

March 31, 1999

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SUBJECT: Follow-up on USPS Recommendations to Investigate Sexual Harassment Allegations and to Reassign a Supervisor from His Position of Authority (Garden Grove Post Office)
Audit Report Number LR-AR-99-008

This report presents the results of our review of our follow-up on USPS recommendations to investigate sexual harassment allegations at the Garden Grove, California Post Office, and to reassign a supervisor at the same Post Office from his position of authority (Project Number 99-EA-011-LR-000). The report responds to a complaint received by the Office of Inspector General concerning these allegations.

The audit disclosed that Santa Ana District officials had not taken action to investigate sexual harassment allegations. We also found that the District reassigned the former Garden Grove supervisor to management positions with supervisory duties and responsibilities, despite the District Manager's pledge not to reassign the supervisor to a job with direct responsibility for supervising employees.

Management disagreed with our conclusions and recommendations. Management's comments and our evaluation of these comments are attached to the report.

We appreciate the cooperation and courtesies provided by your staff during the review. If you have any questions please contact me at 703-248-2300.

//Signed//

Billy Sauls

Assistant Inspector General
for Employee

Attachment

cc: David Shapiro
John R. Gunnels
Alan B. Kiel

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EXECUTIVE SUMMARY

Introduction

This report presents the results of our follow-up on United States Postal Service (USPS) recommendations to investigate sexual harassment allegations at the Garden Grove, California Post Office, and to reassign a supervisor at the same Post Office from his position of authority.

Results in Brief

During an Office of Inspector General (OIG) review in October 1998 of allegations of retaliation at the Garden Grove Post Office, we identified two additional issues directly related to a February 1998 investigation conducted by the OIG and the USPS: (1) allegations of sexual harassment had not been investigated, and (2) the improper reassignment of a supervisor from the Garden Grove Post Office. The February 1998 investigation resulted in a USPS report that was issued on September 8, 1998. That report recommended that Garden Grove and Santa Ana District management promptly investigate all allegations of sexual harassment. The report also recommended that a supervisor be placed in a position outside of the Garden Grove Post Office where he would have limited contact with employees.

During a follow-up of actions taken, we found that Garden Grove and Santa Ana District officials had not taken action to investigate sexual harassment allegations. We also found that the Santa Ana District reassigned the former Garden Grove supervisor to management positions with supervisory duties and responsibilities, despite the Acting District Manager's statement that "he will be reassigned to a job that does not have direct responsibility for supervising employees."

Recommendations

We offer the following recommendations:

1. The Vice-President, Pacific Area, report the results of the sexual harassment investigations to the Vice President, Labor Relations; the Vice President, Human Resources; and the OIG.

2. The Vice-President, Pacific Area, determine why allegations of sexual harassment were not investigated and take the appropriate corrective action.
3. The Vice President, Pacific Area, review the position to determine if it can be modified to remove the supervisory duties and responsibilities and still meet the terms of the Merit Systems Protection Board Settlement Agreement

**Summary of
Management
Response**

Management responded as follows:

1. Management provided us an investigative report on their February 1999 investigation. Management's conclusion, based on the investigative report, is that there was no evidence, nor was the supervisor's behavior sufficiently severe or pervasive to create a hostile work environment.
2. Management stated that because the Pacific Area Team found no evidence that allegations of sexual harassment were made, an investigation was not conducted. Management also concluded that it "strongly" believed that with the completion of the February 1999 investigation, that the allegations of sexual harassment were now completely investigated and that no further action was required.
3. Management stated the supervisor does not supervise or oversee the same employees on a daily basis, and that he is assigned duties that are technical and administrative in nature. In their opinion, the position could not be modified to eliminate contact with other employees because such a modification would eliminate the essential functions of the position. Management also believes the supervisor's position meets the terms of the Merit Systems Protection Board Settlement Agreement.

We summarized these responses in the report and included the full text of the comments in the Appendix.

**Evaluation of
Management
Response**

We do not agree with management's conclusions and comments concerning our recommendations. A detailed evaluation of management's response is included in the body of the report.

