

STATEMENT OF THE HONORABLE JANE F. GARVEY, FEDERAL AVIATION ADMINISTRATOR, BEFORE THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON AVIATION, CONCERNING THE ISSUE OF SEXUAL HARASSMENT. OCTOBER 23, 1997.

Mr. Chairman and Members of the Subcommittee:

I am pleased to be making my first appearance before the Subcommittee this morning, and grateful for the opportunity to discuss the FAA's efforts to ensure a safe, professional, and appropriate work environment.

Mr. Chairman, my policy on sexual harassment is simple. I do not, and I will not, tolerate it in any manner.

My job is to make sure that message is communicated to, and understood by, every employee in the FAA workforce, and that proper guidance and training exists to reinforce the message. When guidance and training fails, however, I will do my utmost to ensure that offenders are held strictly accountable, and I expect the same of every FAA manager and employee. As FAA Administrator, and as a person with many years of experience on both sides of the management equation, I know how important a harassment-free work environment is. I assure you that I will continue to spur the agency's efforts to combat sexual harassment at every opportunity, every level, and in every facility.

I would like to bring you up to date on our actions in three critical areas -- guidance, prevention through effective training, and accountability. As I do so, I will also touch on our plans to fine-tune existing policies and programs.

Building on the efforts of my predecessors, former Administrator David Hinson and Deputy Administrator Linda Hall Daschle, I signed revised policy statements on sexual harassment, model work environments, and civil rights within weeks of my confirmation. The statement on sexual harassment is clear, direct, and unequivocal; inappropriate behavior is absolutely unacceptable and will be punished. Allegations of harassment will be swiftly investigated, and when corrective action is necessary, it will be taken promptly.

These policy statements build on the agency's model work environment (MWE) plan, which was signed in July, 1996. This document sets forth the agency's commitment to create and maintain a discrimination and harassment-free environment, and broadly describes how we will get there.

One plank in the MWE effort is issuing standards to measure FAA management efforts to foster a productive and hospitable workplace. On October 2, FAA reissued performance standards in keeping with the MWE direction, and against which top-level personnel will be held accountable. The standards clearly articulate the agency's expectations that managers, supervisors, and senior executives will treat employees with dignity and respect and require the same of their subordinates, promptly eliminate harassing or threatening situations when they occur, and provide equal opportunities for all in work, development, and training.

As you well know, the promulgation of policies and guidance is only the first step in the process of ensuring a harassment-free workplace. We must communicate our policies effectively through training at all levels of the

organization. We must combat this problem through effective methods of prevention.

Currently, each major FAA organization designs and arranges for its own training, including elements on sexual harassment prevention and education. These decentralized efforts range between two and eight hours in duration, and address the issues unique to that organization.

To supplement these activities, we are in the preliminary planning stages of an effort to ensure that core training on sexual harassment prevention is provided to FAA employees. This training will include refresher coursework for supervisors and managers, as well as team building, communication, problem-solving, conflict resolution, and interpersonal relations training for all employees. We will also provide such training for new supervisors and managers as part of their initial supervisory and managerial education. As we develop the sexual harassment prevention component of this training, we will be looking at the efforts of the Coast Guard for a roadmap. The Coast Guard has developed comprehensive training materials that the FAA hopes to learn from and build on. We will also be asking our labor partners, the unions, to work with us. I will keep the Subcommittee informed of our progress in developing a training program that we all agree is effective and appropriate. To foster accountability, I have asked my Civil Rights office to take the lead for this strategic effort.

Sometimes training and guidance doesn't work, and despite our best efforts, sexual harassment happens in the workplace. When it occurs, those responsible must be held accountable. FAA has a system in place to ensure that, when allegations of discrimination and harassment are made, those allegations are

referred to the organization where they arose for appropriate handling. Management inquiries are conducted to ascertain the facts, and where warranted, an investigation is conducted by the FAA's security office. This approach is followed irrespective of whether the employee files a formal FAA grievance or EEO complaint.

