

# **Manager's Guide to Understanding, Investigating, and Preventing Harassment**

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# Understanding Harassment

## Purpose of This Guide

This guide provides you — the manager, postmaster, or supervisor — with:

- A definition and examples of workplace harassment, including harassment that is illegal under federal discrimination laws.
- Information on costs and effects of harassment in the workplace.
- Investigative action you must take when you receive allegations of harassment or become aware of harassing behavior.
- Action you must take to stop any harassing behavior found in your inquiry
- The follow-up and appropriate corrective actions you must take.
- Tools to identify and prevent harassment in the workplace.

## Definition of Harassment

The term *harassment* is commonly used by the public and is defined by law. In general, harassment is unwelcome behavior directed at an individual, which the individual finds offensive and harmful, and that a reasonable person would consider intimidating, hostile, or abusive.

Workplace harassment includes personal interactions characterized by bullying behaviors, personal attacks, acts of intimidation or threats, and behavior that may humiliate, embarrass, and belittle others. Harassment can take the form of verbal comments, actions, gestures, and displays. The offensive behavior could be a one-time occurrence, or it may occur often, over a period of time.

Illegal workplace harassment is harassment based on one or more of the bases protected by federal antidiscrimination laws, including Title VII of the Civil Rights Act, the Rehabilitation Act, and the Age Discrimination in Employment Act. These federal laws prohibit discrimination, which includes harassment based on race, color, religion, national origin, sex (including pregnancy, sexual orientation, and gender identity including transgender status), age (40+), physical or mental disability, and genetic information. Postal policy also prohibits harassment based on political affiliation, marital status, status as a parent, and past, present, or future military service. For example, sexual harassment is a type of harassment based on sex and is, therefore, prohibited by federal law. These laws also prohibit retaliation for participating in EEO activity.

To make you aware of the potential legal liability of the Postal Service for the behavior of its employees, the definition of illegal harassment under federal law and Equal Employment Opportunity Commission (EEOC) regulations and guidance is defined more fully on page 4. Be aware that Postal Service policy requires managers, supervisors, and postmasters to follow the procedures outlined in this publication. They must investigate, stop, and correct all forms of harassment and inappropriate behavior they become aware of — whether or not the behavior is illegal under federal law.

Be sure to read the *Postal Service Policy on Workplace Harassment*, which is available on the Postal Service *PolicyNet* website:

- Go to <http://blue.usps.gov>.
- In the left-hand column, under “Essential Links”, click *PolicyNet*.
- Click *MOPs*.
- The direct URL for the Postal Service *PolicyNet* website is <http://blue.usps.gov/cpim>.

# Steps for Managers to Address Workplace Harassment

1 Respond Promptly	2 Obtain Information	3 Begin IMIP	4 Evaluate Information	5 Plan of Action	6 Follow Up
<p>If approached with a harassment complaint or situation, schedule a meeting in a private location.</p> <p>It is your and/or local management's responsibility to conduct Steps 1 and 2 of the Initial Management Inquiry process (IMIP).</p> <p>Schedule the meeting as soon as possible, but no later than 10 days from when the harassment was reported.</p> <p>Contact Labor Relations (LR) and request the Steps 1 and 2 intake form or use the form at the end of this publication.</p> <p>Review relevant:</p> <ul style="list-style-type: none"> <li>■ Information.</li> <li>■ Policies.</li> <li>■ Procedures.</li> </ul> <p>Listen objectively.</p> <p>Advise on:</p> <ul style="list-style-type: none"> <li>■ Confidentiality.</li> <li>■ Responsibility.</li> <li>■ Rights.</li> </ul> <p>Address the sensitivity of the situation during inquiry.</p>	<p>Define:</p> <ul style="list-style-type: none"> <li>■ Issue.</li> <li>■ Nature.</li> <li>■ Scope.</li> </ul> <p>Consider:</p> <ul style="list-style-type: none"> <li>■ Safety issues.</li> <li>■ Reporting structure.</li> </ul> <p>Communicate Employee Assistance Program (EAP) and Equal Employment Opportunity (EEO) options.</p> <p>Inform and confer with Manager, Labor Relations (LR), local district or area office (for Headquarters (HQ) and HQ field units, Manager, HR HQ).</p> <p>Discuss remedies and attempt to resolve the issue.</p> <p>If resolved, complete Steps 1 and 2 intake form and email to Manager LR and keep a copy for your records.</p> <p>If you are unable to resolve the issue, complete the intake form and email to Manager, LR and keep a copy for your records.</p> <p>The Manager LR will determine if an IMIP is warranted and make an entry into the Workplace Environment Tracking System (WETS).</p>	<p>An IMIP must be conducted by a trained employee who has a documented record of completing required Rapid Response to Harassment training or the advanced instructor led IMIP course in their training record.</p> <p>Gather IMIP forms.</p> <p>Arrange separate interviews for all parties involved.</p> <p>Advise on IMIP process.</p> <p>Gather detailed data.</p> <p>Request but do not require a written statement.</p> <p>Establish timelines for follow-up.</p> <p>Review checklist on page 23.</p> <p>If, in the course of this IMIP, you believe that the nature and scope of the complaint warrants outside investigation or that resolution is not feasible, you must refer the complaint to Manager, LR, local district or area office (for HQ and HQ field units, Manager, HR HQ).</p> <p>When the IMIP is completed and the report is written using the IMIP report template, the IMIP report and documents will be sent to the Manager LR, local district or area office (for HQ and HQ field units, Manager, HR HQ).</p>	<p>After receipt of the IMIP, the Manager LR will do the following:</p> <p>Assess credibility of statements.</p> <p>Determine if more information should be gathered.</p> <p>Identify the type of harassment discussed.</p> <p>Evaluate employment status change.</p> <p>Consult with the immediate supervisor(s) of the alleged harasser and harasser to develop a plan of action and determine the appropriate remedy which may include disciplinary action. They may consult with the Law Department.</p> <p>If criminal action has occurred, notify the Postal Inspection Service and local law enforcement.</p> <p>Report to the Office of the Inspector General (OIG) any use of electronic devices, computer, or Internet to transmit harassing communications.</p>	<p>Once the plan of action is determined, the Manager LR will send the appropriate IMIP closeout letter to the immediate supervisor(s) (for HQ and HQ field units, Manager, HR HQ).</p> <p>The immediate supervisor will deliver the determination separately to harasser and harassee.</p> <p>Emphasize:</p> <ul style="list-style-type: none"> <li>■ Retaliation is illegal.</li> <li>■ Report future incidents.</li> </ul> <p>Resolve issues.</p> <p>Complete and certify actions taken and send the IMIP closeout letter to the Manager, LR.</p> <p>The Manager, LR or Manager HR HQ will add the closeout letter to the report and file the report in a secure file and retain it for 4 years.</p> <p>The Manager, LR, or HR HQ will ensure the completed inquiry is entered into the Workplace Environment Tracking System (WETS).</p>	<p>The immediate supervisor will maintain confidentiality.</p> <p>Convey Postal Service's Zero Tolerance Harassment Policy in:</p> <ul style="list-style-type: none"> <li>■ Remedial training.</li> <li>■ Stand-up talks.</li> <li>■ Staff meetings.</li> </ul> <p>Follow-up with those involved to ensure that the remedy is still in effect. Educate yourself and personnel on up-to-date policy.</p> <p>Enforce Postal Service policy.</p> <p>Follow up and monitor the workplace.</p>
<p><b>Local supervisor's or manager's responsibility!</b></p>					

## Costs and Effects of Harassment

Harassment, including harassing behavior that may not be illegal under federal law, undermines morale in the workplace. It undermines the morale of the individual being targeted, persons witnessing the harassment, and persons who hear about the harassment from the target and witnesses. Workplace harassment can affect a person's emotional and physical well-being, reputation, and physical safety. Targets of workplace harassment may experience stress, depression, low self-esteem, loss of sleep, and even post-traumatic stress disorder. Harassment can also impact the home environment of those affected at work.

These effects on individual employees also have a negative effect on productivity, product quality, job satisfaction, attendance, and employee retention in the workplace. The costs of illegal harassment can also include attorney fees, settlements, and court costs. Harassment can also affect workers' compensation costs.

Research indicates that thirty percent of American workers have been bullied at work.<sup>1</sup> Even basic incivility has a negative effect on the workplace. For example, one study shows the following responses of 800 managers and employees in 17 industries who were workers on the receiving end of incivility at work.<sup>2</sup> Incivility included rudeness, insensitivity, and disrespect inflicted by another worker.

Percent Affected	Effect of Incivility on Targeted Individual
48	Intentionally decreased their work effort.
47	Intentionally decreased the time spent at work or future interactions.
38	Intentionally decreased the quality of their work.
80	Lost work time worrying about the incident.
63	Lost work time avoiding the offender.
66	Said that their performance declined.
78	Said that their commitment to the organization declined.
12	Said that they left their job because of the uncivil treatment.
25	Admitted to taking their frustration out on customers.

Harassing behavior is unprofessional. Postal Service managers, postmasters, and supervisors are responsible for setting the parameters of appropriate behavior at work and for addressing inappropriate behavior by their employees. Successful managers, postmasters, and supervisors do not harass, bully, or speak to employees in a condescending or threatening manner. Successful managers, postmasters, and supervisors lead by example; they stop and correct harassing and inappropriate behavior by their employees.

Never take harassment allegations lightly. The costs of harassment to our employees and our bottom line are costs the Postal Service cannot afford.