INTRODUCTION

Background

In February 1998, the Manager of Human Resources, Pacific Area, selected a USPS team to investigate allegations of mismanagement, harassment, and sexual harassment by management at the Garden Grove Post Office. The investigative team conducted on-site interviews, several in conjunction with OIG investigators, with nine Garden Grove supervisors and managers and 82 craft employees. The USPS team issued a final investigative report on September 8, 1998, which included recommendations that Santa Ana District management: (1) promptly investigate all allegations of sexual harassment, and (2) place one supervisor in a position outside of the Garden Grove Post Office where he would have limited contact with employees. The report also recommended that Garden Grove management receive sexual harassment training, which was accomplished in May 1998.

In a September 8, 1998 letter transmitting the USPS report to the Pacific Area Vice President, the Vice President of Human Resources stated "of special importance...is the allegation that complaints of sexual harassment by supervisors were not properly investigated." She requested that area management follow up with a status report by December 4, 1998, on steps the performance cluster management had taken to ensure that any allegation of sexual harassment was thoroughly investigated.

On September 15, the Pacific Area Vice President responded to the Vice President of Human Resources that an investigation was not conducted because the investigative team found "no concrete evidence" that sexual harassment had occurred. This statement is contrary to the September 8, 1998 report, which states that the Postmaster acknowledged that at least one employee had made an allegation of sexual harassment against a supervisor, but that the Postmaster had failed to take appropriate action. The report recommended that all allegations be immediately investigated.

**Objectives, Scope,
and Methodology**

This report addresses whether: (1) Garden Grove Post Office and Santa Ana District management properly investigated sexual harassment allegations, and (2) the reassignment of a supervisor was in accordance with the USPS report recommendations.

We reviewed the September 1998 USPS investigative report. We interviewed the investigation team leader. We interviewed and obtained sworn statements from Garden Grove Post Office craft employees. At the Santa Ana District, we interviewed the District Manager and the Acting Manager, Human Resources. We also interviewed an area postmaster where the former supervisor had been reassigned. At the Pacific Area, we interviewed the Manager, Human Resources, and an Attorney with the Administrative Advocacy Unit.

We conducted our review October 1998 and February 1999 in accordance with generally accepted government auditing.

AUDIT RESULTS

Sexual Harassment Allegations Investigated

Our review disclosed that Garden Grove and district officials did not investigate some sexual harassment allegations and as stated in the Pacific Area Team investigative report dated September 8, 1998 “failure to act promptly on allegations of sexual harassment could expose the USPS to liability.” The August 13, 1998 *Postal Bulletin* defines the USPS policy on sexual harassment as follows: “The United States Postal Service is committed to providing a work environment free of sexual harassment. Sexual harassment is improper and/or unlawful conduct that undermines the employment relationship as well as employee morale. All managers and supervisors are responsible for preventing sexual harassment in the workplace and must respond promptly when they learn of any conduct that may be sexual harassment [and] must see that a prompt and thorough investigation of the conduct takes place. If sexual harassment is found, they must take prompt and appropriate remedial action. The U.S. Postal Service will not tolerate sexual harassment.”¹

In his September 15, 1998 response to the Vice President for Human Resources request for a status on the sexual harassment findings, the Pacific Area Vice President responded that because the investigation found no concrete evidence of sexual harassment or that the Postmaster had failed to take appropriate action an investigation was not conducted. During the October 1998 OIG review of allegations of retaliation at the Garden Grove Post Office,² an employee stated that one supervisor had sexually harassed female employees in the past and had been protected from investigation by the former postmaster. Other Garden Grove employees also complained about that supervisor, and expressed the opinion that he had not been disciplined or held accountable for his sexual harassment behavior.

The contradiction between the Area Vice President's

¹ *Employees' Guide to Understanding Sexual Harassment*, Publication 553, July 1998.

² OIG Report, *Allegations of Retaliation at the Garden Grove Post Office*, March 31, 1999, Report # LR-AR-99-006.

statement and the findings and recommendations in the September 8, 1998 report, along with the statements made by employees during our review, lead us to question whether the allegations had been fully investigated.

In February 1999, after our inquiries into this matter, we learned that the Pacific Area initiated an investigation into the sexual harassment allegations.

