

March 30, 1999

CHARLES K. KERNAN
VICE PRESIDENT, SOUTHWEST AREA OPERATIONS

SUBJECT: Allegations of Discriminatory Hiring Practices, Harassment, and
Intimidation of Employees at the Texarkana, Texas Post Office
(LR-AR-99-007)

This report presents the results of a review at the Texarkana, Texas Post Office (99-EF-006-LR-000). The report responds to a request from Congressman Jay Dickey to review allegations of discriminatory hiring practices against blacks and other minorities.

The audit revealed no evidence of discriminatory hiring practices against blacks and other minorities at the Texarkana, Texas Post Office. However, our review disclosed harassment and intimidation of employees, a delay in the provision of an injury compensation claim form, and physical assaults. We referred an allegation of theft of postal property to the Postal Inspection Service. Management agreed to our recommendations and has initiatives planned and in progress addressing the issues in this report.

We appreciate the cooperation and courtesies provided by your staff during the audit. If you have any questions, please contact me, at [REDACTED].

Billy Sauls
Assistant Inspector General
for Employee

Attachment

cc: Yvonne D. Maguire
John R. Gunnels

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EXECUTIVE SUMMARY

Results in Brief

This report presents Office of Inspector General (OIG) observations based on our review of allegations of discriminatory hiring practices at the Texarkana, Texas, Post Office. During our review, we received and reviewed additional allegations of harassment and intimidation of employees, failure to provide an injury compensation claim form, physical assaults, and theft of postal property.

The audit revealed no evidence of discriminatory hiring practices at the Texarkana, Texas Post Office. However, our review disclosed harassment and intimidation of employees, a delay in the provision of an injury compensation claim form, and physical assaults. We referred an allegation of theft of postal property to the Postal Inspection Service.

The Texarkana Post Office was included on the USPS “hot spot”¹ list in February 1998, as a site for potential violence. To date, the Dallas District has not conducted a labor climate assessment nor developed the required action plan. Based on our review of the allegations in this report, and the fact that Texarkana was designated a hot spot, we recommend that the district conduct a labor climate assessment immediately and prepare the required action plan.

¹ Hot spots are locations designated by area management as having the potential for violent behavior. USPS Headquarters directed Area Vice Presidents to develop action plans to correct identified deficiencies at designated hot spots.

Recommendations

We offer the following recommendations:

The Vice President, Southwest Area, should:

1. Direct the Dallas District Human Resource Manager to conduct a labor climate assessment at the Texarkana Post Office immediately.
2. Direct the Dallas District Human Resource Manager to develop and implement the required action plan after the labor climate assessment has been completed at the Texarkana Post Office.
3. Review the actions of the Texarkana managers to determine whether corrective and/or disciplinary action is warranted for the failure to provide the Form CA-1 as required by the Employee and Labor Relations Manual.
4. Take action to ensure that Texarkana managers provide all injury compensation claim forms for injured employees as required by the Employee and Labor Relations Manual.
5. Ensure that Texarkana managers follow proper procedures contained in the Threat Assessment Team Guide regarding reporting and monitoring of violent incidents in the workplace.

**Summary of
Management
Comments**

The Dallas District Manager agreed to implement all of the recommendations for improvement. We summarized the responses on page 11 of this report and included the full text of the comments in Appendix A.

**Evaluation of
Management
Comments**

The Dallas District Manager's comments are responsive to the recommendations identified in the report.

INTRODUCTION

Background

Congressman Dickey included in the request two letters written by concerned black employees, one dated July 1996 addressed to the Dallas District Human Resources Manager, and the other dated November 1997 addressed to Congressman Dickey. In March 1998, we asked the Vice President, Human Resources, to advise us of actions planned or taken regarding these allegations. In April 1998, the Manager, Personnel Operations Support at USPS Headquarters, denied the allegation of discrimination in hiring. She noted that Dallas District management had openly discussed the alleged discrimination with employees at a focus group meeting at the Texarkana Post Office shortly after receipt of the 1996 letter. She also asserted that the Dallas District Human Resources Manager had no knowledge of any other problems at the Texarkana Post Office until he received the second letter from employees in November 1997. The Manager, Personnel Operations Support, also stated that the allegations in the employees' letters may not be factual and that, if true, the USPS would not have ignored these incidents nor allowed them to continue. She further noted that employees have access to the Equal Employment Opportunity and grievance processes if management does not conform to Postal policies or contractual agreements.

