

September 8, 2003

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SUBJECT: Audit Report – Capping Report on the Postal Service’s Sexual Harassment Prevention Measures in 18 District Offices  
(Report Number LH-AR-03-011)

This report presents the results of our audit of sexual harassment prevention measures in 18 district offices located in nine areas (2 districts each) of operation (Project Number 02YG010LH000). 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 summarizes the conditions found in the 18 districts and focuses on management’s actions taken or planned to correct the issues identified and implement recommendations made in our reports. This report is based on a self-initiated review, and is the tenth in a series of ten reports we have issued regarding sexual harassment prevention measures Postal Service-wide.

We found that the 18 districts’ sexual harassment policies and procedures were adequate, most of the employees found responsible for sexual harassment or inappropriate actions/comments were appropriately disciplined or corrective action was taken, and most managers/supervisors found responsible for sexual harassment or inappropriate comments/actions were considered for exclusion from the Pay for Performance Program. We also found that the districts effectively addressed more than half of the sexual harassment complaints we reviewed and, although no Postal Service national policy existed regarding the retention time for informal complaint files, most of the districts retained files indefinitely and the storage of files was adequate. Further, we found that documentation was lacking to support that all sexual harassment prevention training had occurred.

Each of the nine reports included recommendations to officials in the nine areas of operation for corrective actions. While area officials disagreed with some recommendations, they provided corrective actions taken or planned for most of the recommendations, which we considered responsive to our recommendations. Management’s comments and our evaluation of these comments are included in the report.

This report included seven recommendations to help the Postal Service improve its sexual harassment prevention program. Management agreed with recommendation 1 and part of recommendations 4 and 7. The actions taken or planned should correct some of the issues identified in the report. However, management did not agree with recommendations 2, 3, 5, and 6 and part of 4 and 7. The Office of Inspector General (OIG) considers recommendations 2 and 3 as unresolved and plans to pursue them through the formal audit resolution process.

The OIG considers recommendations 1, 2, and 3 significant and, therefore, requires OIG concurrence before closure. Consequently, the OIG requests written confirmation when corrective actions are completed. These recommendations should not be closed in the follow-up tracking system until the OIG provides written confirmation that the recommendations can be closed.

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

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## EXECUTIVE SUMMARY

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### Introduction

This report summarizes the results of an audit performed by the Office of Inspector General (OIG) to review the Postal Service's sexual harassment prevention measures in 18 districts, located in the 9 areas of operations. Specifically, the report summarizes the conditions found and focuses on management's actions taken or planned to correct the issues identified and implementation of recommendations made in our reports. 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.

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### Results in Brief

We found that all 18 districts' sexual harassment policies and procedures were adequate and that most of the employees found responsible for sexual harassment or inappropriate actions/comments were appropriately disciplined or corrective action was taken. We also found that most managers/supervisors found responsible for sexual harassment or inappropriate comments/actions were considered for exclusion from the Pay for Performance Program. In addition, we found that districts effectively addressed 148 of the 252 sexual harassment complaints reviewed. We also found, although no Postal Service national policy existed regarding the retention time for informal complaint files, retention of files was adequate in 16 of the 18 districts, and the storage of files was adequate in 13 of the 18 districts.

Finally, we could not determine whether 2,225 of the 2,700 employees we sampled received training in understanding and preventing sexual harassment because documentation in the form of employee signatures was lacking to support employee attendance.<sup>1</sup>

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<sup>1</sup> The reports issued to the nine areas of operation did not discuss the districts' compliance with the Postal Service's fiscal year (FY) 2000 national sexual harassment training policy.

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**Summary of  
Recommendations**

The report includes seven recommendations to help the Postal Service improve its sexual harassment prevention program in the 18 districts visited. Specifically, we recommended management revise Postal Service policy to include a requirement that: (1) district Equal Employment Opportunity offices notify district management of all complaints of sexual harassment or inappropriate actions/comments of a sexual nature, (2) district managers establish controls to ensure that managers and supervisors effectively address all sexual harassment complaints and inappropriate actions/comments of a sexual nature, (3) managers/supervisors fully document detailed evidence of the actions taken to address all complaints, and (4) all informal complaint files are stored in a central location at the district or area level Human Resources office and be retained for at least 4 years after resolution of the complaint.

We also recommended management establish a policy that requires: employee signatures on training sign-in sheets as proof they received sexual harassment prevention and awareness training, controls to review sign-in sheets to ensure that all employees received the required training, and the retention of employee sign-in sheets at a central location for at least 4 years.

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**Summary of  
Management's  
Comments**

Management agreed with recommendation 1 and part of recommendations 4 and 7. Management did not agree, however, with recommendations 2, 3, 5, and 6, and part of recommendations 4 and 7.

Management agreed with recommendation 1 and stated on March 24, 2003, district Human Resource managers were advised of the Postal Service's policy that instructed the district Equal Employment Opportunity office to notify management of all complaints of sexual harassment or inappropriate actions/comments of a sexual nature. Copies of the documents were provided to the OIG.

Management disagreed with recommendation 2 and stated current controls were already in place and that procedures were set forth in Publication 552, Manager's Guide to Understanding Sexual Harassment. Management agreed that managers and supervisors must make every effort to effectively address all sexual harassment complaints and

that area and district offices would be instructed by September 2003 to ensure mandatory procedures for responding to and investigating sexual harassment complaints were in place.

Management disagreed with recommendation 3 and stated that while it agreed that allegations must be taken seriously and addressed, not all complaints would result in a full written record with detailed evidence of the actions taken. Management stated, however, that area and district offices would be instructed by September 2003 to document contact attempts in a timely fashion.

Additionally, management stated the report failed to distinguish between the Equal Employment Opportunity complaint process and the Postal Service's management inquiry process. Management also stated that the terms "formal" and "informal" as used in the report were confusing because both are used in the Equal Employment Opportunity process.

Management disagreed with the part of recommendation 4 that recommended complaint files be stored at a central location. Management agreed, however, to retain informal complaint files for at least 4 years to the extent they were management inquiries and internal investigations. They stated that area and districts would be instructed no later than September 2003 to ensure employee files are maintained in accordance with this policy.

Management disagreed with recommendation 5 to the extent that it suggested employee signatures were the sole means to prove attendance. However, management agreed that employee training should be documented and offered several other forms of documentation that could be used. They further stated they would instruct areas and districts, no later than September 2003, to implement procedures to ensure training is documented using these methods.