## Your Role as Management

As Postal Service management, you must:

- Avoid behavior that could be interpreted as harassment. Lead by example!
- Identify and stop workplace behavior that could constitute harassment.
- Respond promptly<sup>3</sup> and appropriately to those who come forward with complaints of harassing conduct.

<sup>1</sup> Workplace Bullying Institute & Zogby International, *U.S. Workplace Bullying Survey*, Waitt Institute, 2021.

<sup>2</sup> Christine M. Pearson and Christine L. Porath, *The Price of Incivility*, Harvard Business Review, January-February 2013.

<sup>3</sup> What is considered "prompt" depends upon the circumstances, but an inquiry or investigation should begin as soon as possible after an allegation, and it should be completed in no more time than is needed to thoroughly inquire into and, document the matter.

This guide provides you — the managers, postmasters, and supervisors of the Postal Service — with tools to address the following:

- Allegations of harassment in the workplace.
- Harassing or inappropriate behavior that you may witness.

Eliminating all harassing behavior from the workplace will enable you to have a more efficient operation and will contribute to a more productive, healthier work environment. Even if a certain behavior does not seem to be “harassment” as defined by law, if it is inappropriate, take corrective action, if applicable, and **STOP IT!**

## What Illegal Harassment Is

Illegal harassment is a form of discrimination that violates federal antidiscrimination laws including Title VII of the Civil Rights Act, the Rehabilitation Act, and the Age Discrimination in Employment Act.

Under federal antidiscrimination law, and Postal Service policy, harassment is defined as unwelcome verbal or physical conduct that demeans or shows hostility or aversion toward an individual or group of individuals because of their race, color, religion, sex (including pregnancy, sexual orientation, and gender identity including transgender status), national origin, age (40+), mental or physical disability, genetic information, political affiliation, marital status, status as a parent, and past, present, or future military service, or in retaliation for EEO activity. To be considered harassment under the law, the behavior must also:

1. Result in an intimidating, hostile, or offensive work environment;
2. Unreasonably interfere with an individual's work performance; or
3. Otherwise, adversely affect an individual's employment opportunities.

The behavior must alter, **in its totality**, the terms, conditions, and privileges of employment.

Examples of harassment may include:

1. Making offensive or derogatory comments, nicknames, or slurs;
2. Engaging in negative stereotyping;
3. Engaging in physically threatening, intimidating, or humiliating actions; or
4. Circulating written graphic material (by paper or e-mail or by making it viewable in the workplace) that belittles or shows hostility or aversion toward an individual or group protected under the anti-discrimination laws.

Rape is a criminal offense. Report it immediately to local law enforcement agencies and the Postal Inspection Service. Other acts involving force or coercion may constitute criminal offenses. You should report assault and battery to local law enforcement, the Inspection Service, or both.

## Why You Must Know About Workplace Harassment

Your reaction to complaints of harassment plays a large part in whether the Postal Service will be held responsible for workplace harassment, particularly when claims of a hostile work environment are involved.

The law requires managers, postmasters, and supervisors to take appropriate action in the face of harassing behavior. As the person in charge, you are often the first person to whom an employee complains about improper conduct. You are also in a position of responsibility to do something about harassment. In short, you are expected to manage your workplace and foster an atmosphere conducive to work. You must conduct a thorough inquiry<sup>4</sup> into a harassment complaint, see that inappropriate conduct stops, and take action to ensure that such conduct does not recur.

<sup>4</sup> A thorough inquiry or investigation includes interviews with all parties involved and all witnesses to the alleged conduct.

You cannot ignore the problem, because it may likely continue. Consequently, productivity will continue to suffer. Even worse, some employees may suffer serious emotional and psychological harm from such harassment. **The bottom line: Harassment in the workplace is bad for your employees and bad for the Postal Service. You must respond promptly to all complaints and eliminate harassing behaviors.**

## Two Types of Illegal Harassment Under the Law

### Tangible Employment Action or *Quid Pro Quo* Harassment

A *tangible employment action* is an action that significantly changes an employee's employment status, such as hiring, firing, promoting, demoting, changing work assignments, or reassigning an employee. *Tangible employment action harassment* is the harassment of a subordinate by someone with supervisory authority that results in a tangible employment action.

This is usually called *quid pro quo harassment*. *Quid pro quo* means "something for something," and it usually involves sexual harassment. Following are examples of *quid pro quo harassment*:

- A supervisor fires or demotes a subordinate because the subordinate rejects the supervisor's sexual demands.
- A supervisor makes statements such as:
  - "Have dinner with me tonight, or I'll see to it that you don't pass your probationary period."
  - "You'll get that promotion, but only if you go out with me."

*Quid pro quo harassment* is the use of power and authority to alter an employee's job conditions or economic benefits because the employee or applicant either submits to or refuses to submit to the unwelcome demands of the person in authority.

Be aware that if the employee does not submit to the demand and the manager, postmaster, or supervisor then carries out the threat so that a tangible employment action (e.g., demotion, denial of promotion, or discharge) results, it is *quid pro quo harassment*. The Postal Service could be automatically liable for harassment. Even if the threat is not carried out, the statement could still constitute hostile environment harassment.

### Hostile Environment Harassment

#### Definition and Examples

*Hostile environment harassment* covers a broad range of behaviors and situations. It is defined most often as a pattern of continuing, unwelcome behavior that does either of the following:

- Unreasonably with an employee's work performance.
- Creates an intimidating, hostile, or offensive work environment.

Examples of behavior that could result in a finding of hostile environment harassment include:

- Using racially derogatory words, phrases, or nicknames.
- Telling jokes or stories with national origin themes.
- Displaying posters or symbols offensive to individuals of a certain race, sex, national origin, religion, etc.
- Making derogatory or intimidating references to an employee's mental or physical impairment.
- Applying pressure for dates.
- Making offensive remarks about a person's looks, clothing, or body parts.
- Whistling or catcalling.



- Using sexual innuendo.
- Spreading false rumors about a person's sex life.
- Blocking a person's path.
- Following a person continually (i.e., stalking).

Keep in mind that behavior which is not necessarily sexual in nature, but which is nonetheless demeaning or abusive toward members of one sex, may also constitute hostile environment harassment.

A single incident, unless it is severe, generally does not constitute illegal harassment. The conduct must be severe or continuing and pervasive. Factors considered in a legal determination of hostile environment harassment include the following:

- Frequency of the discriminatory conduct.
- The severity.
- Whether it was physically threatening or humiliating (as opposed to a mere offensive utterance).
- Whether it unreasonably interferes with work performance.

### **Crossing the Line Between Social Nuisance and Harassment**

One of the most difficult aspects of the hostile work environment claim is differentiating between conduct that is overly friendly, rude, or tasteless, and conduct that is so offensive, relentless, and severe that it warrants being labeled as harassment. You should not tolerate either behavior and should implement corrective action in both cases. The following points are helpful in determining what constitutes workplace harassment:

- The inappropriate behavior must be severe or pervasive enough to interfere with the employee's work conditions or create an abusive work environment.
  - Generally, there must be multiple incidents of verbal misconduct to create enough of a pattern of discriminatory behavior to alter the work environment.
  - Isolated incidents of offensive sexual displays or remarks generally are not enough to create a hostile work environment.
  - The exception is conduct that is extremely severe, such as sexual assault, which could constitute an abusive work environment the first time it happens.
  - It is helpful to investigate whether the employee has previously complained about inappropriate behavior.
- The conduct must be unwelcome. It is neither invited nor solicited, and the person must consider it undesirable and offensive.
- You must evaluate the conduct from the perspective of a "reasonable person." Harassment laws are not designed to protect the hypersensitive individual from offense. This does not mean that a good manager allows employees to provoke even a hypersensitive colleague; harassing behavior is inappropriate, even if it is not illegal.
- Hostile work environment claims can encompass harassing behavior that is not necessarily sexual in nature. For example, it can be singling out one sex with acts of aggression, intimidation, hostility, rudeness, name calling, or other types of abusive conduct.
- Behavior or actions can be considered harassment even if the alleged harasser did not intend to offend.

## **Sexual Harassment**

Sexual Harassment is a violation of Title VII of the Civil Rights Act of 1964 and a legally prohibited form of discrimination based on sex. Federal employees reported experiences that reflect the following three categories of sexual harassment:

- Gender Harassment – Unwelcome behaviors that disparage or objectify others based on their sex or gender.
- Unwanted Sexual Attention – Unwelcome behaviors of a sexual nature that are directed toward a person.
- Sexual Coercion – Pressure or force to engage in sexual behavior.

## Examples of Sexual Harassment

Jane's supervisor subjected her to frequent obscenities — crowded her in her office, made knee-to-knee contact with her, and slapped her on the buttocks. The court found sexual harassment, saying, "A slap on the buttocks in the office setting has yet to replace the handshake."

Darla and two other women were subjected to crude and obscene name-calling; were intimately touched; and, when they used the restroom at their station, were spied upon by the men. The men also flashed pictures of couples engaged in sexual acts and scrawled obscenities on the women's vehicles. The women reported the abuse to their supervisor, but nothing was done. The three women eventually moved to lesser positions in other facilities. The court found sexual harassment was so severe and pervasive as to alter the women's working environment.

## The Problem of Perception

What one person considers offensive, another may consider harmless. Distinguishing between harassment and social insensitivity is very difficult. Unfortunately, the law does not provide a "bright-line" rule about exactly what comments and behaviors constitute harassment. However, bear in mind that, if a "reasonable person" would find the behavior so offensive as to interfere with his or her work performance, then they would likely consider it harassment. Postal Service policy is to act to STOP any inappropriate behavior, investigate, and ensure that the inappropriate conduct does not recur — even if the behavior doesn't rise to the legal definition of harassment.

