



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

OPPORTUNITIES EXIST TO IMPROVE THE U.S. DEPARTMENT OF THE INTERIOR'S EFFORTS TO ADDRESS SEXUAL HARASSMENT

This is a revised version of the report prepared for public release.



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Memorandum

To: David Bernhardt
Secretary, U.S. Department of the Interior

From: Gail S. Ennis
Acting Inspector General

Subject: Final Evaluation Report – Opportunities Exist To Improve the U.S. Department of the Interior's Efforts To Address Sexual Harassment
Report No. 2018-WR-006

This memorandum transmits our evaluation report on the U.S. Department of the Interior's (DOI's) steps in addressing sexual harassment.

We make 11 recommendations to help the DOI address sexual harassment and further its commitment to a workplace that does not tolerate sexual harassment. Based on the DOI's response to our draft report, we consider Recommendations 3, 4, and 9 to be resolved and implemented and Recommendations 1, 2, 5 – 8, 10, and 11 resolved but not implemented. We will refer the unimplemented recommendations to the Assistant Secretary for Policy, Management and Budget to track implementation.

If you have any questions regarding this memorandum or the subject report, please contact me at 202-208-5745.

The legislation creating the Office of Inspector General requires that we report to Congress semiannually on all audit, inspection, and evaluation reports issued; actions taken to implement our recommendations; and recommendations that have not been implemented.

Table of Contents

Results in Brief	1
Introduction.....	2
Objective	2
Background	2
Findings.....	5
Sexual Harassment Investigations.....	5
Ensuring Needed Information Is Included in Reports.....	6
Tracking Investigation Timeliness Consistently	8
Managing Investigation Costs	9
Misconduct Tracking System.....	10
Monitoring Sexual Harassment Trends	11
Tracking Investigation Costs.....	11
Training	12
Other Matters for Consideration	13
EEOC Organizational Risk Factors	13
Information Sharing.....	13
Conclusion and Recommendations.....	15
Conclusion.....	15
Recommendations and Considerations	15
Appendix 1: Scope and Methodology.....	21
Scope	21
Methodology	21
Appendix 2: Sites and Offices Visited or Contacted	23
Appendix 3: Prior Report Coverage	26
Appendix 4: Timeline of Events and Actions From September 2014 to June 2018.....	28
Appendix 5: Department Response	30
Appendix 6: Status of Recommendations.....	32

Results in Brief

In response to sexual harassment investigations that raised awareness of problems in the workplace culture and handling of allegations, the U.S. Department of the Interior (DOI) and its bureaus are in the process of implementing a series of measures to address and prevent sexual harassment, including bureau-specific action plans and a new antiharassment policy for the DOI.

We evaluated the DOI's progress in implementing these measures and have identified areas for the DOI to improve its efforts: (1) sexual harassment investigations, (2) misconduct tracking system, and (3) training. In addition to these three finding areas, we suggest two additional matters for the DOI to consider as it takes further steps to address sexual harassment.

The DOI has an opportunity to improve sexual harassment investigations. Specifically, (1) reports of investigation do not always contain the necessary information for decisionmakers and advisors to make comprehensive decisions about potential corrective action related to sexual harassment, (2) the DOI and its bureaus are not tracking the timeliness of investigations in a consistent manner, and (3) investigation costs may prevent employees from reporting an incident.

The DOI also has an opportunity to use its DOI-wide misconduct tracking system to monitor sexual harassment trends and costs. The DOI deployed the tracking system in April 2019.

Finally, the DOI has an opportunity to better coordinate anti-sexual-harassment training to ensure that all employees are provided consistent guidance and access to training.

In addition to our three finding areas, we suggest that the DOI consider (1) including strategies to specifically address the U.S. Equal Employment Opportunity Commission's organizational risk factors in bureau action plans and (2) formalizing the sharing of information about prior or pending allegations between bureaus.

We make 11 recommendations and suggest that the DOI consider 2 additional matters to help it prevent and address sexual harassment and further its commitment to a workplace that does not tolerate sexual harassment. The DOI responded to our draft report on May 13, 2019. Based on the response, we consider Recommendations 3, 4, and 9 to be resolved and implemented and Recommendations 1, 2, 5 – 8, 10, and 11 resolved but not implemented. We will refer the unimplemented recommendations to the Assistant Secretary for Policy, Management and Budget to track implementation.

Introduction

Objective

Our objective was to evaluate the U.S. Department of the Interior's (DOI's) efforts to address sexual harassment.

See Appendix 1 for our scope and methodology and Appendix 2 for sites visited and contacted.

Background

The DOI prohibits “harassing conduct,” which includes sexual harassment,¹ in any location that can be reasonably regarded as an extension of the workplace. The U.S. Equal Employment Opportunity Commission (EEOC) defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature, whether implicit or explicit.

To report sexual harassment, a DOI employee may contact either his or her bureau's² management and human resources office to address the individual's harassing behavior or the bureau's Equal Employment Opportunity (EEO) office to seek remedial relief.

If the employee chooses to involve the bureau's EEO office, the EEO office will initiate an investigation and also report the allegation to the employee's bureau management and human resources office. At this point, the bureau management and human resources office are each required to conduct their own investigation upon becoming aware of allegations of sexual harassment, even if the alleged victim does not want to have the matter reported to the human resources office.

In September 2014, the DOI Secretary received a complaint regarding sexual harassment at the National Park Service (NPS), leading to a series of DOI Office of Inspector General (OIG) investigations, which reported a long-term pattern of sexual harassment and a hostile work environment in the NPS' Grand Canyon National Park River District. The OIG later confirmed allegations of sexual harassment in other NPS worksites. The OIG also confirmed similar allegations of both sexual harassment and mishandled sexual harassment investigations within the Bureau of Indian Affairs. (See Appendix 3 for a summary of DOI OIG investigations into sexual harassment allegations.)

In response to the OIG's investigations into sexual harassment at the Grand Canyon, the NPS conducted a survey to assess workplace conditions, including instances of sexual harassment. Paralleling this NPS initiative, the DOI contracted for a similar work environment survey (WES) to assess the prevalence of and environment for harassment across the DOI, including sexual harassment.

¹ In this report, the term “sexual harassment” refers to all misconduct of a sexual nature. We use this term throughout because the process for conducting and reporting on allegations of sexual misconduct and sexual harassment are the same.

² In this report, the term “bureaus” refers to the DOI components, including bureaus, offices, services, and other units.

DOI officials stated that the WES was the first survey in the Federal Government to focus on harassment and cost nearly \$2.4 million. All active DOI employees as of December 2016 (61,020) were eligible to participate in the survey; more than 28,000 employees completed the survey (a 44.6 percent response rate). Of those responding, an estimated 8 percent had experienced sexual harassment in the 12 months preceding the survey.

These investigations and survey findings led to a series of DOI actions, including the requirement for bureau action plans and a new policy, both of which include elements to create a safe workplace by protecting employees from harassment, encouraging victims to report harassment, and holding employees and managers accountable for harassment. In addition, the Office of the Solicitor (SOL) created the Employment and Labor Law Unit in January 2016 to assist management and supervisors with employee-related issues, including sexual harassment. The unit then created a harassment hotline in May 2018 to give management same-day legal advice. In addition, the DOI is developing a DOI-wide misconduct tracking system to increase leadership awareness of charges, investigations, and penalties. The DOI deployed the tracking system in April 2019.

See Figure 1 for a summary of these actions and Appendix 4 for a detailed narrative of actions taken from September 2014 through June 2018.

