

Witness Statement before the 114th Congress, the Government Reform Committee:

Witness: Ronald Harris, EPA, Region 5, EEO Specialist.

Date: July 29th

Introduction

Good-Morning, Chairman Chaffetz, Ranking member, Cummings and other distinguished members of the committee. My name is Ronald Harris, I am an EPA employee, and specifically an EEO Specialist located in the Region 5, Chicago, Illinois Office. Thank you for inviting me to submit a statement for the record with regard to sexual harassment, discrimination and retaliation that took place in the Region 5, Chicago office by several senior EPA managers, the highest level managers within various divisions in the region. I also would like to thank my attorney, Mr. Waite Stuhl, for his tireless efforts in representing me with regard to the issues I endured in this four year battle with the agency.

Mr. Chairman, I also respectfully request the committee's indulgence and ask prior to my testimony that Regional Administrator Susan Hedman go on the record and state there will be no retaliation against any of the regional employees who submitted documents for this hearing and those that are appearing before you today.

I watched the EPA hearings titled "EPA Mismanagement," streamed on April 30, 2015 before this same committee and was literally sickened to see that the stories depicted were so similar to mine with regard to the following: (1) sexual harassment, (2) the length of the harassment, and (3) the Regional cover up about these blatant and willful discriminatory activities by management officials. After viewing the hearing, I was more determined than ever to share my experiences as it related to this similar scenario within the EPA.

Ironically, I am here before you again, as I offered testimony before the 106th Congressional Committee nearly 15 years ago. The issues that were prevalent then, are similar issues that I appear before you today to discuss.

During the opening statement of the 106th Congress, by Chairman Sensenbrenner he stated:

“Retaliating against those who speak out against the agency is not acceptable. Failing to enforce EPA disciplinary policies against those who were found to discriminate or harass is not acceptable. All of these actions send a message to EPA employees not to speak out, not to engage in public debate, and not to dissent against the agency.”

He further stated:

“The EPA managers or officials that have been found to discriminate, harass, and intimidate other EPA employees or the Public should be disciplined. This does not appear to happen”

I chose to highlight Chairman Sensenbrenner’s prior quotes to use in this opening statement today because very little has changed within the EPA management culture, Region 5 office, despite the fact that these statements were made a decade and a half ago.

This lack of change has a direct correlation to the absence of accountability. To expect change without accountability is wishful thinking at its best. The regional office has chosen to offer the reward for “going-along-to- get-along” over accountability. In Region 5, this type of managerial mentality strengthened resistance and animosity towards change because the sentiments spoken by Chairman Sensenbrenner and the 106th Congressional were viewed as oppositional.

To further illustrate this point, the over five-hundred documented pieces of evidence I provided to this Committee revealed that when I and Dr. Carolyn Bohlen (Director, Office of Civil Rights) followed Agency protocol and reported allegations of sexual harassment activity towards female interns to the EPA Washington Headquarters office.

We discovered, through our investigation as EEO officers, had been going on for at least a decade and involved more than a dozen women, we were immediately retaliated against by Mr. Bharat Mathur (Assistant Regional Director) and removed

from our positions in the Office of Civil Rights for following agency protocol and contacting HQ. .

Despite the fact that Mr. Mathur had a legal obligation to prevent discriminatory activity within Region 5, he was rewarded with a \$35,900 award approved by EPA Washington Headquarters to further supplement his \$179,000 annual salary (2011). This award given to Mr. Mathur was approved by the Region 5 Administrator, Susan Hedman, and management officials within the EPA Washington Headquarters.

Other Region 5 senior managers who were also named participants in these discriminatory cover-ups and retaliatory activities also received awards approved again by both Regional Administrator Hedman and Assistant Regional Administrator Mathur. These monetary awards should have to be repaid to the government so that the earlier statements made by Chairman Sensenbrenner and further echoed by this honorable Committee today, will send a strong message that discrimination and retaliation does not pay and there must be accountability.

