

TESTIMONY OF KELLY MARTIN
BEFORE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
ON
EXAMINING MISCONDUCT AND MISMANAGEMENT AT THE NATIONAL PARK
SERVICE
September 22, 2016

Chairman Chaffetz, Ranking Member Cummings, and members of the committee, I was requested before you today to discuss my first-hand experience with employee misconduct within the National Park Service.

BACKGROUND AND INTRODUCTION

My name is Kelly Martin and I am the Chief of Fire and Aviation Management at Yosemite National Park, with over 32 years of distinguished federal service to the American public. I am responsible for overall leadership, supervision, and direction for the Wildland Fire and Aviation Management program. I have been in my current position for over ten years. Prior to Yosemite, I worked with the United States Forest Service (USFS). My testimony before you today is that of a citizen representative of many of our public land management women leaders. Much of my testimony will focus on my personal experience with misconduct over the course of my career. I am motivated by a desire to focus scrutiny on the culture that is created when leaders of our organization fail to take action and hold perpetrators accountable for their actions. It is not without note, the vast majority of individuals who have devoted their life work to public service, myself included, find working for the National Park Service an honorable and noble profession.

The recent notoriety of the sexual harassment issues that have surfaced at Grand Canyon National Park have motivated me to testify about my own experiences as a woman leader in a predominantly male dominated field that can be dismissive and disrespectful of women's contributions. Women entering any profession that is dominated by men will have the arduous task of navigating the nuances of communication and culture. There are many outstanding men in our organization that have been and continue to be significant mentors and sponsors for the support and advancement of women. When a woman enters a traditional male held position, this notation of sponsorship becomes key to our success be it formal or informal.

It is a deep, conflicted, and risky decision for me to come forward and speak up today. But I believe we are all here to bring about real change and reverse the trend in decreased morale, and increase institutional commitment, we must be willing to confront workplace culture. This is not without great risk to my career and my standing within the wildland fire community. I appreciate the opportunity you have provided for me to be the voice for many others who cannot or are unable to share their experiences due to fear of reprisal.

MY EXPERIENCE WITH SEXUAL HARASSMENT AS A FEDERAL EMPLOYEE

During a recent hearing on June 14, 2016, Chairman Chaffetz asked Director Jon Jarvis, "Why do you think more women are not coming forward claiming sexual harassment?" His response, "I don't believe it is fear, I believe it's because they believe or don't think action will be taken." Director Jarvis is absolutely right. Many women do not believe action will be taken, but fear is a greater deterrent, explaining why many women do not come forward. The supervisory response to my three sexual harassment incidents was one of minimizing my experience and attempting to resolve the situation with a mere apology from the perpetrator instead of imposing more appropriate disciplinary action.

What I am about to describe is a 30 year progression of misconduct from the beginning of my career through contemporary time. The following examples demonstrate an inappropriate and minimalistic approach by management to situations that should have been dealt with utmost seriousness.

In 1987, at 24 years of age as an interpretive park ranger with the NPS, I was stalked by a fellow employee while attending "Ranger Skills" training at Albright Training Center on the South Rim of Grand Canyon. This incident occurred outside my apartment. One morning as I entered the shower, I noticed a shadow pass by my bathroom window. An individual in a park ranger uniform stopped just shy of my window and proceeded to back up and stoop down to look directly at me through the window. I hid behind my shower curtain looking out towards the window when we both made eye contact. He knew I saw him and would be able to positively identify him.