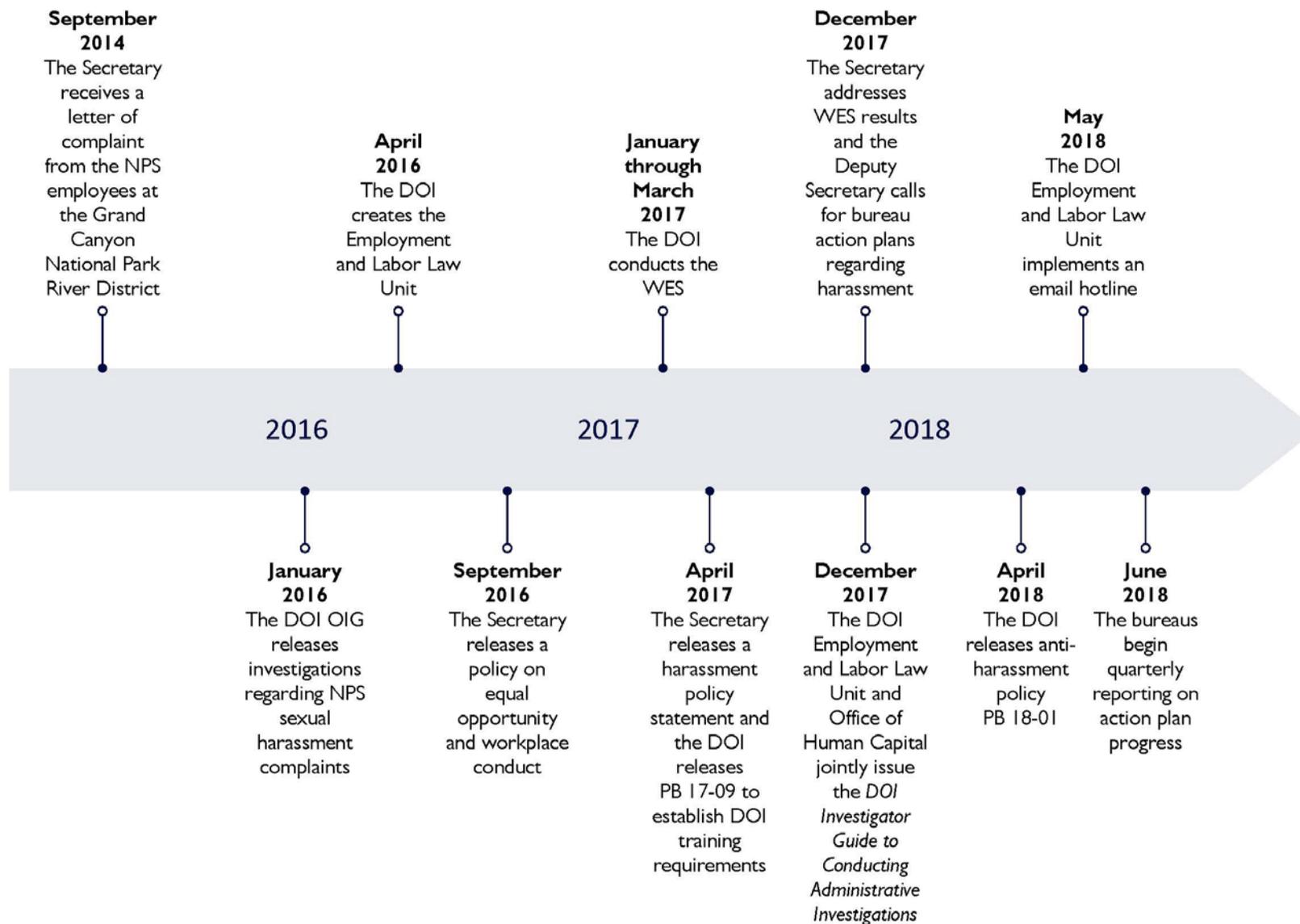


Figure 1. Timeline of DOI actions related to addressing sexual harassment, from September 2014 through May 2018.

Findings

We found that the DOI has taken steps to address sexual harassment by conducting surveys, issuing policy, conducting investigations into sexual harassment allegations, requiring training, establishing an advisory hotline, and developing a tracking system. All of these measures are directed at providing a safe work environment, encouraging victims to report incidents, and improving management's preparation to address and investigate allegations brought to their attention.

We identified opportunities for the DOI to better address sexual harassment by taking the following actions:

- Improving sexual harassment investigations' information, timeliness, and cost
- Using the misconduct tracking system to track trends and costs
- Coordinating training opportunities

In addition to our three finding areas, we identified two other matters for the DOI to consider: (1) including strategies in bureau action plans to specifically address the EEOC's organizational risk factors that increase the likelihood of harassment in the workplace and (2) assessing the benefit of sharing information about prior and pending sexual harassment allegations between bureaus.

By making the improvements outlined below, the DOI could continue to foster a safer working environment that seeks to reduce incidents of sexual harassment and improperly handled sexual harassment complaints.

Sexual Harassment Investigations

The DOI has an opportunity to improve sexual harassment investigations. Currently, (1) third-party reports of investigation do not always contain the necessary information for decisionmakers and advisors to make comprehensive decisions about corrective action related to sexual harassment, (2) the DOI and its bureaus are not tracking the timeliness of contract vendor and U.S. Postal Service (USPS) investigations in a consistent manner, and (3) investigation costs may prevent managers from acting on an allegation and employees from reporting an incident.

If an employee chooses to contact management and human resources regarding sexual harassment, he or she first reports the allegation to a supervisor. DOI policy requires the supervisor to inform the bureau's human resources office. The human resources office then contacts SOL, which advises on planning an investigation. The human resources office then initiates the investigation via a third party. Once the investigation is complete, a report is provided to bureau management to make a decision on corrective action related to the sexual harassment allegation.

The areas of opportunity we discuss below are specific to the sexual harassment investigations done by a third party, whether through the contract vendor or the USPS. There were no collateral-duty investigations (investigations completed by other bureaus rather than through a contract) to include in our sample because bureaus had not conducted any, as prior DOI guidance stated that sexual harassment investigations should be completed by contract investigators.

Ensuring Needed Information Is Included in Reports

We found that—despite DOI guidance—bureau human resources offices do not consistently contact SOL to advise on planning investigations into sexual harassment allegations. As a result, they do not ensure that reports contain the information that bureau management needs to make comprehensive decisions about corrective actions. SOL reported that some reports have been deemed legally insufficient when it was not given the opportunity to advise on planning what information should be included in an investigation report.

Prior to the efforts described in this report, bureaus contracted investigation services on an individual basis, resulting in reports that were inconsistent in quality and often contained incomplete facts or conclusions. In January 2017, the DOI awarded a contract to a single vendor for investigation services as a pilot project to help address inconsistencies in investigation reports and to ensure that third-party contract investigation reports contained the necessary information for decisionmakers and advisors.

The DOI expanded the pilot in May 2017, requiring all bureaus to use the contract vendor as the preferred vendor, but allowing the use of interagency agreements with the USPS when the contract vendor was unable to meet the demand. By October 2017, the DOI relaxed this requirement to allow the bureaus to use the contract vendor or the USPS interchangeably.

In December 2017, the DOI issued its *Investigator Guide to Conducting Administrative Investigations*, which was drafted by SOL and the Office of Human Capital. The investigator guide recommends that bureaus involve SOL upon receiving allegations of sexual harassment to help identify who should carry out an investigation, how to frame the investigation, and what to include in the investigative plan. The involved bureau's human resources office initiates SOL's involvement by contacting the Employment and Labor Law Unit.

In April 2018, the DOI further allowed, through Personnel Bulletin 18-01: *Prevention and Elimination of Harassing Conduct* (PB 18-01), bureaus to conduct investigations into sexual harassment allegations for other DOI bureaus as a collateral duty without the use of a third-party contract. PB 18-01 also requires that bureau officials consult with the Employment and Labor Law Unit to determine whether an investigation is needed and which office should conduct the investigation.

SOL stated that bureaus were still not consistently involving SOL before initiating the investigation. Data provided by the DOI during this evaluation³ showed 18 open or completed sexual harassment investigations: 11 with the contract vendor and 7 with the USPS. We sampled eight investigations—four each from the contract vendor and the USPS. All eight investigations

³ The DOI provided data for closed USPS investigations from August 2017 through March 2018 and open and active contract vendor investigations from May 2017 through March 2018.

sampled involved allegations that were brought to bureau human resources offices before the DOI issued its investigator guide. Of those eight investigations:

- Six investigations (four from the USPS, two from the contract vendor) did not involve SOL before approving the investigative plan.
- One investigation did involve SOL before approving the investigative plan.
- One investigation was canceled prior to awarding the contract.

See Figure 2 for a timeline of DOI guidance, policy, and activities for investigations into sexual harassment allegations.

Date	Action
May 2017	The DOI establishes the contract vendor as the preferred vendor for all investigations.
October 2017	The DOI updates guidance to allow bureaus the option to use interagency agreements with the USPS to conduct investigations.
December 2017	The DOI issues its <i>Investigator Guide to Conducting Administrative Investigations</i> , which states that investigations should be conducted by contract investigators.
March 2018	The OIG samples eight investigations—four each from the contract vendor and the USPS. Only one investigation shows SOL involvement before approval of the investigative plan.
April 2018	The DOI issues PB 18-01 clarifying that, in addition to contract investigations, the bureaus can use collateral-duty investigations conducted by other DOI bureaus.

Figure 2. Timeline of policy and guidance the DOI provided to the bureaus on how to conduct sexual harassment investigations in relation to our sampled investigations.

When bureaus involve SOL before approving the investigative plan, they can better ensure that the investigative plan captures what evidence the investigator will need to gather and includes known facts, standards, and proof analysis so that the reports of investigation contain the information needed to make comprehensive decisions regarding corrective actions.

Recommendations

We recommend that the DOI:

1. Develop and implement a review process to ensure investigation reports contain the necessary information and evidence required for bureau decisionmakers to make comprehensive decisions
2. Ensure that bureaus involve the Office of the Solicitor in the development of investigative plans before approving and executing plans

Tracking Investigation Timeliness Consistently

The DOI and its bureaus are not consistent in how they track the timeliness of investigations. The contracting officer's representative responsible for overseeing the contract vehicle tracks data on contract vendor investigations, while the DOI's Office of Human Resources (OHR) tracks data on USPS investigations. These parties do not use the same milestones to track data. For example, USPS data provided to the OHR only include milestone dates for when a request is received and when an investigation is closed. The Office of Acquisition Services uses an award date milestone with extensive notes on other actions. Any other data are tracked by each bureau using its own established milestones. For example, Bureau of Land Management (BLM) officials consider the date the investigator is assigned as the official start date of the investigation. U.S. Geological Survey officials consider the date the investigator begins interviewing witnesses as the official start date. Without a consistent method to track timeliness, the DOI cannot monitor investigations for unreasonable process delays.