## The Importance of Communicating That Words or Actions Are Unwelcome

If someone is being harassed, he or she should tell the alleged harasser in no uncertain terms to stop the behavior. If the employee is not able to do so alone, the employee can ask a friend or a trusted coworker to help him or her talk to the alleged harasser. This does not mean that the victim is required to confront the alleged harasser or put the allegation in writing. Nonverbal behavior can also be sufficient in some cases to communicate that the behavior is unwelcome. **"No" means "no,"** whether it is communicated verbally or nonverbally. However, a clearly communicated verbal "no" is usually more effective in stopping harassment. In all cases of harassment, employees should also report the incident to one of the following:

- Their immediate supervisor or manager.
- Another supervisor or manager.
- The Manager, Human Resources (for HQ and HQ field units, Manager, HR HQ).
- The Manager, Labor Relations (for HQ and HQ field units, Manager HR HQ)

## Sexual Harassment and the Office Romance

The Postal Service strongly discourages supervisory and managerial employees from engaging in romantic and/or physical relationships with their subordinate employees. Perceptions of unfair treatment often arise under these circumstances and undermine employee morale.

When a supervisor or manager who engages in office romances appears to favor those with whom he or she is involved, the supervisor's or manager's behavior tends to foster a belief among other employees that their chances for advancement depend upon their willingness to engage in similar conduct with the supervisor or manager. Relationships between supervisors or managers and employees that are based on such a belief are not considered fully consensual. Therefore, to avoid allegations of harassment and/or unfair treatment, supervisors or managers should not engage in relationships with their subordinate employee.

## Same-Sex and Sexual Orientation Harassment

Harassment by a coworker or manager of the same sex as the employee is a violation of the law. While Title VII of the Civil Rights Act of 1964 does not explicitly include sexual orientation or gender identity in its list of protected bases, the Supreme Court has held the statute's sex discrimination provision prohibits discrimination against employees on the basis of sexual orientation and gender identity. Supreme Court case law, as well as other court decisions ([http://www.eeoc.gov/eeoc/newsroom/wysk/lgbt\\_examples\\_decisions.cfm](http://www.eeoc.gov/eeoc/newsroom/wysk/lgbt_examples_decisions.cfm)) have further held that employment actions motivated by gender stereotyping are unlawful sex discrimination. Title VII therefore protects lesbian, gay, bisexual, and transgender (LGBT) applicants and employees against employment bias.<sup>5</sup> Postal Service policy prohibits such discrimination, and we will not tolerate it.

## Contractors, Vendors, and Other Third Parties

Just as the Postal Service will not tolerate harassment by or against its employees, it also will not tolerate harassment by or against anyone in the workplace, including contractors, vendors, and other third parties who may be in the workplace only temporarily. Employees have the right to complain about harassment by such individuals. Conversely, these individuals can also complain about harassment by Postal Service employees. Either way, once either group brings improper behavior to the attention of the Postal Service, management must take steps promptly to investigate and stop it.

## Retaliation Is Illegal

It is illegal to retaliate against employees for to do the following:

- Filing, participating, or being a witness to an EEO complaint, investigation, or lawsuit.
- Discussing with a supervisor employment discrimination including harassment.
- Refusal to follow orders that would result in discrimination.
- Intervening to protect others or resisting sexual advances.
- Requesting a disability, religious accommodation, or pregnancy/childbirth-related accommodations.
- Asking questions about salary information to uncover potential discriminatory wages.<sup>6</sup>

Retaliation against an employee who raises a harassment claim or provides evidence in an investigation is illegal. The Postal Service may find management employees who fail to fulfill their obligation under Postal Service policy regarding harassment claims to have retaliated against an employee because of the adverse effect of the management employee's willful indifference.

## What You Must Do to Prevent Workplace Harassment

### Role and Responsibility of the Manager, Postmaster, and Supervisor

It is your role to listen, inquire, and try to resolve a harassment complaint. If you do not have the authority to conduct an inquiry, you must take it to a manager, postmaster, or supervisor who does.

### Educate Yourself and Others

- Educate yourself on the topic of workplace harassment. Make sure your staff is aware that harassment is illegal, and ensure that your staff is aware of the Postal Service's policy against harassment.

<sup>5</sup> Protections Against Employment Discrimination Based on Sexual Orientation or Gender Identity, retrieved from <http://www.EEOC.gov>.

<sup>6</sup> Retaliation: Considerations for Federal Agency Managers, retrieved from <http://www.EEOC.gov>.

- Identify for employees some of the possible consequences of engaging in improper behavior, and whether it meets the definition of illegal workplace harassment. In addition, express strong disapproval of harassment in any form.
- Educate your employees and supervisors in identifying harassment, the remedies available, and how to stop inappropriate behavior.
- Inform your employees of their right to report inappropriate conduct without fear of retaliation. Make sure they know that complaints will be kept confidential during the inquiry (to the extent possible). Ask Human Resources and Labor Relations professionals in your local district or area office for help as necessary, and keep your Manager, Human Resources (for HQ and HQ field units, Manager, HR HQ) and Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ) informed as you resolve complaints that may arise in your unit.
- Document employee training on harassment.

## Enforce Policies

- Take every incident or complaint seriously. Do not ignore harassing or improper behavior or believe it to be only a personal matter between the alleged harasser and alleging harassee.
- Conduct harassment inquiries promptly and, where necessary, take inquiries to the next appropriate level.
- Stop all inappropriate behavior.
- Confer with and inform the Manager, Labor Relations, in your local district or area office (for HQ and HQ field units, Manager, HR HQ) of any harassment allegations and inquiries. If Labor Relations personnel or others conduct an inquiry or investigation, stay informed of their progress. It is your responsibility to ensure that any inquiry or investigation is brought to appropriate closure.
- Take remedial action when appropriate. The action should be commensurate with the severity of the conduct.
- Follow up to ensure that harassment does not continue and that retaliation does not occur.
- Inform employees of their rights and remedies, including their right to file a complaint by requesting EEO counseling, within 45 days of the inappropriate conduct, through the online Postal Service EEO efile application at <https://efile.usps.com>.
- Alternatively, they may request EEO counseling through the mail by providing their name, Social Security or employee identification number, address, and telephone number to: NEEISO – EEO Contact Center, PO Box 21979, Tampa, FL 33622-1979.

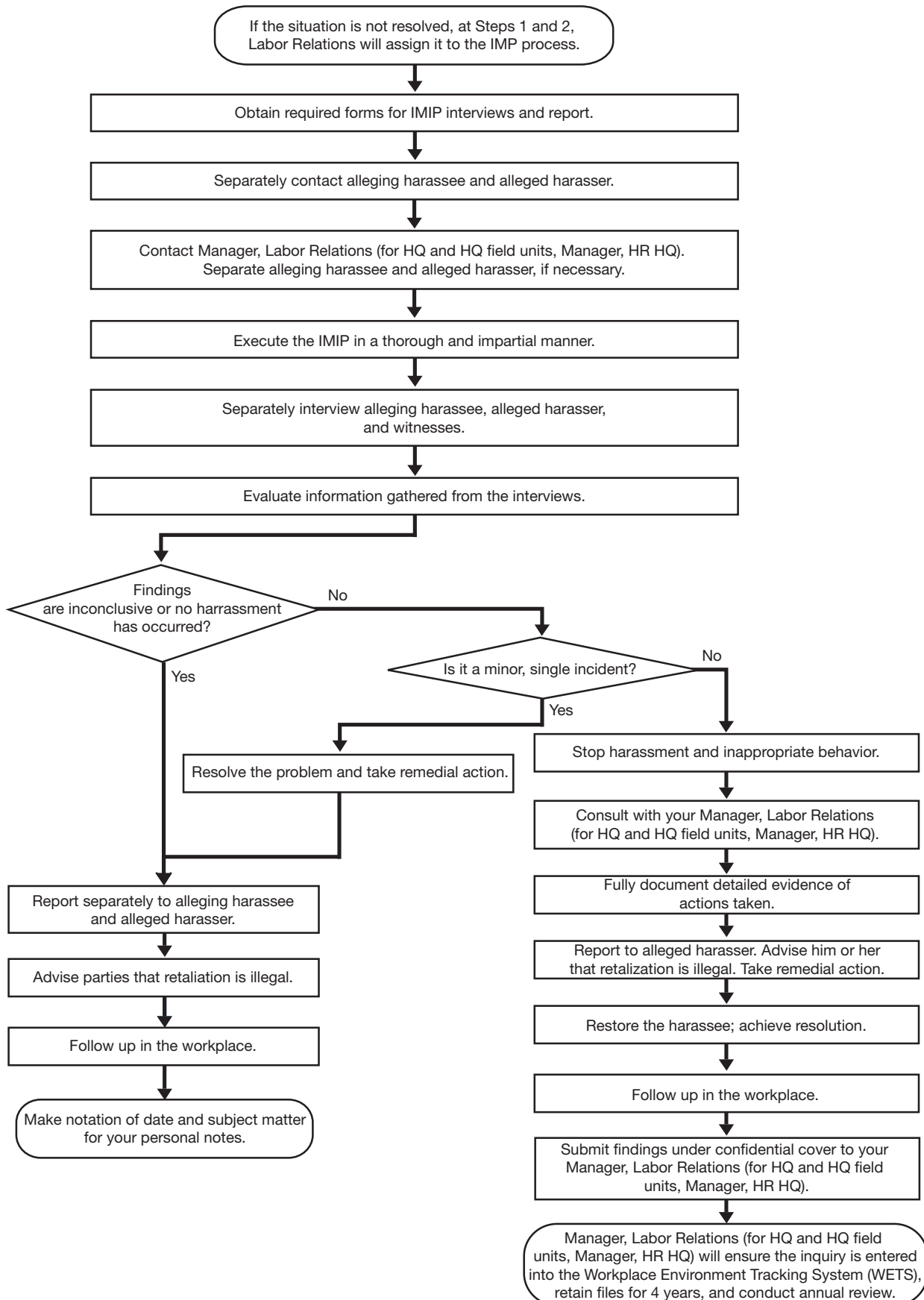
However, do not dismiss employees by telling them to file an EEO complaint or a grievance. You must manage the problem yourself, even if the employee also chooses to file a grievance, EEO complaint, or both.

