

Reference Manual 16E

Anti-Harassment Policy

April 23, 2018

The National Park Service (NPS) is committed to providing a workplace free of discrimination and harassment based on race, color, religion, sex (including pregnancy and gender identity), sexual orientation, national origin, age, disability, family medical history (including genetic information), status as a parent, marital status, political affiliation, and one that is free from illegal retaliation. The NPS will not tolerate harassing conduct (of a sexual or non-sexual nature) against another NPS employee, intern, volunteer, contractor or other non-federal employee, or other member of the public. The NPS also will not tolerate reprisal or retaliation if employees report harassment or provide information related to such complaints.

The purpose of Director's Order #16E: NPS Anti-Harassment Policy (DO #16E) is to ensure that the NPS takes immediate and appropriate corrective action, including appropriate disciplinary action, to eliminate harassing conduct regardless of whether the conduct rises to the level of a violation of law.

Section 4.1 of DO #16E delegates to the Associate Director, Workforce and Inclusion, the responsibility to issue, review, and revise, as appropriate, a reference manual to provide comprehensive procedures for the implementation of this guidance. The reference manual will be available online and will be reviewed at least annually. All revisions must be approved by the Associate Director and include a date when the chapter or section was approved.

With the authority delegated in Director's Order #1: National Park Service Directives System, and section 4.1 of DO #16E, this reference manual has been approved and supersedes any previously issued conflicting guidance on this topic.

/s/ Nhien Tony Nguyen

Associate Director, Workforce and Inclusion

April 2, 2018

Signed Date

April 23, 2018

Effective Date

[Electronic copy. Signed original on file in Office of Policy.]

Contents

Introduction	2
1. Anti-Harassment Coordination	2
2. Responding to Reports of Harassing Conduct	3
2.1 Interim Measures to Ensure Harassing Conduct Does Not Continue	6
2.2 Conducting an Investigation	6
2.3 Taking Corrective Action	7
2.4 Responding to Harassing Conduct Raised in the Statutory, Administrative, or Negotiated Grievance Processes	8
2.5 Confidentiality	8
3. Records Management	9
4. Additional Resources Available to Employees	9
5. Distinction from Statutory and Grievance Claims	10
Appendices	11

Introduction

This reference manual provides comprehensive guidance to implement Director's Order #16E: NPS Anti-Harassment Policy (DO #16E). It contains mandatory procedures for supervisors and managers, Anti-Harassment Points of Contact, and employee relations specialists, as well as supplemental information for employees, interns, volunteers, and others who may need to report harassing conduct. The appendices to the guide provide supporting materials.

1. Anti-Harassment Coordination

Designation of Anti-Harassment Points of Contact

Each park, region, and Washington Support Office (WASO) directorate will designate an Anti-Harassment Point of Contact (HPOC). While employees may report harassing conduct to ANY supervisor or employee relations specialist, including an HPOC, the role of the HPOC is not primarily to take complaints. The role of an HPOC is to monitor the progress of complaint reports, investigation and resolution, assist supervisors in consulting with employee relations specialists and the Office of the Solicitor on allegations of harassing conduct, and to approve corrective actions at various steps in the process.

Park, Regional Division or WASO Division HPOC. Each park will designate a senior-level person to serve as the HPOC. This will normally be the park superintendent at a park or a division chief for a WASO or regional office program. This duty may be re-delegated down to the deputy superintendent level, but not re-delegated further.

Regional/WASO Directorate HPOC. Each region and WASO directorate will designate a senior-level person to serve as the HPOC. At the regional level, the HPOC will be a GS-15 position, either a deputy regional director or associate regional director with human resources responsibilities. This duty may not be re-delegated lower within the region. At the WASO directorate level, the HPOC will be a GS-15 position, normally the assistant director, deputy associate director, or equivalent. This responsibility may not be re-delegated below that level.

Service-wide HPOC. The Service-wide HPOC will be the Associate Director, Workforce and Inclusion, or his or her designee. The Service-wide HPOC will interact regularly with the regional and WASO HPOCs, assist in determinations to ensure complaints are tracked in the Harassing Conduct Tracking System, and will be the liaison with the Office of Inspector General and other offices within the Department of the Interior.