In our sampled investigations, we found a considerable difference in the number of days it took to start and complete investigations performed by the contract vendor and by the USPS, as shown in Figure 3. We applied specific criteria as to when to consider the investigation initiated so that we could compare the data. See Appendix 1 for specific criteria applied to data.

From Sampled Investigations	Contract Vendor	USPS
Number of days from when the bureau's human resources office is notified of an allegation to final investigation report	198 – 282	96 – 194
Number of days from when the bureau requests that the vendor initiate an investigation to when the vendor starts the investigation	82 – 130	0 – 26
Number of days from when the investigation starts to final investigation report	112 – 142	62 – 140

Figure 3. Contract vendor and USPS investigation timeliness from eight investigations sampled in March 2018.

Because data are collected by the DOI and its bureaus inconsistently, we could not determine how much of the variance was related to delays. We did find that the following delays may contribute to the amount of time to complete an investigation:

- **Funding delays.** These occurred when there were issues with the Office of Acquisition Services' ability to access funds from the bureaus.
- **Process delays.** These occurred when reports did not contain complete information and required more work.
- **Capacity delays.** These occurred when the DOI shifted the contract vendor from a pilot to a DOI-wide requirement for all bureaus and there were not enough investigators available to provide services at the many DOI offices nationwide.

The DOI's contract vehicle ended in January 2019, and the OHR is currently working with the Federal Consulting Group (FCG), housed within the DOI's Office of Strategic Employee and Organizational Development, to solicit for a new contract vendor. The FCG will be able to begin investigations even while fund transfers from bureaus are in progress. In working with the FCG, the OHR plans to address timeliness issues by (1) requiring that the investigative plan and investigation report be found legally sufficient by SOL, (2) setting a 30-day report completion goal from the time of award, and (3) reviewing contract vendor nationwide capabilities.

While the DOI works to address delays affecting timeliness of investigations, it also needs to establish how to track milestones and measure the length of time to complete investigations into sexual harassment allegations. Without consistent tracking practices and standard milestones, the DOI cannot identify and address delays.

Recommendations

We recommend that the DOI:

3. Develop and implement standard milestones for bureaus to use when reporting progress on sexual harassment investigations
4. Track the status and length of time to complete sexual harassment investigations
5. Determine and implement a standard for addressing delays when milestones are not being met on sexual harassment investigations

Managing Investigation Costs

Investigation costs are paid by the office where the alleged harasser works. We found that this may prevent employees from reporting alleged harassment for fear of resentment for expending office funds. A human resources official noted that excessive investigation costs had a "chilling"

effect on smaller offices due to the noticeable cost impact on an office's ability to fund other activities such as training, travel, and awards.

We also found that bureaus generally select the USPS over the contract vendor, in part due to lower costs. The USPS charges a flat rate plus additional travel and miscellaneous fees, while the contract vendor's charges are accrued for each step or variable in the investigation process. The result (based on our 8 sampled of 18 total investigations) is a wide cost range for the contract vendor (\$6,000 – \$16,000) when compared to that of the USPS (\$4,700 – \$6,300).

In working with the FCG for the solicitation of a new DOI contract vendor, the OHR plans to address cost issues by including a fixed-rate pricing structure for investigations with tiered pricing for the number of interviews needed. The FCG will also review the contract vendor's nationwide capabilities to reduce or eliminate travel costs.

While the OHR and the FCG work to reduce investigation costs, the DOI has an opportunity to address the issue of prohibitive costs. By applying a cost-sharing tool that uses an indirect cost rate, the DOI could determine the proportion of indirect costs each program, or in this case office, should bear. The DOI has used this cost-sharing approach for administrative salaries and fringe benefits associated with overall financial and organizational administration, operation and maintenance costs for facilities and equipment, and payroll and procurement services. In the case of sexual harassment investigations, an indirect cost rate could help bureaus divide among their offices, relative to size, the accumulated costs of conducting investigations and remove a financial barrier to managers initiating investigations into reported allegations.

Recommendations

We recommend that the DOI:

6. Ensure investigation costs are fair and equitable and financial impacts are considered
7. Develop and implement a cost-sharing formula for bureaus so that no financial barrier exists for any office to investigate sexual harassment allegations

Misconduct Tracking System

The DOI has an opportunity to use its misconduct tracking system to monitor sexual harassment trends and track costs associated with sexual harassment allegations.

In April 2017, the DOI began tracking open sexual harassment allegations and investigations using monthly reports by the bureaus. At the time of this evaluation, these reports identified 32 open allegations and investigations of sexual harassment. With a 3-year cost of nearly \$1.1 million, the DOI implemented a DOI-wide misconduct tracking system in April 2019.

Monitoring Sexual Harassment Trends

The DOI does not plan to use the misconduct tracking system to actively monitor sexual harassment trends and will instead delegate this responsibility to the bureaus. PB 18-01 identifies bureaus as responsible for reviewing tracking system information monthly to identify and track trends in harassment allegations. This will be done through monthly Management Improvement Team (MIT) meetings, facilitated by the Office of Policy, Management and Budget (PMB). MIT is composed of bureau Deputy Directors and the agenda is set by the PMB. Historically, MIT has changed focus with administrations. It held its first meeting under the current administration in April 2018, and prior to that meeting this group had not met for 2 years.

Because the DOI's WES was the first survey of its kind in the Federal Government, no other benchmark exists for the DOI to compare its status or progress in addressing sexual harassment. And, as the DOI does not currently plan to readminister the survey as a point of comparison for bureau sexual harassment data, determining another way to identify, track, and monitor sexual harassment trends at the DOI-wide level is critical to identifying progress in addressing and preventing sexual harassment. The DOI has an opportunity to use its tracking system to fill this gap.

Recommendation

We recommend that the DOI:

8. Establish protocols to actively monitor bureau progress in addressing sexual harassment trends at the DOI-wide level

Tracking Investigation Costs

The DOI does not plan to use its misconduct tracking system to identify and track costs associated with sexual harassment investigations. The DOI stated it would consider tracking the cost of investigations completed by the contract vendor and the USPS but not investigations done by bureaus as a collateral duty. According to the DOI, it would be cumbersome for the bureaus to identify the costs of collateral-duty investigations.

While the DOI indicated that tracking costs for collateral-duty investigations will be burdensome to bureaus, the EEO offices use a system to track collateral-duty investigation costs that may be helpful to the DOI and its bureaus as they develop and implement the DOI-wide tracking system: the EEO iComplaints system, which tracks costs associated with the time spent by the bureau's EEO representative on each individual case.

The DOI has an opportunity to work with its bureaus to develop a way to track the costs of collateral-duty investigations by incorporating common factors such as the Office of Personnel Management's General Schedule of base pay for the bureau employee conducting the collateral-duty investigation, the number of allegations being investigated, and the number of persons to be interviewed.

Analysis of costs and hours associated with investigations into sexual harassment allegations can help the DOI better understand and address the full financial impact of sexual harassment on DOI and bureau budgets and resources.

Recommendations

We recommend that the DOI:

9. Incorporate a cost component within the DOI-wide misconduct tracking system to track investigation costs
10. Develop and implement a formula to capture the costs of collateral-duty investigations

Training

The DOI has an opportunity to better coordinate anti-sexual-harassment training to ensure its consistency and availability across bureaus. DOI-mandated training includes Workplace Harassment and Discrimination Prevention (Civil Treatment for Leaders) for all supervisors and managers, as well as EEO, Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002 (No FEAR Act), and Prohibited Personnel Practices and Whistleblower training for all employees. In addition to the DOI-mandated training, five bureaus submitted action plans that include a civil treatment training for employees, six bureaus submitted action plans that include bystander training, and three bureaus submitted action plans that include administrative investigation training. Some bureaus identified a need for the DOI to help coordinate training identified in their action plans to better ensure success in implementation through consistency and quality control.

By coordinating training, the DOI can ensure that all employees are provided consistent guidance and maximum opportunity for learning. In addition, better coordination will ensure that employees from bureaus with limited resources will have access to the same quality of training as colleagues from other bureaus. This will promote a highly equipped workforce, as well as the use of uniform standards and practices, which encourage consistency and fairness in the handling of sexual harassment allegations.

Recommendation

We recommend that the DOI:

11. Coordinate training among bureaus to create consistency in quality and maximize the access to anti-sexual-harassment training opportunities

Other Matters for Consideration

EEOC Organizational Risk Factors

An EEOC task force identified organizational risk factors that increase the likelihood of harassment in the workplace, including a homogenous workforce, significant power disparities, isolated workplaces, and workplace culture that allows or accepts harassment. While not required by the Deputy Secretary, some bureaus included action items to address specific EEOC organizational risk factors in their action plans. For example, the BLM plans for all of its offices to develop risk assessments and guidance based on the EEOC risk factors, and the U.S. Fish and Wildlife Service evaluated the risk factors and included specific mitigation strategies.