## Maintain Confidentiality

It is very important to let employees know that confidentiality will be maintained to the greatest extent possible. However, it is equally important to remind them that at certain points in the management inquiry process and, if applicable, the EEO process, it may be necessary to provide information that will identify the harassee, harasser, and all witnesses to officials such as the:

- Manager, Human Resources (for HQ and HQ field units, Manager, HR HQ).
- Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ).
- EEO Alternate Dispute Resolution (ADR) specialist.
- EEO investigator.

# Initial Management Inquiry Process at-a-Glance



# Initial Management Inquiry Process

## Purpose

The Initial Management Inquiry Process (IMIP) allows managers, postmasters, and supervisors to whom an employee brings a complaint to get enough information at the outset to do the following:

1. Determine whether there is an immediate need to separate the harasser and harassee.
2. Determine whether there is an immediate need to recommend that an employee seek Employee Assistance Program (EAP) counseling.
3. Determine whether other employees are being harassed.
4. Assess the nature and scope of the problem in the workplace.
5. Decide if you, as the manager or supervisor, can remedy the problem, or whether to refer to your Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ) for further inquiry because of the individuals involved or the nature and scope of the charges.

The IMIP requires you to react promptly, within 10 days or less, to complaints alleging harassment and compels you to deal with the problem. Complaints alleging harassment may be reported to you by an employee, contractor, or customer of the Postal Service. An inquiry prevents blanket dismissal of such complaints. While filing an EEO is appropriate when the employee wishes to bring a complaint, it is not appropriate only to refer the employee to an EEO ADR Specialist instead of dealing with the employee's problem.

If for some reason supervisory employees do not have the authority to launch an inquiry, they must bring the complaint to the attention of a higher-level supervisor or manager who does. Generally, the IMIP will not replace or serve as a substitute for the fact-finding investigation. If, during of this initial management inquiry, you believe that the nature and scope of the complaint warrant outside investigation or that resolution is not feasible, you must refer the complaint to the Manager, Labor Relations, in your local district or area office (for HQ and HQ field units, Manager, HR HQ).

## Receiving the Complaint and Beginning the Inquiry

Listed below are steps to follow when you receive a complaint and begin the IMIP.

1. Listen carefully to the person making the complaint.  
**Note:** You may receive a complaint without warning.
2. Confer with the Manager, Human Resources (or designee), in your local district or area office (for HQ and HQ field units, Manager, HR HQ) about any harassment allegations and inquiries.
3. Gather the necessary inquiry forms by following the process set forth in this publication. Conduct a thorough and impartial inquiry.
4. Separately interview the alleging harassee, the alleged harasser, and all witnesses. Begin with broad questions, and then ask questions specific to the complaint. Remember to pose your questions in a nonthreatening manner. Thoroughness is important. See "Conducting the Interviews," on page 12 for more information on this topic.
5. Gather pertinent information (e.g., policies, procedures, laws, and practices). If necessary, contact your Manager, Labor Relations (or designee), in your local district or area office (for HQ and HQ field units, Manager, HR HQ).
6. Act promptly. Do not let the complaint languish. Failure to act promptly within 10 days may result in loss of evidence or a finding that the employer did not act reasonably to correct harassing behavior.



# Conducting the Interviews

## Interviewing the Alleging Harassee

Here are the steps to follow when you are interviewing the alleging harassee:

1. Find an appropriate place that ensures confidentiality to hear the complaint. Remain objective; listen with an open mind.
2. Ensure that the alleging harassee is comfortable with having you handle the inquiry.
3. Advise the alleging harassee of the need for confidentiality and its limitations. You will maintain confidentiality to the greatest extent possible, but at certain points in the management inquiry process, you may need to provide information that will identify the harassee to officials such as the Manager, Human Resources (for HQ and HQ field units, Manager, HR HQ) or an EEO ADR specialist.
4. Discuss your responsibilities in handling the complaint, such as the possible need to take it to another level or to take immediate action against the alleged harasser if you find there was harassment or inappropriate behavior.
5. Listen carefully and empathetically, repeating what you hear if necessary for clarification. Take detailed notes of the facts (e.g., who, what, when, where, why, and how). Did anyone else observe the alleged harassment or have knowledge of the behavior at issue? Get the specific details, for example:
  - a. Type of conduct.
  - b. Period over which the conduct occurred.
  - c. Frequency of occurrence, i.e., is this an isolated event or one of a pattern of similar events.
6. Determine the identity of the alleged harasser (or harassers). Has the alleged harasser engaged in similar behavior toward other employees?
7. Ask for the alleging harassee's reaction to the behavior at issue. Did he or she ask the alleged harasser to stop? If not, determine why not, in a non-accusatory manner. Did the alleging harassee indicate in any other way that he or she objected to the conduct?
8. Get information on the effect of this conduct on the alleging harassee. Try to discern whether the person suffered any adverse employment action, economic harm, or both.
9. Determine the time between the conduct at issue and when the alleging harassee made the report. If there was a time delay, find out why, in a non-accusatory manner.
10. Ask if the alleging harassee has spoken to others (in or outside the workplace), has taken notes, has received letters, saved e-mails or otherwise documented the incident.
11. Determine the alleging harassee's safety. Consider whether you should move the alleged harasser. In general, if you believe the alleging harassee could benefit from counseling, suggest a referral to the EAP, which is available to provide employees with emotional support for problems that may result from being harassed. Notify the Postal Inspection Service and local law enforcement in the event of possible criminal action.
12. Find out what the alleging harassee needs to perform his or her work effectively. Can he or she continue to work for or with the alleged harasser?
13. Request a written statement either before or after you act. However, do not insist on a written statement if the alleging harassee refuses to document the incident.
14. Realize that another person's report is enough to start the inquiry. Do not insist that the alleging harassee personally report the allegation of harassment before you act.
15. Do not insist on corroboration or detailed evidence. While it is helpful, its absence should not deter your action.

16. Show empathy and do not pass judgment on the allegations presented.
17. Advise the alleging harasser that retaliation against any person for reporting or providing information on charges is illegal and will not be tolerated. Advise the alleging harasser to report any retaliation to you immediately.
18. Thank the alleging harasser for making the report and invite him or her to come back if he or she has more facts to add.
19. Document the interview and send your written report to the Manager, Labor Relations, in your local district or area office (for HQ and HQ field units, Manager, HR HQ). You must document all serious and recurring cases of alleged harassment or inappropriate actions, including corrective actions taken. You should make a personal note of the incident. You must keep personal notes confidential and retained for future reference when necessary.
20. Follow up with the alleging harasser to:
  - a. Advise him or her of the progress of the investigation.
  - b. Ensure that the harassment has not resumed.
  - c. Ensure that the alleging harasser has not suffered retaliation.

**Note:** Confidentiality is important to prevent libel, slander, or invasion of privacy claims.

### **Interviewing the Alleged Harasser**

Here are the steps to follow when you are interviewing the alleged harasser:

1. Contact the alleged harasser and set a time to meet with him or her. Do it promptly.
2. Advise the alleged harasser that this is an initial inquiry and that the purpose is to gather the facts. Emphasize that you take both the allegations and this IMIP seriously.
3. Advise the alleged harasser of the need for confidentiality and its limitations. You will maintain confidentiality to the greatest extent possible, but at certain points in the management inquiry, you may need to provide information that will identify him or her to the Manager, Labor Relations (for HR and HQ field units, Manager, HR HQ), an EEO ADR specialist, or both.
4. Be fair and remain objective; remember the concept of “innocent until proven guilty.”
5. Ask the alleged harasser open-ended questions in a non-accusatory manner to allow for elaboration.
6. Ask the alleged harasser to explain the incident (or incidents). Request a written statement. If the alleged harasser refuses to put something in writing, do not insist on a written statement either before or after you act. Obtain as many details as possible. Ask the alleged harasser, “Do you know of the incidents the alleging harasser is reporting?” Respond as follows, based on the alleged harasser’s “response” or “answer”.
  - a. If he or she admits to the incident, determine:
    - 1) When and where the incident occurred.
    - 2) Specific details about the incident.
    - 3) Whether there were observers or whether the alleged harasser spoke to anyone else about the incident.
    - 4) How the alleging harasser reacted to his or her comments or actions.
  - b. If he or she does not admit to the incident, determine:
    - 1) The alleged harasser’s perception of his or her working relationship with the alleging harasser.
    - 2) The alleged harasser’s perception of the reported incident.