Management also stated that the nine area reports issued by the OIG did not discuss the district's compliance with the Postal Service's FY 2000 national sexual harassment training policy. They also stated the areas or headquarters were not provided an opportunity to comment on whether or not the 2,225 employees we sampled received the training.

Management disagreed with recommendation 6 that districts should establish additional controls to review training sign-in sheets. They stated, however, consistent with operational requirements, areas and districts would be instructed no later than September 2003, to ensure that training is documented and that every effort is made to schedule make-up training sessions.

Management agreed with the part of recommendation 7 that recommended employee training documentation be retained for at least 4 years. Management disagreed, however, that the documents be stored at a central location. Management stated that areas and districts would be instructed no later than September 2003, to retain documents for 4 years and to store them at each work location or a location determined by area or district management. Management's comments, in their entirety, are included in Appendix D of this report.

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**Overall Evaluation of  
Management's  
Comments**

Management's comments were responsive to recommendation 1 and part of recommendations 4 and 7 and the actions taken or planned should correct some of the issues identified in the report. Management's comments were not responsive and did not meet the intent of recommendations 2, 3, 5, 6, and part of recommendations 4 and 7.

Management's actions taken or planned were partially responsive to recommendation 2 because the mandatory reporting requirement in Publication 552, does not provide the control mechanism necessary to ensure that the procedures for responding to and investigating sexual harassment complaints are followed.

Management's actions taken or planned were also not responsive to recommendation 3. Their disagreement to revise policy to require documentation of evidence of actions taken to address complaints, contradicts their agreement that areas and districts would be instructed by September 2003 that contact attempts would be documented in a timely fashion.

We do not agree with management that it was necessary to distinguish between the Equal Employment Opportunity process and management's internal investigative process. This report addressed the effectiveness of the Postal

Service's process for addressing sexual harassment complaints regardless of how they were filed. In that regard, we reviewed all complaint files—formal and informal.

In addition, while we agree that the Equal Employment Opportunity Commission does not mandate procedures for conducting internal investigations, we believe the procedures used for formal complaints can and should be applied to procedures used when resolving any sexual harassment complaints. Our position is based on the fact that employers can be held liable if the employer fails to prove that it discharged its duty of reasonable care to prevent and promptly correct any harassment. This guidance does not stipulate that it is only applicable to the formal process.

Regarding management's concern of how we used the term "informal" for complaints filed outside of the Equal Employment Opportunity process, our intent was not to confuse the reader, but rather provide an explanation of terms that some readers may not be familiar with. We believe the footnote in the report is clear regarding our use of the term "informal."

Management's actions taken or planned were not responsive to the part of recommendation 4 that required informal complaint files be centralized. Publication 552 required the files be forwarded to the district Human Resource manager. As stated in the report, a senior Postal Service manager advised us the intent of that instruction was to centralize the files.

Management's actions taken or planned were also not responsive to recommendations 5, 6, and 7 regarding employee training issues. We believe requiring employee signatures on sign-in sheets and managers' review of those sheets is the best assurance that all employees receive the required training. Additionally, by centrally storing the sign-in sheets there is some assurance of their availability, if needed, to support training was provided.

We agree that the nine area reports did not discuss the districts' compliance with the Postal Service's FY 2000 national sexual harassment training policy. This was

intentional because issues related to national policies are best addressed at the headquarters level. We do not agree that the areas or headquarters were not provided the opportunity to comment on whether or not the 2,225 employees sampled received the training. This report was addressed to the headquarters level for their comment, with copies sent to all 18 district managers and the 9 area vice presidents. In addition, we made two telephone calls to responsible headquarters officials during the report comment period to discuss any questions they might have about our findings. Our telephone calls were not returned. Finally, we approved a headquarters' request to extend the 30 day comment period by 2 weeks, that we understand may have been used to solicit area and/or district comments.

We view the disagreements on recommendations 2 and 3 as unresolved and plan to pursue them through the formal audit resolution process.

## INTRODUCTION

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### Background

Sexual harassment is defined by law as “[u]nwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.”<sup>2</sup>

According to a Postal Service Law Department report, in fiscal years (FY) 2000 and 2001, the Postal Service paid approximately \$4.9 million<sup>3</sup> for sexual harassment judgments and settlements in the nine areas of operation.

This report summarizes the conditions found in 18 districts located in the 9 areas of operation (2 districts each). Appendix A is a list of the nine audit reports we issued. Appendix B shows each of the districts and the general findings in each district.

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### Objective, Scope, and Methodology

Our overall objective was to determine if the 18 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 C.

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### Prior Audit Coverage

On March 22, 2002, we issued a report entitled Sexual Harassment Prevention Measures in the Maine District, Report Number LH-AR-02-002. We found that although the district had adequate policies and procedures to prevent sexual harassment and effectively address related complaints in the Maine District, managers did not always comply with the procedures. Specifically, managers did not provide documentation that all employees had received sexual harassment awareness and prevention training, did not document that all sexual harassment complaints had

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<sup>2</sup> 29 C.F.R. § 1604.11(a).

<sup>3</sup> This amount represents 84 complaints. None of the complaints were within the scope of our review.

been investigated, and had not taken preventive measures when findings were inconclusive in sexual harassment cases. Additionally, we found that some managers involved in sexual harassment cases received incentive pay under the Postal Service's Pay for Performance Program.

We recommended that Postal Service managers establish controls to ensure that: sexual harassment awareness training is provided to all employees and training records are complete; sexual harassment investigations are prompt and fully documented in case files; employees directly involved in cases where the evidence is inconclusive receive sexual harassment training and monitoring; and employees disciplined for sexual harassment be considered for exclusion from the Pay for Performance Program.

Management's comments were generally responsive to our report and actions taken or proposed should address the issues identified in the report.

## AUDIT RESULTS

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### **Policies and Procedures Adequate**

We found that all 18 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. Specifically, the 18 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 13 of the 18 districts established sexual harassment fact-finding or investigative teams to investigate all complaints. We also found that 11 districts used Voice of the Employee surveys<sup>4</sup> to monitor the work environment and when necessary provided additional training to raise awareness. Further, we found that nine districts had additional initiatives such as leadership programs and employee training that emphasized the prevention of sexual harassment.