The DOI considers action plans to be “living documents.” Absent a readministration of the WES, the bureaus’ recurrent identification, review, and addressing of organizational risk factors in their action plans may help bureaus create a safe work environment and address sexual harassment.

Consideration

The DOI should consider:

- I. Requiring bureaus to include an assessment of EEOC organizational risk factors in their action plans

Information Sharing

In developing the DOI-wide misconduct tracking system, the DOI has not discussed the potential for transparency and information sharing between the bureaus. Currently, bureaus are responsible for checking the tracking system for data trends in their own bureaus and only have access to information about their own employees. If an allegation is made and the alleged harasser leaves his or her position before an investigation is initiated, an investigation is not conducted and therefore the information about the incident would not be recorded in an employee file. The DOI’s misconduct tracking system—as the DOI currently intends it to be—would hold the record that an allegation was made and that the investigation was not complete. Without a way to share data reflecting prior and pending allegations, other bureaus risk hiring someone who has allegations against them that have not been disproven. Sharing the information in the tracking system, with formal notations attached to entries, could help bureaus make better-informed hiring decisions.

An example in which information sharing may help bureaus is in situations where there is a large influx of employees, such as seasonal hiring within the fire and park services. For example, a sexual harassment investigation involving a seasonal employee may not be completed if the season ends before the investigator interviews the alleged harasser and potential witnesses. In these instances, the allegation may not come up in a background check during rehire because only completed investigations with substantiated allegations are included in employee files. In addition, because the bureaus only have access to their own employee history, if the employee

applied at a different bureau, there would be no record of previous conduct issues or harassment allegations.

Some information-sharing practices concerning misconduct already exist. For example, bureaus check with their bureau and departmental Office of Civil Rights, the departmental Ethics Office, and the OIG when considering Secretarial and Presidential award nominees to ensure there are no adverse actions on record. These practices help protect the DOI from publicly recognizing individuals with misconduct histories.

Given both the importance and the sensitivity of information that will be contained in its misconduct tracking system, the DOI must carefully examine the benefits versus costs of sharing information about prior and pending sexual harassment allegations between bureaus to help address and prevent sexual harassment.

Consideration

The DOI should consider:

2. Evaluating the costs and benefits of sharing information about prior and pending sexual harassment allegations among bureaus through the DOI-wide misconduct tracking system

Conclusion and Recommendations

Conclusion

Since the September 2014 complaint about employees at the Grand Canyon National Park River District, which raised awareness of the problems in the workplace culture and handling of allegations, the DOI has taken steps to address sexual harassment. These include initiating action to provide a safe work environment, encouraging victims to report sexual harassment, and developing guidance and training to better prepare managers to address and investigate allegations brought to their attention. Alongside these efforts, the DOI has an opportunity to continue to improve how it identifies, addresses, and prevents sexual harassment. Methods include improving the quality of information contained in sexual harassment investigation reports, ensuring that investigations are consistently tracked, managing the costs of sexual harassment investigations, tracking and monitoring sexual harassment trends and costs, and coordinating training across bureaus. The DOI's efforts may benefit further from incorporating EEOC risk factor assessments and sharing information about prior and pending allegations.

Because patterns of sexual harassment exist, it is important for the DOI to continue its efforts in identifying areas where employees are at risk. A sustained commitment to implement and institutionalize the policies and practices in place, and to address our recommendations, can help the DOI continue to foster a workplace culture that does not tolerate sexual harassment. By doing so, the DOI will help employees feel safe to report inappropriate behavior and to trust that their allegations will be handled fairly and thoroughly, and that appropriate management actions will be taken.

Recommendations and Considerations

The DOI responded to our draft report on May 13, 2019, concurring with 10 and partially concurring with 1 of the 11 OIG recommendations and including support for actions planned and taken (see Appendix 5 for the DOI's response⁴). Based on the response, we consider Recommendations 3, 4, and 9 to be resolved and implemented and Recommendations 1, 2, 5 – 8, 10, and 11 resolved but not implemented. We will refer the unimplemented recommendations to the Assistant Secretary for PMB to track implementation (see Appendix 6 for the status of recommendations).

We recommend that the DOI:

1. Develop and implement a review process to ensure investigation reports contain the necessary information and evidence for bureau decisionmakers to make comprehensive decisions

DOI response: The DOI concurred with the recommendation and will update its *Investigator Guide to Conducting Administrative Investigations* to require employee relations specialists to review the draft investigation report against all requirements in the

⁴ While the DOI included four attachments in its response, we are including only the transmittal memo and Attachment 1 as they pertain to the disposition of the recommendations.

investigator guide and against the investigative plan prior to accepting the final investigation report. In addition, the DOI will develop a checklist to document final investigation report approval, which will be signed by the reviewing employee relations specialist, the attorney performing legal sufficiency review, and the authorizing management official. The checklist will be included in the investigator guide as a template and its inclusion in all investigation case files will be required. The target completion date for this recommendation is December 31, 2019.

OIG reply: We consider this recommendation resolved but not implemented and will refer it to the PMB for implementation tracking.

2. Ensure that bureaus involve the Office of the Solicitor in the development of investigative plans before approving and executing plans

DOI response: The DOI concurred with the recommendation, stating that both PB 18-01 and its investigator guide require consultation with SOL. SOL's Employment and Labor Law Unit will work with the Office of Human Capital to evaluate the time commitment required for SOL to review every investigative plan so that the DOI can assess any additional resources needed to meet this recommendation fully and then include them in a future budget request. Pending availability of additional resources, the DOI will update the investigator guide to require that SOL review each investigative plan or develop an alternative plan to achieve the intent of this recommendation within budgetary constraints. The target completion date for this recommendation is June 30, 2020.

OIG reply: We consider this recommendation resolved but not implemented and will refer it to the PMB for implementation tracking.

3. Develop and implement standard milestones for bureaus to use when reporting progress on sexual harassment investigations

DOI response: The DOI concurred with the recommendation and has added data fields to the newly implemented Interior – Management and Reporting Tool (I-MART) case tracking system to track funding delays, process delays, and capacity delays for all misconduct investigations, including those into allegations of sexual harassment. Personnel Bulletin 19-04: *Electronic Tracking and Reporting System for Employee and Labor Relations Cases* (PB 19-04), issued April 23, 2019, requires all DOI bureaus and offices, except for the OIG, to use I-MART to track discipline cases, including completing all data fields relevant to each case. The employee relations specialist working each case will track the dates that:

- The human resources office began the process to engage the investigating entity
- The investigator was assigned to the case
- The investigator began developing the investigative plan

- The investigator delivered the investigation report first draft to the employee relations specialist
- The final investigation report was delivered to the authorizing management official

OIG reply: We consider this recommendation resolved and implemented.

4. Track the status and length of time to complete sexual harassment investigations

DOI response: The DOI concurred with the recommendation and referenced its response to Recommendation 3. The DOI stated that the investigation-related data fields that it added to I-MART make it possible to fulfill this recommendation. PB 18-01 requires human capital officers to monitor “harassing conduct” investigations and ensure that they are properly executed. Human capital officers are able to view I-MART data for all open and closed cases in real time.

OIG reply: We consider this recommendation resolved and implemented.

5. Determine and implement a standard for addressing delays when milestones are not being met on sexual harassment investigations

DOI response: The DOI concurred with the recommendation and will update the investigator guide to require:

- Investigative plans to include an expected delivery date of the investigation report first draft approved by the authorizing official
- Investigators to report weekly to the authorizing official on their status toward meeting the expected investigation report first draft delivery date
- Investigators to request an extension from the authorizing official 1 week in advance of the investigation report first draft due date if they are experiencing delays and explain what is causing the delay and its expected duration

In addition, the DOI will add two new data fields to I-MART to track the date the investigative plan was approved and the due date of the investigation report first draft. The target completion date for this recommendation is December 31, 2019.

OIG reply: We consider this recommendation resolved but not implemented and will refer it to the PMB for implementation tracking.

6. Ensure investigation costs are fair and equitable and financial impacts are considered

DOI response: The DOI concurred with the recommendation. The re-compete for a contract investigation vendor through the FCG is still underway as the DOI was unable to make an award on the first round of competition. The DOI is currently pursuing alternative contracting vehicles, which will include firm-fixed pricing based on the complexity of the investigation. The DOI will make a final decision, taking the financial impact of investigations into account, and issue updated guidance for third-party investigations completed by a contract vendor to bureaus based on the outcome of the contracting process. The target completion date for this recommendation is March 31, 2020.

OIG reply: We consider this recommendation resolved but not implemented and will refer it to the PMB for implementation tracking.