Interactions of Different HPOC Levels

A park superintendent or regional division chief will likely be the First Level HPOC for complaints originating at the park or regional program level. The Second Level HPOC is the next level in the chain of command from where the complaint originated. For example, if the employee alleging harassment is in a park, then the First Level HPOC is the superintendent and the Second Level is the regional office directorate HPOC. If the complaint originates in a

regional office or WASO program, then the First Level is the regional/WASO program HPOC and the Second Level is the regional /WASO directorate HPOC.

Conflicts of Interest

If an HPOC directly supervises the employee alleged with harassing conduct, is alleged with harassing conduct, or has other conflicts of interest, the next level HPOC must serve as the HPOC for the complaint. HPOCs must disclose any conflicts of interest that may impact their ability to impartially address a particular complaint.

2. Responding to Reports of Harassing Conduct

A supervisor, manager or Human Resources official who receives a report of harassing conduct, or otherwise becomes aware of an allegation of harassing conduct must take the following steps within one business day:

1. Determine whether the reported activity poses a security risk and whether it is necessary to alert law enforcement (e.g., in instances where there is a threat of immediate physical harm)
2. Document the allegation by either:
 - a. Using the on-line [Harassing Conduct Tracking System](https://hrhelp.nps.gov) (<https://hrhelp.nps.gov>) to input the information which will automatically be transmitted to both the team of regional/WASO employee relations specialists and the Regional/WASO level HPOC. This is the preferred method.
 - b. Printing and using a hard copy of the intake form (see Appendix) to document the information and then scanning and emailing the completed form to a regional/WASO employee relations specialist. The employee relations specialist must input the complaint in the Harassing Conduct Tracking System. The reporting intake is complete only upon the generation of a case number in the Harassing Conduct Tracking System, which allows for case management and reporting.
 - c. Calling any regional/WASO employee relations specialist and providing them with the essential information; the employee relations specialist must input the complaint in the Harassing Conduct Tracking System. This method should only be used when the person receiving the complaint lacks internet access. The reporting intake is complete only upon the generation of a case number in the Harassing Conduct Tracking System, which allows for case management and reporting.
 - d. Completing the fillable intake form (pdf) available on Inside NPS which will create a draft email containing the information and then emailing the information to any regional/WASO employee relations specialist. The employee

relations specialist must input the complaint in the Harassing Conduct Tracking System. The reporting intake is complete only upon the generation of a case number in the Harassing Conduct Tracking System, which allows for case management and reporting.

3. The person taking the complaint must provide the employee reporting the harassing conduct with an acknowledgement form (see Appendix) for signature and submit a copy to an employee relations specialist. They must also provide the reporting employee with a list of available resources for additional relief (such as the EEO and grievance processes) and support (Employee Assistance Program, Ombuds, etc.) along with a copy or link to this manual. (See Appendix.)
4. Regardless of how an employee relations specialist receives the information about a complaint, the specialist must ensure that the information is saved in the Harassing Conduct Tracking System, which will enable case management, such as automatically notifying the team of regional/ WASO employee relations specialists and the Regional HPOC.
5. With the approval of the Regional HPOC, an employee relations specialist will use the Harassing Conduct Tracking System to assign the First and Second Level HPOCs. The employee relations specialist will also use the system to notify the allegedly harassing employee's supervisor and the Office of the Solicitor Employee and Labor Law Unit (SOL/ELLU) Harassment Duty Attorney at SOL-Antiharass@sol.doi.gov. If for some reason the system is down, they must complete notifications by email and/or phone.

Anonymous complaints and bystander reports should also be handled using the process above.

Preliminary Decisions

1. Upon notification of a report of harassing conduct, the First Level HPOC in consultation with an employee relations specialist, must determine:
 - a. whether the reported activity poses a security risk and whether it is necessary to alert law enforcement (e.g., in instances where there is a threat of immediate physical harm); and
 - b. whether any immediate corrective action is required to insulate the employee alleging harassing conduct from the person alleged with harassing conduct.
2. The First Level HPOC must take any necessary interim steps to ensure the potentially harassing conduct does not continue, as described in section 2.1 below. The First Level HPOC may unilaterally take interim steps and keep them in place for up to three business days of receipt of an allegation if immediate action seems warranted and consultation as required below is not immediately available.

Action Determination

1. Within three business days of receipt of the allegation, the First Level HPOC must consult with the supervisor of the allegedly harassing employee, or other designated management official, Second Level HPOC, employee relations specialist, and the assigned attorney from the Office of the Solicitor (SOL) to determine:
 - a. what conduct is at issue, whether it arguably could be considered harassing conduct, and whether it is potentially criminal in nature;
 - b. whether to implement, sustain, or suspend any interim steps, as described in section 2.1; and
 - c. whether and what type of investigation is required, as described in section 2.2.