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

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**Most Employees  
Appropriately  
Disciplined or  
Corrective Action  
Taken**

We found in 16 of the 18 districts we reviewed that most employees responsible for sexual harassment or inappropriate actions/comments were appropriately disciplined, or corrective action was taken. In the remaining two districts, none of the employees were found responsible for sexual harassment or inappropriate actions/comments, and, therefore, discipline was not considered.

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 252 formal and informal<sup>5</sup> sexual harassment complaints filed in the 18 districts showed that sexual harassment or inappropriate actions/comments were not substantiated in 109 of the complaints, substantiated in 80, and inconclusive in 9. For the remaining 54 complaints, management did not conduct an inquiry or investigation to determine whether sexual harassment or inappropriate actions/comments had occurred, and thus no discipline or corrective action was considered or taken.

In the 80 substantiated complaints, 76<sup>6</sup> employees were involved—72 were appropriately disciplined, 2 were not, 1 retired, and 1 resigned. The two employees who were not appropriately disciplined were located in 2 of the 18 districts.

We recommended one area vice president direct one district manager to establish controls to ensure managers/supervisors receive the appropriate discipline for sexual harassment or inappropriate actions/comments of a sexual nature. In response, the area vice president provided actions taken or planned that we believe should correct the issues identified.

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<sup>5</sup> The term "informal" complaint refers to those not filed using the Equal Employment Opportunity process.

<sup>6</sup> In the Santa Ana District, two employees were involved in one complaint, and in the Albany District, one employee was involved in two complaints.

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**Most Managers/  
Supervisors  
Considered for  
Exclusion from Pay  
for Performance**

We found in 9 of the 18 districts, most managers/supervisors responsible for sexual harassment or inappropriate actions/comments were considered for exclusion from the Pay for Performance Program.<sup>7</sup> However, district management in three districts did not consider all managers/supervisors for exclusion. In 4 of the 18 districts, none of the employees found responsible were eligible for the Pay for Performance Program. In the remaining two districts, none of the employees were found responsible and, therefore, discipline or exclusion from pay for performance was not considered.

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 might 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 determined that 21 managers/supervisors were found responsible for sexual harassment or inappropriate actions/comments. All 21 were eligible to receive pay for performance. We found, however, that eight were excluded from the program. We also found that 4 of the 21, were not considered for exclusion and received pay for performance totaling \$8,363. The remaining nine were considered for exclusion, however, were not excluded and received a total of \$22,098.

We recommended that three area vice presidents instruct three district managers to establish controls to ensure managers/supervisors disciplined for sexual harassment or inappropriate actions/comments of a sexual nature, are considered for exclusion from all pay for performance or other bonus programs. The three vice presidents agreed with the recommendation and provided us actions taken or planned that we believe should correct the issues identified in the reports.

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<sup>7</sup> 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.

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**Most Complaints  
Effectively Addressed**

Our audit disclosed that 148 (59 percent) of the 252 complaints we reviewed were effectively addressed in the 18 districts. However, the remaining 104 (41 percent) complaints were not. 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.

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. The policy did not, however, require that “all” complaints be documented—only those that managers believed were “serious.”<sup>8</sup>

We found that of the 104 complaints not effectively addressed:

- 54 were not investigated
- 36 were not prompt
- 5 were not thorough
- 5 were not documented
- 2 were not thorough or documented
- 1 was not impartial or documented
- 1 was not impartial

District managers provided several reasons why complaints were not effectively addressed. For example, in 6 of the 11 districts, management stated they did not investigate 34 of the 54 complaints because the complaints were filed directly with the Equal Employment Opportunity office and that office did not notify district management thus precluding them from conducting their own investigation. In another district the Human Resources manager told us that fact-finding team unavailability and holiday seasons prevented the eight complaints in his district from being promptly addressed.

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<sup>8</sup> 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.

We recommended that four area vice presidents and the manager, Operations, instruct district managers to establish controls to ensure the Equal Employment Opportunity office notify district management of all sexual harassment complaints. All of the vice presidents and the manager, Operations agreed with the recommendation, and provided actions taken or planned that we believe should correct the issues identified in the reports.

We also recommended that all eight area vice presidents and the manager, Operations, instruct district managers to establish controls to ensure managers and supervisors effectively address all sexual harassment complaints and fully document detailed evidence of the actions taken to address complaints. Two of the vice presidents agreed with the recommendation in its entirety and took actions to correct the problem. We believe the actions taken were responsive and should correct the issues identified in the reports.

The remaining six vice presidents and manager, Operations, however, did not agree with all, or part, of the recommendation and provided numerous reasons for disagreement, including Postal Service policy that allowed some matters to be resolved simply and directly between the parties without a formal written record. They said this allowed managers' maximum flexibility and speed to deal with those minor, one-time events. Management also stated that to require documentation on every minor incident of inappropriate workplace behavior would potentially undermine the ability of supervisors to quickly and effectively resolve minor workplace issues. Management stated that although all matters would be fully investigated, not all complaints would result in a full written record with detailed evidence.

We did not agree with the vice presidents and manager, Operations that documenting actions would potentially undermine the ability of supervisors to quickly resolve minor workplace issues. We believe documenting the action management takes after they address the complaint has no impact on how quickly a matter can be resolved. It does, however, play an important role in determining credibility and mitigating liability. Specifically, the reason to document even a seemingly minor incident is to make a historical

record in the event one is needed to establish a pattern of misconduct on the part of the harasser, or to establish a pattern of unsubstantiated complaints made by a complainant. Moreover, evidence documenting that prompt remedial actions were taken, for even minor instances of inappropriate conduct could ultimately rebut allegations of a hostile work environment.

We believe the lack of communication between the Equal Employment Opportunity office and district management, and the lack of a Postal Service policy requiring documentation of all complaints, may have been factors in why many complaints were not effectively addressed. We viewed management's disagreement on this recommendation as unresolved and advised them we would address it in this report.