7. Develop and implement a cost-sharing formula for bureaus so that no financial barrier exists for any office to investigate sexual harassment allegations

DOI response: The DOI partially concurred with the initial recommendation presented in our draft report to develop and implement a cost-sharing formula, stating that it would evaluate whether cost sharing is a workable solution but that it could not commit to implementing cost sharing because bureaus may not agree to share costs. The DOI further stated that some bureaus may prefer to keep harassment investigation costs local to the managers who may have allowed a work environment that enabled the harassing conduct to occur. The DOI will evaluate whether incorporating administrative investigation costs into the Working Capital Fund would be a workable solution and whether bureaus would support that decision. The target completion date for this recommendation is September 30, 2020.

OIG reply: With the DOI's stated willingness to evaluate whether the development and implementation of a cost-sharing formula is both feasible and supported by the bureaus, we consider this recommendation resolved but not implemented and will refer it to the PMB for implementation tracking.

8. Establish protocols to actively monitor bureau progress in addressing sexual harassment trends at the DOI-wide level

DOI response: The DOI concurred with the recommendation and has developed six new DOI-wide Federal Employee Viewpoint Survey (FEVS) questions focusing on harassing conduct, which were included in the FEVS that was administered May through June 2019. These new questions will provide a baseline and will be repeated in each annual FEVS survey. The DOI has also established a new antiharassment program manager position to monitor the DOI-wide work environment and bureau and office progress in addressing harassment. This manager will analyze the results of the FEVS harassing conduct questions and develop additional protocols to monitor DOI-wide trends. The target completion date for this recommendation is December 31, 2020.

OIG reply: We understand the DOI's decision to use the FEVS to provide a baseline for all harassing conduct DOI-wide, but think there is an opportunity to assist the antiharassment program manager in monitoring harassment trends by including questions that specifically identify types of harassment experienced or witnessed. For example, the question asking whether a person experienced or witnessed harassing conduct does not clarify the type of harassment. We consider this recommendation resolved but not implemented and will refer it to the PMB for implementation tracking.

9. Incorporate a cost component within the DOI-wide misconduct tracking system to track investigation costs

DOI response: The DOI concurred with the recommendation and stated that data fields have been added to I-MART to track the investigation costs excluding travel (base price and miscellaneous expenses) and the investigation travel cost. These new fields enable bureaus and the DOI to monitor investigation costs.

OIG reply: We consider this recommendation resolved and implemented.

10. Develop and implement a formula to capture the costs of collateral-duty investigations

DOI response: The DOI concurred with the recommendation and will develop a formula based on the investigating employee's salary and his or her actual time spent on an investigation and include it as a template in the investigator guide. The DOI will require that employees conducting investigations track their time using the template and provide it to the employee relations specialist at the end of the investigation. The data will be tracked in I-MART using the investigation cost fields that have already been implemented. The target completion date for this recommendation is December 31, 2019.

OIG reply: We consider this recommendation resolved but not implemented and will refer it to the PMB for implementation tracking.

11. Coordinate training among bureaus to create consistency in quality and maximize the access to anti-sexual-harassment training opportunities

DOI response: The DOI concurred with the recommendation and stated that bureau antiharassment points of contact began meeting on a regular basis in September 2018 and this issue of coordinated training has been a point of discussion. In addition, the DOI's new antiharassment program manager will work with the points of contact on this issue. The DOI will also implement an annual DOI-wide training requirement on harassment prevention and response, including sexual harassment. The training content and vehicle will be identified based on an evaluation of factors such as available types, sources, and vendors, as well as benchmarking with other agencies to determine whether shared content could be leveraged. The DOI will recommend strategies for implementation by June 1, 2020, and will implement training based on the outcome of the evaluation. The target completion date for this recommendation is June 1, 2020.

OIG reply: We consider this recommendation resolved but not implemented and will refer it to the PMB for implementation tracking.

Other matters the DOI should consider:

1. Requiring bureaus to include an assessment of EEOC organizational risk factors in their action plans
2. Evaluating the costs and benefits of sharing information about prior and pending sexual harassment allegations among bureaus through the DOI-wide misconduct tracking system

In its response to our draft report, the DOI stated that it would look into the feasibility of these considerations.

Appendix I: Scope and Methodology

Scope

Our objective was to evaluate the U.S. Department of the Interior's (DOI's) steps to address sexual harassment. To meet this objective, we reviewed relevant criteria, systems, and program information from the DOI Office of Human Resources, the DOI's bureaus,⁵ and the U.S. Equal Employment Opportunity Commission (EEOC). We conducted our evaluation from December 2017 through September 2018.

We did not include a review of DOI or bureau information system controls, as our review was to evaluate the steps that the DOI has taken to address sexual harassment. We relied on policy, guidance, bureau action plans, and data provided by the DOI and its bureaus.

Methodology

We conducted our evaluation in accordance with the Quality Standards for Inspection and Evaluation as put forth by the Council of the Inspectors General on Integrity and Efficiency. We believe that the work performed provides a reasonable basis for our conclusions and recommendations.

To accomplish the evaluation's objective, we:

- Gathered background information on sexual harassment investigations through prior reports
- Identified and reviewed Federal, departmental, and bureau policies related to sexual harassment
- Interviewed DOI and bureau leadership to discuss policy, guidance, efforts, and initiatives intended to address and prevent sexual harassment
- Interviewed bureau Equal Employment Opportunity officers, employee relations specialists, as well as other managers and supervisors in other program areas about their procedures and experiences with the sexual harassment complaint, reporting, and investigation process
- Obtained and reviewed data from bureau human resources offices related to sexual harassment investigations
- Summarized data from various DOI sources to determine comparable dates for investigation timeframes

⁵ The term "bureaus" refers to the DOI components, including bureaus, offices, services, and other units.

- Due to differences in the contract vendor and U.S. Postal Service (USPS) processes and data, we determined the following dates to be comparable for this report:

Contract Vendor Date Used for Data Comparison	USPS Date Used for Data Comparison
Date the employee relations specialist is notified of the allegation	Date the employee relation specialist is notified of the allegation
Date the bureau first contacts the contract vendor for the allegation	Date the bureau first contacts the USPS for the allegation
Date the statement of work is received from bureau	Date the statement of work/base file/scope of work is provided to the USPS
Date the contract is awarded	Date the USPS investigator is assigned
Date the contract vendor submits the final report to the bureau	Date the USPS submits the final report to the bureau

- Obtained and reviewed action plans developed to address sexual harassment in the workplace from the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Ocean Energy Management, Bureau of Reclamation, Bureau of Safety and Environmental Enforcement, Interior Business Center, National Park Service, Office of Surface Mining Reclamation and Enforcement, U.S. Fish and Wildlife Service, U.S. Geological Survey, Office of Natural Resources Revenue, Office of the Secretary, Office of the Solicitor, and Office of the Special Trustee for American Indians
- Interviewed DOI staff about the development and implementation plan for a new DOI-wide misconduct tracking system
- Interviewed officials from Office of the Solicitor to understand their role in the investigation process
- Interviewed contacts for the DOI’s upcoming DOI-wide investigation contract to discuss details and timelines

Appendix 2: Sites and Offices Visited or Contacted

U.S. Department of the Interior	
Office of the Secretary Washington, DC	Deputy Secretary
Employment and Labor Law Unit Washington, DC	Acting Director*
Federal Consulting Group Washington, DC	Director*
Human Capital and Diversity Washington, DC	Chief Human Capital Officer
Interior Business Center Washington, DC	Deputy Associate Director
Office of Civil Rights Washington, DC	Director*
Office of Collaborative Action and Dispute Resolution Arlington, VA	Director
Office of Human Capital Washington, DC	Director, Workforce Relations Division Employee Relations Program Manager
Office of Natural Resources Revenue Denver, CO	██████████*
Bureau of Indian Affairs	
Headquarters Washington, DC	Equal Employment Opportunity (EEO),* Human Resources,* and Human Capital Offices*
Northwest Regional Office Portland, OR	Human Resources Office*
Bureau of Land Management	
Alaska Office Fort Wainwright, AK	Deputy State Director*

* Contacted via telephone or email

Bureau of Land Management (continued)	
Headquarters Washington, DC	EEO and Human Resources Offices
Colorado State Office Lakewood, CO	Human Resources, Employee Relations, and EEO Offices
National Operations Center Denver, CO	Human Resources, Employee Relations, and EEO Offices
Bureau of Reclamation	
National Operations Center Denver, CO	EEO, Human Resources, and Mission Support Offices
Great Plains Region	Managers and Supervisors*
Lower Colorado Region	
Mid-Pacific Region	
Pacific Northwest Region	
Upper Colorado Region	
Bureau of Safety and Environmental Enforcement	
Headquarters Sterling, VA	HR Benefits and Support Branch*
Gulf of Mexico Region New Orleans, LA	Chief Employee and Labor Branch*
National Park Service	
Headquarters Washington, DC	EEO and Human Resources Offices
Intermountain Region Denver, CO	Regional Director, EEO and Human Resources Offices, and Managers and Supervisors
Northeast Region Philadelphia, PA	Labor and Employee Relations*

* Contacted via telephone or email

Office of Surface Mining and Reclamation Enforcement	
Headquarters Washington, DC	EEO*
U.S. Fish and Wildlife Service	
Alaska Region 7 Anchorage, AK	Human Resources*
Headquarters Falls Church, VA	EEO and Human Capital Offices
Midwest Region 3 Seney, MI	██████████*
Mountain-Prairie Region 6 Lakewood, CO	EEO and Human Resources, Managers and Supervisors
Northeast Region 5 Hadley, MA	Human Resources
U.S. Geological Survey	
Headquarters Reston, VA	EEO and Human Capital Offices
Southwest Region Denver, CO	Human Resources Office, Managers, and Supervisors
Office of Special Trustee for American Indians	
Headquarters Washington, DC	Principal Deputy Special Trustee

* Contacted via telephone or email

Appendix 3: Prior Report Coverage

Prior to this report, the U.S. Department of the Interior (DOI), Office of Inspector General (OIG), reported significant findings about sexual harassment within the DOI.