If there is disagreement among the consulting parties (such as whether the conduct should be addressed under this policy or what type of investigation is merited), the Second Level HPOC will make the final decision. The Second Level HPOC must approve in writing any decision related to an investigation or corrective action.

2. If it is determined that an investigation is necessary, the First Level HPOC will work with an employee relations specialist to initiate an investigation within two business days (e.g., refer the case to the Office of the Inspector General (OIG), initiate the contracting process for a contract investigator, identify and schedule an NPS investigator, etc.) of the decision regarding the appropriate investigative entity.
3. Upon completion of the investigation, the supervisor of the allegedly harassing employee must consult with the First Level HPOC, employee relations specialist, and assigned solicitor to determine whether any disciplinary or other corrective action would be appropriate or if the allegation should be closed with no finding of misconduct.
4. If the supervisor/manager recommends that an allegation be closed with no finding of misconduct, the supervisor/manager must write a memorandum detailing why no corrective action is warranted. The Second-Level HPOC must approve in writing a decision to close an allegation with no finding of misconduct. This written approval to close an allegation with no finding is required regardless of whether or not an investigation was conducted.
5. If the facts uncovered in an investigation show that misconduct occurred, the proposing official must propose disciplinary action or take other corrective action following the guidance in section 2.3. If there is disagreement about the proposed disciplinary action between the supervisor/manager and the consulting offices, the Second Level HPOC will make the decision.

2.1 Interim Measures to Ensure Harassing Conduct Does Not Continue

Before directing a thorough investigation into allegations of misconduct, the First Level HPOC must take interim steps to ensure that the alleged harassing conduct does not continue. The interim measures taken will depend on the severity of the alleged conduct. The two interim measures listed below are required in cases of serious harassing conduct, such as harassing conduct of a sexual nature.

Separation of the Employee Alleged with Harassing Conduct and the Employee Alleging Harassing Conduct

If the conduct is severe or pervasive, including but not limited to, threatening behavior, touching, hitting, or other egregious harassing behavior, the supervisor/manager or HPOC shall separate the employee alleged with harassing conduct from the alleged victim, at least until the matter otherwise can be resolved. Management should not move the employee who reported or otherwise was the alleged victim of harassing conduct. If the alleged victim, without having been asked or prompted, specifically requests such a move or transfer, the supervisor shall inform the alleged victim that they need not leave, and that instead the employee alleged to be responsible for the harassing conduct may be moved. Nonetheless, to the extent possible, the supervisor shall honor the alleged victim's request. Appropriate steps to separate the alleged victim from the alleged harasser include but are not limited to:

- assigning the alleged harasser to a telework status (if appropriate)
- moving the alleged harasser to another office space, desk, or floor; or
- placing the alleged harasser on administrative or investigative leave (in accordance with department guidance).

Issuing “No Contact” Instructions

Another interim measure that a supervisor/manager may take to help ensure that harassing conduct stops is to instruct the allegedly harassing employee to have no further contact or communications with the alleged victim.

2.2 Conducting an Investigation

All investigations must be conducted swiftly, impartially, and in a manner appropriate to the allegation. All investigations, regardless of the type of investigator, must be conducted in accordance with the DOI Investigator Guide to Conducting Administrative Investigations.

When an investigation is necessary, the following general guidelines for choosing the type of investigation will apply:

Office of the Inspector General (OIG)

The OIG¹ has first right of refusal in conducting investigations into the following types of allegations:

- allegations of criminal activity;
- allegations implicating a member of the Senior Executive Service (SES), another senior or prominent management official, or a senior law enforcement official;
- allegations tied to waste, fraud, or abuse of Federal funds or programs; or
- violations of Federal ethics regulations.

National Park Service or United States Park Police Office of Professional Responsibility

- Allegations involving respective law enforcement personnel.

Third-Party² Investigator

- Allegations of harassing conduct of a sexual nature.

Other allegations under this policy may be handled by a third-party investigator, employee relations specialist(s), supervisor or manager, or another employee trained and deemed qualified to conduct investigations. The Second Level HPOC, in consultation with an employee relations specialist and SOL, will make the final decision about the investigation method based on the complexity and scope of the allegation(s) and the availability of qualified investigators. The Second Level HPOC must document this decision in writing.