We did not believe that the allegations made by Texarkana Post Office employees had been adequately addressed because neither Dallas District, Postal Service Headquarters, nor Postal Inspection Service officials interviewed these employees. The Postal Inspectors at the Southwest District advised us that they were unaware of these allegations until we provided copies of the letters to them in December 1998.

Objective Scope And Methodology

Our objective was to review the allegations made in the employees' letters to Congressman Jay Dickey. Further, we wanted to determine if the Postal Inspection Service was aware of the assault allegations.

We conducted interviews and obtained documentation from the Postal Inspection Service, Southwest District. We also interviewed eight current craft employees, one former employee, the former officer-in-charge, two current supervisors, and two applicants who were denied employment at the Texarkana Post Office. In Dallas, we interviewed the District Human Resources Manager, the Employee Workplace Intervention Analyst, the Manager of Post Office Operations, the Manager of Metro Area Operations, and other district officials.

This audit was conducted from December 1998 through February 1999 in accordance with generally accepted government auditing standards. Also, this audit report was prepared in accordance with generally accepted government auditing standards.

AUDIT RESULTS

Report Of Findings

The USPS Equal Employment Opportunity, Affirmative Action, and Diversity Policy states that USPS is committed to following Equal Employment Opportunity laws and their application to all employment matters including hiring, promotions and transfers. The USPS has established a process to address and resolve complaints that arise from alleged discriminatory practices.

Discriminatory Hiring Practices

The two letters alleged that no blacks had been hired at the Texarkana Post Office from 1981 - 1996. We found that blacks had been hired at Texarkana during this time period. Furthermore, we reviewed the current Texarkana civilian labor force data and the racial profile of the post office and found that black employees represent 22% of the current employees. The city's black civilian labor force is 14%. Furthermore, our analysis of employees by craft demonstrated that black employees are working as mail handlers (54%), carriers (14%), and clerks (35%).

We found no evidence of discriminatory hiring practices at the Texarkana Post Office. One of the individuals interviewed, ██████, attempted to transfer from another federal agency to the Texarkana Post Office in 1996. The applicant, a ten-year federal employee, applied and interviewed for a part-time flexible distribution clerk position. She was not hired because the selecting official, the Postmaster, determined that her prior attendance record was unacceptable because her sick leave balance was considerably lower than other employees with ten years of service. When asked by the Texarkana Postmaster, she explained that ██████ sick leave had been exhausted for medical visits and recovery due to ██████.

The Postmaster did not hire the employee because ██████ provided no explanation for ██████ low sick leave balance prior to ██████.² The applicant filed an Equal Employment Opportunity complaint against the

² This decision was per the USPS Equal Employment Opportunity final agency decision.

Texarkana Post Office for racial and sexual discrimination. The USPS denied ██████ complaint because ██████ did not explain the low sick leave balance prior to ██████.

OIG's further analysis also disclosed that during the time period the applicant was seeking employment, four black females were transferred into the Texarkana Post office as distribution clerks. One transferee was from the same agency as the applicant, and the other three from other post offices. The Texarkana Postmaster questioned one of the transferees about her low sick leave balance and provided her the opportunity to explain. This individual provided documentation to support illnesses that had occurred during her years of service. These individuals were hired and currently work at the Texarkana Post Office.

Alleged Harassment and Intimidation of Employees

The USPS Joint Statement on Violence and Behavior in the Workplace acknowledges that an unacceptable level of stress exists in some postal workplaces. It further states that the USPS will not tolerate violence, threats of violence, harassment, intimidation, threats, or bullying. Furthermore, every employee at every level should be treated at all times with dignity, fairness, and respect. Those who do not treat others with dignity and respect face disciplinary action and possible removal.

Each district office has an Employee Workplace Intervention Analyst. The workplace analyst conducts labor climate assessments at facilities to evaluate the employee and workplace issues and concerns and promote change in management style as appropriate to improve the quality of work life.

