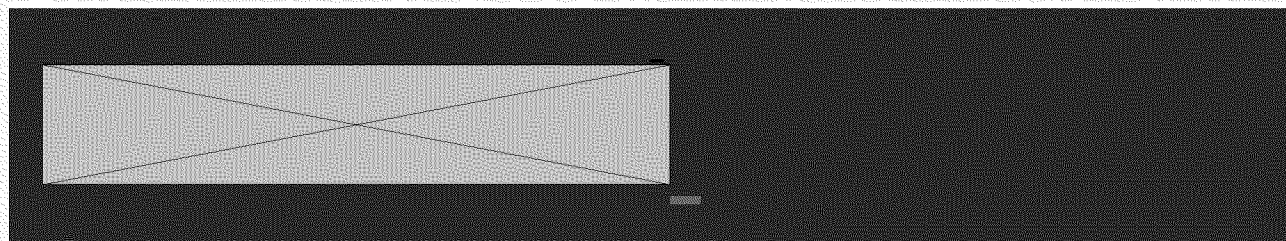


To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Wed 10/25/2017 4:01:18 PM
Subject: Federal Insider: Uncle Sam is a slacker in policing sexual misconduct in agencies



Uncle Sam is a slacker in policing sexual misconduct in agencies

By Joe Davidson

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Rep. Trey Gowdy (R-S.C.), chairman of the House Oversight and Government Reform Committee. (Alex Brandon/AP)

Amid a growing number of scandals involving serial sexual misconduct cases comes word that Uncle Sam is a real slacker in policing his workforce.

The federal workplace might have a better record than a Hollywood casting couch — or it might not. It's hard to know the extent of sexual misconduct in the federal government because of Sam's poor and inconsistent disciplinary practices and record-keeping. Sometimes he even neglects to list sexual misconduct as an offense.

A House Oversight and Government Reform Committee report says eight agencies have no table of penalties at all, including the Office of Personnel Management (OPM), which should be the role model for a government that thinks itself a model employer. A table of penalties is a list of suggested disciplinary actions for various forms of staff misconduct. The government's

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largest federal employee union, however, argues against overuse of tables of penalties, likening them to rigid mandatory minimum sentences in the criminal justice area.

“Sexual misconduct is a challenge the federal government must aggressively and consistently address to ensure the well-being and safety of its workforce. Employees should feel safe and protected at work,” said Rep. Trey Gowdy (R-S.C.), the oversight committee’s chairman. “The American people deserve a workforce and a work environment reflective of the law, their high standards for appropriate conduct, and conducive with maximum productivity.”

But that challenge is not specifically recognized by seven agencies that “have a Table of Penalties, but do not expressly mention sexual misconduct,” according to the report, which was issued by the majority Republican staff.

Citing a Justice Department inspector general’s study on “the dangers associated with the lack of a Table of Penalties,” the House document said the department’s “Civil Division’s handling of sexual misconduct allegations was not consistent, penalties were not consistent for high-performing employees, and employees received performance awards even while the subject of ongoing sexual harassment or misconduct investigations or while disciplinary actions were in effect.”

At the other end of the spectrum are the U.S. Agency for International Development and the Federal Aviation Administration (FAA), which has “the most developed list of sexual misconduct categories.”

The FAA list has “10 distinct categories of sexual misconduct,” said the House report, including:

- “Sexual teasing, jokes, remarks, questions;
- “Suggestive looks or gestures of a sexual nature; and
- “Threat or act of reprisal for refusal to provide sexual favors.”

In some agencies, managers received harsher punishments for sexual misconduct, but sometimes the opposite is true. In the Civil Division, an upper level manager decided against suspending a senior official because that “would unnecessarily deprive the government” of the official’s services.

Among other items, the House report recommended:

K&A for federal employees with Pings data for the entire labor workforce is the lack of agency accountability for individual sexual misconduct and the absence of a table of penalties to address the vast majority of these instances.

- Agencies without a table of penalties should create one.

The American Federation of Government Employees (AFGE) said it has “no doubt” it will be averse to what is proposed, stating that among the agencies working to get the hit user report private sector.”

Wanda GEK states with the president of Federal Employees Union (FEU), said table of penalties “agrees with the findings of the report that the lack of use of the tables of penalties is a justifiable system of penalties often can be inconsistent with the government. Enforcement Agencies should find ways to be coupled with fairness and discipline that takes into account effective actions that can be taken to prevent and eliminate sexual harassment; that is, they should publicize penalties and encourage assertive actions on the part of employees. AFGE also targets of that anti-sexual harassment civil service protections weaken the fight against sexual harassment.

“Efforts underway in this Congress to roll back union rights and hamstringing unions will make it more difficult for the union to help police workplace sexual misconduct,” the union statement said. “This whole area is a prime example why workers’ rights and union rights should be strengthened in the federal sector, not weakened.”

Questions for Federal Insider readers: How pervasive is sexual harassment in the federal government? If you have been the target of sexual harassment, please tell us the circumstances, what form the harassment took, whether it was reported, what was done about it and whether the perpetrator was disciplined. We will use this information for a future column. In certain cases we can print your comments without identification. Please send your comments to joe.davidson@washpost.com with “sexual misconduct” in the subject line.

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