken.
- Of the 36 formal and informal complaints filed in the Portland District, sexual harassment or inappropriate actions/comments were not substantiated in 20, substantiated in 15, and inconclusive in 1.
 - In 14 of the 15 substantiated complaints, 14 employees were involved. Thirteen were appropriately disciplined and one was not. In the remaining complaint, all employees in the facility were involved and corrective action was taken in the form of sexual harassment prevention training.
 - For the one employee where discipline was not appropriate, we found it was not consistent and proportional when compared to other employees disciplined for similar behavior.

⁴ The term “informal” complaint refers to those not filed in the Equal Employment Opportunity process.

- In the 20 complaints where sexual harassment or inappropriate actions/comments were not substantiated, corrective action was taken in 7. The corrective action ranged from discussions with the employees to sexual harassment training.

**Manager/Supervisor
Not Considered for
Exclusion From Pay
for Performance**

We found that one supervisor in the Portland District was found responsible for sexual harassment and was not considered for exclusion from the Pay for Performance Program.⁵ The supervisor received \$1,768 in FY 2001, because, according to district management, award payouts were given before the merit ratings. Therefore, no one in the district was excluded from the Pay for Performance Program in FY 2001.

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. The Postal Service described unacceptable behavior as “notoriously disgraceful or immoral conduct, or other conduct prejudicial to the Postal Service.”

We believe sexual harassment meets the Postal Service’s definition of unacceptable behavior or immoral conduct and all managers/supervisors found responsible for sexual harassment or inappropriate actions/comments of a sexual nature should be considered for exclusion from pay for performance and bonus programs. Such exclusion could be an effective corrective measure to stop harassment and ensure it does not reoccur.

Recommendation

We recommend the vice president, Western Area Operations, instruct the Portland District manager to:

1. Establish controls to ensure that managers and supervisors disciplined for sexual harassment or inappropriate actions/comments of a sexual nature are considered for exclusion from all pay for performance or bonus programs.

**Management’s
Comments**

Management agreed with the finding and recommendation stating, effective with the close of FY 2002, the Pay for

⁵ 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.

Performance, Economic Value Added Incentive Program for all non-bargaining and executive employees was discontinued nationally. Management stated, in keeping with the spirit and intent of this recommendation, a letter of instruction was issued to Western Area districts, dated January 27, 2003, reaffirming that whenever disciplinary action is taken and upheld against a non-bargaining employee or executive for sexual harassment or inappropriate actions/comments of a sexual nature, such discipline should be further considered in evaluating the individual's eligibility for pay for performance or bonus programs.

**Evaluation of
Management's
Comments**

Management's action taken or planned should correct the issues identified in the report.

**Some Complaints
Not Effectively
Addressed**

Our audit disclosed that all 4 of the sexual harassment complaints in the Dakotas District were effectively addressed, and 10 of the 36 complaints in the Portland District were not. 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.⁶

We found that:

- Postal Service national policy did not require that “all” complaints be documented—only those that managers believed were “serious.”
- Of the ten complaints not effectively addressed in the Portland District, one was not documented, one was not thorough, and eight were not prompt.
 - District management provided numerous reasons why the ten complaints were not effectively addressed. For example, for the eight that were not prompt, the Human Resources manager stated scheduling conflicts, fact-finder team unavailability, and holiday seasons, prevented them from being promptly 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 this issue in a separate report.

⁶ 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, Western Area Operations, instruct the Portland District manager to:

2. 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.

**Management's
Comments**

Management agreed with the finding and the first part of the recommendation that all sexual harassment complaints be effectively addressed. However, management did not agree with the second part of the recommendation to fully document detailed evidence of the actions taken to address complaints. Management stated that Postal Service policy allows some matters to be resolved simply and directly between the parties without a formal written record. They stated this is to allow managers' maximum flexibility and speed to deal with those minor, one-time events. Management stated to require documentation on every minor incident would potentially undermine the ability of supervisors to quickly and effectively resolve minor workplace issues. Additionally, they stated managers do not need to create a record on the unjustly accused employee when frivolous and baseless charges are levied. Management stated that although all matters will be fully investigated, not all complaints would result in a full written record with detailed evidence.

Management also stated that immediately following the debriefing of the draft report by the OIG, that disclosed the finding that the Portland District had not effectively addressed ten complaints, the Portland District manager initiated changes to improve the district's protocol. For example, management stated that records would now substantiate management's actions to address complaints and the rationale supporting those initial management actions. Management stated a letter of instruction was issued that reaffirmed that controls should be established to ensure that the Western Area promptly investigates and documents that it exercised reasonable care to prevent and correct harassing behavior.

**Evaluation of
Management's
Comments**

Management's actions taken or planned are responsive to the first part of the recommendation and should correct the issues identified in this report. Management's planned action is not responsive to the second part of our recommendation. 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 creditably 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. 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 both districts. Also, storage of files was adequate in the Portland District, but not in the Dakotas 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.

