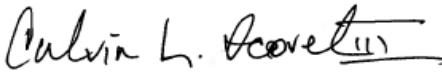




Memorandum

Date: September 19, 2018

Subject: INFORMATION: Audit Announcement | DOT's Anti-Harassment Program Policies and Procedures | Project No. 18S3004S000
Department of Transportation

From: Calvin L. Scovel III 
Inspector General

To: Office of the Deputy Secretary

Federal agencies are required to demonstrate a commitment to a work environment that is free from discriminatory harassment.¹ According to a June 2016 report from the U.S. Equal Employment Opportunity Commission (EEOC), those who experience workplace harassment suffer mental, physical, and economic harm.² Beyond that, workplace harassment affects *all* workers, leading to decreased productivity, increased turnover, and harm to the organization's reputation. Yet sexual harassment, a component of workplace harassment, remains a pervasive issue in the Federal Government.³

The EEOC has established minimum standards and guidelines to help agencies develop anti-harassment program policies.⁴ For agencies, such as the Department of Transportation (DOT), with numerous subcomponents, the EEOC also recommends that each subcomponent have an anti-harassment policy that complies with the EEOC's *Enforcement Guidance* and is enforced consistently.⁵

¹ Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990. The U.S. Equal Employment Opportunity Commission's (EEOC) Management Directive 715 provides Federal agencies with policy guidance and standards to implement these laws,

² EEOC, *Select Task Force on the Study of Harassment in the Workplace*, June 2016.

³ The Merit System Protection Board's 2016 *Merit Principles Survey* of Federal employees found that 18 percent of female and 6 percent of male Federal employees reported experiencing at least one instance of sexual harassment in the preceding 2 years.

⁴ EEOC, *Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors*, Notice 915.002, June 18, 1999 (referred to as *Enforcement Guidance*).

⁵ EEOC, *Model EEO Programs Must Have An Effective Anti-Harassment Program*.

At DOT, the Secretary of Transportation has issued a policy that states harassment will not be tolerated and must not occur. However, during our recent audit of the U.S. Merchant Marine Academy's Sexual Assault Prevention and Response Program,⁶ we identified concerns about the extent to which the Department's Operating Administrations establish and implement anti-harassment policies and procedures, including collecting and using data on harassment complaints.

Given the potential impact of harassment on the Department and its employees, we are initiating an audit of DOT's anti-harassment programs. Our objectives are to assess the extent to which the Department and its Operating Administrations (1) have anti-harassment policies and procedures that comply with EEOC guidance and (2) collect and use data on harassment complaints.

We plan to begin the audit immediately and will contact your audit liaison to schedule an entrance conference. We will conduct our work at DOT Headquarters in Washington, DC. If you have any questions, please contact me at 202-366-1959 or Barry J. DeWeese, Assistant Inspector General for Surface Transportation Audits, at 202-366-5630.

cc: DOT Audit Liaison, M-1
Federal Aviation Administrator
FAA Audit Liaison AAE-100
Federal Highway Administrator
FHWA Audit Liaison, HAIM-13
Federal Motor Carrier Safety Administrator
FMCSA Audit Liaison, MCPRS
Federal Railroad Administrator
FRA Audit Liaison, RAD-43
Federal Transit Administrator
FTA Audit Liaison, TBP-30
Maritime Administrator
MARAD Audit Liaison, MAR-392
National Highway Traffic Safety Administrator
NHTSA Audit Liaison, NPO-310
Pipeline and Hazardous Materials Safety Administrator
PHMSA Audit Liaison, PH-3
Saint Lawrence Seaway Development Corporation Administrator
SLSDC Audit Liaison

⁶ *Gaps in USMMA's Sexual Assault Prevention and Response Program Limit Its Effectiveness* (OIG Report No. ST-2018-039), March 2018. OIG reports and testimonies are available on our website: <http://www.oig.dot.gov>.