Recommendation 1

The Vice-President, Pacific Area, report the results of the sexual harassment investigation to the Vice President, Labor Relations; the Vice President, Human Resources; and the OIG.

Management Response

Management responded by providing us an investigative report on their February 1999 investigation. The investigation was conducted by the Pacific/Western Area Equal Employment Opportunity Compliance & Appeals Coordinator.³ The investigative report indicates that the Vice President, Human Resources; Pacific Area Vice President, Deputy Postmaster General, and the HQ Director for Workplace Environment Improvement received copies of the report.

Management's conclusion, based on the investigative report, is that there was no evidence that the supervisor's behavior was sufficiently severe or pervasive to create a hostile work environment.

Evaluation of Management Response

We agree that Management's provision of the investigative report to the OIG as well as the Vice President, Human Resources is in compliance with our recommendation. We noted however, that the Vice President, Labor Relations, was not listed as an intended recipient of the report.

We do not agree with management's conclusion that the findings in the investigative report do not substantiate that the supervisor's behavior was not

³ The Equal Employment Opportunity Compliance Appeals Coordinator was also the team leader who conducted the original February 1998 Garden Grove investigation.

“sufficiently severe or pervasive” to have created a hostile work environment. Specifically, the investigative report concludes that the supervisor did sexually harass three female employees during the relevant time period. The report states that interviews conducted during the investigation disclosed that during the period 1994 to 1996, the supervisor “sexually harassed” employees and that the harassment took the form of the supervisor making comments of a “sexual nature” and “touching them on the back, arm, and hugging them.” The report goes on to state that the Postmaster knew of the behavior and “employees interviewed stated that the Postmaster did not correct” the supervisor’s behavior of “harassing them.”

Management ignored the seriousness of the findings in the investigative report, which results in non-compliance with USPS policy regarding sexual harassment.

Recommendation 2

The Vice-President, Pacific Area, determine why allegations of sexual harassment were not investigated and take the appropriate corrective action.

Management Response

Management told us that because the Pacific Area Team found no evidence that allegations of sexual harassment were made, an investigation was not conducted. Management also concluded that it “strongly” believed that with the completion of the February 1999 investigation, that the allegations of sexual harassment were now completely investigated and that no further action was required. Management based their decision to take no further action on the finding that most of the involved parties were no longer at the Garden Grove Post Office.

Evaluation of Management Response

We agree that management took the appropriate action when they initiated the February 1999 investigation of the sexual harassment allegations. We do not agree, however, that there was no evidence that sexual harassment had occurred. As stated in our report, the USPS was aware of the sexual harassment allegations as early as February

1998 when the Pacific Area Team conducted its work at the Garden Grove Post Office. The team's final investigative report issued on September 8, 1998, and provided to the OIG by the Vice President, Human Resources, also acknowledged that the Postmaster knew of at least one employee who had made an allegation of sexual harassment against the supervisor. The report specifically recommended that the Santa Ana District management promptly investigate all allegations of sexual harassment and that "Failure to act promptly on allegations of sexual harassment could expose the USPS to liability."

In a September 8, 1998 letter transmitting the USPS report to the Pacific Area Vice President, the Vice President, Human Resources stated "of special importance...is the allegation that complaints of sexual harassment by supervisors were not properly investigated." The Vice President, Human Resources requested that area management follow-up with a status report by December 4, 1998, on steps the performance cluster management had taken to ensure that any allegation of sexual harassment was thoroughly investigated.

For the investigative team leader to conclude on September 15, 1998, seven days after the issuance of the final report, that there was no "concrete evidence" that sexual harassment had occurred, is in direct contradiction with the final report. We believe this contradiction, and the lack of attention to the serious issues identified in USPS' own investigative report bring into question not only the integrity of the original Garden Grove investigation, but possibly the entire investigative process.

We do not agree with Management's conclusion that the allegations of sexual harassment were now completely investigated and that no further action was required. Specifically, the decision to take action against a sexual harasser is not dependent on whether or not the witnesses and the harasser are employed at the location where the sexual harassment took place. In this

particular case, the supervisor is still employed by the USPS and his inappropriate actions should be reviewed for the purpose of taking the appropriate disciplinary and/or corrective action.