2.3 Taking Corrective Action

If the facts uncovered in an investigation show that misconduct occurred, the proposing official must propose disciplinary action or take other corrective action. The appropriate corrective action will depend on the severity and/or pervasiveness of the offense, the action that would be required to end such conduct, the offender's disciplinary and conduct history, and other surrounding circumstances. Corrective action may include counseling or any disciplinary action applicable to instances of misconduct, such as reprimand, suspension, demotion, or termination, in accordance with Part 370 of the Department of the Interior Manual, chapter 752 (370 DM 752), Discipline and Adverse Actions. Where evidence indicates that employees are not sure about what conduct is appropriate and permissible, appropriate training should be provided.

A supervisor/manager's failure to take appropriate disciplinary and/or corrective action will generally support a charge of negligent supervision and be an actionable charge. Appropriate corrective action, disciplinary or otherwise, up to and including removal will be taken against

¹ The OIG may also undertake any criminal, civil or administrative investigations regarding allegations of any grade employee involved in a serious or notorious allegation or incident that may negatively impact the operations and efficiency of the Department of the Interior.

² A third-party investigator can be a contract investigator, an HR official in DOI from outside the NPS, or a management official outside the park/program/region chain of command.

any supervisor or other management official who fails to perform her/his obligations as set forth in this policy, including any unreasonable failure to report known violations of this policy. In addition, managers will appropriately evaluate and hold accountable subordinate supervisors and managers for their performance under this policy using the required supervisory critical element.

2.4 Responding to Harassing Conduct Raised in the Statutory, Administrative, or Negotiated Grievance Processes

If an employee pursues a claim of harassment through the Equal Employment Opportunity (EEO) process, an appeal to the Merit Systems Protection Board (MSPB), or through a negotiated/administrative grievance process, the supervisor or manager has a duty to act promptly upon learning that harassing conduct has been alleged. If an EEO counselor (*once a complainant is no longer requesting anonymity*) or an employee relations specialist is notified of a claim of harassment, he or she must promptly notify the supervisor or manager of the allegedly harassing employee. The supervisor/manager must treat the notice of the claim as a report of harassing conduct under DO #16E and follow the steps outlined in section 2 of RM-16E. As a reminder, the reporting of harassing conduct is complete under RM16E only upon the generation of a case number in the Harassing Conduct Tracking System, which allows for case management and reporting. It is therefore possible that multiple inquiries into a given complaint may proceed in parallel under the different statutory, administrative, or negotiated grievance processes.

2.5 Confidentiality

Supervisors and managers must take action to investigate all allegations of harassing conduct, even if the employee raising the allegation requests confidentiality. All reports of harassing conduct and related information will be maintained on a confidential basis to the greatest extent possible. The identity of the employee alleging violations of this policy will be kept confidential, except as necessary to conduct an appropriate investigation into the alleged violations, to take appropriate disciplinary or corrective action, to comply with the reporting requirements of this policy, or when otherwise required by law.

Upon completion of the investigation or management review of the allegation, the supervisor/manager must notify the alleged victim of the harassing conduct about the completion of the process to the extent permitted under the Privacy Act. The alleged victim may not be provided the outcome of any disciplinary action against the allegedly harassing employee and may not be provided a copy of the fact-finding report. The supervisor or manager must consult with the servicing ER specialist and SOL about the appropriate information to be provided under this notification.

3. Records Management

Employee relations specialists are responsible for tracking the status of allegations and documenting decisions every step of the way, including final resolution, in the Harassing Conduct Tracking System. In addition to using the on-line system, employee relations specialists must also keep paper files related to allegations of harassing conduct, in separate case files, in accordance with established records management policies. See Director's Order #11D: Records and Electronic Information Management and the accompanying Records and Electronic Information Management (REIM) Guide.

In addition to keeping case files, employee relations specialists must also be responsive to any NPS or Department of the Interior data calls seeking information related to complaints associated with harassing conduct on a recurring and ad hoc basis. This information will help the Associate Director, Workforce and Inclusion, in the capacity of Service-wide HPOC, to monitor compliance with this policy, understand trends related to harassment, and ensure swift and appropriate resolution of complaints.

4. Additional Resources Available to Employees

Multiple resources are available to employees that can provide assistance and advice.

