



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 26 2017

The Honorable Bruce Westerman
Chairman, House Natural Resources
Subcommittee on Oversight and Investigations
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are responses to the question received by Mr. Daniel Jorjani, Principal Deputy Solicitor, following his June 28, 2017, appearance before your Subcommittee at a hearing "Examining Policy Impacts of Excessive Litigation Against the Department of the Interior."

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional
and Legislative Affairs

Enclosure

cc: The Honorable A. Donald McEachin
Ranking Member

Questions from Rep. McEachin

1. Deeply troubling cases of sexual harassment at the Park Service have come to light in recent years. The previous administration at the Department of the Interior left a transition briefing book which revealed that the high profile sexual harassment cases at the Park Service have spurred about 120 new sexual harassment and related reprisal allegations at the Department of the Interior that need to be resolved. The brief went on to say “Because the Employment and Labor Law Unit’s existing resources were inadequate to manage and litigate these cases, as well as to undertake efforts necessary to ensure such cases do not recur in the future, the ?Division of General Law requested client funding to hire six new experienced employment and labor law attorneys ...” These attorneys don’t just litigate cases; they also provide guidance to supervisors who have to investigate allegations themselves. When I checked three weeks ago to see whether the attorneys were hired, I learned that all six had not been hired; Secretary Zinke’s hiring freeze prevented the rest from moving forward.

- a. Have you been briefed on the sexual harassment issue at NPS as well as the rest of the Department? When were you briefed? Who briefed you?
- b. Have you read the brief from the previous administration?
- c. Have you taken any action(s) recommended in the brief? If yes, what actions have you taken?
- d. At the time of the writing of the briefing transition book, there was a backlog of approximately 120 potential sexual harassment cases that awaited action from the Department of the Solicitor’s Office. What is the size of that backlog now? When you expect the backlog to be eliminated?
- e. Of the six attorneys, how many have you hired? Of those, please list their first day of work.
- f. Have you requested of the Secretary that he hire some or all of these attorneys? What response did you get and from whom?
- g. Have you discussed with your staff the need to fill these positions?
- h. Have you proposed making an exception to the hiring freeze to fill the six attorney positions that were recommended in the brief?
- i. Has Secretary Zinke instructed you to treat sexual harassment as a high priority in the Office of the Solicitor? If so, when?
- j. If the Office of the Solicitor does not hire all 6 attorneys, what is the plan for addressing the backlog of potential sexual harassment cases?

Committee on Natural Resources
Subcommittee on Oversight and Investigations
Hearing on Impacts of Excessive Litigation
June 28, 2017

Response: Secretary Zinke said at his confirmation hearing that he takes issues of sexual assault and harassment seriously and that there will be zero tolerance for it at the Department under his leadership. The entire transition team was briefed on these allegations, and we continue to monitor the progress of the National Park Service's implementation of a variety of initiatives to address these issues. To date, the NPS has:

- Hired a Sexual Harassment Prevention and Response Coordinator to help develop and coordinate a strategic response and began tracking statistics related to employee misconduct;
- Realigned the NPS Equal Employment Opportunity Office to report to the Director of the NPS;
- Implemented online sexual harassment awareness training for employees and issued a Harassment Prevalence Survey, in which almost 50 percent of employees responded. That survey will be given to the seasonal workforce this summer. The survey results will provide information about the extent and nature of the problem and will inform design of additional anti-harassment initiatives.
- Trained 24 employees to instruct *Civil Treatment for Leaders*®, which seeks to prevent harassment and improve civility in the NPS. All supervisory employees are required to take the four hour in-person training in 2017 and 2018.
- Established the NPS Ombuds program, which explores the confidential resolution of workforce problems. The Ombuds will visit 24 parks, park clusters, or regional offices to gather input and feedback by the end of 2017.

In addition, a culture change team with representatives from the Equal Employment Opportunity Program, the NPS Office of Relevancy, Diversity and Inclusion, and field representatives are assessing structural issues related to information sharing, communication, trust, employee support resources and training, and policies and procedures for reporting, tracking, investigating and disciplining harassment are being revised to ensure transparency and accountability. In the Solicitor's Office, the Employment Law and Litigation Group has in the past six months increased its staffing and we continue to closely monitor the Group's caseload to ensure that the Department's legal needs are met and that managers have the tools and support they need to create a positive work environment free from discrimination and harassment.