Reassignment of a Supervisor

A primary issue in many of the employees' allegations in the Pacific Area Team's report was the behavior of a supervisor removed from Garden Grove. Craft employees consistently identified this individual as the main harasser. The USPS report concluded that the supervisor should be placed in a position outside of the Garden Grove Post Office where he would have limited contact with employees. In a May 8, 1998, memo addressed to the Manager Human Resources, Pacific Area, the Acting Manager, Santa Ana District, stated that the supervisor "will be reassigned to a job that does not have direct responsibility for supervising employees."

We confirmed that the supervisor was reassigned outside of the Garden Grove Post Office; however, he was assigned to a management position as a route examiner.⁴ We find this action inconsistent with the recommendation in the USPS report.

Section 231.1 of Handbook M-39, Management of Delivery Services, states: "The inspection of a route is the observation by a manager of the carrier's office and street work for one or more days and includes counting and recording the mail handled and the time used for each function." The former supervisor was placed in a management position, which by definition is a position of authority.

We further learned that on May 18, 1998, the Manager, Post Office Operations, Santa Ana District, issued a *Notice of Proposed Adverse Action – Removal* against the same supervisor. This notice cited three non-sexual harassment charges. On November 5, 1998, USPS issued a *Letter of Decision – Adverse Action* that stated that the three charges were supported by the evidence. However, in

⁴ USPS policy and procedures define a route examiner as a manager who observes and evaluates a carrier's work.

consideration of his 18 years of service USPS management believed that “the possibility for rehabilitation into an efficient postal employee still exists.” Consequently, USPS reduced the employee's proposed removal to an involuntary reduction in grade and pay.

On December 11, 1998, the employee appealed this decision to the Merit Systems Protection Board. On January 19, 1999, a Settlement Agreement was reached to end the dispute. This agreement stipulated that the appellant would be restored to his previous grade and reassigned as a Customer Services Analyst, Santa Ana District, in a non-supervisory position, effective January 16, 1999. As a condition of his settlement, he agreed to withdraw his appeal with the Merit Systems Protection Board.

The USPS position description of the Customer Services Analyst includes the following duties: "Conducts or oversees route inspections," and "provides program oversight and guidance to other employees in the implementation of processes and procedures", both of which involve contact with employees of a supervisory nature. We believe these duties are contrary to the Merit Systems Protection Board Settlement Agreement, which dictate that the appellant should be reassigned to a non-supervisory position. We are concerned that retaining this employee in a position with oversight responsibilities over employees could adversely affect workplace climate based on the perception that management does not take harassment and intimidation allegations seriously.

Recommendation 3

The Vice President, Pacific Area, review the position to determine if it can be modified to remove the supervisory duties and responsibilities and still meet the terms of the Merit Systems Protection Board Settlement Agreement.

Management Comments

Management did not agree with this recommendation. They told us that the supervisor does not supervise or oversee the same employees on a daily basis, and that he is assigned duties that are technical and

administrative in nature. They told us that the position could not be modified to eliminate contact with other employees because such a modification would eliminate the essential functions of the position. Management also told us that it believes the supervisor's position meets the terms of the Merit Systems Protection Board Settlement Agreement.

Evaluation of Management Response

We do not agree with management's response. Both the District's pledge in May 1998, and the Merit Systems Protection Board Settlement, state that the supervisor would be reassigned to a job with no direct responsibility for supervising employees. We found that the position description of the Customer Service Analyst, included supervisory duties while conducting route examinations.

In addition, management states in their response to this audit report that the supervisor continues to "supervise or oversee" employees. Specifically, management admits that he supervises different employees on a daily basis but "does not supervise or oversee the same employees on a daily basis." We believe the intent of the District's pledge and the Merit Systems Protection Board Settlement was that the former supervisor would not supervise employees in any capacity.