Another claim that I mentioned in 2000 to the 106th Congressional Committee, Was that Region 5 and EPA lacked an agency process for dealing with managers who retaliated and discriminated against regional employees. Three years (2003) later in a U.S. GAO report to Congress entitled “ENVIRONMENTAL PROTECTION AGENCY, Continued Improvement Needed in Assessing Equal Employment Opportunity,” on page 15, stated that the “EPA has no Formal Process to Discipline Managers for Discrimination.” Further on page 16 of this same report, the GAO concluded that

“Accountability is the cornerstone of results-oriented management, Because EPA’s management set the conditions and terms of work, they should be accountable for providing fair and equitable workplaces, free of discrimination and reprisal.”

By implementing the 2003 U.S. GAO report, this Honorable Committee can send another strong message that the word “Accountability” applies to these management officials too. I believe that this is the level of reform that the American People expect from such an Honorable Committee with the power to

address these matters and implement improvements when agency management fails to do so.

The submitted record will also reflect how agency senior management officials failed on many occasions to follow its own process, procedures, statutory authorities, Ethics, and EEOC Guidance within the EEO Process. These failures came from those same officials who had the utmost responsibility to prevent discrimination. Unfortunately, the group mostly affected by these failures were young female interns, new to EPA, and female employees in the Region's Great Lakes National Program Office.

Background

On March 17, 2011, in my capacity as the region's EEO Officer, I began a fact finding inquiry into the allegations of Sexual Harassment and Hostile Work environment in the Great Lakes National Program Office (GLNPO). The alleged perpetrator was a White male management official (with well over 30 years of federal service) who had a documented history of sexually harassing women.

Dr. Bohlen, the region's Civil Rights Director and my supervisor, sent Mr. Mathur an e-mail advising him of the complaint brought to our attention, he was not in the office at this time. However, he was made aware of the allegations of these particular women several weeks prior to us informing him.

In keeping with agency protocol and timeliness of complaints processing, upon learning the status, of these employees (young interns), the duration, and the severity of their claims I contacted Mr. Ronald Ballard for additional guidance Mr. Ballard was the EPA Associate Civil Rights Director located in the EPA HQ office.

After completing the fact finding, Dr. Bohlen and I provided this factual information to Mr. Mathur at a meeting we had with him on April 4, 2011. Angered at the findings, Mr. Mathur's temper exploded in which he immediately subjected us to intimidation, office bullying, humiliation, cursing, shouting, sticking his finger in our faces, requesting that documents be backdated, and referring to the EEO process as a four letter expletive." Mr. Mathur further stated that the harassment and hostile work environment allegations were my fault. In an assaultive manner, Mr.

Mathur repeatedly slammed his fist on his desk and yelled at me, “You did this...this is your fault. Why did you contact headquarters?”

Mr. Mathur was livid that Dr. Bohlen and I initiated an immediate inquiry and fact finding into the intern’s allegations and that we had reported them to our Headquarters Office of Civil Rights as we were required to do so by EEOC Guidance and Agency Process.

I attempted to explain to Mr. Mathur, this is what we were instructed to do, when we had issues that were beyond the normal context of title VII issues. He referred to the recommendations we provided as “*Bull- (four letter expletives)!*” without even reading them.

Further, Dr. Bohlen and I discovered during the fact-finding that the sexual harassment endured by the interns included allegations of unwanted rubbing, touching on their backs, legs, arms, and shoulders. Lastly, the allegations also included uninvited sexual advances from attempts at kissing them and referring to the interns as “sexy, sweetheart, sweetie, and darling.”

What was really alarming about this entire scenario, is once the report was provided to the two most senior managers in the region, neither one of them took any steps to discipline the management officials who enabled the harassers. Mr. Stuhl put it best when he stated “Even after finding out about the numerous harassment victims, the direct reporting manager continued to feed the harasser a steady diet of young women.”

Reassignment

Within 90 days of seeking the collaborative advice and disclosing this information to Mr. Ballard in HQ, I was reassigned and constructively demoted from my position as the Regional EEO Officer to an EEO Specialist. On May 31, 2011, I was notified by Mr. Mathur with Karen Vasquez (newly appointed acting Director of the Office of Civil Rights) present that I was being removed from my position of record and reassigned to an unclassified set of duties in the Employees Services Branch, Health & Safety Office. This change was punitive and stripped me of 75% of my official duties and made me feel invisible from being banished from the region’s EEO office on the 19th floor to a remote cubicle on the 12th floor.