- 3) Whether the alleged harasser and alleging harassee socialize outside the workplace.
  - 4) The alleged harasser's perception of why the alleging harassee made the allegation.
  - 5) Whether the alleged harasser has recently taken any action relative to the alleging harassee that the alleging harassee found objectionable. Also, determine whether the alleging harassee suffered any adverse employment action or tangible job detriment.
7. Repeat answers for clarification without changing what the alleged harasser says.
  8. Based on the answers provided, address any new concerns and ask any additional questions, such as who, what, when, where, why, and how, and ask the following questions:
    - a. Are there other people I should talk to?
    - b. Were there other incidents that need to be discussed?
  9. Ask the alleged harasser to tell you in his or her own words how the alleging harassee reacted to his or her comments or actions.
  10. Inform the alleged harasser of the possibility of disciplinary action that could result because of his or her actions.
  11. Advise the alleged harasser that retaliation against the alleging harassee or anyone providing evidence is illegal and will not be tolerated. Advise him or her of the need to avoid contact with the alleging harassee until the inquiry is completed.
  12. Thank the alleged harasser for cooperating, and invite him or her to come back if he or she has more facts to add.
  13. Document the interview and send the information to the Manager, Labor Relations, in your local district or area office (for HQ and HQ field units, Manager, HR HQ). You must document all cases involving allegations of harassment or inappropriate actions, including corrective actions taken, if the actions are serious, recurring, or both. However, you should make a personal note of the incident. You must keep personal notes confidential and retain them for future reference when necessary.
  14. Keep the alleged harasser informed by establishing a time when you will get back to him or her. Keep the scheduled time, or make contact with him or her to reschedule if more time is needed.

## Interviewing the Witnesses

Here are the steps to follow when you are interviewing the witness(es):

1. Assure the witness that his or her cooperation is important.
2. Inform the witness of the need for confidentiality and its limitations. You will maintain confidentiality to the greatest extent possible, but at certain points in the management inquiry process, you may need to provide information that will identify him or her to the Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ), an EEO ADR specialist, or both.
3. Share the seriousness of the allegation.
4. Avoid giving details about the allegation. **Your job is to get details.**
5. Ask the witness what he or she knows of the incident. Get as many details as possible, such as who, what, when, where, why, and how, and ask the following questions:
  - a. Were there other observers of the incident (or incidents)?
  - b. How did the alleging harassee react?
  - c. Has the witness spoken to anyone else about the incident?
  - d. Is the witness aware of similar behavior by the alleged harasser toward other employees?
  - e. Is the witness aware of any other improper conduct in the workplace?
6. Based on the answers provided, address new concerns and ask any additional questions, such as who, what, when, where, why, and how, and:
  - a. Are there other people you should talk to?
  - b. Are there other incidents that need to be discussed?

7. Advise the witness that retaliation against him or her for providing information on charges is illegal and will not be tolerated. Advise the witness to report any retaliation to you immediately.
8. Thank the witness for providing information and invite him or her to come back if he or she has more facts to add.
9. Document the interview and send the information to the Manager, Labor Relations, in your local district or area office (for HQ and HQ field units, Manager, HR HQ). You must document all cases involving allegations of harassment or inappropriate actions. Your documentation should include corrective actions taken if the actions are serious, recurring, or both. You should make a personal note of the incident. You must keep personal notes confidential and retain them for future reference when necessary.

## Evaluating the Information

Here are the steps to follow when evaluating the information:

1. Determine your next step by reviewing your notes.
2. Assess the credibility of the information given by the alleging harassee, alleged harasser, and all witnesses. Stick to the facts. For example:
  - a. Do the stories of the alleged misconduct match or come close?
  - b. What is the chronology of events?
  - c. Did the alleged harasser deny anything?
  - d. Did the alleged harasser admit to anything?
  - e. Did the alleged harasser contradict himself or herself?
3. Consider whether you need to conduct another interview to get missing information. Ask yourself these questions:
  - a. Have I clarified all inconsistencies between the people interviewed?
  - b. If not, what other questions need to be asked?
4. Ask yourself the following:
  - a. Did behavior occur that was sexual or based on sex, race, religion, disability, etc.?
  - b. Was the behavior unwelcome? Are all the facts based on observations and evidence rather than conclusions or assumptions?
5. Consider:
  - a. The nature and severity of the conduct. Was it hostile, abusive, or threatening toward members of one sex, race, religion, etc.?
  - b. The effect of the conduct on the alleging harassee and on a reasonable person.
  - c. The relationship of the two employees. Is there a difference in power (i.e., levels of employees in the organization)? Was there past, or is there present, romantic involvement? Is there an ongoing personal feud? Do the alleging harassee and alleged harasser get along well?
  - d. Did the alleging harassee communicate, verbally or nonverbally, that the alleged harasser's conduct was unwelcome? Did the alleged harasser continue the conduct?
6. If the alleged harasser is a postmaster, manager, or supervisor, determine whether the alleging harassee suffered a significant change in employment status due to his or her reaction to the alleged harassment (e.g., demotion, denial of promotion, or discharge). Use the following questions to help determine the reasons:
  - a. What reasons did the alleged harasser give for the personnel action (i.e., not to hire or promote or to give a poor performance evaluation or discipline)?

- b. Does the evidence support the alleged harasser's reasons for the personnel action?
- 7. If the alleged harassment is by a coworker, contractor, or other third party, assess whether management knew or should have known of the harassment.
  - a. Did the alleging harassee tell the alleged harasser that his or her behavior was unwelcome? Did he or she continue? Who else received or participated in the alleged harassment?
  - b. How widespread or pervasive was the conduct?
  - c. Did the alleged misconduct occur in private or in public areas?
  - d. Were other complaints lodged against the alleged harasser?
- 8. Confer with the Manager, Labor Relations, in your local district or area office (for HQ and HQ field units, Manager, HR HQ) throughout the inquiry and resolution processes.
- 9. Determine corrective action in accordance with Postal Service policies, procedures, guidelines, rules, regulations, and bargaining agreements. Consult with your district or area Labor Relations office as applicable. It is critical that you be consistent in the application of discipline and Postal Service policies and procedures.

## Maintaining Confidentiality and Documenting the Inquiry

A good rule of thumb: **When in doubt, document.** Always remember that confidentiality is key.

To maintain confidentiality:

- Do **not** leave documents exposed on your desk or on your computer.
- Do **not** give documents or notes to anyone to type for you.
- Place all documents in a separate, locked personal file. If you do not have a locked file, get one! Do **not** file by any identifier. File as "inquiry" only.
- Do **not** place documents in any of the involved parties' personnel files.
- When the inquiry is completed, place all documents in a sealed envelope marked "CONFIDENTIAL — to be opened by Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ), ONLY." Sign your name on the seal.
- Send your documents to your applicable district or area Manager, Labor Relations (for HQ or HQ field units, Manager, HR HQ) by Certified Mail service with Return Receipt. Store all management inquiry files in a central location at the applicable district or area Labor Relations office. Keep the files for 4 years after the management inquiry is completed.

## Consulting With Labor Relations and Taking Remedial Action

### Determination 1: Inquiry Is Inconclusive

- 1. If the inquiry is inconclusive:
  - a. Report to the alleging harassee.
    - 1) Inform him or her that the investigation is inconclusive and why.
    - 2) Emphasize that if another incident occurs, he or she should report it immediately.
    - 3) Ask whether he or she feels able to continue to work in that area; if not, consult with your Manager, Labor Relations, at the local or area office (for HQ and HQ field units, Manager, HR HQ) to explore the possibility of transfer or relocation.
    - 4) If appropriate, refer him or her to the Employee Assistance Program (EAP). The

Postal Service EAP Hotline number is 1-800-EAP-4-YOU (1-800-327-4968) or TTY 1-888-325-2914.

- b. Report to the alleged harasser.
  - 1) Inform him or her that the investigation is inconclusive.
  - 2) Inform him or her that nothing was placed in his or her personnel folder.
  - 3) Advise him or her that if he or she engages in inappropriate behavior in the future, you will take disciplinary action.
  - 4) Emphasize that you will thoroughly investigate any other reported incidents.
  - 5) Advise the alleged harasser that it is illegal to retaliate against a person who has either made a complaint of harassment or who offers evidence in an investigation.
- c. Follow up and check in on the workplace to ensure that employees are aware of and are following appropriate standards of conduct.
  - 1) Seriously consider whether remedial training will address the issues raised in the inquiry. For example, depending on the circumstances, training in workplace harassment awareness and prevention, communication skills, or diversity could be effective in remedying workplace issues.
  - 2) Monitor the workplace and make your monitoring actions known to the workforce. This way, employees will be aware that you will not tolerate future misconduct. Let employees know that you are available as a resource should any misconduct occur in the future.
  - 3) Consider periodic stand-up talks or staff meetings as forums to reinforce your message that you will not tolerate harassment in the workplace.

## **Determination 2: Harassment Has Not Occurred**

- 2. If you find that harassment has not occurred:
  - a. Inform both the alleging harassee and alleged harasser — separately — of the determination that harassment did not occur and the reasons for your conclusions.
  - b. Ask whether the alleging harassee feels able to continue to work in that area; if not, then consult with your Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ), and explore the possibility of transfer or relocation.
  - c. Deal promptly with any conduct other than harassment that needs improvement (e.g., rudeness, disparate treatment, or poor judgment).
  - d. Advise the alleged harasser that retaliation is illegal.
  - e. Follow up by monitoring the workplace to see that additional harassment, retaliation, or both does not occur and continue employee education. Consider whether workplace harassment training or EAP counseling would be helpful for the entire workgroup.
  - f. Note the date and subject matter for your personal notes.

## **Determination 3: Harassment or Improper Conduct Has Occurred**

- 3. If you find that harassment or improper conduct has occurred, you must do the following for a:
  - a. Minor, single incident:
    - 1) Stop the conduct. Resolve the problem. Take remedial action as necessary.
    - 2) Advise the alleged harasser that retaliation against any person for reporting or providing information on charges is illegal and will not be tolerated.
    - 3) Report results to the alleging harassee.