Ombuds/CORE PLUS neutrals. An Ombuds is an independent, impartial, informal, and confidential resource that does not report to the NPS management structure and works independently to explore and aid in the resolution of individual and systemic issues affecting an organization. A Conflict Resolution (CORE PLUS) neutral is a qualified, experienced person, from within DOI or outside DOI, who provides conflict management and alternative dispute resolution services. Conversations with an Ombuds or other CORE PLUS neutrals are confidential and informal, and provide the employee a safe place to explore options for addressing their concerns. Ombuds and other CORE PLUS neutrals are not obliged to report discussions. They do not report either the identity of the person who contacted them or the information provided in confidence or (outside of imminent risk of harm). Employees are encouraged to contact an Ombuds or other CORE PLUS neutrals to discuss any workplace-related concerns, including those related to harassing conduct.

Employee Assistance Program (EAP). The Department of the Interior (DOI) Employee Assistance Program is an employee benefit program that helps employees with personal and/or work-related problems that may impact their job performance, health, and mental and emotional well-being.

Victim Assistance Program. The DOI Office of Law Enforcement and Security Victim Assistance Program provides general information about rights and services available for victims of crime.

Union Representative. Employees who are covered by a bargaining unit can consult with a union representative.

Please note that engaging with the resources above does not constitute a report under DO #16E, as these entities do not have an obligation to inform management of allegations of harassing conduct.

5. Distinction from Statutory and Grievance Claims

The purpose of DO #16E is to stop harassing conduct that has occurred in the NPS workplace and deter its occurrence in the future. However, corrective action under this policy does not provide the remedies available in the EEO, grievance, or other processes, such as compensatory damages. Filing a report under DO #16E does not satisfy the requirements for filing an EEO complaint, negotiated grievance, or other procedure and obtaining remedies pursuant to them, nor does it delay the time limits for initiating those procedures. Thus, an employee who chooses to pursue statutory, administrative, or collective bargaining remedies for unlawful harassment must select one of the available forums as follows:

For an EEO complaint pursuant to Title 29 of the Code of Federal Regulations, part 1614 (29 CFR 1614) (available for all claims of illegal harassment other than those based on status as a parent, marital status, and political affiliation), contact an EEO counselor in the NPS's (WASO and Regions) Offices of Equal Employment Opportunity or DOI's Office of Civil Rights within 45 calendar days from the most recent incident of alleged harassment (or personnel action, if one is involved), as required in 29 CFR 1614.105(a)(1); or

For a negotiated grievance claim, file a grievance in accordance with the provisions of the applicable Collective Bargaining Agreement; or

For an administrative grievance claim, file a written grievance in accordance with the provisions of Part 370 of the Department of the Interior Manual, chapter 771 (370 DM 771), Administrative Grievance Procedures; or

For an appeal to the Office of Special Counsel (OSC) regarding claims of harassment related to marital status and political affiliation, pursuant to 5 USC 2302(b)(1) and (b)(10), file a written appeal with the OSC as described in 5 CFR 1800.1 and on <https://www.osc.gov>; or

For an appeal to the Merit Systems Protection Board pursuant to 5 CFR 1201.22, file a written appeal with the Board within 30 calendar days of the effective date of an appealable adverse action as defined in 5 CFR 1201.3, or within 30 calendar days of the date of receipt of the agency's decision, whichever is later.

Appendices

Intake Form

Acknowledgment Form

Anti-Harassment Resources for Additional Relief and Support



ALLEGED HARASSING CONDUCT INTAKE FORM



(Hard Copy Version)

Required*

Region*

Park or Office *

Harassing Conduct Based On (check all that apply) *

- Age
- Disability
- Marital Status
- National Origin
- Political Affiliation
- Race
- Religion
- Protected Activity (Reprisal / Retaliation)
- Sex (Including Pregnancy & Gender Identity) Sexual Orientation
- Unknown
- Other: (Type in the box below)

For the purpose of this specific case, describe the incident in the box below. Use additional pages as necessary*

Is the person reporting harassing conduct the witness or alleged victim?*

Witness

Alleged Victim

Witness Information Section (Part 2 of 5)

Witness Full Name*

Witness email address

Alleged Victim Information Section (Part 3 of 5)

Alleged Victim first name*

Alleged Victim last name*

Alleged Victim job location

Alleged Victim NPS job title

Alleged Victim phone number

Alleged Victim email address

Was this an isolated event or behavior?