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<b>Recommendation</b>	We recommend the senior vice president, Human Resources, revise Postal Service policy to require that: <ol style="list-style-type: none"><li data-bbox="615 932 1395 1073">1. District Equal Employment Opportunity offices notify district management of all complaints of sexual harassment or inappropriate actions/comments of a sexual nature.</li></ol>
<b>Management's Comments</b>	Management agreed with the recommendation and stated that on March 24, 2003, district Human Resource managers were advised of the Postal Service's "Policy Regarding Management Inquiries and Anonymity in Sexual Harassment EEO Pre-complaints." They said this policy instructed the district Equal Employment Opportunity office to notify management of all complaints of sexual harassment or inappropriate actions/comments of a sexual nature. Management provided the OIG a copy of the March 24, 2003, transmittal memorandum and policy.
<b>Evaluation of Management's Comments</b>	Management's actions taken or planned were responsive to the recommendation and should correct the issues identified in the report.

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<b>Recommendation</b>	We recommend the senior vice president, Human Resources, revise Postal Service policy to require that:  2. District management establishes controls to ensure that managers and supervisors effectively address all sexual harassment complaints and inappropriate actions/comments of a sexual nature.
<b>Management's Comments</b>	Management disagreed with the recommendation to the extent it suggested that current controls were inadequate and, therefore, it was necessary to establish additional controls. Management agreed, however, that managers and supervisors must make every effort to effectively address all sexual harassment complaints. They said controls were already in place by virtue of the mandatory reporting requirement previously discussed. Management also stated that area and district offices would be instructed, no later than September 2003, to ensure that mandatory procedures for responding to and investigating sexual harassment complaints were in place. Management said these procedures were set forth in Publication 552, <u>Manager's Guide to Understanding Sexual Harassment</u> .
<b>Evaluation of Management's Comments</b>	Management's actions taken or planned were partially responsive to the recommendation because the mandatory reporting requirement in Publication 552, does not provide the control mechanism necessary to ensure that the procedures for responding to and investigating sexual harassment complaints are being followed. For example, for management to ensure that managers and supervisors effectively address all complaints, case file reviews like those conducted during this audit, may be necessary. In that way, management could assess how effective managers and supervisors are when responding to complaints, and make corrections when necessary.  We view the disagreement on this recommendation as unresolved and plan to pursue it through the formal audit resolution process.

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**Recommendation**

We recommend the senior vice president, Human Resources, revise Postal Service policy to require that:

3. Managers/supervisors fully document detailed evidence of the actions taken to address all sexual harassment complaints or inappropriate actions/comments of a sexual nature.

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**Management's  
Comments**

Management disagreed with the recommendation that Postal Service "policy" needed to be revised and stated the OIG found fault with the fact that the management inquiry process allowed some investigations to be resolved without the need for a written record. Management stated this recommendation was based on Equal Employment Opportunity Commission guidelines that were not a requirement but rather guidance. Management also stated that the Postal Service well understood the value of documentation and encouraged documentation of even simple matters. Management also stated that the Postal Service, like the Equal Employment Opportunity Commission, understood that a complaint procedure should not be rigid, since that could defeat the goal of preventing and correcting harassment.

Additionally, management agreed that allegations of sexual harassment must be taken seriously and that every allegation must be addressed. They stated, however, that not all complaints would result in a full written record with detailed evidence of the actions taken to address the complaints. Management stated that actions taken "to address complaints in a timely fashion" must be documented. They stated that area and district offices would be instructed no later than September 2003, to document contact attempts, including follow-up letters and/or telephone calls as necessary. They also stated that an additional protocol may include telephone calls at home offering individuals an opportunity for an immediate interview.

Management stated that the report failed to distinguish between the Equal Employment Opportunity complaint process and the Postal Service's management inquiry process. They said it was important to note the Postal Service is required by law to comply, and does comply, with

the Equal Employment Opportunity Commission's rules and regulations. However, they said the management inquiry process was an independent mechanism for investigating claims and was not mandated by any rules or procedures and that the Equal Employment Opportunity Commission had provided guidance for these mechanisms.

Finally, management stated that the terms "formal" and "informal" as used in the report were confusing because both were used in the Equal Employment Opportunity process.

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**Evaluation of  
Management's  
Comments**

Management's actions taken or planned were not responsive to the recommendation. Specifically, management's disagreement to revise policy to require documentation of evidence of actions taken to address complaints, contradicts their agreement that contact attempts would be documented in a timely fashion. We believe that documentation of all actions taken to address complaints, is important and should be reflected in agency policy.

In addition, we do not believe documenting action taken to address complaints would defeat the goal of preventing and correcting harassment. Documentation may be critical, however, in proving or disproving that a "hostile work environment" existed or that management took immediate action to prevent such an environment.

Also, we do not agree with management that it was necessary to distinguish between the Equal Employment Opportunity process and management's internal investigative process. This report addressed the effectiveness of the Postal Service's process for addressing sexual harassment complaints regardless of how they were filed. In that regard, we reviewed all complaint files—formal and informal.

Further, while we agree that the Equal Employment Opportunity Commission does not mandate procedures for conducting internal investigations, we believe the procedures used for formal complaints can and should be applied to procedures used when resolving any sexual harassment complaints. Our position is based on the fact that employers can be held liable if the employer fails to

prove that it discharged its duty of reasonable care to prevent and promptly correct any harassment. This guidance does not stipulate that it is only applicable to the formal process.

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

We view the disagreement on this recommendation as unresolved and plan to pursue it through the formal audit resolution process.

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**File Retention and  
Storage Adequate in  
Most Districts**

Our audit found there was no Postal Service policy regarding the retention time for informal complaint files. However, retention of informal complaint files was adequate in 16 of the 18 districts, and the storage of files was adequate in 13 of the 18 districts. There were two districts, however, that retained files for less than 4 years, and five districts where retention and/or storage could be improved. For example, we found that five districts did not store informal complaint files in a central location and some files could not be located when we requested them.

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 recommended that four of the area vice presidents instruct district managers to establish controls to ensure all informal complaint files are stored in a central location and retained for at least 4 years. Three area vice presidents agreed with the recommendation and provided actions taken or planned that we believe should correct the issues identified in the reports.

The vice president in one area, however, did not agree with the recommendation to the extent it applied to documentation of "informal" sexual harassment complaints. He said Postal Service policy did not require all sexual harassment complaints be documented, and, therefore, there was no need for central storage procedures.

We believe the vice president's comments were not responsive and did not meet the intent of our recommendation. Retaining and storing informal complaint files in a central location ensures file availability if needed to mitigate liability. We viewed the disagreement as unresolved and advised management we would address it in this report.