Visibly shaken by this incident, I reported this to two supervisors at the Albright Training Center. The supervisors explained my options for reporting the incident. I could choose to say nothing and move on, file an Equal Employment Opportunity (EEO) complaint, or file a criminal complaint. The perpetrator was a South Rim Law Enforcement Park Ranger. I felt shame on how to proceed because I felt there would be backlash for reporting, and I did not want this to become public knowledge to other coworkers of mine. In the end, I decided that I did not want to be known and ostracized for filing a charge or complaint. My supervisors addressed the incident by having the perpetrator apologize to me. In a private meeting with the two supervisors as witnesses, the perpetrator apologized to me; assured me that this had never happened before and that this would never happen again. Believing his story, I accepted the apology and moved on. Years later, I discovered that the NPS was conducting an active investigation into this ranger. As it turns out, other women had reported being stalked by this Peeping Tom. I do not know all of the facts surrounding the perpetrator, but I understand this individual continued to be employed by the National Park Service after 1987 but was repeatedly caught engaging in voyeuristic behavior, all the while receiving promotions around the agency until his recent retirement as a Deputy Superintendent.

During my four-year tenure at Grand Canyon, I experienced yet, another aggressive and unwelcomed advance from a male superior that worked for the US Forest Service while I was employed by the NPS. The perpetrator took photos of me and kept them above his sun visor in his government vehicle. One day I was alone in my National Park Service office when he stopped by. He

was brazen enough to push me up against the wall to try and kiss me. I physically pushed him away and made him leave my office. I made this incident known to a close friend of mine who confronted him at his US Forest Service office the next day. I did not report this to management, again fearing there were no witnesses and it would be his word against mine, and that no action would likely come of it, very similar to my previous incident. When the perpetrator applied for a supervisory job in my chain of command, I informed the Deputy Superintendent of the sexual harassment incident. Fortunately, the perpetrator was not selected for the position. Feeling unsafe in my work environment at Grand Canyon, I decided to leave the NPS. I took a job in Idaho with the United States Forest Service in 1990.

My third sexual harassment incident occurred when I was working for the US Forest Service. During a work-sponsored meeting held at a private home with several other Forest Service employees in attendance, one of my superiors ran his fingers through my hair while I was sitting next to him on a crowded couch. The following day I discussed the incident with my immediate supervisor. Within a couple of weeks, I received yet another apology from the perpetrator. When I brought this to the attention of Forest level senior leaders, his first comment to me was "Well, it's your word against his". I was confounded by his reply. I was convinced at this point in my career that if I were to stay in federal service I would have to figure out how to navigate ubiquitous harassing and hostile work environments as a way of self-survival and preservation. I refused to let these incidents deter me from my career aspirations.

These three incidents show a clear failure on management's response to take action to investigate and advocate on a victim's behalf. Incidents such as these lead to an atmosphere that discourages women from making complaints which in turn breeds a culture that is tolerant of harassment and misconduct. The burden should be placed on management and the supervisors to investigate and take appropriate action, whenever they are aware of misconduct. The burden should not rest entirely on women who have been victimized. Unfortunately, at present, when women feel victimized their only option is to slog through the EEO system at a great professional, personal, financial and emotional expense.

The current Grand Canyon sexual harassment case and several other recent, notable disturbing instances of sexual harassment within the NPS and our larger wildland fire community, along with tolerating hostile work environments, have had a chilling effect on me, that I feel I can no longer remain silent. I along with many other women have struggled through great challenges to reach positions of top leadership posts in the National Park Service. Having to navigate and tolerate harassing, hostile environments should never be part of our challenges.

As women, many of us feel shame and fear of coming forward to report misconduct and cannot bring ourselves to be the ones who have the difficult and painful task of speaking up about this type of serious allegation. This latest round of misconduct in the NPS has created another surge of bravery empowering women and men to come forward to shine a light on behavior that is toxic to a healthy work environment.

HOSTILE WORK ENVIRONMENT CLAIMS AND SUBSEQUENT OFFICE OF INSPECTOR GENERAL INVESTIGATION AT YOSEMITE NATIONAL PARK

Given the recent claims of harassment and workplace complaints in the NPS, dozens of employees felt compelled to share their experiences about what they feel is a hostile work environment at Yosemite National Park. If the statements of employees claiming they have been subject to a hostile work environment are dismissed, the system, culture and morale of the NPS will continue to degrade. Some employees have left Yosemite National Park or the National Park Service altogether due to the current work environment where belittling, favoritism, and public questioning of one's professional credibility is pervasive. In August of this year, an expedited inquiry (EI) was initiated to determine whether there was a basis for the EEO complaints. Some employees chose not to come forward for fear of retaliation; however it is my understanding from support and park friends groups that many did come forward and that they provided written and oral statements to investigators. The EI has been completed and a report has been compiled. I invite all of you to locate this report and further look into extensive allegations of workplace harassment in Yosemite National Park.