Feeling humiliated, saddened, depressed, and bewildered after being notified of my reassignment from a position held for over a decade, I took Leave for a two week period. Upon returning to my desk, I found an envelope dated June 6, 2011 that reads as follows:

“Ron;

We wanted you to know we heard about your reassignment last week to the Health & Safety Office. We felt bad about this reassignment because we feel like we played a major role in it by bringing the sexual harassment issue to your attention. Had you not helped us perhaps you would still be in the OCR Office. We know you did not request or need our assistance, but we talked about what we could do to help you and some of us decided to let HQ know that this reassignment was unjust and unwarranted. Please keep your head high and know you have earned the respect of the women in the GLNPO”.

Sincerely

The women in the GLNPO”

Additionally, after returning to my desk from Leave, every item related to EEO activity was removed from my computer to include; access to databases, statements, e-mails, notes, and updated statuses about EEO complaints filed. I later found out these items were removed by Ms. Vasquez, the employee Mr. Mathur chose to replace Dr. Bohlen when he removed her from the Office of Civil Rights and directed her transfer to a cubicle in another division with no duties to perform.

Despite her short tenure, Vasquez too would receive an award approved by the Regional Administrator Hedman and the Assistant Regional Administrator Mathur, Even thou shortly thereafter the EEOC found her to be a discriminating management official in a related EEO complaint indirectly related to this issue. The actions of these seniors managers has led to additional erosion of the Region 5 OCR office, an office they see as unnecessary and unwanted, this erosion continues to this very day.

Based on the evidence presented to this Honorable Committee, I submit that I was one of the victims retaliated against by management officials for providing precisely the kind of assistance required of EEO positions under the anti-discrimination statutes and the federal regulations, including those imposed upon federal agencies by the U.S. Equal Employment Opportunity Commission.

My crime, and that of my colleagues who are present before you today, was that, upon learning of possible longstanding and ongoing sexual harassment on the part of a male employee within the region against numerous women, we undertook immediate steps to investigate it; to inform headquarters of it and to stop it. For that we were punished. We had devoted our careers to the mission of the EPA. One might ask whether the harasser's manager in GLNPO to whom the victims had complained over the years to no avail was punished. He was not. To the contrary, his daughter was hired by Mr. Mathur. He has received awards. We alone were made to pay a price for our effort to address the harassment.

On July 28, 2013, with my attorney, Mr. Stuhl, we filed a complaint with the Office of Special Counsel alleging violations of 5 U.S.C 2302 (b) (8) and (b) (9) for retaliation for whistleblowing and engaging in a protected activity. The OSC has a reputation of only accepting cases that are creditable; this case was accepted On October 1, 2013 for further investigation and prosecution. (May move to end)

On November 18, 2014, with my acknowledgement, Mr. Stuhl withdrew the OSC complaint and filed a Whistleblowers claim with the Merit Systems Protection Board where the case was assigned a judge. We reached settlement with the EPA on April 3, 2015.

Conclusion:

The actions of these senior managers has led to an erosion of the Region 5 OCR office, an office they see as unnecessary and unwanted. This erosion continues this very day with the elimination of the Civil Rights Director position through a planned reorganization.

The intent of my testimony today is to offer recommendations and to act as a catalyst for this committee to work with the EEOC to hold management officials accountable to the EEO process, MD 110, and statute 1614.

In conclusion, I appear before this committee today with four recommendations with hopes for bringing about a positive change to the EPA workplace, these recommendations I now make before this committee are similar to the recommendations I also made in 2000.

First and foremost, I recommend the committee examine the roles of the Agency General Counsels with regard to allegations of title VII violations and Counsel's premature involvement in EEO Complaints. Counsel's roles is to represent the best interest of Government, and not act as individual representation to senior managers or individuals. Presently the role of region 5 counsel in EEO complaints undermines the agency policies and the federal statutes enforced by EEOC regarding EEO complaint processing.

Secondly, I recommend the creation of an Ombudsman Office in every region. EPA already uses Ombudsman in matters dealing with the public for various programs. This Office should be independent in structure, staffing, function, budget and appearance to the highest degree possible within the organization. They should also be provided the upmost authority over personnel related issues as they relate to title VII violations. This authority should provide them direct access to the Administrator and Congress. This same authority for direct access to the Administrator should not be delegated downward under any circumstances.