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**Recommendation**

We recommend the senior vice president, Human Resources, revise Postal Service policy to include a requirement that:

4. All informal complaint files are stored in a central location at the district or area level Human Resources office and be retained for at least 4 years after resolution of the complaint.

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**Management's  
Comments**

Management disagreed with the part of the recommendation that the complaint files be stored in a central location. Management stated files would be kept as determined by area or district management, and may be kept at each work location.

Management agreed, however, with the recommendation to retain informal complaint files for at least 4 years to the extent the term "informal" referred to management inquiries and internal investigations. Management also stated that instructions would be forwarded to the areas and districts no later than September 2003, to ensure informal complaint files are being maintained in accordance with Publication 552, Manager's Guide to Understanding Sexual Harassment.

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**Evaluation of  
Management's  
Comments**

Management's actions taken or planned were not responsive to the first part of the recommendation. Publication 552 required that files be forwarded to the district Human Resources manager. In addition, and as stated in the report, a senior Postal Service manager advised us the intent of that instruction was to centralize the files. Also stated in the report, is that some files were not centrally located and could not be found when we requested them.

Management's actions taken or planned are responsive to the second part of the recommendation and should resolve the issues identified in the report. We do not plan to pursue this recommendation through the formal audit resolution process.

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**Documentation  
Lacking to Support  
Employees Received  
Sexual Harassment  
Prevention Training**

We were unable to determine whether 2,225 of the 2,700 employees we sampled<sup>9</sup> for FY 2000<sup>10</sup> received training in understanding and preventing sexual harassment. This occurred because documentation in the form of employee signatures as proof of training was lacking to support that employees had received the training. We believe the absence of national policy requiring employee signatures may have been a factor.

Equal Employment Opportunity guidelines state training is an essential part of an agency's sexual harassment prevention program. In a September 1999 memorandum, a Postal Service official stated that the Postal Service is committed to providing a work environment free of sexual harassment, and required for FY 2000, that all employees receive sexual harassment prevention training. This requirement included a minimum of 1 hour of training for craft employees and 2 hours for Executive and Administrative Schedule and Postal Career Executive Service employees. The Postal Service also required this training for FY 2003.

In addition, according to a former Postal Service vice president, employees should be required to provide their signature as evidence they received sexual harassment training. He also stated that if an employee's signature was not obtained, the employee should be retrained. Also, a district Human Resources manager told us that although there is no policy requiring employee signatures, as a result of the OIG's Maine District report,<sup>11</sup> the district would require signatures for all employees for future sexual harassment training.

Our analysis showed that for FY 2000, the 18 districts could not provide employee signatures for 2,225 of the 2,700 employees that management said had received sexual harassment prevention training. Seventeen districts provided employee signatures for 475 employees. The

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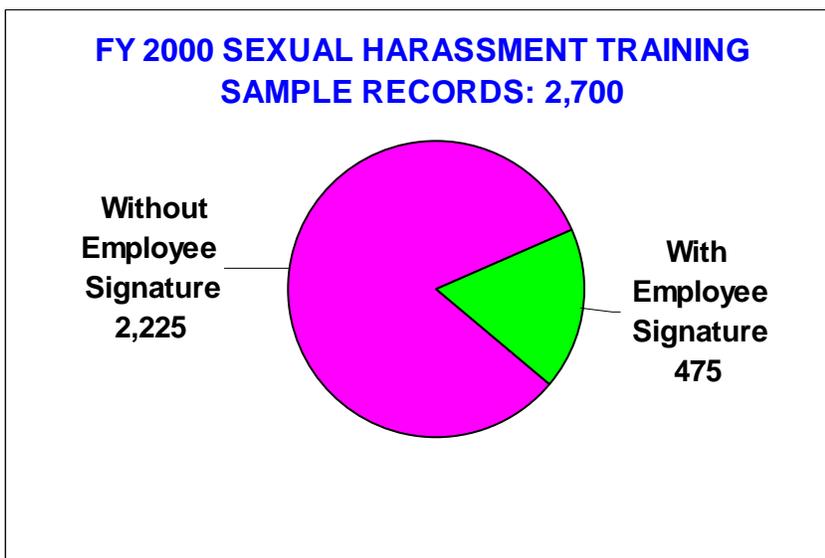
<sup>9</sup> We randomly selected 150 employees for each of the 18 districts. For more information about our scope and methodology, see Appendix C.

<sup>10</sup> We reviewed sexual harassment prevention and awareness training records for FY 2000 because it was the most recent year for which the Postal Service mandated training on a national level.

<sup>11</sup> Sexual Harassment Prevention Measures in the Maine District (Report Number LH-AR-02-002, dated March 22, 2002).

districts also provided other forms of documentation they said proved employees had received training, such as time and attendance reports (that did not indicate the specific training attended nor contain employee signatures), and documentation certified by a manager or supervisor that all employees under their supervision had received the training.

The chart below depicts the total number of employees sampled for FY 2000 and the number of signatures that were provided as proof that training was received.



Requiring employee signatures would ensure that all employees received the required sexual harassment training and would provide evidence of the Postal Service's good faith effort to comply with Equal Employment Opportunity guidelines.

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**Recommendation**

We recommend the senior vice president, Human Resources, establish a policy that requires:

5. Employee signatures on training sign-in sheets as proof they received sexual harassment prevention and awareness training.

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**Management's  
Comments**

Management disagreed with the recommendation to the extent that it suggested employee signatures were the sole means to prove attendance. Management also stated there are currently no requirements to obtain signatures from employees as proof that employees received training.

Management agreed, however, that employee training should be documented, and stated that other forms of documentation was provided to the OIG such as time and attendance reports, and certifications by managers/supervisors that employees had received the training. Management stated other documents could also be used as documentation including local training records, national training database reports, and records documenting the date, location, subject matter, and the employees in attendance. Management also stated to ensure that employee training was documented, each area and district office would be instructed no later than September 2003, to ensure that procedures for documentation are in place.

Finally management stated that the nine area reports issued by the OIG did not discuss the districts' compliance with the Postal Service's FY 2000 national sexual harassment training policy. In addition, they stated that the areas or headquarters were not provided the opportunity to comment on whether or not any of the 2,225 employees sampled, received the training.