We found that:

- The Portland District centrally stored informal sexual harassment complaint files in the Human Resources office and retained them for a period of 10 years.
- The Dakotas District centrally stored some informal sexual harassment complaint files in the district Human Resources office, and retained them indefinitely. However, the files for investigations conducted at the facility level, were stored at the facility. The Human Resources manager stated there was no policy regarding where to store informal investigation files.

During the audit, the Dakotas District management advised us they took actions to correct the problems we identified by requiring the storage of all informal sexual harassment complaint files in the district Human Resources office.

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, Western Area Operations, instruct the Dakotas District manager to: 3. Establish controls to ensure all informal complaint files are stored in a central location.
Management's Comments	Management agreed with the finding and recommendation and stated that in addition to the corrective action noted in the report by the Dakotas district manager, on May 24, 2002, the Dakotas District completed its abatement work on this recommendation and informal sexual harassment complaint files are now centrally stored in the district's Human Resources office. Additionally, the 11 remaining Western Area districts have followed suit and validated all informal sexual harassment complaint files are now centrally stored in the respective district's Human Resources offices.
Evaluation of Management's Comments	Management's actions taken or planned should correct the issues identified in the report.

APPENDIX A. OBJECTIVE, SCOPE, AND METHODOLOGY

Our objective was to determine if the Dakotas and Portland Districts, in the Western Area, implemented adequate policies and procedures to prevent sexual harassment⁷ 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 the vice president, Western Area. We also considered the number of closed formal sexual harassment complaints in each of the 15 Western Area districts.

To accomplish our objectives, we reviewed applicable laws, policies, procedures, and other documents including; Equal Employment Opportunity Commission guidelines, Postal Service national policies, the Western Area, and the Dakotas and Portland Districts' 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 Office of Inspector General reports related to sexual harassment issues. Further, we interviewed Postal Service Headquarters, Western Area, Dakotas, and Portland 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, Western Area, and Dakotas and Portland Districts' 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 closed⁸ in FYs 2000 and 2001,⁹ 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 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

⁷ 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.

⁸ 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.

⁹ We used the Postal Service fiscal years that started September 11, 1999, and ended September 7, 2001.

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 40 complaint files as follows:

District	Complaints		Total Complaints Per District
	Formal	Informal	
Dakotas	2	2	4
Portland	9	27	36
Total	11	29	40

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.¹⁰ 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.

¹⁰ 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

SYLVESTER BLACK
VICE PRESIDENT, WESTERN AREA OPERATIONS



January 23, 2003

B. WAYNE GOLESKI
ASSISTANT INSPECTOR GENERAL
FOR CORE OPERATIONS

SUBJECT: Draft Audit Report/Management Advisory—Sexual Harassment Prevention
Measures in the Dakotas and Portland Districts—Western Area
(Report Number LH-AR-03-DRAFT)

This is in response to the subject audit report. I agree with the conclusions and recommendations that are stated in the report. The following actions have been or will be taken to ensure Western Area's compliance with those recommendations:

Recommendation #1

The Vice President, Western Area Operations instruct the Portland District Manager to: Establish controls to ensure that managers and supervisors disciplined for sexual harassment or inappropriate actions/comments of a sexual nature are considered for exclusion from all pay for performance or bonus programs.

Response

I agree that the Portland supervisor identified by the OIG's auditors who was found responsible for sexual harassment should have been considered for exclusion from the Fiscal Year 2001 Pay for Performance, Economic Value Added, Incentive Program. Effective with the close of Fiscal Year 2002, the Pay for Performance, Economic Value Added, Incentive Program, for all non-bargaining and executive employees was discontinued nationally.

Keeping with the spirit and intent of this recommendation, I issued a letter of instruction on the subject today to all Western Area direct report executives, including the Portland District Manager. My message reaffirmed whenever disciplinary action is taken and upheld against a non-bargaining employee or executive for sexual harassment or inappropriate actions/comments of a sexual nature, such discipline should be further considered in evaluating the individual's eligibility for pay for performance or bonus programs.

Recommendation #2

The Vice President, Western Area Operations instruct the Portland District Manager to: Establish controls to ensure that 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.

Response

Western Area management agrees with the recommendation that all sexual harassment complaints be promptly, thoroughly and impartially investigated. However, Western Area Management disagrees with the latter part of the recommendation that all sexual harassment complaint investigations fully document detailed evidence of the actions taken to address complaints of sexual harassment regardless of whether or not the allegations actually amount to

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sexual harassment. Postal Service policy found in Publication 552 allows some matters to be resolved simply and directly between the parties without a formal written record. The rationale is to allow managers maximum flexibility and speed to deal with those minor, one-time events such as an off-color joke or careless remark. To require documentation regarding every minor incident of inappropriate workplace behavior would potentially undermine the ability of supervisors to quickly and effectively resolve minor workplace issues. In addition, when frivolous and baseless charges of harassment are levied, managers need not create a written record on the unjustly accused employee. In accordance with Postal Service guidelines identified above, although all matters of alleged sexual harassment will be fully investigated, not all complaints will result in a full written record with detailed evidence of the actions taken to address the complaints.