In Texarkana, employees continue to allege verbal abuse, harassment, and intimidation. Our review disclosed that ██████ engaged in inappropriate behavior that employees perceived as harassing and intimidating. Three ██████ were most consistently identified by these employees as engaging in harassing and intimidating behavior. The eight employees we interviewed described incidents in

which these █████ shout at and verbally abuse employees, stand and stare at employees while they work, and provoke hostile confrontations with employees.

Of the eight employees to whom we spoke, seven said that they have been verbally abused or witnessed verbal abuse against other employees by the three █████. For example, one employee described an incident in which two of the █████ yelled at and cursed employees, including one employee who was hearing-impaired. Still another employee said that the three █████ have no respect for individuals and say and do anything they want to, including using bullying behavior and ugly language.

Six of the eight employees told us that █████ stand and stare at employees while they are working. For example, one █████ employee told us that two █████ have stood so close to █████ staring that she could “feel their presence.” One █████ watched █████ enter the restroom and later told █████ that █████ was in there for ten minutes. Another employee said that █████ reported a █████ to the local police after an incident in which █████ came out of the restroom, and he was standing there staring at █████.

In addition, we reviewed a journal belonging to one of the eight craft employees maintained from 1982 to approximately 1985. The journal described incidents █████ had observed during █████ employment with the USPS, and █████ interaction with █████ and co-workers at the Texarkana facility. The employee described a stressful working atmosphere due to intimidation and harassment █████ received in the work place. When OIG interviewed this employee in January 1999, █████ stated that in the past 12 years, the workplace climate has not improved.

In February 1998, the Southwest Area identified the Texarkana Post Office as a hot spot. The USPS Headquarters directed Area Vice Presidents to develop action plans to correct identified deficiencies at designated hot spots. However, Dallas District managers told us they did not have an action plan and

they did not provide a reason why an action plan was not prepared for the Texarkana Post Office.

**Delay in the
Provision of an Injury
Compensation Claim
Form**

Section 544.12 of the USPS Employee and Labor Relations Manual states that when an employee is injured while on duty, the immediate supervisor must provide the employee with a Form CA-1, Notice of Traumatic Injury and Claim for Continuation of Pay.

A USPS contract truck hit a [REDACTED] employee in December 1997. We determined that Texarkana management did not provide the employee with a Form CA-1 until December 1998, one year later. As a result, no injury compensation claim was made on [REDACTED] behalf. This employee fractured vertebrae, lost the use of [REDACTED] left shoulder, and had additional injuries to [REDACTED] elbow, back, and shoulder. [REDACTED] was in the hospital for three days and on sick leave for seven weeks.

When interviewed, the employee stated that within a week of the accident, [REDACTED] said [REDACTED] requested the form from three different [REDACTED] but did not receive the form. [REDACTED] told us that [REDACTED] then asked the former [REDACTED] for the form. The [REDACTED] did not provide the form, claiming that since the accident was not on postal property, the USPS was not responsible.

One of the [REDACTED] confirmed that the employee had requested Form CA-1 and that [REDACTED] had not provided it to [REDACTED] because [REDACTED] was not on duty at the time of the accident. [REDACTED] referred us to the immediate [REDACTED] on duty the night of the accident, who told us that [REDACTED] did not have access to the forms because the [REDACTED] maintained them in a locked room. The immediate [REDACTED] denied that the employee asked [REDACTED] for the claim form.

The former [REDACTED] told us that [REDACTED] did not provide the employee with the form immediately after the injury. [REDACTED] stated that a report was filed with the District Safety and Injury Compensation Offices, and those offices did not instruct [REDACTED] to provide the form CA-1 to the employee.

In October 1998, the employee wrote to the Dallas District Manager requesting assistance. In November, the District sent a Safety Specialist to investigate the accident. The Safety Specialist had to reconstruct the initial accident investigation and re-interview everyone involved because Texarkana management had lost the case file, including pictures taken at the scene of the accident. The former ██████████ advised us that this file was maintained in a locked room at the Texarkana Post Office. ██████████ said that only the Postmaster, the ██████████, and one ██████████ had access to this room. During the November investigation, the ██████████ contacted the injured employee to request copies of ██████████ documentation because the case file could not be found.