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**Evaluation of  
Management's  
Comments**

Management's actions taken or planned were not responsive and did not meet the intent of our recommendation. As stated in the report, requiring employee signatures would ensure that all employees received the required sexual harassment training and would provide evidence of the Postal Service's good faith effort to comply with Equal Employment Opportunity guidelines. We believe employee signatures are the best assurance that employees have received the required training. Management's suggested methods of documentation do not provide the same assurance. We recognize, however, there may be times when employees refuse to sign training rosters. In those cases, a manager/supervisor certification that the employee was observed in attendance would be acceptable.

We agree that the nine area reports did not discuss the districts' compliance with the Postal Service's FY 2000 national sexual harassment training policy. This was intentional because issues related to national policies are best addressed at the headquarters level. We do not agree that the areas or headquarters were not provided the opportunity to comment on whether or not any of the 2,225 employees sampled, received the training. This report was addressed to the headquarters level for comment, with copies to all 18 district managers and the 9 area vice presidents. In addition, we made two telephone calls to responsible headquarters' officials during the report comment period to discuss any questions they might have about our findings. Our telephone calls were not returned. Finally, we approved a headquarters' request to extend the 30-day comment period by 2 weeks, that we understand may have been used to solicit area and/or district comments.

We do not plan to pursue this recommendation through the formal audit resolution process.

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<b>Recommendation</b>	We recommend the senior vice president, Human Resources, establish a policy that requires:  6. Controls to review training sign-in sheets to ensure that all employees received the required training.
<b>Management's Comments</b>	Management disagreed with the recommendation that districts should establish additional controls. They stated, however, that consistent with operational requirements, areas and districts would be instructed, no later than September 2003, to ensure that training is documented and every effort is made to schedule make-up sessions to ensure that as many employees as possible are trained.
<b>Evaluation of Management's Comments</b>	Management's actions taken or planned were not responsive and did not meet the intent of our recommendation. We believe management's review of training sign-in sheets is the best assurance that all employees have received the training. We do not plan to pursue this recommendation through the formal audit resolution process.

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<b>Recommendation</b>	We recommend the senior vice president, Human Resources, establish a policy that requires:  7. The retention of employee training sign-in sheets at a central location for at least 4 years.
<b>Management's Comments</b>	Management agreed with the part of the recommendation that employee training documentation should be retained for at least 4 years. Management disagreed, however, that the documents be stored at a central location. Management stated training records would be stored at each work location or at a location determined by the area or district management. They also stated that instructions to that effect would be provided to each area and district office no later than September 2003.
<b>Evaluation of Management's Comments</b>	Management's actions taken or planned were responsive to the part of the recommendation regarding retention of training documentation for at least 4 years. However, management was not responsive to the part of the recommendation regarding the need to centrally store sign-in sheets. We believe central storage of these documents ensures their availability if needed to support employees received the required sexual harassment prevention training. We do not plan to pursue this recommendation through the formal audit resolution process.

## APPENDIX A LIST OF AUDIT REPORTS FOR NINE AREAS OF OPERATION

Sexual Harassment Prevention Measures in the Chicago and Detroit Districts – Great Lakes Area (Report Number LH-AR-03-001, dated January 15, 2003).

Sexual Harassment Prevention Measures in the Long Island and Northern New Jersey Districts – New York Metro Area (Report Number LH-AR-03-002, dated January 16, 2003).

Sexual Harassment Prevention Measures in the Northern Virginia and Richmond Districts – Capital Metro Operations (Report Number LH-AR-03-003, dated January 30, 2003).

Sexual Harassment Prevention Measures in the Albany and Southeast New England Districts – Northeast Area (Report Number LH-AR-03-004, dated February 25, 2003).

Sexual Harassment Prevention Measures in the Central Florida and South Georgia Districts – Southeast Area (Report Number LH-AR-03-005, dated March 5, 2003).

Sexual Harassment Prevention Measures in the Greensboro and Harrisburg Districts – Eastern Area (Report Number LH-AR-03-006, dated March 5, 2003).

Sexual Harassment Prevention Measures in the Dakotas and Portland Districts – Western Area (Report Number LH-AR-03-007, dated March 5, 2003).

Sexual Harassment Prevention Measures in the Oakland and Santa Ana Districts – Pacific Area (Report Number LH-AR-03-008, dated March 18, 2003).

Sexual Harassment Prevention Measures in the Arkansas and Rio Grande Districts – Southwest Area (Report Number LH-AR-03-009, dated March 25, 2003).

**APPENDIX B. GENERAL FINDINGS IN EACH DISTRICT**

Area of Operation	District	Policies/ Procedures Were Adequate	All/Most Employees Were Appropriately Disciplined	All/Most Managers Were Considered for Exclusion from Bonus <sup>12</sup> Program	All/Most Complaints Were Effectively Addressed	File Retention Was Adequate	File Storage Was Adequate
Capital Metro	Northern Virginia	Yes	Yes	Yes	No	Yes	Yes
Capital Metro	Richmond	Yes	Yes	Yes	No	Yes	Yes
Eastern	Greensboro	Yes	Yes	N/A <sup>13</sup>	No	Yes	No
Eastern	Harrisburg	Yes	N/A <sup>14</sup>	N/A <sup>14</sup>	No	No	No
Great Lakes	Chicago	Yes	Yes	Yes	No	Yes	Yes
Great Lakes	Detroit	Yes	Yes	Yes	Yes	Yes	No
New York Metro	Long Island	Yes	Yes	N/A <sup>13</sup>	Yes	Yes	Yes
New York Metro	Northern New Jersey	Yes	Yes	Yes	Yes	Yes	Yes
Northeast	Albany	Yes	Yes	Yes	Yes	Yes	Yes
Northeast	Southeast New England	Yes	Yes	Yes	Yes	Yes	Yes
Pacific	Oakland	Yes	Yes	Yes	No	No	No
Pacific	Santa Ana	Yes	Yes	Yes	No	Yes	Yes
Southeast	Central Florida	Yes	Yes	No	Yes	Yes	Yes
Southeast	South Georgia	Yes	Yes	N/A <sup>13</sup>	Yes	Yes	Yes
Southwest	Arkansas	Yes	Yes	N/A <sup>13</sup>	Yes	Yes	Yes
Southwest	Rio Grande	Yes	Yes	No	No	Yes	Yes
Western	Dakotas	Yes	N/A <sup>14</sup>	N/A <sup>14</sup>	Yes	Yes	No
Western	Portland	Yes	Yes	No	Yes	Yes	Yes

<sup>12</sup> The bonus program was the Pay for Performance Program, formerly referred to as the Economic Value Added Program.