- 4) Follow up in the workplace to see that additional harassment, retaliation, or both do not occur.
  - 5) Note the date and subject matter for your personal records or notes.
- b. Serious or recurring incident:**
- 1) Take prompt action to end current harassment or improper conduct and to deter it in the future. Concerning remedies, consult with the manager, Labor Relations or Manager, Human Resources, in your local district area office (for HQ and HQ field units, Manager, HR HQ) and your Managing Counsel, Area, or the Managing Counsel, Employment and Labor Law (HQ), as appropriate.
  - 2) Fully document actions taken. Use the interview guidelines and forms in this publication.
  - 3) Advise the alleged harasser that retaliation against any person for reporting or providing information on charges is illegal and will not be tolerated. Take disciplinary action if appropriate.
  - 4) Make sure discipline is prompt and commensurate with the severity of the conduct. Remedial actions may include:
    - a) Discussion.
    - b) Remedial training.
    - c) Letter of warning.
    - d) Suspension.
    - e) Transfer.
    - f) Demotion.
    - g) Discharge.
  - 5) Restore the alleging harassee to achieve satisfactory resolution of the matter. For example, consider apologizing to the employee on behalf of the organization, including upper management.
  - 6) Follow up and check the workplace to see that additional harassment or retaliation does not occur and continue employee education.
  - 7) Submit your findings under confidential cover to the Manager, Labor Relations, in your local district or area office (for HQ and HQ field units, Manager, HR HQ). Labor Relations will keep files on the inquiry for 4 years. Labor Relations will conduct annual reviews to ensure a work climate that is free from inappropriate and unlawful behavior.

## Overview of Steps

### 1

#### Promptly

If an employee reports a harassment complaint or situation to you, **your role as a supervisor or manager is to conduct Steps 1 and 2. You must stop, listen, inquire, and try to resolve the harassment complaint.** Keep in mind that the employee is trying to address a sensitive topic.

**RESPOND PROMPTLY** to the complaint regardless of its form or content. Remember that you as a manager or supervisor, could receive a complaint with no prior warning. Any report of harassment is enough to start an inquiry. So whenever possible:

1. Request the Steps 1 and 2 Intake Form from Labor Relations or use the form that is located at the end of this publication.
2. Set time aside to discuss the alleging harassee's concerns.
3. Assess the location of the conversation due to its sensitive nature; be aware of your surroundings and the effect the environment can have on an individual's willingness to provide information.
4. Briefly review the information, policies, and procedures surrounding the issue you are discussing.
5. Advise parties of confidentiality rights and their limitations; discuss your responsibility in handling the complaint.
6. Advise the alleging party that he or she has a right to report any inappropriate conduct without fear of retaliation and that you take harassment and allegations of harassment seriously.

### 2

#### Obtain the Information

Remember: Your responsibility, as a supervisor or manager, is to ensure that a fair, impartial, prompt, and thorough inquiry of the alleged misconduct takes place. To **OBTAIN THE INFORMATION**, you need to begin the Initial Management Inquiry Process (IMIP). You will:

1. Determine preliminarily if the conduct the alleging party described is considered harassment or inappropriate workplace behavior.
2. Assess the nature and scope of the problem in the workplace.
3. Determine whether there is a potential safety issue and if there is an immediate need to separate the parties involved or modify reporting relationships.
4. Inform the individual who reported the harassment of his or her Employee Assistance Program (EAP) options.
5. Inform the alleging harassee that he or she has a right to file a complaint with an Equal Employment Opportunity (EEO) Representative within 45 days of the inappropriate conduct.
6. Determine whether you can remedy the problem or whether you need to refer to or involve a manager, supervisor, or Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ).
7. If you can resolve the issue, you must complete the Steps 1 and 2 Intake Form, notify your next higher-level manager, send the intake form to the Manager Labor Relations (for HQ and HQ field units, Manager, HR HQ), and retain a copy for your records.
8. If you are unable to resolve the issue, you must complete the Steps 1 and 2 Intake Form, notify your next higher-level manager, and send the form to the Manager, Labor Relations (for HQ and HQ field units, HR HQ), and retain a copy for your records.

# 3

## Begin IMIP Process

If the Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ) determines that an inquiry is warranted they will assign trained employees to conduct the **IMIP, BEGIN IMIP PROCESS**. (The employee(s) conducting the IMI must have a record of completing the required training, Rapid Response to Harassment or the advanced IMIP instructor lead course in the postal learning management system.) Gather guideline forms provided in this publication. There is a separate form for each party involved (i.e., alleging harassee, alleged harasser, and witness). Conduct interviews with involved parties separately. Ask questions in an open-ended manner to allow for elaboration. Remain consistent throughout the process, as follows

1. Interview the alleging harassee and the alleged harasser separately. Arrange a meeting in an appropriate location. Advise of confidentiality rights and their limitations. Advise that the allegations and the IMIP are taken very seriously.
  - a. For the alleging harassee — Establish that the person is comfortable having you handle the inquiry and discuss your responsibility in handling the complaint. Display candor and listen with an open mind. Do not form any judgments.
  - b. For the alleged harasser — Advise that this is an initial inquiry to gather facts. Be fair and remain objective; remember the concept of “innocent until proven guilty.”
2. Gather information from both parties, as well as any witnesses, and take detailed notes of facts from questions asked such as:
  - a. Who was involved?
  - b. What occurred and when?
  - c. Where did it take place?
  - d. How frequent was it and how long did it continue?
  - e. Why do they think it occurred?
  - f. What was the impact?
  - g. Were there any witnesses?

These questions are a starting point and not the only ones you may have to ask. Some responses to a question will require follow-up questions to fill in missing information.

3. Request that the alleging harassee prepare a written statement. However, this is not a prerequisite to taking action and is not a requirement if the alleging harassee refuses to document the incident.
4. Advise that retaliation is illegal, will not be tolerated, and will be reported.
5. Thank the alleging harassee, alleged harasser, and participating witnesses separately for their cooperation with the inquiry, and invite all parties involved to come back if they have more facts to provide.
6. Inform both the alleging harassee and the alleged harasser that you will keep them informed during the process and establish a timeline to follow up.
7. Be sure to use this guideline to document the interview appropriately, so you can be prepared to send your report to the Manager, Labor Relations, local or area office (for HQ and HQ field units, Manager, HR HQ). Maintain confidentiality.
  - a. You must document all serious and recurring cases of alleged harassment and inappropriate action, including corrective actions taken.
8. Do not insist that the alleging harassee provide you with witnesses or detailed evidence. While helpful, you do not need it to take action.
9. Send the IMIP report under confidential cover to your Manager, Labor Relations at the applicable district or area office (for HQ and HQ field units, Manager, HR HQ) electronically or via Certified Mail® service with Return Receipt promptly upon completion.



# 4

## Evaluate Information

The Manager Labor Relations (for HQ and HQ field units, Manager HR HQ) will **EVALUATE INFORMATION**, in the IMP report, review notes, and determine the next steps by doing the following:

1. Assess the credibility of all information collected. Ensure that the facts are based on observation and evidence rather than conclusion or assumption. Stick to the facts.
2. Consider whether further interviews need to be conducted to clarify inconsistencies or gather missing information.
3. Determine whether the employee suffered a significant change in employment status due to the alleged harassment (e.g., demotion, denial, or discharge).
4. Assess whether management knew or should have known about the harassment or inappropriate workplace behavior. Contact the immediate supervisor of the employee involved to discuss the appropriate remedy or corrective action in accordance with Postal Service policies, procedures, guidelines, rules, regulations, and collective bargaining agreements. In some cases, the Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ) and the immediate supervisor will consult with the Law Department.
5. Remember it is critical to be consistent in the application of discipline.
6. In the event of possible criminal actions (such as physical assault or stalking), notify the Postal Inspection Service and local law enforcement. Report to the Office of Inspector General (OIG) any use of electronic device, computer, or the Internet to transmit threatening or harassing communications, indecent images, or materials.

# 5

## Plan of Action

Develop a **PLAN OF ACTION** and send the appropriate IMIP closeout letter to the immediate supervisors of the employees involved. It is important to convey that the Postal Service is committed to eliminating harassment and inappropriate workplace behavior. It is the Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ) and immediate supervisor of the involved employee's responsibility to see that a fair, impartial, prompt, and thorough inquiry was conducted of the alleged misconduct has taken place. With regard to determinations::

1. If an inquiry is **INCONCLUSIVE** or shows that harassment or inappropriate workplace behavior **HAS NOT** occurred, the immediate supervisor for the involved employee will inform both the alleging harassee and the alleged harasser (separately) of the determination and report the reasons for the conclusion.
  - a. When reporting to the alleging harassee:
    - 1) Acknowledge that the harassee did the right thing by reporting the incident and cooperating with the inquiry.
    - 2) Emphasize that if another incident occurs, he or she should report it immediately.
  - b. When reporting to the alleged harasser, inform the harasser that you will place nothing in his or her personnel folder.
  - c. Complete the IMIP closeout letter that documents the date you discussed the outcome with the alleged harassee and alleged harasser; and any action taken; and return the letter to the Manager Labor Relations (for HQ and HQ field units, Manager, HR HQ).
  - d. The Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ) will add the closeout letter to the IMIP report.
2. If an inquiry shows that harassment or inappropriate workplace behavior **HAS** occurred::
  - a. The immediate supervisor will take prompt action to end current harassment or improper conduct:
    - 1) Consultation with the Manager, Labor Relations, in your local district or area office (for HQ and HQ field units, Manager, HR HQ) and in some cases the Law Department on how to ensure consistency for the appropriate remedy, which may include disciplinary action.