**Major Contributors to
This Report:**

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HUMAN RESOURCES
PACIFIC AREA OFFICE



March 30, 1999

Billy Sauls
Assistant Inspector General for Employees
Office of the Inspector General
1735 Lynn Street
Arlington, VA 22209-2020

RE: Allegations of Sexual Harassment and Reassignment of Supervisor at the
Garden Grove Post Office (99EA011LR00)

Dear Mr. Sauls:

Reference is made to your draft report (undated) concerning allegations of Sexual Harassment and the Reassignment of Supervisor at the Garden Grove Post Office.

Regarding the question of sexual harassment at Garden Grove, on February 2, 1999, information was received by the Officer-in-Charge, Garden Grove Post Office, which referenced the names of female employees allegedly sexually harassed by [REDACTED]. On February 16, 1999, three of these employees were interviewed. The interviews disclosed that during the period 1994-1996, [REDACTED] made comments perceived by the employees as sexual harassment and occasionally patted employees on the back and placed his arms around their shoulder. The employees stated they did not report sexual harassment allegations to the Postmaster. Two employees stated they reported the supervisor's daily harassment (non-sexual) of them. A third employee stated she told the supervisor to respect her culture and not touch her or come too close to her. She stated he never touched her again. Based on this information, there was no evidence that the supervisor's behavior was sufficiently severe or pervasive to create a hostile work environment.

The Pacific Area Vice President's statement to Ms. Yvonne Maguire on September 15, 1998 is consistent with these findings. Mr. Durazo's statement was based on the report of Bernadine Faison, the Pacific Area Team Leader, who conducted the original Garden Grove investigation. Ms. Faison stated that she did not find concrete evidence of sexual harassment during the investigative interviews in February 1998. Further, the recent interviews confirm that allegations of sexual harassment were not reported to the postmaster, and thus were not investigated. As suggested in Recommendation 1 of your report, the report regarding the allegations is enclosed and copies are being provided to the parties as recommended.


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- 2 -

As to Recommendation 2, as stated above there is no evidence that allegations of sexual harassment were made and not investigated. Moreover, the alleged official and the three employees allegedly sexually harassed are not at the Garden Grove Post Office. Two of the craft employees are no longer working in Garden Grove, the Postmaster has retired and the Supervisor is no longer assigned there. We strongly believe that the allegations of sexual harassment have now been completely investigated and no further action is required.

The second part of your report, which found that [REDACTED] is performing supervisory duties, is in error. [REDACTED] position is Customer Service Analyst and [REDACTED] does not supervise or oversee the same employees on a daily basis. [REDACTED] is assigned to conduct route examinations, which is a technical and administrative position. Thus, we disagree with Recommendation 3 of the report concerning [REDACTED] position. It cannot be modified to eliminate contact with other employees. Such a modification would eliminate the essential functions of the position. Further, we believe that [REDACTED] present [REDACTED] position meets the terms of the Merit Systems Protection Board Settlement Agreement.

Sincerely,



Brian J. Gillespie
Manager, Human Resources
Pacific Area

Enclosures

cc: Jesse Durazo, Area VP
Yvonne D. Maguire, VP, HR
Michael Coughlin, Deputy PMG
[REDACTED]
Suzanne Milton, Workplace Environment

EEO COMPLIANCE AND APPEALS SECTION
PACIFIC/WESTERN AREAS



March 8, 1999

MEMORANDUM FOR BRIAN GILLESPIE

SUBJECT: Sexual Harassment Allegations - Garden Grove Post Office

I received an E-mail message on February 2, 1999, from [REDACTED] OIC in Garden Grove, concerning allegations of Sexual Harassment by [REDACTED]. The message stated that [REDACTED] alleged that starting in Huntington Beach and Garden Grove, CA, [REDACTED] had sexually harassed female employees [REDACTED] during the period 1994, 1995, 1996 and 1997. [REDACTED] advised Mr. Mejico that he had already notified Inspector General Investigators [REDACTED] and Hugh Reynolds and Congressman Loretta Sanchez' office. [REDACTED] advised Mr. Mejico that [REDACTED] was taking this information to the press. (See Attachment A).

I requested [REDACTED] to find out if the female employees were still working in Garden Grove. [REDACTED] advised me that [REDACTED] was retired on disability, two of the employees had transferred to other post offices and one employee was still working in Garden Grove.