Thirdly, there is currently a hollowness in retaliation coverage for EEO employees across federal government, whose primary existence is to assist aggrieved employees in participating in their protected rights as mandated by the Laws of congress and the United States. This lack of protection for the employees engaging in this type of work makes them easy targets for senior managers that do not share the values of diversity and equal treatment afforded by law, as demonstrated in the actions taken against Dr. Bohlen and I by senior managers in region 5.

I would respectfully urge the committee to ask EEOC to remedy this hollowness by providing well defined penalties to federal agencies who retaliate against individuals who interfere and create barriers to the agency's and EEOC's mission to eradicate title VII violations in the workplace.

And finally, I encourage this committee to hold the agency accountable for implementing the 2003 U.S. GAO report findings and initiating a process that holds all management officials (including the SES) accountable for their actions and/or managerial inaction when violations of title VII laws occur.

By adopting these recommendations the committee can send another strong message that the word “Accountability” applies to everyone, despite their titles or positions.

I believe that this is the level of reform that the American people expect from such an Honorable Committee with the power to address these matters and implement improvements when senior agency management officials fails to do so.

Once again, I thank-you for your indulgence and allowing me to testify.

Biography for EEO Specialist Ronald Harris

Prior to beginning his career at EPA in 1986, Mr. Harris served in the U.S. Military at Fort Bragg, North Carolina where he served three years as a Material Management Accountant. After completing his active military obligations he then attended Middlesex College in Edison N.J. There he earned an AS degree in Police Science. Moving back to Chicago, he began his EPA Career in 1986 in the Region 5 Office, starting his career as a student intern, while continuing his education at DePaul University in Chicago, Illinois, majoring in Criminal Justice. In 1988, he became a full time employee with the EPA. His first assignment was a wage grade position that he held for two years. He then became a Property-Supply Specialist in the Resources Management Division. He held this position for sixteen years. Yearning to continue his personal growth, he then took a detail to the Grants Office, after this detail, he then became a Labor Relations Specialist in the Human Resources Office, where he served another year. He then became an EEO Specialist in the Office of Civil Rights in 2003, and rose to the title of EEO Officer.

As Mr. Harris experiences grew, so did his grade, eventually he rose to the grade of GS-13. While working at EPA, Mr. Harris continued his military service in the U.S. Reserves and in 1991 he was mobilized for Operation Desert Storm. His experiences as an EEO officer included providing consultation and advice to regional supervisors, managers, employees and applicants on matters related to accommodating and hiring individuals with mental and physical disabling conditions. This includes assessing disability accommodations request for regional Bargaining and Non-Bargaining employees. He served as the regional subject matter expert for disability accommodations. His additional duties include managing the Regions Affirmative Action plan. This includes identifying and taking actions designed to eliminate institutional barriers to equal opportunity, sexual harassment, and hostile working environments. Further duties include ensuring that EEO complaints are handled in a timely and appropriate manner to include the informal counseling stages and advising employees, managers, and supervisors on their roles in the EEO process. This includes overseeing eight collateral duty EEO counselors and ensuring reports are coherent and factual.

As a Labor Relations Specialist he taught; Counseled, Advised, and Provided Formal Training, Technical Advice, and Guidance to Federal Managers and Supervisors on conducting various disciplinary actions. These actions include; Drafting Warning Letters, Leave Restrictions, AWOL's, Terminations, Performance Assistance Plans (PAP's), Performance Improvement Plans (PIPS), Labor Relations Policies, Procedures and Guidelines, Prepared management negotiating teams, Investigated Grievances and Unfair Labor Practices, Facilitated Settlement Agreement language for settlements involving EEO complaints, Unfair Labor Practices, and Negotiated Grievances complaints. He also facilitated the quarterly Region 5, training program for EPA Federal Managers and Supervisors. The training consisted of issues dealing with; Merit System Principles, Avoiding EEO complaints, Handling Grievances, Whistle Blowers Laws, Union Rights under 5 U.S.C. 7114, Managers Rights under 5 U.S.C. 7106, The Americans with Disability Laws (ADA), The Rehabilitation Act of 1973, and the Family Medical Leave Act (FMLA).