In December 1998, one year later, the employee received the form from the new ██████████.

Physical Assaults

The Threat Assessment Team Guide states that the USPS Zero Tolerance Policy prohibits any incident of verbal or physical action on the part of any employee that could cause injury to another, and this policy will not be ignored. Employees should report all threats to management, and management should conduct a prompt thorough inquiry and take appropriate action. If the employee is unable to contact a management official, the employee should call the Postal Inspection Service. The Postal Inspection Service will respond, to and investigate all, postal-related physical assaults and credible threats.

We reviewed two allegations of physical assaults that occurred in 1988 and 1997. The 1988 incident was handled improperly, and the employee had to seek assistance outside the USPS. This case was ultimately adjudicated in court. The 1997 incident was handled according to procedures.

One former craft employee, currently working at another post office, advised us that ██████████ was the victim of a physical assault at the Texarkana Post Office in 1988. ██████████ stated that a ██████████, who is still employed at the Texarkana Post Office as a ██████████, grabbed ██████████ sweater on the workroom floor

and dragged [REDACTED] to a conference room. The [REDACTED] locked the door and continually pushed, shoved, cursed, and verbally abused [REDACTED] on duty. [REDACTED] reported the incident to the Postal Inspection Service, but [REDACTED] union steward later informed her that the Postmaster told Postal Inspectors that an investigation was not warranted. The employee filed a complaint with the local police against the [REDACTED], which was adjudicated in a local court. The [REDACTED] was found guilty and fined for the assault.

The [REDACTED] responsible for that area in 1988 told us that [REDACTED] did not recall the incident. [REDACTED] told us that the Postal Inspection Service Database did not contain any information on this incident, and [REDACTED] believes that a case was not established since the employee reported the incident to the Texarkana police and the matter was adjudicated in court locally.

In the second incident, which occurred in 1997, a [REDACTED] employee kicked another [REDACTED] employee during work hours. [REDACTED] told us that [REDACTED] reported the incident to the [REDACTED] who took written statements from both employees and contacted the Postal Inspection Service. We confirmed that the [REDACTED] had taken written statements from the two employees and sent a memorandum to the Postal Inspection Service, as required by USPS guidelines.

**Issue Referred to
Postal Inspection
Service for Further
Investigation**

During our visit, employees told OIG criminal investigators of possible theft of postal property. The OIG has referred this information to the Postal Inspection Service, which has jurisdiction over theft of postal property.

Recommendations

We offer the following recommendations:

The Vice President, Southwest Area, should:

1. Direct the Dallas District Human Resource Manager to conduct a labor climate assessment at the Texarkana Post Office immediately.
2. Direct the Dallas District Human Resource Manager to develop and implement the required action plan after the labor climate assessment has been completed at the Texarkana Post Office.
3. Review the actions of the Texarkana managers to determine whether corrective and/or disciplinary action is warranted for the failure to provide the Form CA-1 as required by the Employee and Labor Relations Manual.
4. Take action to ensure that Texarkana managers provide all injury compensation claim forms for injured employees as required by the Employee and Labor Relations Manual.
5. Ensure that Texarkana managers follow proper procedures contained in the Threat Assessment Team Guide regarding reporting and monitoring of violent incidents in the workplace.

**Management
Comments**

The Dallas District Manager agreed to implement all of the recommendations for improvement. He stated that many of the corrective actions were in the process of being implemented prior to the OIG report. The District initiated a labor climate assessment on February 20, 1999 at the Texarkana Post Office. In addition, the District Manager has tasked the Manager of Post Office Operations to assist the Texarkana Postmaster in developing and implementing the required action plan for this facility by March 31, 1999 and provide quarterly progress reports to him. Also, the District's Threat Assessment Team has been restructured to function in a more active capacity by meeting once per quarter and/or as needed basis. Furthermore, the Manager Post Office Operations

must ensure that all management personnel attend Work Place Violence Awareness Training. The District Manager's comments are included at Appendix A.