The draft report covering the Portland, Oregon District indicates that one complaint was not documented, one complaint was not thorough, and eight complaints were not prompt. Immediately following the debriefing of the draft report with the OIG's auditors, the Portland District Manager initiated changes to improve the District's protocol. For example, records now substantiate management actions taken to separate complainants and alleged harassers and contain the rationale supporting those initial management actions.

Similar to my response to Recommendation #1, I issued a letter of instruction on the subject today to all Western Area direct report executives, including the Portland District Manager. My message reaffirms that controls should be established to ensure that the Western Area promptly investigates and documents it exercised reasonable care to prevent and correct harassing behavior.

Recommendation #3

The Vice President, Western Area Operations, instruct the Dakotas District Manager to: Establish controls to ensure all informal complaint files are stored in a central location.

Response

As indicated in your draft report, Dakotas District management advised the audit team during their audit action had been taken locally to correct this deficiency by requiring the storage of all informal sexual harassment complaint files (i.e., non-EEO, sexual harassment management inquiry files) in the District Human Resources office. On May 24, 2002, the Dakotas District completed its abatement work on this recommendation and informal sexual harassment complaint files are now centrally stored in the Human Resources District office. The 11 remaining Districts within the Western Area have followed suit and validated all informal sexual harassment complaint files are now centrally stored in the respective Human Resources District office.

If you wish to discuss any aspect of our comments to your management advisory – draft audit report, I am available at your convenience.


Sylvester Black

cc: Suzanne F. Medvidovich, Senior Vice President, Human Resources
Murray Weatherall, Vice President, Diversity Development
Karen Intrater, Managing Counsel, Employment & Labor Law
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SB:PDM:bh

**Sexual Harassment Prevention Measures in the Dakotas
and Portland Districts – Western Area**

LH-AR-03-007

SYLVESTER BLACK
VICE PRESIDENT, WESTERN AREA OPERATIONS



January 23, 2003

DISTRICT MANAGERS
SENIOR PLANT MANAGERS
AREA OFFICE DIRECT EXECUTIVES

SUBJECT: Sexual Harassment

Equal Employment Opportunity Commission [EEOC] Guidelines implementing Title VII of the Civil Rights Act of 1964 recommend that employers establish procedures to promptly and thoroughly investigate all allegations of sexual harassment in the workplace and take immediate and appropriate action to remedy any such harassment when it occurs.

Sexual harassment meets the Postal Service's definition of unacceptable behavior. All Western Area executives, managers, and supervisors found responsible for sexual harassment or inappropriate actions/comments of a sexual nature are subject to disciplinary action, up to and including removal. Disciplinary action may result even if the conduct does not meet the legal definition of sexual harassment, but is considered inappropriate under Postal Service policy. When such discipline does occur, the disciplinary action, as well as the underlying inappropriate conduct, should be considered in determining eligibility for pay for performance or bonus programs.

The Postal Service will not tolerate sexual harassment, any inappropriate conduct of a sexual nature, or reprisal in the workplace. I expect each of you to lead by example and conduct yourselves in a manner consistent with established pertinent policies. You and your subordinates are responsible for preventing sexual harassment and inappropriate behavior in the workplace and you and your subordinates must respond promptly whenever you learn of any such conduct. A thorough investigation into the allegations must be conducted expeditiously to ensure that prompt corrective action is taken to address the situation. Whenever appropriate, you and your subordinates are expected to take corrective action, inclusive of discipline, in a quick and decisive manner commensurate with the fact circumstances developed as a result of your investigations. Corrective action can also include the separation of employees from one another, discussions with employees and/or remedial training to address the issues involved.

It is critical that the record be preserved to include documentation substantiating any management action taken in response to an allegation of this nature, including the effective date and rationale for the elected remedial actions. I recognize some complaints can be resolved simply and directly between the parties without the need for a formal written record. You need to decide early in the process whether formal documentation is warranted. A good rule of thumb is when in doubt, document. The purpose of documentation is to preserve the file for historical purposes and to substantiate management actions during investigative, legal and audit proceedings.

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**Sexual Harassment Prevention Measures in the Dakotas
and Portland Districts – Western Area**

LH-AR-03-007

Sexual Harassment
January 23, 2003
Page Two

By copy of this letter you are instructed to establish controls or enhance existing controls within your area of jurisdiction to affirm and validate Western Area's compliance with the spirit and intent of the policies outlined above. It is your responsibility to guarantee that investigations and documentation are fully developed and brought to closure in a swift manner. Controls also need to be established or enhanced to ensure that individuals disciplined for sexual harassment and/or inappropriate actions/comments are considered for exclusion from all pay for performance, bonus programs, as well as any compensation awards.



Sylvester Black

cc: Suzanne F. Medvidovich, Senior Vice President, Human Resources
Murray Weatherall, Vice President, Diversity and Human Capital
Karen Intrater, Managing Counsel, Corporate Law
Hal Hughes, Managing Field Counsel, SLC Law Office

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