



September 26, 2019

Dr. David Verardo, President
AFGE Local 3403
2415 Eisenhower Avenue
Alexandria, VA 22314

Dear Dr. Verardo:

I am writing in response to your memorandum of August 26, 2019 that we received on August 28, 2019. That memorandum raised the issue of a hostile work environment in the Office of Integrative Activities, which staff represented by AFGE Local 3403 described as arising from their sexual orientation. The Office of Diversity and Inclusion (ODI) promptly initiated an investigation into the matter on August 29, 2019 using a third-party, neutral investigator. The investigator provided a report to ODI on September 24, 2019.

The investigator sought to determine (1) if the employees were harassed based on sexual orientation, (2) if leadership knew about it, and (3) if leadership addressed it. The investigator interviewed thirteen employees and three managers in OIA and reviewed the Agency Policy Statement on Equal Opportunity and the Prevention of Harassment (OD 18-19), which prohibits discrimination and harassment based on sexual orientation. The investigator recommended steps to mitigate the unprofessional conduct described by the staff, and ODI concurred with those recommendations.

The witness statements also led the investigator to recommend referrals to the Office of Human Resource Management (HRM) about potential bullying, intimidation, and inappropriate comments. ODI concurred with that recommendation as well and is referring the following matters to HRM:

- Complaints that Manager A in OIA made comments to bargaining unit members about their union activities.
- Assertions that Manager A sought to influence witness statements during the investigation.

The investigator reported that some of the witnesses were non-responsive, evasive, or did not corroborate complaints. However, several of the corroborated complaints rose to the level that ODI referred them to the appropriate offices for action, including a range of verbal and written communication as well as suitable discipline.

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ODI has or will:

- obtain a facilitator to work with OIA on team building and targeted training,
- provide mandatory civil treatment training for employees and managers in OIA, and
- recommend an assessment of the organizational structure of OIA.

The last action is to help create an improved structure by assessing the impact of current workload and reporting lines for administrative staff on the management and operation of OIA.

ODI also recommends a joint communication from you and the Director reiterating the importance of the lessons and objectives in the recent training about bullying and sexual harassment required of all employees.

Sincerely,



Rhonda Davis
Head, Office of Diversity and Inclusion

Enclosure: Executive Summary of Report



EXECUTIVE SUMMARY #HWE-19-001

On August 28, 2019, the President, AFGE Union Local 3403, forwarded to the Office of Diversity and Inclusion (ODI), NSF, on behalf of several employees, a claim of Hostile Work Environment and bullying, against their Supervisor, Manager A, Office of Integrative Activities (OIA) in the Office of the Director, NSF. An investigation was commenced on August 29, 2019. Sixteen employees were interviewed.

The following claims were investigated:

Claim 1. Whether Manager A, as recently as June 2019 and on-going since 2018, has engaged in sexual harassment against one employee in particular and others, based on sexual orientation, and, whether Manager B knew about the harassment and failed to stop it.

Claim 2. Whether Manager A, as recently as June 2019 and on-going since 2018, has engaged in non-EEO harassing behavior, including bullying, intimidation, and inappropriate comments towards certain members of the OIA staff; and, whether Manager B knew about the harassment and failed to stop it.

NSF's EEO Policy prohibits discrimination and harassment based on sexual orientation (Agency Policy #OD 18-19). The Agency's policy also prohibits non-EEO harassing behavior, such as the use slurs, offensive or derogatory comments, or other inappropriate verbal or physical conduct.

With regard to the claims of harassment, the Investigator found there is sufficient evidence to conclude that Manager A has violated NSF's Policy prohibiting harassment based on sexual orientation and that Manager A engaged in serious misconduct, such as bullying, intimidation and inappropriate comments, in violation of the Agency's Policy. ODI concurs with the Investigator's findings.

The Investigator found that despite the availability of several mechanisms for filing grievances and complaints, employees did not bring complaints forward and therefore, Manager B was not put on notice of harassment or a potentially hostile work environment in OIA. NSF has

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consistently and recently provided training for supervisors and employees on the topics of “Prevention of Sexual Harassment,” “Workplace Bullying” and “Civil Treatment.”

Recommendations to address the instant complaint include determining any appropriate disciplinary measures; additional training; and, other activities to ensure a workplace free from discrimination, harassment, retaliation and bullying.

In the Complaint and during the course of the investigation, allegations were raised about comments made by Manager A that could be construed as interference with employee rights under the Agency’s Collective Bargaining Agreement (CBA). These allegations were referred to the NSF Office of Labor Relations for investigation, findings and any action deemed appropriate.

During the course of the investigation, several witnesses raised the issue of possible interference in the investigation by Manager A, alleging that she contacted witnesses and discussed their testimony. These witness statements were referred to the Office of Human Resource Management for investigation to determine whether such activities had the purpose or effect, by force, intimidation, or threat, to deter any complainant or witness from testifying freely, fully, and truthfully, or, to retaliate against such complainant or witness on account of his/her having so testified, and, if so, what action is required.