



U.S. Department
of Transportation

Federal Highway
Administration

Memorandum

Subject: **INFORMATION:** Anti-Harassment
Coordination Process

Date: DEC 17 2019

From: *Thomas D. Everett*
Thomas Everett
Executive Director

In Reply Refer To:
HCR-10

To: Associate Administrators
Chief Counsel
Chief Financial Officer
Director, Innovative Program Delivery
Directors of Field Services
Federal Lands Highway Division Engineers
Director of Technical Services
Division Administrators
Assistant Division Administrators

The Federal Highway Administration (FHWA) supports the rights of all its employees to work in an environment that is free from all forms of harassment. As the Executive Director, I am committed to maintaining an environment that encourages and fosters respect for individual values and appropriate conduct among all employees.

The FHWA must maintain an environment free from unlawful harassment. Harassment has no place at FHWA, and the agency's Anti-Harassment Process establishes parameters with the goal of preventing and eliminating such conduct. Harassment prohibited includes but is not limited to any verbal or physical conduct that is unwelcome, humiliating, or demonstrates hostility or aversion toward a person based on race, color, religion, national origin, age (40 and over), sex (including gender identity, sexual orientation, or pregnancy), disability, genetic information, or reprisal (retaliation) for prior Equal Employment Opportunity (EEO) activity. It is behavior that creates an intimidating, hostile, or offensive work environment and interferes with work performance or otherwise alters the terms and conditions of employment. Harassment can occur not only by a supervisor to an employee, but by an employee to a supervisor or by one coworker to another.

In addition to understanding what harassment is, it is also important to understand what it is not. Harassment should be distinguished from management's legitimate efforts to supervise their employee's time, attendance, telework, conduct and work performance; negative feedback or action from management on these topics, while sometimes unpleasant for the employee, is not necessarily harassment. An occasional misunderstanding between employee because of individual or group difference in how they communicate also is not necessarily harassment.

It is the responsibility of all employees to immediately report possible incidents of harassment to one of the following: supervisor, management official, FHWA Anti-Harassment Coordinator, HR's Employee Relations Division, or the Internal EEO Program Manager. Employees who make a good faith report of harassing conduct or who assist in any inquiry regarding such a report are protected from retaliation, which is not tolerated at FHWA. Reports of harassment are confidential to the extent possible without impeding an investigation into such allegations.

The FHWA Office of Civil Rights is authorized to coordinate the investigation and remediation of allegations of any type of harassment in or relating to the FHWA workplace, and to ensure accountability of FHWA in addressing harassment. The individual bringing the allegation against a FHWA employee may be another FHWA employee, a contractor, an employee of FHWA partners (such as State DOT employees or other DOT modes), or an applicant for employment. The allegation can be raised no matter whether the individual is subordinate to, supervises, or is a peer or partner of the individual being accused. The process, including the remedies available, will vary based on differences in the employee status of the individual making the allegation and the individual accused of harassment. Based on the specific parameters of our anti-harassment program, some allegations will not be eligible for this process.

I encourage all FHWA employees to review the FHWA Anti-Harassment Process so that we can all do our part in cultivating a work environment free of harassment, where every FHWA employee can be fully engaged, respected and valued.

For further information about FHWA Anti-Harassment Process and for technical assistance, contact the Office of Civil Rights:

- Pamela McCormick, Anti-Harassment Coordinator at 202-366-1607 (pamela.mccormick@dot.gov)
- Tanya Emam, Operations Team Leader at 202-366-3493 (tanya.emam@dot.gov)