# 5

## Plan of Action

(continued)

- 2) The action taken must be part of an effective resolution to the problem
- b. Inform both the alleging harassee and alleged harasser separately of the determination of the IMIP inquiry, the reason for the conclusion, and the actions to be taken.
- c. When reporting to the harassee:
  - 1) Acknowledge that the harassee did the right thing by coming forward and cooperating with the inquiry. Apologize to the employee on behalf of the organization, including upper management.
  - 2) Emphasize that if another incident occurs, they should report it immediately
- d. Resolve the problem and take remedial action, if necessary:
  - 1) When a remedy is determined, administer the chosen remedy appropriately. Make sure that corrective action is consistent with the severity of the conduct and is executed consistently.
  - 2) Remedial actions may include discussion, remedial training, letter of warning, suspension, transfers, demotion, discharge, or any combination of these.
  - 3) Documentation is confidential:
    - a) For a serious or recurring incident, inform the harassee that the Postal Service will keep for 4 years at the appropriate Labor Relations office.
3. Consulting with each party separately, assess whether all parties involved feel able to continue to work in the area. If not, consult with Manager, Labor Relations, at the local or area office (for HQ and HQ field units, Manager, HR HQ) to explore the possibilities available.
4. Record the date action was taken, and the action taken on the IMIP closeout letter. The Manager, Labor Relations, at the applicable district or area office (for HQ and HQ field units, Manager, HR HQ) will add the IMIP closeout letter to the IMIP report and will keep the report for 4 years.
5. Manager, Labor Relations, (or for HQ and field units, Manager HR HQ), will ensure that the completed inquiry is entered into the Workplace Environment Tracking System (WETS).
6. Regardless of determination, in all cases the immediate supervisor for the employees involved must reiterate that retaliation against any person for reporting or providing information on potential harassment is illegal and will not be tolerated..

# 6

## Follow Up

- The immediate supervisor must always **FOLLOW UP** in the workplace to ensure that employees are aware of and follow the appropriate standards of conduct and monitor the workplace openly for harassment issues. Seriously consider if you can:
1. Provide remedial training to address an issue raised during the inquiry.
  2. Use periodic stand-up talks or staff meetings as forums to reinforce your commitment and message of zero tolerance for harassment.

# Initial Management Inquiry Process Checklist

Before you finalize your Initial Management Inquiry Process (IMIP), make sure that you:

- ☐ Advise all parties of the need for confidentiality and its limitations.
- ☐ Advise all parties of your responsibility to conduct an inquiry and mention the potential for requesting further investigation by Labor Relations.
- ☐ Investigate promptly. Conduct a thorough and impartial inquiry. Get detailed facts from the parties involved (e.g., who, what, when, where, why, and how). Follow all procedures in this publication and conduct a thorough, impartial inquiry. Use the guidelines in this publication for interviewing the alleging harassee, alleged harasser, and all witnesses. Use additional sheets as necessary.
- ☐ If you believe that immediate remedial action is necessary (e.g., separate employees and offer counseling), consult with the Manager, Labor Relations in your local district or area office (for HQ and HQ field units, Manager, HR HQ).
- ☐ Advise all parties that retaliation against any person for reporting or providing information on potential harassment is illegal and will not be tolerated.
- ☐ Follow up with the alleging harassee to advise on what he or she can expect to occur during the inquiry, and keep the alleging harassee advised of the progress of your inquiry.
- ☐ Remember that the inquiry is an ongoing process; invite all persons interviewed to come back if they have more facts to add.
- ☐ Take prompt corrective action where appropriate, after consulting with Labor Relations.
- ☐ Advise harassee of his or her rights with regard to resolving the complaint.
- ☐ Convey the Postal Service's commitment to eliminating harassment and your responsibility to see that a fair, impartial, prompt, and thorough investigation of the alleged misconduct takes place.
- ☐ Contact the Manager, Labor Relations (or designee), promptly after receiving a complaint.
- ☐ When the IMIP is complete, submit all forms under confidential cover to the local district or area Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ). The Manager, Labor Relations, reviews the information to ensure that the inquiry is appropriately resolved.

## Harassment Inquiry Form

**This form is to be used by supervisors and managers to document Steps 1 and 2 of the Initial Management Inquiry Process (IMIP).**

**Date Harassment Incident Reported to Management:** Click or tap to enter a date.

<b>Individual Conducting Step 1 and 2 (Use Form 50 Name):</b> Click or tap here to enter text.	<b>Position</b> Click or tap here to enter text.
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<b>Alleged Harassee's Name:</b> Click or tap here to enter text.	<b>Facility:</b> Click or tap here to enter text.	<b>Tour:</b> Choose an item.
<b>Alleged Harasser's Name:</b> Click or tap here to enter text.	<b>Facility:</b> Click or tap here to enter text.	<b>Tour:</b> Choose an item.

<b>Alleged Incident Start Date:</b>	Click or tap to enter a date.
<b>Alleged Incident End Date:</b>	Click or tap to enter a date.
<b>Alleged Incident Site:</b>	Click or tap here to enter text.

**Basis of Workplace Harassment (Check all that apply):**

<input type="checkbox"/> Age (40 or above) <input type="checkbox"/> Color <input type="checkbox"/> Gender Identity, including transgender status <input type="checkbox"/> Genetic Information <input type="checkbox"/> Hostile Work Environment <input type="checkbox"/> Mental Disability	<input type="checkbox"/> Military Service <input type="checkbox"/> National Origin <input type="checkbox"/> Physical Disability <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Retaliation	<input type="checkbox"/> Sex <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Other: Click or tap here to enter text.
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<b>Name of Individual Reporting Alleged Incident:</b> Click or tap here to enter text.	<b>Position:</b> Click or tap here to enter text.
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**Allegations: (Who, What, When, Where, Why and How)**

<b>Step 1 &amp; 2 Start Date:</b>	Click or tap to enter a date.	<b>Step 1 &amp; 2 End Date:</b>	Click or tap to enter a date.
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**Findings** - Is an inquiry warranted (Step 3 in the IMIP Process)? If not, is it more likely than not that the conduct alleged is/is not harassment/inappropriate workplace behavior? Indicate below:

**Plan of Action (Check all that apply):**

<input type="checkbox"/> Change Reporting Relationship <input type="checkbox"/> Change Tour <input type="checkbox"/> Change Work Location <input type="checkbox"/> Coaching <input type="checkbox"/> Discussion with Parties <input type="checkbox"/> Detail Position Ended	<input type="checkbox"/> Reassignment <input type="checkbox"/> Training <input type="checkbox"/> EAP Information Provided <input type="checkbox"/> Unit Stand-up Talk(s) <input type="checkbox"/> Initial Management Inquiry (IMI)	<input type="checkbox"/> Workplace Harassment Fact Finding Investigation (WHFF) <input type="checkbox"/> Threat Assessment (TACT) <input type="checkbox"/> Workplace Environment Intervention (WEI) Other: Click or tap here to enter text.
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**Next Steps (Check all that apply):**

<input type="checkbox"/> Investigative Interview (Pre-disciplinary Interview) <input type="checkbox"/> None (Explain) <input type="checkbox"/> Other (Explain)	(Explain None or Other Below) Click or tap here to enter text.
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<b>Date sent to Labor Relations:</b>	Click or tap to enter a date.	<b>Sent Using:</b> Choose an item.
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**Send the completed form to the Manager, Labor Relations and for HQ and HQ Field to HR HQ. Retain a copy for your records.**

# Workplace Harassment Interview Guidelines

Date: (DD/MM/YYYY)

## INTERVIEW WITH ALLEGING HARASSEE

### ALLEGING HARASSEE INFORMATION

Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, ZIP Code™)

Tour and Hours of Duty:

Date(s) and time(s) the event(s) occurred:

**Note:** Advise alleging harasser of your responsibility to see that a prompt and thorough management inquiry of the conduct takes place.

### CONTACT INFORMATION OF INDIVIDUALS WHO ALLEGEDLY COMMITTED HARASSMENT

1. Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, ZIP Code™)

2. Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, ZIP Code™)

3. Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, ZIP Code™)

### INCIDENT / ACTION INFORMATION

Date of Alleged Incident/Action: (DD/MM/YYYY)

Describe specifically the incident(s) and the date(s) on which the incident(s) occurred.

Workplace Harassment Interview Guidelines

**ALLEGING HARASSEE INFORMATION**

Name of Harassee: *(First Name, Last Name)*

Job Location: *(Name of Facility, Street, City, State, Zip Code)*

Was this an isolated event or a pattern of similar events or behavior?

What was your reaction?

How did this conduct or behavior affect you? How did it make you feel?

Can you continue to work at your current location?

Can you identify other individuals with knowledge of the alleged conduct at issue or of similar actions or behaviors by the charged individual(s) in the past? (Include observations, what people heard, and who you told about the events in question.)

## ALLEGING HARASSEE INFORMATION

Name of Harassee: *(First Name, Last Name)*

Job Location: *(Name of Facility, Street, City, State, Zip Code)*

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Are there any documents or other physical evidence that may support the claim of the alleged occurrences? If so, identify them.

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Interview Form HE – Page 2 of 3

Workplace Harassment Interview Guidelines

## ALLEGING HARASSEE INFORMATION

Name of Harassee: *(First Name, Last Name)*

Job Location: *(Name of Facility, Street, City, State, Zip Code)*

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Have you previously complained about this or related acts of harassment to a supervisor or manager? If so, please identify the individual(s) to whom you complained, the date(s) of the complaint(s), and the resolution(s), if any.

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Ask the alleging harasser how he or she would like the matter resolved.