As you may know, there is a follow-up investigation by the Office of Inspector General (OIG) based on statements received during the expedited inquiry. It is unknown what action will be taken, but I would say that some people are concerned that the OIG may not be the appropriate body to handle the sensitivity and nuances of a hostile work environment complaint. Some individuals who met with the OIG confided in me that during their interview they felt their concerns were not being taken seriously and that they were being blamed for not resolving the hostile work environment. Hostile work environments are not clear-cut right and wrong issues such as fraud, waste, and abuse. More often they involve a pattern of behaviors and actions over time leading to the degradation of professional worth and the decline of morale aggravated by micro aggression behavior patterns that can sometimes span years.

In Yosemite National Park today, dozens of people, the majority of whom are women, are being bullied, belittled, disenfranchised and marginalized from their roles as dedicated professionals. In reading the EI report, you are likely to find accounts of women (and men) being publicly humiliated by the superintendent, intimidated in front of colleagues, and are having their professional credibility and integrity minimized or questioned. NPS employees, both women and men want to be, and should be, treated as valued, respected employees who are providing the American public with their best efforts to ensure the protection and preservation of our most treasured national parks. But under the present park management, employees who witness or are subject to harassment and hostile environments who come forward with substantial, credible grievances through an EI process and subsequent OIG investigation fear their experiences will again be minimized and dismissed by leadership. It is my hope here today that our NPS Leadership recognizes and affirms that further action and reforms are needed.

Situations that create a hostile work environment will vary by individual and circumstances. My professional experience here at Yosemite has been one of implicit gender bias that has manifested itself in self-doubt about my professional competency, accomplishments and qualifications. The following is an account of events I experienced as humiliating and outwardly hostile disregard of my leadership role as the Chief of Fire and Aviation Management at Yosemite National Park.

Tuesday, August 16th 2013: While I was out of the park on a fire assignment, the Rim Fire starts on National Forest lands, 10 miles outside of the park and no threat to the park at this point. Yosemite Deputy Fire Chief (one of my direct reports) is assigned to the incident and he becomes committed to fill the role as the Deputy Incident Commander and relieved of official Park duties. This fire would soon become the largest fire in the history of Yosemite gaining significant political and social attention.

Wednesday August 21, 2013: I place a phone call to my supervisor, the Chief Ranger, letting him know I would be returning on Saturday, August 24th and available to assume my park duties and to act as the Agency Administrator Representative for the Rim Fire; a role I have filled competently many times throughout my career.

Thursday August 22nd, 2013: Rim Fire enters the park. Yosemite National Park and the US Forest Service jointly provide a briefing to the incoming Type 1 incident management team. The Yosemite Deputy Fire Chief, previously assigned as the Agency Administrator Representative for the park, is relieved of the role of Deputy Incident Commander and becomes an Incident Commander Type 1 trainee.

Friday, August 23rd, 2013: 11,000 acres now burning in the park; I am released from the external fire assignment to return to Yosemite assuming I would affirm my role as Agency Administrator Representative acting as a liaison between the Incident Management Team and the Executive Leadership Team of the Park. Instead, a Delegation of Authority is signed by the Yosemite Superintendent and USFS Forest Supervisor providing direction to the incoming Incident Management Team and assigns my Deputy Fire Chief as the Agency Administrative Representative. I verbally inform my supervisor, the Chief Ranger and the Yosemite Superintendent that I can fulfill my role as the Agency Administrator Representative while my Deputy Fire Chief assumes the role of Type 1 Incident Commander trainee. My request to balance the duties between my Deputy Fire Chief and myself was denied. The Deputy Fire Chief was retained to fill both roles.