Yes

No, there is a pattern of similar events or behaviors

Incident date 1

Incident date 2

Incident date 3

How many people are alleged to have committed harassing conduct?*

One

Two

Three or more

Alleged Harasser's first name?*

Alleged Harasser's last name?*

Alleged Harasser's job location

Alleged Harasser's NPS job title

Alleged Harasser's Supervisor's name

Alleged Harasser's Supervisor's email

Supporting resources, relief and remedies

Please provide a copy of the supporting resources, relief and remedies form to the employee reporting the harassing conduct by clicking on the link below.

<https://drive.google.com/open?id=13OamopprVSN5QLKAEHxjAfFoxP1vLxqL>

Allegation Acknowledgement & Notification of Rights

Below is a link to the “Allegation Acknowledgment & Notification of Rights and Responsibilities Form”. Please print it off for both your signature and the signature of the Victim/Witness. You are required to send a signed copy to your designated Employee Relations Specialist within one business day.

https://drive.google.com/file/d/1pSVuK7H2qZ99eGFKhV_Bfh_ALsQfrUpk/view?usp=sharing

Once completed, send this form to your respective Employee Relations Officer. See next page (Part 5) for list of Employee Relations Officers.

NPS Employee Relations Officers (Part 5 of 5)

Region / Office	Employee Relations Officer	Phone Number	Email Address
Alaska Region	Sandi Swank	970-644-3341	sandie_swank@nps.gov
Pacific Region	Amy Tien	415-623-2168	amy_tien@nps.gov
Intermountain Region	Malia Bruyneel	303-969-2749	malia_bruyneel@nps.gov
Midwest Region	Kyle Brown	330-657-2370 Ext 1	kyle_brown@nps.gov
Northeast Region	Vergil McKenzie	215-597-6107	vergil_mckenzie@nps.gov
Southeast Region	Barbara Stegall	404-507-5761	barbara_stegall@nps.gov
National Capital Region	Marlene Doty	202-619-7242	marlene_doty@nps.gov
WASO	Dave Davies	202-354-1969	dave_davies@nps.gov
US Park Police	Karlyn Payton	202-528-8467	karlyn_payton-williams@nps.gov



NATIONAL PARK SERVICE

HARASSING CONDUCT ALLEGATION ACKNOWLEDGEMENT FORM NOTIFICATION OF RIGHTS AND RESPONSIBILITIES

Employees who believe they have been subjected to harassing conduct have the right to:

1. Report the matter immediately to any NPS supervisor or management official, any employee relations specialist, or the Office of Inspector General;
2. In addition to filing a report, they also have additional avenues for individual relief and remedies and access to non-filing support options;
3. Present and pursue the allegation of harassing conduct free from restraint, interference, coercion, harassment, and reprisal;
4. Have their allegations taken seriously and handled appropriately.

Employees reporting harassing conduct have the responsibility to:

1. Fully cooperate with the presentation of information, to include scheduling of interviews or meetings, responding to correspondence, and providing requested material or information, in the processing of their allegations of harassing conduct.
2. Keep the Agency informed of their contact information.
3. Notify NPS of any questions or concerns about the Anti-Harassment Process.

I understand my rights and responsibilities. I have been given a copy of RM-16E which explains, among other things, other avenues for relief and support.

_____	_____	_____
Employee Reporting Harassment Conduct	Date	Unit

_____	_____	_____
Person taking the complaint	Date	Unit



NATIONAL PARK SERVICE

Anti-Harassment Resources for Additional Relief and Support

Additional Avenues for Relief or Remedies

DO16E is designed to stop harassing conduct that has occurred as soon as possible and to deter its occurrence in the future. However, corrective action under DO 16E does not provide the remedies (*e.g.*, compensatory damages) that may be available through the EEO, grievance, or other processes.

If you believe you have experienced harassing conduct and want to seek relief or remedies, you should know that filing a report under 16E does ***not*** satisfy the requirements for filing an EEO complaint, negotiated grievance, or other procedure and obtaining remedies pursuant to them. Nor does it delay the time limits for initiating those procedures. If you wish to pursue statutory, administrative, or collective bargaining remedies for unlawful harassment, the following avenues are available.

For an EEO complaint pursuant to 29 C.F.R. § 1614 (available for all claims of illegal harassment other than those based on status as a parent, marital status and political affiliation), contact an EEO counselor in the NPS's Equal Employment Opportunity Offices within 45 days from the most recent incident of alleged harassment (or personnel action, if one is involved), as required in 29 C.F.R. § 1614.105(a)(1).