<sup>13</sup> Of the employees found responsible for sexual harassment or inappropriate actions/comments, none were eligible for the Pay for Performance Program.

<sup>14</sup> None of the employees were found responsible for sexual harassment or inappropriate actions/comments and, therefore, discipline was not considered.

## APPENDIX C. OBJECTIVE, SCOPE, AND METHODOLOGY

Our objective was to determine if the 18 districts, in the nine areas of operations, implemented adequate policies and procedures to prevent sexual harassment<sup>15</sup> 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; former vice president, Diversity Development; the 18 district managers; 8 area vice presidents; and the Capital Metro Operations manager. We also considered the number of closed formal sexual harassment complaints in each of the 18 districts.

To accomplish our objective, we reviewed applicable laws, policies, procedures, and other documents including Equal Employment Opportunity Commission guidelines; Postal Service national policies; and the area and district policies for preventing sexual harassment in the workplace. We also reviewed Postal Service national policy regarding the Pay for Performance Program. In addition, we reviewed previously issued OIG reports related to sexual harassment issues. Further, we interviewed Postal Service Headquarters, area and 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, area, and district policies and procedures to determine if the recommendations were included.

To determine if Postal Service employees received the required FY 2000 sexual harassment awareness training, we randomly selected 150 employees from each of the 18 districts for a total of 2,700 employees. We chose FY 2000 for our review because it was the most recent year where the Postal Service mandated training on a national level. We then provided each district a listing of the 150 selected employees for their district, and requested they provide us with the training sign-in sheet(s) showing the signature for each employee—indicating the employees received the training. We informed the districts they could also send other forms of documentation, such as clock rings, if verification of employee training was supported by a method other than sign-in sheets.

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 closed<sup>16</sup> in FYs 2000 and

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<sup>15</sup> For the purpose of this report, we used the legal definition of sexual harassment defined in 29 C.F.R. § 1604.11(a). In addition, we included the Postal Service policy regarding inappropriate actions/comments of a sexual nature when reviewing sexual harassment complaint files.

<sup>16</sup> 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.

2001,<sup>17</sup> for the 18 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 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 252 closed complaint files as follows:

Area of Operation	District	Complaints		Total Complaints Per District
		Formal	Informal	
Capital Metro	Northern Virginia	4	5	9
Capital Metro	Richmond	3	5	8
Eastern	Greensboro	11	7	18
Eastern	Harrisburg	2	0	2
Great Lakes	Chicago	13	5	18
Great Lakes	Detroit	4	0	4
New York Metro	Long Island	3	3	6
New York Metro	Northern New Jersey	9	25	34
Northeast	Albany	5	7	12
Northeast	Southeast New England	4	6	10
Pacific	Oakland	13	4	17
Pacific	Santa Ana	10	2	12
Southeast	Central Florida	9	15	24
Southeast	South Georgia	3	9	12
Southwest	Arkansas	2	4	6
Southwest	Rio Grande	13	7	20
Western	Dakotas	2	2	4
Western	Portland	9	27	36
Total		119	133	252

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

<sup>17</sup> We used Postal Service fiscal years that started September 11, 1999, and ended September 7, 2001.

Factors.<sup>18</sup> 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 August 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.

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<sup>18</sup> 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 D. MANAGEMENT'S COMMENTS

SUZANNE F. MEDVIDOVICH  
SENIOR VICE PRESIDENT  
HUMAN RESOURCES



June 24, 2003

MARY W. DEMORY  
Deputy Assistant Inspector General for Core Operations

SUBJECT: Response to Draft Audit Report – Capping Report on the Postal Service's Sexual Harassment Prevention Measures in 18 District Offices (LH-AR-03-DRAFT)

Thank you for the opportunity to respond to the draft audit capping report concerning sexual harassment prevention measures in 18 district offices.

With regard to the conclusions reached in the above-referenced audit, we are particularly pleased that all 18 districts had adequate sexual harassment policies and procedures in place; that most employees who were found liable for sexual harassment or inappropriate conduct were subject to discipline or other corrective action; and that management officials responsible for such misconduct were considered for exclusion or excluded from the "pay for performance" program.

We note, however, that the reports issued to the nine areas did not discuss the district's compliance with the Postal Service's FY 2000 national sexual harassment training policy. We also note that management at the area and headquarters levels were not provided the opportunity to comment upon or to help determine whether or not any of the 2,225 of the 2,700 employees sampled, had in fact, received sexual harassment awareness and prevention training. We should note here that there are currently no requirements for district management to obtain signatures from employees as proof that employees received training. However, management did provide other forms of documentation, such as time and attendance reports and documentation certified by a manager or supervisor, that employees under their supervision had received the training.

Another preliminary matter we must raise concerns the report's failure to distinguish between the EEO complaint process and the Postal Service's Management Inquiry Process (MIP) as set forth in postal Publication 552.

The distinction is an important one. The EEO process for federal sector discrimination and harassment complaints is governed by the EEOC. The Postal Service is required by law to comply, and does comply, with the EEOC's rules and regulations. The MIP, on the other hand, is the exclusive creation of the Postal Service. It is an entirely independent mechanism for investigating claims of sexual harassment or improper conduct of a sexual nature to ensure that such claims are investigated more promptly than can be accomplished in the EEO process. While the EEOC has provided "guidance" for employers in developing such complaint mechanisms, it has not mandated any rules or procedures for conducting such internal investigations.

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In the report, however, the term "formal complaints" is used to refer to the EEO process while "informal complaints" refers to the MIP. This is both unfortunate and unnecessarily confusing because the terms "formal" and "informal" are both used to describe EEO complaints filed in the EEO process. In that process, "informal" refers to the counseling or pre-complaint stage and "formal" refers to the subsequent stages. Last, using the terms "informal" to describe the MIP is inaccurate. A management inquiry is usually, though not necessarily, quite formal and can often entail an exhaustive investigatory process. Consequently, in our response, we refer to the two different processes in more accurate terms: "EEO investigations" and "management inquiries."

With regard to the specific recommendations contained within the draft audit capping report, we respond as follows.