Tuesday, August 28th, 2013: With no official assigned duties for the Rim incident, I participated in the Yarnell Hill Investigation Team as a Subject Matter Expert in Boise, ID for 2 days.

Wednesday, September 4th, 2013: As a part of the transition with a new Incident Management Team, I was finally assigned the duties of Agency Administrator Representative. The Rim Fire is now 80% contained.

This particular incident is noteworthy for the doubt it casts with park employees, the incident management team, our interagency partners and my staff as to whether or not I had the competency, skills and ability to assume the basic duties and responsibilities of my job for a complex wildfire incident. This example of gender bias became the marker point in time for me where I felt publicly humiliated for not being able to fulfill my obligation as the Fire Chief for Yosemite National Park. Our entire fire staff performed at the top of their professional career during this incident and I am extremely proud and grateful for their work.

This casting of doubt by leaders in our organization is pervasive and humiliating. The Superintendent continues to communicate more directly with males on my staff than with me on matters pertaining to Yosemite Fire and Aviation Management. This pattern of behavior is highly unusual in a government organization that has a military-like chain of command and corresponding reporting protocol. Coming up through the rank and file to gain the respect and trust of my staff is particularly challenging for a woman in my position and has led to unnecessary distrust and ostracizing.

Other instances of marginalizing my professional credibility:

June 3rd, 2015: It was brought to my attention by our Regional Office that the Yosemite Fire Program was the subject of a NBC Nightly News interview. As the Fire Chief of the park, I made a request through my supervisor via email to participate in the NBC Nightly News interview about Yosemite National Park fire program. The superintendent made the decision to dismiss me from this interview; the only explanation I was given is I needed more experience.

January 11, - May 2016: Over my tenure at Yosemite, I worked diligently on the contentious Yosemite Fire Management Plan/Environmental Impact Statement revision. In January 2016, I was detailed to the Department of the Interior, Office of Wildland Fire in Boise and DC. This revision effort started in earnest after the Rim fire of 2013, in which 70,000 acres were affected by fire. I was close to finalizing the document that would allow more fire on the landscape in areas previously limited to prescribed fire. During my detail assignment to DC, the superintendent brought in a volunteer to assist with the plan's revision and made the decision to return to the original document direction and only complete terminology changes. There was no communication with me regarding this decision. This decision discounted and discredited 3 years of devoted work. After I returned to the park from my assignment in DC, I once again resumed my original efforts to revise our Fire Management Plan. What felt like a deliberate decision to discredit my work, and exclude me from information, a conference call was made to the regional compliance specialist to discuss next steps. Unfortunately, two key people were left out of this direction and decision-making, the Acting Chief of Planning and myself.

Respecting my chain of command, I brought these situations to the attention of my supervisor on numerous occasions, specifically during performance reviews, respectfully requesting the Superintendent work directly with me on matters that pertain to the operations and direction of the fire program. Subverting my counsel and advice has eroded my credibility as a career fire professional. My peers here at Yosemite have also witnessed this behavior of the superintendent communicating directly with my staff and dismissing my leadership. I am left to wonder why he would bypass me and go direct to my staff for matters that pertains to the leadership of the Fire and Aviation program unless he does not trust my credibility. Feeling demoralized, with no resolution, I began to consider leaving the NPS and have given strong consideration to retirement.

The sad irony of these current investigations is the expedited inquiry and the OIG investigations and subsequent reports were all **conducted by men**. This has not gone unnoticed in a situation where women have been most affected by a hostile work environment. We should take additional steps to ensure fair and impartial investigations that include women as part of the investigative and

report writing team. On behalf of the dozens of women who came forward with their stories of the hostile work environment in Yosemite, we are hopeful this EI investigation will bring about a stronger, more inclusive work environment for current and future women leaders.

