



U.S. Department
of Transportation

**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION:** Federal Highway
Administration Anti-Harassment Policy
Statement

Date: October 10, 2017

From: Brandye L. Hendrickson
Acting Administrator

In Reply Refer To:
HCR-20

To: Associate Administrators
Chief Counsel
Chief Innovation Officer
Chief Financial Officer
Chief Technical Services Officer
Directors of Field Services
Federal Lands Highway Divisions
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 Acting Administrator, 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 this policy strives to prevent and eliminate such conduct. Harassment prohibited by this policy 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 employees because of individual or group differences in how they communicate also is not necessarily harassment.

The FHWA continues its commitment to foster an environment where employees report any incidents of harassment without reservation. The FHWA maintains its commitment to investigate and resolve credible reports of harassment in a fair and prompt manner. All employees who experience or witness workplace harassment are encouraged to notify their first-line or second-line supervisor, the offending person's supervisor, the Anti-Harassment Coordinator in the Office of Civil Rights, or the Employee Relations team.

The FHWA's commitment to evaluate and address credible reports of harassment and retaliation is in addition to, and complements other statutory complaint processes that also cover harassment, such as the EEO complaint process and the laws protecting whistleblowers. The FHWA Ombudsman and the Employee Relations team can advise of the options available, some of which have deadlines that apply. For instance, in addition to reporting harassment or retaliation through the management chain and designated offices as described above, employees may file a Grievance under the Department's Administrative Grievance Procedure, <http://staffnet.fhwa.dot.gov/hr/regulations/handbook/docs/GrievanceProcedures.pdf>, within 15 days of the alleged harassment or retaliation. To initiate the EEO complaint process, an employee must contact an EEO counselor within 45 days of the alleged harassment or retaliation.

I will apply this policy equally among all FHWA employees, and I will hold managers and supervisors accountable for maintaining a work atmosphere free of harassment. All managers and supervisors should monitor the workplace to prevent unlawful harassment. When managers and supervisors become aware of incidents involving any type of harassment, they must take timely and appropriate corrective action to enforce this policy.

I strongly affirm my commitment to cultivating a work environment free of harassment, where every FHWA employee can be fully engaged, respected, and valued.

For further information about FHWA policy on anti-harassment and for technical assistance, contact the Anti-Harassment Coordinator, Pamela Woodruff at pamela.woodruff@dot.gov or the Associate Administrator for Civil Rights, Irene Rico at irene.rico@dot.gov.