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Ask the alleging harasser if there is any question not asked that should have been, and if there is anything else about the allegations or any other information related to the inquiry that he or she would like to provide.

## FORMS AND FOLLOW UP

Submit all forms under confidential cover to the Manager, Labor Relations, local district or area (for HQ and HQ field units, Manager, HR HQ) upon prompt completion of the management inquiry. The Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ), reviews the information to ensure appropriate resolution of the inquiry.

Date: (DD/MM/YYYY)

## INTERVIEW WITH ALLEGED HARASSER

### ALLEGED HARASSER INFORMATION

Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, ZIP Code™)

Tour and Hours of Duty:

Dates of Interview: (DD/MM/YYYY)

### INCIDENT/ACTION INFORMATION – Provide a factual statement regarding the allegations.

Date of Alleged Incident/Action: (DD/MM/YYYY)

Do you recall the incident? If yes, then what is your recollection of the incident?

How did the alleging harasser react to your words or actions?

Can you identify any witness with knowledge of this incident, either directly or indirectly through you?

Can you identify any documents or other supporting evidence?

Is there any other information that should be considered in evaluating this case—e.g., perception of working relations with alleging harasser or perception of why the charge was made?



ALLEGED HARASSER INFORMATION

Name of Harasser: (First Name, Last Name) Job Location: (Name of Facility, Street, City, State, ZIP Code™)

Has anyone ever made allegations of this type against you before? When? And where? Describe the circumstances, including whether the allegations were investigated and the outcome.

Have you ever been disciplined for improper conduct or harassment?

FORMS

Submit all forms under confidential cover to the Manager, Labor Relations, local district or area (for HQ and HQ field units, Manager, HR HQ) upon prompt completion of the management inquiry. The Manager, Labor Relations (for HQ and HQ field units, Manager, HR HQ), reviews the information to ensure appropriate resolution of the inquiry.

Date: (DD/MM/YYYY)

## INTERVIEWS WITH WITNESSES

## WITNESS INFORMATION

Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, ZIP Code™)

Tour and Hours of Duty:

Length of time the witness has known the alleging harassee:

Length of time the witness has known the alleged harasser:

Date of Interview: (DD/MM/YYYY)

## INCIDENT/ACTION INFORMATION

**Provide a factual statement regarding the allegations, noting what you saw or heard, where and when the incident occurred, and anyone else who was there.**

Date of Alleged Incident/Action: (DD/MM/YYYY)

Do you recall the incident? If yes, then what is your recollection of the incident? Describe the parties' reactions.

Provide identities of other persons with knowledge of information relevant to this inquiry—either because (1) they are aware of similar behavior by the alleged harasser toward other employees, or (2) you spoke to anyone else about the incidents.

Provide any other information that should be considered in this case.

## FORMS

Submit all forms under confidential cover to the Manager, Labor Relations local district or area (for HQ and HQ field units, Manager, HR HQ) upon prompt completion of the management inquiry. The Labor Relations (for HQ and HQ field units, Manager, HR HQ Human Resources, reviews the information to ensure appropriate resolution of the inquiry.

# IMIP Closeout Memo (Not Substantiate and/or Inclusive)

IMIP - initial Management Inquiry (IMI) Process  
Case Number - IMI-XX-

<Name of Facility>

Name Job Title

Name Job Title

On <Date> I received the IMI Report and documents on the above case.

Workplace harassment includes personal interactions characterized by bullying behaviors, personal attacks, acts of intimidation or threats, and behavior that may humiliate, embarrass, and belittle others. Harassment can take the form of verbal comments, actions, gestures, and displays. Usually the offensive behavior occurs often, over a period of time.

One of the most difficult aspects of the hostile work environment claim is differentiating between conduct that is overly friendly, rude, or tasteless, and conduct that is so offensive, relentless, and severe that it warrants being labeled as harassment. Neither should be tolerated.

Based on the IMI report, I have concluded that the allegation(s) are: <Chose and explain>

**Not Substantiated:** *The majority of the evidence obtained including the declarations and the supporting documentation does not confirm that the allegations are valid for the following reason(s):*

**Inconclusive:** *The majority of the evidence obtained including the declarations and the supporting documentation does not provide clear-cut evidence that the allegations are valid. There is a significant amount of conflicting information that is questionable or open to doubt for the following reason(s):*

**The inquiry reveals that inappropriate workplace behavior was not substantiated or Inconclusive:**

1. Report results to the alleging harassee and to the alleged harasser and why it was determined to be not substantiated or inconclusive.
2. Again, advise the alleged harasser that retaliation against any person for reporting or providing information on charges is illegal and will not be tolerated. Take disciplinary action if appropriate.
3. Report results to the alleging harassee and to the alleged harasser.
4. Follow up and check the workplace to see that additional harassment or retaliation does not occur and continue employee education.
5. Note the date and subject matter for your personal records if appropriate.
6. Offer EAP to all parties involved even if it was offered when the IMI interviews were conducted.
7. **Fill out the attached form, sign and send to the Manager Labor Relations via email once you inform both the alleging harassee and alleged harasser.**

If I can be of further assistance or if you have questions, please do not hesitate to contact me.

Thank you,

Manager Labor Relations

<Name> District

# IMIP Closeout Memo Certification Page (Not Substantiate and/or Inclusive)

Date:

## MEMORANDUM FOR MANAGER, LABOR RELATIONS

### SUBJECT: INITIAL MANAGEMENT INQUIRY (IMIP) OUTCOME MEMORANDUM

Name District Location of Allegation:

Name & Job Title: <Alleged Harassee>

Name & Job Title: <Alleged Harasser>

#### DECISION:

Upon review of the IMIP Report and discussion with Labor Relations the undersigned have determined the following:

\_\_\_\_ No corrective action was taken.

Reason why:

\_\_\_\_ Warrants corrective action. Corrective action taken:

## NOTIFICATION OF DECISION

\_\_\_\_  
Date:

Alleging Harassee Employee notified of decision:

\_\_\_\_  
Date:

Allege Harasser Employee notified of decision:

CERTIFICATION: This is to certify that I have reviewed the subject matter IMIP Outcome Memo and that the above actions(s) have been taken:

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(Signature)

Supervisor or Manager/Title

Date

# IMIP Closeout Memo (Substantiated)

Date:  
Forum:

Office:  
Alleged Harasser: Alleged Harassee:

Mr./Ms. <Name>  
IMIP – Initial Management Inquiry (IMI) Process  
IMI Case Number - IMI-XX-  
<Name of Facility>

Name Job Title

Name Job Title

On <Date> I received the IMI Report and documents on the above case.

Workplace harassment includes personal interactions characterized by bullying behaviors, personal attacks, acts of intimidation or threats, and behavior that may humiliate, embarrass, and belittle others. Harassment can take the form of verbal comments, actions, gestures, and displays. Usually the offensive behavior occurs often, over a period of time.

One of the most difficult aspects of the hostile work environment claim is differentiating between conduct that is overly friendly, rude, or tasteless, and conduct that is so offensive, relentless, and severe that it warrants being labeled as harassment. Neither should be tolerated.

Based on the IMI report, I have concluded that the allegation(s) are: <Chose and explain>

**Inconclusive:** *The majority of the evidence obtained including the declarations and the supporting documentation confirms that the allegations are valid for the following reason(s):*

**The inquiry reveals that that inappropriate workplace behavior HAS occurred:**

1. Verify that the conduct has stopped. **Take remedial action if necessary.**
2. Report results to the alleging harassee and to the alleged harasser.
3. Again advise the alleged harasser that retaliation against any person for reporting or providing information on charges is illegal and will not be tolerated. Take disciplinary action if appropriate.
4. Follow up and check the workplace to see that additional harassment or retaliation does not occur and continue employee education.
5. Note the date and subject matter for your personal records if appropriate.
6. Offer EAP to all parties involved even if it was offered when the IMI interviews were conducted.
7. **Fill out the attached form, sign and send to the Manager Labor Relations via email once you inform both the alleging harassee and alleged harasser.**

If I can be of further assistance or if you have questions, please do not hesitate to contact me.

Thank you,

Manager Labor Relations  
<Name> District

# IMIP Closeout Memo Certification Page (Substantiated)

Date:

< Name> Performance Cluster Location of Allegation:

Misconduct Name & Job Title: <Alleged Harasser>

☐ No corrective action was taken.

Reason why:

☐ Warrants corrective action.

Corrective action taken:

## Notification of Decision

\_\_\_\_\_  
Date:

Alleging Harassee Employee notified of decision:

\_\_\_\_\_  
Date:

Allege Harasser Employee notified of decision:

CERTIFICATION: This is to certify that I have reviewed the subject matter IMIP Outcome Memo and that the above action(s) have been taken.

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(Signature)

Supervisor or Manager/Title

Date

# Policy Statements, Regulations, and Publications

The following policy statements and publications are available on the Postal Service *PolicyNet* website. Go to <http://blue.usps.gov>. In the left-hand column, under “Essential Links”, click *PolicyNet*. The direct URL for the Postal Service *PolicyNet* website is <http://blue.usps.gov/cpim>.

- Memorandum of Policy (MOP) HR-05-2024-1, *Equal Employment Opportunity Policy Statement*.
- MOP HR-05-2024-2, *Postal Service Policy on Workplace Harassment*.
- *Employee and Labor Relations Manual*, Subchapter 660, Conduct:
  - 662, Federal Standards of Ethical Conduct.
  - 665, Postal Service Standards of Conduct.
- Publication 552, *Manager's Guide to Understanding, Investigating, and Preventing Harassment*.
- Publication 553, *Employee's Guide to Understanding, Preventing, and Reporting Harassment*.