NEED FOR CULTURE CHANGE AND REFORMS IN THE NATIONAL PARK SERVICE

One needs to look no further than the Best Places to Work in the Federal Government where the National Park Service has slipped into the lower 25% quartile for the Best Places to Work (<http://bestplacestowork.org/BPTW/rankings/overall/sub>). Reforms should include how we affirm our core values to promote honesty, integrity and accountability within our agency and as employees in our park units. Without persistent attention our current issues, efforts could be soon forgotten with a change in administration this coming year. This should become a major priority as we carry out our core mission and exhibit those values in a renewed effort to reverse this trend and put forth human and fiscal capital as we did with our Centennial celebration.

Another example of positive change is the fact that the Pacific West Regional Director took immediate action upon learning there were concerns at Yosemite National Park. She continues to manage this evolving situation in a manner that demonstrates her true commitment to a positive organizational change.

With all of us coming together in a positive way, we hope for better understanding of the presence of gender bias or harassment in our workforce. Women know what gender bias feels like when it happens to us but the bigger hurdle is to be able to communicate the behavior patterns that lead to biases and how they should be addressed in our work units. Herein lies the conflict for so many. Women and men have different values, communications styles and motivation for the conservation work we are all so deeply committed to.

1999 Women in Law Enforcement Taskforce: Our hope is we will dust off previous reports such as the Women in Law Enforcement Taskforce and reinvigorate the findings and action items. It is highly likely the issues that were identified 17 years ago are very similar to the issues we continue to face today. The time is now to take real action. Providing additional online training with Preventing Sexual Harassment in the workplace as the NPS has recently done (likely a legal requirement) to address recent incidents provides an obligatory response and gives the appearance we are doing something until the pressure of actually doing something goes away. Compelled trainings trigger a response that breeds resentment from men who are not part of the problem and does little in the way of engaging employees in meaningful conversations. This type of tactic does little to engage employees, supervisors, and leaders to openly discuss the deeper issues such as behaviors patterns which lead to implicit bias and discrimination; left unchecked, or worse yet, bear silent witness to misconduct, often lead to egregious, notorious behavior.

Gender and Racial Parity in our Parks, Regional and National Offices: The NPS Director recently appointed a Senior Executive Service woman to oversee one of the most iconic parks of the National Park Service. This is an excellent step forward and sends a positive message that women have the capability and capacity to be instrumental leaders of change in the NPS. A

harder leap forward is to ensure broader equity in the powerful ranks of programs such as fire and law enforcement to ensure women also have an opportunity to hold the top ranks in traditionally male dominated positions. The gender and racial equity of women and men in these non-traditional career tracks are significantly under represented. Further research and long term monitoring of parity trends will be needed.

The crown jewels of the NPS heavily favor men in the most powerful positions of Superintendents and Deputy Superintendents, Fire (Fire Management Officers and Supervisors), and Law Enforcement (Chief Rangers and District Rangers). Women appear to be occupying an increasing number of top posts as Regional Directors, Superintendents and Deputies, but they are still few and far between in the most prestigious parks. When women achieve top posts, it's as if we are captivated by our progress when one finally 'makes the top post'. We become complacent for the advancement of women as it gives us pause to rest on our laurels for a while until the next big sensation sweeps the media and we start all over again. We should endeavor to ensure there is always a competent pipeline of women to succeed us. I am afraid we are backsliding with gender equity not just in the NPS but with our sister land management agencies as well.

Most women I know normalize gender bias and discrimination in an effort to aspire to these top posts. Some women get so worn down; they give up on their career ambitions. Others find their own personal way to cope with the pervasive biases in our culture, in hopes of someday gaining the credibility for their outstanding work. My hope for the future women aspiring to these top posts is to assure them that obstacles to their career advancement, such as harassment and discrimination, has been identified and proactive action is taken by our agencies to enhance, not thwart, opportunities for them. Ensuring qualified women occupy positions of power, especially in key parks, is a part of the solution to institutionalized issues with discrimination, bias, and harassment.