**Recommendation #1**

Require that district Equal Employment Opportunity offices (EEO) notify district management of all complaints of sexual harassment or inappropriate actions/comments of a sexual nature.

**Response**

Management agrees with this recommendation.

**Date of Actions Taken or Planned**

On March 24, 2003, the Managers, Human Resources, were advised of the Postal Service's "Policy Regarding Management Inquiries and Anonymity in Sexual Harassment EEO Pre-complaints." That policy instructs the district EEO office to notify management of all complaints of sexual harassment or inappropriate actions/comments of a sexual nature. (See copy attached).

**Recommendation #2**

Require district management to establish controls to ensure that managers and supervisors effectively address all sexual harassment complaints and inappropriate actions/comments of a sexual nature.

**Response**

Management disagrees with the recommendation to the extent that this suggests current controls are inadequate and therefore, it is necessary to establish additional controls to ensure that managers and supervisors effectively address all sexual harassment complaints and inappropriate actions/comments of a sexual nature.

Management agrees that managers and supervisors must make every reasonable effort to effectively address all sexual harassment complaints in order to prevent sexual harassment and correct any sexually harassing behavior. However, the Postal Service has such controls in place by virtue of its mandatory reporting requirement (see above), Publication 552, and training initiatives.

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Date of Actions Taken or Planned

Area and district offices will be instructed to ensure mandatory procedures for responding to and investigating sexual harassment claims are in place as set forth in Publication 552. Instructions will be forwarded to the areas and districts no later than September 2003.

Recommendation # 3

Require that managers/supervisors fully document detailed evidence of the actions taken to address all sexual harassment complaints or inappropriate actions/comments of a sexual nature.

Response

Management disagrees with the recommendation that Postal Service policy needs to be revised to require that managers/supervisors fully document the actions taken to address all complaints of sexual harassment.

The OIG finds fault with the fact that the MIP permits some investigations (i.e., those involving minor, single-event incidents) to be resolved without a written record. As support for its recommendation that all investigations be documented, the OIG cites to "Equal Employment Opportunity Commission guidelines". (Report at page 6). In fact, however, the EEOC does not require employers to document all complaints of harassment. Rather, what the EEOC does say is that "it is advisable for an employer to keep records of all complaints of harassment." (emphasis added) (EEOC Enforcement Guidance at V.C.2). The Postal Service well understands the value of documentation and indeed, encourages documentation of even simple matters when the manager has any doubt about whether to document or not. (See Publication 552, page 15). The Postal Service also understands, as does the EEOC, that "a complaint procedure should not be rigid, since that could defeat the goal of preventing and correcting harassment." (EEOC Enforcement Guidance at V.C.1.c). The Postal Service is confident, therefore, that its management inquiry process, including the procedures for documenting investigations, ensures not only an effective process, but one that is also efficient and fair to all.

Therefore, while Management agrees that allegations of sexual harassment must be taken seriously and that every one must be addressed and looked into, not all complaints will result in a full written record with detailed evidence of the actions taken to address the complaints.

Management also agrees with the part of the recommendation that actions taken to address complaints in a timely fashion must be documented. Protocols for attempting contact shall include emphasis on documentation of contact attempts, which may include multiple follow-up letters and/or telephone calls as necessary. This may include telephone calls at home offering an opportunity for an immediate interview.

Date of Actions Taken or Planned

Area and district offices will be instructed to ensure that actions taken to address complaints in a timely fashion be documented. This documentation may include multiple follow-up letters and/or telephone calls at work or home as necessary. Instructions will be forwarded to the areas and districts no later than September 2003.

Recommendation # 4

Require that all informal complaint files are stored in a central location at the district or area level Human Resources office and be retained for at least 4 years after resolution of the complaint.

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Response

Management agrees with the recommendation to the extent that the use of the term "informal complaint" refers to management inquiries and internal investigations. Management disagrees with the part of the recommendation that the records be retained at a central location. Records will be kept as determined by the area or district management and may be at each work location. They will be retained for at least 4 years after resolution of the complaint.

Date of Actions Taken or Planned

To ensure that informal management inquiry and internal investigation complaint files are being stored properly, each area and district office will be instructed to ensure that appropriate storage procedures are in place as per Publication 552. Instructions will be forwarded to the areas and districts no later than September 2003.

Recommendation # 5

Require districts to establish a policy that requires employee signatures on training sign in sheets as proof they received sexual harassment prevention and awareness training.

Response

Management disagrees with the recommendation to the extent that it suggests employee signatures are the sole means to prove attendance at sexual harassment prevention and awareness training.

Management agrees with the part of the recommendation that employee training be documented. This documentation can include signatures provided by employees, or certifications from a manager or supervisor that the listed employees under their supervision received the required training. Other forms of documentation can include time and attendance records, local training records, national training database reports and other records documenting the date, location, subject matter, and the employees in attendance.

Date of Actions Taken or Planned

To ensure that employee training is documented, each area and district office will be instructed to ensure that procedures are in place. Instructions will be forwarded to the area and districts no later than September 2003.

Recommendation # 6

Require controls to review training sign in sheets to ensure that all employees received the required training.

Response

Management disagrees with the recommendation that districts should establish additional controls to review training sign in sheets to ensure all employees have received the required training. Management agrees that consistent with operational requirements, that attendance be documented, and that every effort is made to ensure that as many employees as possible receive the training. Every effort will be made to schedule make-up sessions.

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Date of Actions Taken or Planned

Each area and district office will be instructed, consistent with operational requirements, to ensure that training is documented and every effort is made to schedule make-up sessions to ensure that as many employees as possible are trained. Instructions will be forwarded to the areas and districts no later than September 2003.

Recommendation # 7

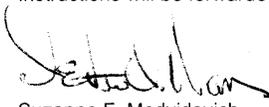
Establish a policy requiring the retention of employee training sign-in sheets at a central location for at least 4 years.

Response

Management agrees with the part of the recommendation that employee training documentation should be retained for at least 4 years. Management disagrees with the part of the recommendation that the records be retained at a central location. Employee training records will be at each work location or as determined by the area or district management.

Date of Actions Taken or Planned

Each area and district office will be instructed to ensure that training records are being retained for at least 4 years at each work location or as determined by the area or district management. Instructions will be forwarded to the areas and districts no later than September 2003.

  
for  
Suzanne F. Medvidovich

Attachments