Manager at Grand Canyon National Park Sexually Harassed Intern (December 2017)

We substantiated allegations that a manager at National Park Service's (NPS') Grand Canyon National Park River District sexually harassed an intern.

Training Gap Revealed During Investigation (September 2017)

We found that a human resources (HR) professional who handled a sexual harassment investigation was found to have not been provided HR-specific sexual harassment training.

Insufficient Actions by BIA Management and Human Resource Officials in Response to Sexual Harassment Reports (September 2017)

We found that an HR official advised a Bureau of Indian Affairs (BIA) manager that an employee accused of sexual harassment could not be disciplined because the complainants were not U.S. Government employees and the harassment did not appear to be connected to the workplace.

BIA Employee Sent Unwanted, Sexually Explicit Message (May 2017)

We confirmed that a BIA employee harassed employees and tribal members by sending unwanted (and often sexually explicit) texts and Facebook messages.

Investigative Report of Alleged Sexual Misconduct and Reprisal at Yellowstone National Park (March 2017)

We found credible evidence that male supervisors and staff created a work environment that included unwelcome and inappropriate comments and actions toward women.

NPS De Soto National Memorial Sexual Harassment Complaint (February 2017)

We found support that an individual at De Soto National Memorial sexually harassed another employee with inappropriate touching and unwanted comments.

Investigative Report of Allegation of Sexual Harassment by NPS Law Enforcement Supervisor (October 2016)

We substantiated allegations that an NPS law enforcement supervisor inappropriately touched a division chief. The incident was also reported to the superintendent, who did not investigate it or report it to the bureau's HR or Equal Employment Opportunity (EEO) offices.

Investigative Report of Sexual Misconduct by Chief Ranger at Canaveral National Seashore (June 2016)

We found that a law enforcement supervisor had shown a pattern of sexual harassment involving a law enforcement employee and two other female employees at Canaveral National Seashore over the span of 5 years.

Investigative Report of Misconduct at the Grand Canyon River District (January 2016)

We found evidence of a long-term pattern of sexual harassment and a hostile work environment in the Grand Canyon National Park River District. In addition to 13 original complainants, we identified 22 other individuals who reported experiencing or witnessing sexual harassment and hostile work environments while working in the River District. We confirmed that some of the incidents were reported to River District supervisors and managers but were not properly investigated or reported to the bureau's HR and EEO offices.

Appendix 4: Timeline of Events and Actions From September 2014 to June 2018

September 2014

The Secretary of the U.S. Department of the Interior (DOI) received a letter of complaint regarding 13 employee complaints describing incidents of sexual harassment at the National Park Service (NPS) Grand Canyon National Park River District.

January 2016

DOI Office of Inspector General investigators reported a long-term pattern of sexual harassment and a hostile work environment in the NPS' Grand Canyon National Park River District.

April 2016

The Office of the Solicitor (SOL) created the Employment and Labor Law Unit to assist management and supervisors with employee-related issues, including sexual harassment.

September 2016

The Secretary issued a policy on equal opportunity and workplace conduct, stating that the DOI will not tolerate any type of harassment and announcing that a survey would be conducted to assess the prevalence of harassment.

January 2017 through March 2017

The DOI contracted for a work environment survey to assess the prevalence of and environment for harassment across the DOI, including sexual harassment. The DOI administered the survey from January 2017 through March 2017.

April 2017

The Secretary issued a policy statement emphasizing his commitment to ensuring a workplace free from harassment. In this statement, the Secretary established a requirement for all DOI managers and supervisors to complete training on preventing harassment and improving the workplace environment.

The DOI issued Personnel Bulletin (PB) 17-09, establishing mandatory training on Equal Employment Opportunity (EEO), Prohibited Personnel Practices and Whistleblower Protections, and Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002 (No FEAR Act).

December 2017

The Deputy Secretary required all Assistant Secretaries to submit an action plan for their bureau by the end of January 2018 for his review and approval. Required action plan elements included planned activities to address survey results, a schedule for accomplishing those actions, and measures to assess the success.

The DOI issued its *Investigator Guide to Conducting Administrative Investigations*, which was drafted by SOL and the Office of Human Capital. The purpose of the guide is to support completion of administrative investigations, including those into sexual harassment. It provides guidance to investigators on the expectations for the scope, content, and depth of investigations as well how investigations are conducted and reports are completed.

April 2018

The DOI issued PB 18-01: *Prevention and Elimination of Harassing Conduct* to address the issue of harassment and establish mandatory training. Prior to PB 18-01, the DOI had a single-page antiharassment policy that did not include the U.S. Equal Employment Opportunity Commission's (EEOC's) recommended policy elements, such as a clearly described complaint process or assurance of immediate action when harassment occurs. In PB 18-01, the DOI defines harassing conduct as "broader than illegal" harassment and requires managers to hold employees accountable for conduct that may not rise to the level of criminal repercussions outside of the DOI.

PB 18-01 is consistent with the EEOC's recommended policy elements for a robust antiharassment program, such as assertion of management's duty to act; employee protection from retaliation; a clearly described complaint process with multiple avenues for complaints; and a complaint process that provides for a prompt, thorough, and impartial investigation. To ensure that bureaus comply with PB 18-01, the DOI's Office of Human Resources Director is required to review and approve any procedures implemented by bureaus.

May 2018

SOL's Employment and Labor Law Unit established a harassment email hotline to provide management with same-day legal advice. Managers and supervisors can contact the hotline when they first become aware of harassment allegations for legal advice on appropriate interim measures. The hotline receives an average of 6.5 inquiries daily related to employee-related issues, not all of which constitute sexual harassment.

June 2018

In June 2018, bureaus began reporting quarterly to the Deputy Secretary on action plan progress. The DOI intends to use the quarterly reports to help measure executive performance and to identify bureaus that may need assistance with implementing action plans.

Appendix 5: Department Response

The U.S. Department of the Interior's (DOI's) response to our draft report follows on page 31. While the DOI included four attachments in its response, we are including only the transmittal memo and Attachment 1 as they pertain to the disposition of the recommendations.



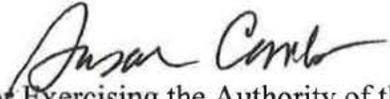
United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 13 2019

Memorandum

To: Mary L. Kendall
Deputy Inspector General

From: Susan Combs 
Senior Advisor Exercising the Authority of the Assistant Secretary for Policy,
Management and Budget

Subject: U.S. Department of the Interior Response to Draft Evaluation Report *Opportunities Exist to Improve the U.S. Department of the Interior's Efforts to Address Sexual Harassment* – Report No. 2018-WR-006

Thank you for the opportunity to respond to the Office of the Inspector General (OIG) draft evaluation report on opportunities to improve efforts to address sexual harassment at the U.S. Department of the Interior. As noted in the report, in the past three years, the Department has taken significant steps in understanding and addressing all forms of harassment, including by issuing a comprehensive harassing conduct policy that has strict procedural requirements and timelines to ensure that management addresses any reported allegations. Your additional recommendations to further strengthen the anti-harassment program are focused on important details that we look forward to implementing.

The Department concurs with ten of the eleven OIG recommendations noted in the draft report and partially concurs with one recommendation. Pursuant to your request, the Department submits a Statement of Actions for implementation of the recommendations in Attachment 1. In addition, the Department submits for your consideration a comprehensive timeline of activities undertaken to address harassment since 2017 in Attachment 2, a list of technical comments regarding the draft report in Attachment 3, as well as documentation responsive to Recommendations 3, 4, and 9 in Attachment 4.