[REDACTED] scheduled interviews with three employees at the City of Industry facility for February 16, 1999. An Express Mail letter was sent to [REDACTED] at [REDACTED] address of record on February 11, 1999, notifying her of a scheduled interview in City of Industry at 1:00 P.M., February 16, 1999.

[REDACTED] did not come for the interview. A summary of a telephone conversation with [REDACTED] is attached. (See Attachment B).

[REDACTED] assisted me in interviewing three female employees and [REDACTED] on February 16, 1999.

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Allegations of Sexual Harassment

The three female employees interviewed, stated that they had been sexually harassed by [REDACTED] while working in Garden Grove. They each stated they had never worked in Huntington Beach. They described the sexual harassment by [REDACTED] as follows:

Touching

- [REDACTED] would pat them on the back.
- Put [REDACTED] arm around [REDACTED] shoulders. Described as “side-by-side hugging.”
- Touched employee [REDACTED] arm when congratulating [REDACTED] on [REDACTED] marriage.

Comments

- When bumping into someone who told him “I’m sorry.” [REDACTED] said “I’m not sorry, let’s do it again.”
- “This is a [REDACTED] dream standing between you two.” (Statement made while standing between two carrier cases.)
- “I wonder how good she really is.” (Comment made when responding to someone’s statement that carrier was a good worker.)
- “Why don’t you come visit me?” (Comment made when carrier was called to his office.)

Question asked - Was [REDACTED] comments/sexual harassment reported to supervisor or Postmaster?

- One employee stated NO. [REDACTED] told [REDACTED] to respect [REDACTED] culture and not touch [REDACTED] or come too close to [REDACTED]. [REDACTED] related [REDACTED] told him “You are married to [REDACTED] and you understand our culture.” [REDACTED] said [REDACTED] never touched [REDACTED] again.
- One employee stated [REDACTED] talked to the Postmaster about [REDACTED] harassment. When asked if [REDACTED] told Postmaster about sexual harassment or harassment, [REDACTED] stated it was about [REDACTED] harassing [REDACTED].

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- One employee said [redacted] asked a 204B to come to [redacted] office to witness the comments [redacted] made to [redacted]. [redacted] said the 204B witnessed [redacted] asking [redacted] "Why don't you come to visit [redacted]?"

Each employee was asked if they witnessed [redacted] sexually harassing anyone. Two employees said they overheard [redacted] comments and [redacted] would twist statements around to a sexual nature. One employee said [redacted] never witnessed anything but [redacted] was told by a friend to watch out for [redacted] because [redacted] liked to flirt. [redacted] friend, [redacted] said, transferred to Atlanta, GA and has now left the Postal Service.

Sexual Harassment vs. Harassment

Each employee stated that [redacted] harassed them and had no people skills. [redacted] was obnoxious and did not know how to treat employees. They related that the Postmaster did not do anything to stop [redacted] harassment of employees. The Postmaster talked to [redacted] and told [redacted] to watch how [redacted] talked to employees because [redacted] was making [redacted] look bad. [redacted] would say "OK, I'll try that," but [redacted] behavior continued. (See statement by [redacted]).

Conclusion

Statements by employees reference that [redacted] sexually harassed them during the period 1994, 1995, 1996. The harassment consisted of comments of a sexual nature and touching them on the back, arm and hugging them.

The Postmaster was told of [redacted] harassment, but not necessarily about sexual harassment.

The employees interviewed stated that the Postmaster did not correct [redacted] behavior of harassing them.

Note: [redacted] was not interviewed. A review of a written statement provided by [redacted] reference that [redacted] sexually harassed [redacted] by making unwanted comments about [redacted] shorts, short skirts, "hooters" and [redacted] bumped into [redacted].

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Record evidence disclose that during the period July 1994 and December 31, 1996, [REDACTED] filed ten (10) EEO complaints. Six (6) complaints were allegations of harassment. Two (2) complaints were based on termination; one on other pay; and one on working conditions. There were no allegations of sexual harassment.

[REDACTED]
[REDACTED] Appeals Coordinator

Attachments