**Evaluation of
Management
Comments**

The Dallas District Manager's comments are responsive to the recommendations identified in the report.

**Allegations of Discriminatory Hiring Practices, Harassment, and
Intimidation of Employees at the Texarkana, Texas Post Office**

LR-AR-99-007

DISTRICT MANAGER
DALLAS CUSTOMER SERVICE AND SALES



March 16, 1999

ROBERT WALTERS
MANAGER, HUMAN RESOURCES SOUTHWEST AREA

SUBJECT: Corrective Actions, Which Address the OIG Recommendations

Dear Mr. Walters:

This letter is in response to the drafted OIG audit report on Texarkana. The report provides five recommendations. Many of the corrective actions were in the process of being implemented prior to the reception of this report's recommendations.

Recommendation #1- Conduct a Labor Climate Assessment

A labor climate assessment was initiated on February 20, 1999, by conducting an office wide survey with a standardized instrument used throughout the performance cluster. The data collected thus far (45 surveys) has revealed that the general work climate is not in critical condition. In fact, the percentages on survey responses are greater than 10%, more favorable than the PC averages in other climates with the exception of co-worker relationships, where Texarkana is consistent with the mean.

The survey reveals that the stated concerns of seven employees who were interviewed are incongruent with the majority of the employees in the Texarkana office. The seven interviewed employees identified concerns of intimidation, verbal abuse, and harassment from supervisors. None of these concerns have been identified as issues in the climate survey. The climate survey data reveals a general perception of the immediate supervisors as overall favorable.

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Recommendation #2- Develop and Implement the Required Action Plan

The District strategy consisted of bringing in a new manager as Postmaster who was tasked to address both climate issues and operational issues. The recent climate survey data provides evidence that indicates the District strategy was, in fact, ameliorative and that major improvements have taken place subsequent to these actions. Another action item, which was already in the works prior to this report, was the implementation of Value of the Person. I personally attended the introduction and roll out of VOP in Texarkana on March 11, 1999 and expect this process to add value to the positive momentum that is already occurring. Additionally, I have tasked the Manager of Post Office Operations to assist the Postmaster in establishing an Action Plan based upon the Work Climate Analysis Report. This Action Plan is to be developed and implemented no later than March 31, 1999 with progress reports to the Manager of Post Office Operations each AP and to me each quarter.

Recommendation #3-Determine whether Corrective and/or Disciplinary Action is Warranted for Texarkana Managers' Failure to Provide a CA-1 Form

Because the specific incident that took place was prior to my appointment as District Manager and occurred in December of 1997, it would be untimely to proceed with disciplinary actions at this point. The corrective actions taken are stated in response to the next recommendation.

Recommendation #4-The Ensuring of Texarkana Managers Providing CA-1 Forms

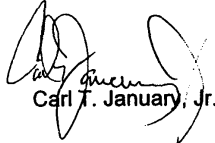
Texarkana management personnel have been advised that they should provide a CA-1 when requested or when an injury occurs and that they must allow the Department of Labor to evaluate and determine its appropriateness, ensuring that Texarkana is in compliance with policy and procedure set forth in the ELM.

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Recommendation #5-Ensure that Texarkana Managers Follow Threat Assessment Team Guide for Procedures of Reporting and Monitoring of Violent Incidents

The report mentions an assault in 1988 with citation of the Threat Assessment Team Guide. The 1988 assault was prior to current postal initiatives on Workplace Violence and the creation of the Threat Assessment Team Guide (Publication 108), which was published in May of 1997. If the assault scenario described in the 1988 incident was a recent incident, such behavior would constitute grounds for removal. Such behavior is not currently tolerated in the Dallas District. The report also states that a "1997 incident was handled according to procedures" indicating that the managers are currently following the guidelines.

The initiative we have taken which addresses this recommendation is to activate an operational Threat Assessment Team. We have recently restructured the TAT and required that they function in a more active capacity by meeting once per quarter and/or as needed in the occurrence of an incident. Additionally, the Manager of Post Office Operations is to ensure that all management personnel have attended Work Place Violence Awareness Training.


Carl T. January, Jr.