If you have any questions, please contact me at (202) 208-██████ or ██████████@ios.doi.gov.

cc: Raymond A. Limon, Chief Human Capital Officer
Edward T. Keable, Associate Solicitor - General Law, Office of the Solicitor
Teresa Hunter, Acting Director, Office of Financial Management

Attachments:

1. Statement of Actions to Address Office of Inspector General (OIG) Draft Evaluation Report *Opportunities Exist to Improve the U.S. Department of the Interior's Efforts to Address Sexual Harassment* – Report No. 2018-WR-006
2. Cumulative Summary of Departmental Actions to Address Harassment, 2017-2019
3. List of Technical Comments on Office of Inspector General (OIG) Draft Evaluation Report *Opportunities Exist to Improve the U.S. Department of the Interior's Efforts to Address Sexual Harassment* – Report No. 2018-WR-006
4. Documentation Supporting Closure of Recommendations 3, 4, and 9

Departmental Response to OIG Evaluation Draft Report 2018-WR-006

Opportunities Exist to Improve the U.S. Department of the Interior's Efforts to Address Sexual Harassment

Attachment 1: Statement of Actions to Address Office of Inspector General (OIG) Draft Evaluation Report No. 2018-WR-006

Since 2017, the U.S. Department of the Interior (Department) has taken significant steps toward understanding and addressing the issue of harassment across the workforce. As partially described in the OIG draft evaluation report, in a series of comprehensive actions, the Department has committed to addressing this issue and underscored its importance to all employees; sought to understand the scope of the problem; begun building the capacity to address specific instances of inappropriate conduct; undertaken multi-faceted action planning at the bureau/office level to remedy the issue; and launched a comprehensive anti-harassment policy to set behavioral expectations and swiftly address future problems.

Since mid-2018, when the OIG finished gathering information for this evaluation, the Department has continued to push forward on this effort. Major developments include:

- **Establishment of the Workforce Culture Transformation Advisory Council:** The goal of this advisory council, chaired by the Assistant Secretary for Policy, Management and Budget and comprised of Assistant Secretaries/Deputy Assistant Secretaries and/or Bureau Directors/Deputy Directors, is to advance comprehensive culture change to ensure that all of the Department's over 2,300 operating locations across the United States are safe, welcoming work environments that engage employees and never subject employees, visitors, volunteers, or partners to harassment and discrimination. Established in February 2019, the Advisory Council sets the vision and identifies specific Department-wide programming to be implemented across the board that will enable all of the Department's organizations to succeed in making permanent positive changes to the work environment, and to continually evaluate incoming data and metrics to determine program success. The discussions of this group will result in an anti-harassment program with ties to broader critical needs related to workforce culture – such as employee engagement, equal opportunity, ethics, retention, recruitment, succession planning – to support the Department's aim to become the Best Place to Work in the Federal government.
- **Establishment of a Departmental Anti-Harassment Program Manager position:** This newly-established GS-15 position will coordinate the efforts of the Workforce Culture Transformation Advisory Council and represent the anti-harassment program Department-wide. The incumbent will serve as the Department's lead and principal strategic advisor on the prevention and elimination of workplace harassment. The position is responsible for developing and executing the Department's harassment prevention strategy by identifying ways in which to mitigate/remedy any organizational vulnerabilities, and assisting bureaus/offices in making meaningful and transformational changes to workforce culture. The position was advertised in March 2019 and a selection for a permanent incumbent has been made. In the interim, the

position has been filled on a detail basis since February 2019. The position will be supported by a regularly rotating program manager position that will be detailed in from bureaus/offices to provide an organizational perspective.

- **Bureaus/Offices have continued quarterly reporting on action plans to address their Work Environment Survey results:** All bureaus/offices have continued making progress in implementing their wide-ranging action plans to address their Work Environment Survey results. Multiple bureaus/offices are close to finishing all of their initially approved action items and have added new items to make meaningful, lasting change for the second year of this effort.
- **Office of the Solicitor (SOL) Employment and Labor Law Unit (ELLU) began providing nationwide coverage:** Established in December 2017, the ELLU initially handled employment and labor law matters, such as those cases dealing with harassment, in Washington, DC and Denver. In June 2018, the unit expanded to provide nationwide coverage with over 30 attorneys organized in East and West regions to handle virtually all employment and labor law matters in the Department.
- **Launch of Interior - Management Accountability and Reporting Tool (I-MART) case tracking system for misconduct cases:** The newly developed, advanced case tracking system was rolled out to all of the Department's employee relations (ER) supervisors and specialists to begin tracking all misconduct cases, including those related to harassing conduct, in April 2019. Over the next year, the Department will be exploring development of additional system functionality to also allow for online intake of employee reports of harassing conduct.

Please see Attachment 2: *Cumulative Summary of Departmental Actions to Address Harassment, 2017-2019* for a comprehensive list of the Department's activities in addressing harassment.

Actions to Address Area 1: Sexual Harassment Investigations

Recommendation 1: Develop and implement a review process to ensure investigation reports contain the necessary information and evidence required for bureau decisionmakers to make comprehensive decisions.

- **Response: Concur.** The Department has already implemented an *Investigator Guide to Conducting Administrative Investigations (Investigator Guide)* which requires legal sufficiency review from SOL and review by the Authorizing Official of an investigation before acceptance of the final fact-finding report (FFR). The *Investigator Guide* has been provided to contract/interagency agreement investigators and requirement of its use has been reinforced multiple times. The Department will update the *Investigator Guide* to require that employee relations (ER) specialists review the draft FFR against all of the requirements in the *Investigator Guide* and against the investigative plan prior to accepting final report. In addition, the Department will develop a checklist to document final FFR approval, to be signed by the reviewing ER specialist, the attorney performing legal sufficiency review, and the authorizing

management official. The checklist will be included in the *Investigator Guide* as a template and will be required to be included in all investigation case files.

- **Responsible Official & Title:** Raymond Limon, Chief Human Capital Officer
- **Lead Contact & Title:** Agnes Wanderer, Employee Relations and Performance Management Program Manager, Office of Human Capital
- **Target Completion Date:** 12/31/2019

Recommendation 2: Ensure that bureaus involve the Office of the Solicitor in the development of investigative plans before approving and in executing plans

- **Response: Concur.** *Personnel Bulletin 18-01: Prevention and Elimination of Harassing Conduct* (PB 18-01), issued since the OIG’s sampling of investigations, requires that “within three business days of the receipt of the allegation, the supervisor/manager of the allegedly harassing employee, or other designated management official, must consult with SOL and the servicing [Human Resources Office] to determine whether and what type of further investigation is required (as described in Section 7.D.2), or if the preliminary inquiry is sufficient to determine whether corrective action is necessary. These decisions are fact-specific, and must be made on a case-by-case basis. Any disagreement between the responsible management official and the consulting offices will be directed to the Bureau Human Capital Officer.” PB 18-01 also requires that the *Investigator Guide* be followed in all harassing conduct investigations. The *Investigator Guide* states that “the investigator is required to develop an investigative plan before commencing the investigation. The investigator must provide the investigative plan to the ER [Point of Contact] for review prior to beginning the investigation. The ER POC will consult with the SOL attorney and the Authorizing Official as necessary before approving the investigative plan.” SOL-ELLU will work with the Office of Human Capital to develop a sampling methodology to evaluate the time commitment required for SOL to review every investigative plan so that the Department can accurately assess any additional resourcing needed to meet this recommendation fully for a future budget request. Pending availability of additional resourcing, the Department will update the *Investigator Guide* to require that SOL review each investigative plan or develop an alternative plan to achieve the intent of this recommendation within budgetary constraints.
- **Responsible Official & Title:** Raymond Limon, Chief Human Capital Officer
- **Lead Contact & Title:** Agnes Wanderer, Employee Relations and Performance Management Program Manager, Office of Human Capital
- **Target Completion Date:** Begin sampling 9/1/2019, run sample until 4/30/2020; SOL will assess data and provide a budget request for additional resources for FY22 by 6/30/2020, if necessary.

Recommendation 3: Develop and implement standard milestones for bureaus to use when reporting progress on sexual harassment investigations.

- **Response: Concur.** Data fields have been specifically added to the newly-implemented I-MART case tracking system to track funding delays, process delays, and capacity delays for all

misconduct investigations, including those into allegations of sexual harassment. Capturing these dates allows bureaus/offices to know exactly where there are process delays or breakdowns, as measured against the complexity of the case. Personnel Bulletin 19-04: *Electronic Tracking and Reporting System for Employee and Labor Relations Cases* (PB 19-04), issued April 23, 2019, requires all DOI bureaus/offices, except for OIG, to use the I-MART system to track discipline cases, including completing all data fields relevant to each case. The employee relations specialists working each case will track the following dates:

- Date HR began the process to engage the investigating entity: The date the case was referred to law enforcement/OIG, or the date the ER specialist engaged with the contracting officer/IAA service provider to initiate an investigation, or the date they engaged with another internal unit (e.g., another bureau region) to find an external manager/ER specialist to conduct the investigation
- Date the investigator was assigned to the case: The date the name of the investigator was communicated to the ER specialist or management
- Date the investigator began developing the investigative plan: Date internal investigator began working on the investigative plan or, in the case of an external investigator, the date of the kick-off meeting with the contract/interagency agreement investigator that provided sufficient information for the investigator to begin developing the investigative plan
- Date FFR first draft was delivered by the investigator to the ER specialist working the case: The difference between this date and the date the final FFR was delivered to the authorizing official will indicate the length of time necessary to make any corrections to ensure that the FFR is legally sound
- Date final FFR was delivered to authorizing management official
- **Responsible Official & Title:** Raymond Limon, Chief Human Capital Officer
- **Lead Contact & Title:** Agnes Wanderer, Employee Relations and Performance Management Program Manager, Office of Human Capital
- **Target Completion Date:** N/A. The Office of Human Capital has already implemented this recommendation. See supporting documentation in Appendix 4.