When a formal complaint is filed, the investigation and resolution of that complaint is the responsibility of the Department of Transportation's Office of Civil Rights. This office, which is now headed by Ron Stroman, is planning to attack the current backlog of complaints, not only those in the area of sexual harassment, but those alleging an otherwise hostile work environment. A number of efforts are under consideration, including incorporation of mediation techniques early on in the complaint process, and improving the investigation process. For its part, FAA will be working on increasing its success rate in resolving complaints at the informal counseling stage, when that is feasible. I have asked that both DOT and FAA civil rights offices keep the Subcommittee informed on the improvements we hope to bring in these areas.

When an investigation, formal or informal, reveals that sexual harassment has occurred, FAA takes disciplinary action against violators. As you know, Federal privacy law prohibits my sharing of specific case details with you, but disciplinary action can, and has, taken the form of reprimands, reassignments, suspensions, demotions, and removal of employees at every level of the agency. Resignations in the face of removal have also taken place. Other follow-up actions have resulted in revisions to policies and practices and remedial training.

Nonetheless, I think we can do more to ensure that allegations are promptly handled, and that corrective actions are taken as quickly as is realistically possible. I am very concerned that there is a belief or perception that FAA managers are not held accountable for either creating, or failing to eliminate, a hostile work environment, and am greatly distressed that retaliation is a concern. I have asked my Civil Rights organization to propose additional mechanisms for ensuring that those who feel victimized know someone at the FAA listened and took the action necessary under the circumstances, and that there are systems in place to ensure that retaliation does not occur.

One possible method of improving accountability is creating an additional forum, like the one that has been established by the U.S. Customs Service and U.S. Navy, for reporting or reviewing harassment or retaliation concerns, to ensure that appropriate follow-up action is taken. FAA might use such a forum as a separate avenue, distinct from the EEO complaint/grievance process, and one that could be utilized even in the absence of a formal complaint or grievance being filed. Establishment of such a forum would also improve tracking and monitoring of allegations in order to help identify where additional training is necessary or particular problem areas. These enhancements would not serve as a substitute for the systems already in place that are intended to resolve sexual harassment complaints and provide relief to individual employees, but would provide an additional forum for airing concerns about agency actions in the face of complaints, and ensure that factual information is established and management action is taken.

We are also in the process of exploring how to make better use of alternative dispute resolution, or ADR, in resolving work environment issues, including

sexual harassment. I am pleased to note that we have filled the position of Associate Counsel for Alternative Dispute Resolution in the Office of the Chief Counsel. By designating a senior official in this capacity, I wish to underscore my commitment to increasing legal resources in this area and implementing the greater use of ADR in the agency as a whole. An FAA Order on ADR has also been drafted, and, when finalized, will provide additional guidance in this area. Holding managers to the new MWE standards I mentioned earlier, as well as our use of employee feedback obtained during annual surveys, should further tighten our accountability as an agency.

I would also mention that making progress on the MWE will be a critical part of our agency's current strategic planning effort. It is my intention that we will take significant steps to achieve measurable progress in implementing the MWE this year. In December, I will be hosting a national model work environment conference here in Washington, with workshops and presentations aimed at integrating the MWE principles throughout the agency to facilitate the kinds of real change we want to make. We expect that hundreds of FAA managers and human resources and diversity professionals, as well as heads of employee associations and union representatives, will attend these sessions.

We also continue to recruit, develop, and select women for positions within the FAA, including management slots. I am pleased that the percentage of women at the FAA has increased since 1990, and particularly pleased that the number of women in the FAA air traffic controller workforce has increased during the same period.

Mr. Chairman, with these steps, FAA will make progress on ensuring that every worker is treated respectfully and equally, and that those who do not obey the rules are punished. Should additional actions beyond the steps I have described this morning be necessary, I and other FAA senior officials will implement measures to further eliminate the possibility of inappropriate treatment in the FAA workplace. I will keep you closely informed of our efforts in these areas.

I want the FAA to continue to maintain the world's safest aviation system. I also want this agency to become a Government leader in successfully managing the effects of diversifying what has traditionally been a male-dominated workforce. I commend your interest in this very important issue. This hearing is a helpful step in ensuring that the FAA reaches its goal of becoming a true model workplace.

I would be pleased to answer any questions you may have at this time.