For a negotiated grievance claim, contact your local union representative to file a grievance in accordance with the provisions of the applicable Collective Bargaining Agreement.

For an administrative grievance claim, file a written grievance in accordance with the provisions of 370 DM 771, Administrative Grievance Procedures. For more information, ask your Employee Relations Specialist.

For an appeal to the Office of Special Counsel (OSC) regarding claims of harassment related to marital status and political affiliation, pursuant to 5 U.S.C. §2302(b)(1) and (b)(10), you may file a written appeal with the OSC as described in 5 C.F.R. §1800.1 and on www.osc.gov.

For an appeal to the Merit Systems Protection Board pursuant to 5 C.F.R. § 1201.22, file a written appeal with the Board within 30 days of the effective date of an appealable adverse action as defined in 5 C.F.R. § 1201.3, or within 30 days of the date of receipt of the agency's decision, whichever is later.



NATIONAL PARK SERVICE

Anti-Harassment Resources for Additional Relief and Support

Additional Support Resources Available To Employees

Experiencing harassing conduct can be a very serious, somber, and perhaps emotional experience. Employees who have experienced harassing conduct have multiple resources available that can provide assistance and advice, including:

- Speaking with the [Ombuds](#)

Scott Deyo, 844-288-7046 (toll free), scott_deyo@contractor.nps.gov

Sigal Shoham, 844-775-7726 (toll free), sigal_shoham@ios.doi.gov

or consulting with or engaging in alternative dispute resolution procedures through a [CORE PLUS neutral](#);

Employees are encouraged to contact the Ombuds or other CORE PLUS neutrals to discuss any workplace related concerns, including those related to harassing conduct. An Ombuds is impartial, informal, and confidential resource that works independently from management's chain of command to explore and aid in the resolution of individual and systemic issues affecting an organization. Conversations with Ombuds and other CORE PLUS neutrals are confidential and informal, and provide the employee a safe place to explore options for addressing their concerns. Ombuds and CORE PLUS neutrals are not obliged to report discussions (outside of imminent risk of harm), and as a result, engaging with an Ombuds or other CORE PLUS neutral does not constitute a report under this policy.

- Engaging the services provided by the [Employee Assistance Program](#), call (800) 869-0276 or go to espyr.com, login: interioreap;
- Consulting with a union representative, if covered by a bargaining unit
- Informal networks and support available through the various [Employee Resource Groups](#)

Engaging with these resources ***does not*** constitute a report under this policy, as these entities ***do not*** have an obligation to inform management of allegations of harassing conduct.



NATIONAL PARK SERVICE

Anti-Harassment Resources for Additional Relief and Support

What you need to know about retaliation.

A manager or supervisor may not fire, demote, harass, or otherwise take any personnel action against an individual for reporting an allegation of misconduct under this policy. Retaliation might deter a reasonable person from opposing prohibited activities and discrimination, providing information about an allegation, or participating in an established complaint process. Protected activity under this policy could include reporting alleged misconduct, being a witness in an inquiry or investigation, complaint, or lawsuit, communicating with a supervisor or manager about employment discrimination or harassment, resisting sexual advances or harassing behavior from a supervisor or manager, or intervening to protect others who may have suffered discrimination. Participating in a complaint process is protected from retaliation under all circumstances.

Engaging in protected activity under this policy does not shield an employee from all personnel actions. Supervisors and managers can take personnel actions, including discipline and removal, if they are motivated by *non-retaliatory and non-discriminatory* reasons that would otherwise result in such consequences (e.g., transferring an employee for legitimate business reasons, closely monitoring the performance of an employee who is having performance issues).

The following are examples of personnel actions that would be unlawful retaliation if they were taken because of, or were motivated by, an employee's protected activity:

- Transferring the complainant or witness against his or her will;
- Ignoring or not communicating with the complainant or witness;
- Changing work assignments of the complainant or witness without a valid work-related rationale;
- Withholding work-related information from the complainant or witness;
- Disciplining the employee or giving a performance evaluation that is lower than it should be based on the employee's actual work performance;
- Engaging in verbal or physical abuse or other activities prohibited by this policy;
- Threatening to make, or actually making reports to authorities without a valid reason; and
- Increased scrutiny of work performance or conduct.