Recommendation 4: Track the status and length of time to complete sexual harassment investigations.

- **Response: Concur.** Data/reporting from the I-MART case tracking system makes this possible based on the investigation-related data fields that have been added to the system (see Recommendation 3). As previously noted, PB 19-04 requires all DOI bureaus/offices, except for OIG, to use the I-MART system to track discipline cases, including completing all data fields relevant to each case. PB 18-01 requires bureau/office Human Capital Officers to monitor harassing conduct investigations and ensure that they are properly executed (Section 6.C.4). Data reported from I-MART enables Human Capital Officers to easily view this information in real time for all open and closed cases stored in I-MART.
- **Responsible Official & Title:** Raymond Limon, Chief Human Capital Officer
- **Lead Contact & Title:** Agnes Wanderer, Employee Relations and Performance Management Program Manager, Office of Human Capital

- **Target Completion Date:** N/A. The Office of Human Capital has already implemented this recommendation. See supporting documentation in Appendix 4.

Recommendation 5: Determine and implement a standard for addressing delays when milestones are not being met on sexual harassment investigations

- **Response: Concur.** The Department will update the *Investigator Guide* to require the following:
 - Investigative plans must include an expected delivery date of the FFR first draft, approved by the authorizing official based on the number and complexity of the issues in the investigation and the number of interviews needed;
 - Investigators must report weekly to the authorizing official (via the ER specialist) on their status toward meeting the expected FFR first draft delivery date identified in the investigative plan; and
 - Investigators must request an extension from the authorizing official (via the ER specialist) one week in advance of the FFR first draft due date if they are experiencing delays, providing an explanation of what is causing the delay and how long it is expected to be.

In addition, the Department will add two new data fields to the I-MART case tracking system to track the date the investigative plan was approved and the due date of the FFR first draft.

- **Responsible Official & Title:** Raymond Limon, Chief Human Capital Officer
- **Lead Contact & Title:** Agnes Wanderer, Employee Relations and Performance Management Program Manager, Office of Human Capital
- **Target Completion Date:** 12/31/2019

Recommendation 6: Ensure investigation costs are fair and equitable and financial impacts are considered

- **Response: Concur.** As noted in the OIG's report, the administrative fact-finding investigations contract awarded to a single vendor in 2017 was a pilot program. Bureaus/Offices have not opened new investigations using that vehicle in the last 9 months. The United States Postal Service interagency agreement vehicle for conducting administrative investigations is firm fixed price, which offers a fair and predictable cost for bureaus/offices. The re-compete of the contract investigation vehicle via the Federal Consulting Group is still underway. The Department was unable to make an award on the first round of competition in September 2018 due to technically qualified vendors not lining up the proposed pricing structure with General Services Administration award schedules. The Department is currently pursuing alternative contracting vehicles, which will include firm fixed pricing based on the complexity of the investigation. The Department will make a final decision, taking the financial impact of investigations into account, and issue updated third-party investigation vehicle guidance to bureaus/offices based on the outcome of the contracting process.
- **Responsible Official & Title:** Raymond Limon, Chief Human Capital Officer
- **Lead Contact & Title:** Ayanna Sears, Director, Workforce Relations Division, Office of Human Capital

- **Target Completion Date:** 3/31/2020

Recommendation 7: Develop and implement a cost-sharing formula for bureaus so that no financial barrier exists for any office to investigate sexual harassment allegations

- **Response: Partially concur.** The Department can commit to evaluating whether cost-sharing is a workable solution, but cannot commit to implementing it, as some bureaus/offices may not agree to share costs. Some organizations may prefer to keep costs at the local level in order to place the impact of the negative behavior on local managers who may have allowed the development of a work environment that enabled the harassing conduct to occur. The Department will evaluate whether incorporating administrative investigation costs into the Working Capital Fund would be a workable solution and whether bureaus would support that decision.
- **Responsible Official & Title:** Raymond Limon, Chief Human Capital Officer
- **Lead Contact & Title:** Agnes Wanderer, Employee Relations and Performance Management Program Manager, Office of Human Capital
- **Target Completion Date:** 9/30/2020

Actions to Address Area 2: Misconduct Tracking System

Recommendation 8: Establish protocols to actively monitor bureau progress in addressing sexual harassment trends at the DOI-wide level

- **Response: Concur.** The Department has developed six new Department-wide Federal Employee Viewpoint Survey (FEVS) questions focusing on harassing conduct, which are included in the FEVS being administered in May-June 2019. These new questions will provide a baseline and will be repeated in each annual FEVS survey. The Department's new Anti-Harassment Program Manager position has been established in part to monitor the Department-wide work environment and monitor bureau/office progress in addressing harassment. A permanent selection for the Anti-Harassment Program Manager position has been made and the selectee will be starting in the position shortly. The incumbent will analyze the results of the FEVS harassing conduct questions and develop additional protocols to monitor DOI-wide trends.
- **Responsible Official & Title:** Raymond Limon, Chief Human Capital Officer
- **Lead Contact & Title:** Anti-Harassment Program Manager, Office of the Chief Human Capital Officer
- **Target Completion Date:** 12/31/2020

Recommendation 9: Incorporate a cost component within the forthcoming DOI-wide misconduct tracking system to track investigation costs

- **Response: Concur.** The following data fields have been specifically added to the I-MART case tracking system to track investigation costs:
 - Investigation cost excluding travel (base price and miscellaneous expenses)
 - Investigation travel cost

As noted above, PB 19-04 requires all DOI bureaus/offices, except for OIG, to use the I-MART system to track discipline cases, including completing all data fields relevant to each case. These new fields enable bureaus/offices and the Department to monitor investigation costs.

- **Responsible Official & Title:** Raymond Limon, Chief Human Capital Officer
- **Lead Contact & Title:** Agnes Wanderer, Employee Relations and Performance Management Program Manager, Office of Human Capital
- **Target Completion Date:** N/A. The Office of Human Capital has already implemented this recommendation. See supporting documentation in Appendix 4.

Recommendation 10: Develop and implement a formula to capture the costs of collateral-duty investigations

- **Response: Concur.** The Department will develop a formula based on the investigating employee's salary and his/her actual time spent conducting an investigation. The Department will include a template to complete this calculation in the *Investigator Guide* and require that employees conducting investigations track their time using the template and provide it to the ER Specialist at the end of the investigation. The data will be tracked in I-MART using the investigation cost fields that have already been implemented.
- **Responsible Official & Title:** Raymond Limon, Chief Human Capital Officer
- **Lead Contact & Title:** Agnes Wanderer, Employee Relations and Performance Management Program Manager, Office of Human Capital
- **Target Completion Date:** 12/31/2019

Actions to Address Area 3: Training

Recommendation 11: Coordinate training among bureaus to create consistency in quality and maximize the access to anti-sexual-harassment training opportunities

- **Response: Concur.** Bureau/Office Anti-Harassment Points of Contact started meeting on a regular basis in September 2018. One of the topics they have continued to discuss has been the need to improve coordination to meet common training needs. The Department's new Anti-Harassment Program Manager position has been established, in part, to work with the Anti-Harassment Points of Contact on this issue. The Department will implement an annual Department-wide training requirement on harassment prevention and response, including sexual harassment. The training content and vehicle will be identified based on a thorough evaluation of potential available types, sources, and vendors of training; benchmarking with other agencies to determine whether shared content could be leveraged; evaluating the studies and reports issued by the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Merit Systems

Protection Board on this topic; and evaluating the development feasibility, costs, scalability, and flexibility of various options. Recommendations and strategies for implementation of Department-wide training will be made available by 6/1/2020. Training will be implemented based on the outcomes of the evaluation.

- **Responsible Official & Title:** Raymond Limon, Chief Human Capital Officer
- **Lead Contact & Title:** Anti-Harassment Program Manager, Office of the Chief Human Capital Officer
- **Target Completion Date:** 6/1/2020

Actions to Address Other Matters for Consideration

Consideration Matter 1: Requiring bureaus to include an assessment of EEOC organizational risk factors in their action plans

- **Response:** Thank you for the suggestion to consider this matter. The Department will consider evaluating the feasibility of and value added by requiring each bureau/office to align items in their Work Environment Survey action plans to EEOC risk factors.

Consideration Matter 2: Evaluating the costs and benefits of sharing information about prior and pending sexual harassment allegations among bureaus through the forthcoming DOI-wide misconduct tracking system

- **Response:** Thank you for the suggestion to consider this matter. The Department will consider exploring the extent to which sharing such information among bureaus/offices when substantiated facts are known to management is possible within the confines of the law, and exploring potential avenues for implementing such information sharing.

Appendix 6: Status of Recommendations

Recommendations	Status	Action Required
3, 4, and 9	Resolved and implemented	No action is necessary.
1, 2, 5 – 8, 10, and 11	Resolved but not implemented	We will refer these recommendations to the Assistant Secretary for Policy, Management and Budget to track implementation.