An interesting complexity to this issue for the land management agencies is that key positions can be held by individuals for extended periods of times, creating what some call fiefdoms. Superintendents, for example, can hold substantial power over iconic American institutions. Individuals that remain in a position for an extended period of time, without some kind of transition or oversight, may create a cult of personality in how the institution is managed incubating misconduct over a long period of time. This vulnerability is particularly the case in coveted locations and positions like Yosemite, Grand Canyon and Yellowstone National Parks.

CURRENT NPS INITIATIVES

NPS Women's Employee Resource Group, Washington, DC: Positive steps are currently underway to address deep-seated gender issues in the National Park Service. Our National leadership team in Washington, DC has developed this group within the last six months. I am participating as one of the inaugural members of this group along with several other women from across the country. It is our hope that men will decide to join in this effort as well. We are in the process of finalizing the charter and developing committees that are relevant to current events such as sexual harassment, gender discrimination, succession planning and executive development.

NPS Fire Management Leadership Board, Boise ID: Our National Fire Management Leadership Board is committed to identifying barriers to the advancement of women in the wildland fire ranks. Unfortunately, it is becoming increasingly more difficult to find women and minorities in our hiring pipeline to fill our senior level positions. Empirical evidence suggests women are significantly underrepresented in our top fire management leadership positions in the National Park Service. The following key areas need to be part of a comprehensive plan to increase parity in our ranks: **Recruitment** efforts aimed at high school seniors and colleges; **Hiring** practices that increase our opportunities to provide more gender/racial parity at the entry level firefighter; **Retention** of top talented women and minorities after entering a career in wildland fire management remains elusive and unknown. If a similar survey was conducted for women in fire as was completed for women in law enforcement years ago, there will likely be striking significant parallels to be drawn between the two groups of women. Women in the early stages of their career are particularly vulnerable to hostile work environments, which oftentimes remain unreported. **Leave of Absence** develop policy which would allow women the ability to take a leave of absence to care for young children and return to the workforce with no punitive effect to their retirement and/or ability to reenter the workforce. This is yet another area needing significant action to increase our gender diversity in the National Park Service.

As egregious and painful as these misconduct events have been for me and for others recently, they are part of a larger narrative of tolerance and acceptance of a harassment and should stand as stark reminders to the women and men of the NPS that this type of insidious behavior should never again be tolerated and culturally accepted. This means we need to be brave in taking clear, actionable disciplinary steps when acts of misconduct are identified. When women and men at all ranks in the NPS can communicate openly with our senior leaders, even about the most difficult topics, only then will the NPS make strides toward becoming a culture of equity, fairness, and inclusion.

CONCLUSION

I am proud to be an employee of the National Park Service as well as a public servant to the American people. Everyday I find great meaning and personal fulfillment in the conservation of public land management; it truly speaks to the core of who I am as a person. The National Park Service has some of the most committed and talented people you will ever meet in public service. We are not without our shortcomings, and contrary to the Director's previous testimony, women and other employees in the National Park Service ARE still afraid to speak up, for fear of reprisal. But with steadfast resolve to work together and confront the serious and subtle misconduct issues we currently face, we will set a north star for culture change for the next generation of National Park Service employees.

Mr. Chairman, Ranking Member Cummings, and members of the committee, this completes my testimony. I am happy to answer questions you may have.

Kelly Martin
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Kelly Martin began her career with the National Park Service in 1984 as a co-op student. She began her position as a Park ranger at the Apostle Islands National Lakeshore in Bayfield Wisconsin while also attending Northland College in Ashland Wisconsin, obtaining her Bachelor's degree in Outdoor Education in 1986. Kelly currently serves as the Chief of Fire and Aviation Management at Yosemite National Park.

During Kelly's 32 year career, she has worked for the National Park Service and the United States Forest Service in 6 different states; WI, AZ, ID, UT, NV, CA.

Ms. Martin is active on one of the National Interagency Incident Management Team in Operations. She is also an active member of the Interagency Wildland Fire community providing leadership for National wildland fire training courses.

Kelly has been in a Supervisory Fire Management position for over 20 years. Personal and professional career development of her employees is her greatest value in an effort for them realize their highest potential.