



October 2022

FEMA WORKFORCE

Additional Actions Needed to Help Prevent and Respond to Discrimination and Harassment

Accessible Version

GAO Highlights

Highlights of [GAO-23-105243](#), a report to the Chairman, Committee on Homeland Security, House of Representatives

Why GAO Did This Study

Incidents of employee discrimination and harassment can detract from an agency's mission and hamper its ability to maintain public trust if not effectively addressed. In 2020, the RAND Corporation—under a FEMA contract—estimated that 29 percent of FEMA employees experienced discrimination or harassment related to sex, or race/ethnicity, based on self-reported responses to a 2019 survey.

GAO was asked to review FEMA's efforts to improve workplace culture. This report examines (1) actions FEMA took since fiscal year 2019 to prevent and respond to discrimination and harassment; (2) the extent to which EEOC has found that FEMA has complied with requirements; (3) the extent to which FEMA's actions have met EEOC recommended practices for preventing harassment; and (4) the extent to which FEMA is overseeing and evaluating its efforts. GAO analyzed FEMA and DHS policies and documentation, compared them with EEOC recommendations, and interviewed FEMA and EEOC officials.

What GAO Recommends

GAO is making four recommendations to DHS and nine to FEMA. Among them, DHS should update its anti-harassment policy and training. FEMA should implement a control to ensure—consistent with agency policy—those who allege harassment are notified of whether corrective action has been or will be taken, designate an entity responsible for overseeing cultural improvement efforts, and establish associated goals and measures for its efforts. DHS concurred with these recommendations.

View [GAO-23-105243](#). For more information, contact Chris Currie at (404) 679-1875 or curriec@gao.gov.

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What GAO Found

The Federal Emergency Management Agency (FEMA)—a component of the Department of Homeland Security (DHS)—has taken action since fiscal year 2019 to prevent and respond to discrimination and harassment. FEMA created an office to investigate harassment allegations and developed response policies. FEMA also issued its Culture Improvement Action Plan, which includes anti-harassment and anti-discrimination training and communication campaigns.

In April 2022, the Equal Employment Opportunity Commission (EEOC) found that FEMA did not meet 13 requirements in its equal employment opportunity program. FEMA officials said they are taking steps to address these deficiencies and plan to provide EEOC a required compliance report outlining its efforts and progress to address these deficiencies in October 2022.

Further, the EEOC has issued recommended practices for preventing harassment, and FEMA has met most of these practices. For example:

Extent to Which the Federal Emergency Management Agency (FEMA) Met Equal Employment Opportunity Commission's (EEOC) Recommended Practices, July 2022

Recommendation Category	Anti-Harassment policy	Training	Complaint System	Leadership and Accountability	Total
Met	12	13	9	6	40
Partially Met	1	7	4	2	14
Not Met	2	2	0	1	5

Source: GAO analysis of information from FEMA compared with EEOC's *Promising Practices for Preventing Harassment*. | [GAO-23-105243](#)

- DHS established the anti-harassment policy and training that apply to FEMA, but these do not fully meet recommended practices. For example, DHS's policy does not include a statement that DHS (or the relevant component agency, such as FEMA) will provide a prompt, impartial, and thorough investigation. Policy and training that is more consistent with EEOC recommended practices could more effectively communicate key information to employees.
- FEMA's harassment complaint system generally met recommended practices, but FEMA does not consistently notify employees who allege harassment whether the agency took or will take corrective action. FEMA policy requires managers to provide such notification, but GAO found that managers have not consistently done so. By implementing a control to ensure consistent notification from management, FEMA could better adhere to its policy and promote trust in its complaint processes.

Although FEMA has taken actions to address workplace discrimination and harassment, it has not taken steps that would enable it to determine the effectiveness of its efforts. Specifically, FEMA has not designated an individual or entity responsible for oversight nor has it established goals and measures for its cultural improvement efforts. Taking these steps could help FEMA better monitor its efforts, demonstrate results to its employees, and make any needed adjustments for improvement.

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Abbreviations

Action Plan	Federal Emergency Management Agency's Culture Improvement Action Plan
DHS	Department of Homeland Security
EEOC	U.S. Equal Employment Opportunity Commission
FEMA	Federal Emergency Management Agency
OPR	Office of Professional Responsibility

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October 20, 2022

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
House of Representatives

Dear Mr. Chairman:

The Federal Emergency Management Agency (FEMA)—a component of the Department of Homeland Security (DHS)—is responsible for coordinating government-wide efforts in preparing for, responding to, and recovering from disasters. To meet its mission, FEMA relies heavily on its workforce, and in recent years, we have reported on long-standing workforce management challenges within FEMA.

In 2018, FEMA conducted multiple investigations into alleged sexual harassment by senior officials. In 2020, a FEMA-commissioned study estimated that 29 percent of employees experienced discrimination or harassment related to sex or race/ethnicity, based on self-reported responses by FEMA employees participating in a workplace survey in 2019.¹ Incidents of employee discrimination and harassment can detract from an agency’s mission, damage its reputation, and hamper its ability to maintain public trust if not effectively addressed. In response, FEMA implemented culture improvement efforts to help address discrimination and harassment in its workforce.

¹RAND Corporation operated Homeland Security Operational Analysis Center, *Harassment and Discrimination in the FEMA Workplace: Top Results from the Workplace Survey Support Study*; and *Harassment and Discrimination on the Basis of Gender and Race/Ethnicity in the FEMA Workforce* (2020). The census survey of FEMA personnel achieved a 44.9-percent response rate and responses were weighted to reflect the full population. Respondents were categorized as having experienced discrimination or harassment if their survey responses indicated that someone from work had engaged in (1) harassing behavior that offended the respondent and was either persistent or severe or (2) behavior perceived as discriminatory that caused a workplace harm. As the report cautions, the accuracy of the estimate is unknown because of the subjectivity involved in categorizing such behaviors and possible errors related to self-reporting. The report did not present the estimate with its margin of error at the 95 percent confidence level, but did for the estimates of discrimination or harassment by gender and race or ethnicity separately, as discussed later in the report. We did not verify these data.

Federal law prohibits employment discrimination and harassment. Discrimination occurs when an individual or group is treated differently because of their protected class, a category that includes race; color; religion; sex (including pregnancy, sexual orientation, or gender identity); national origin; age (40 or older); disability; genetic information; or reprisal for engaging in a protected equal employment opportunity activity, such as filing or being a witness in a complaint or investigation. Unlawful harassment is a form of discrimination that consists of unwelcome conduct based on a protected class that affects a term, condition, or privilege of employment, or creates a hostile work environment.²

The U.S. Equal Employment Opportunity Commission (EEOC) has established requirements for federal equal employment opportunity programs and oversees federal agencies' adherence to these requirements. In 2017, the EEOC also issued *Promising Practices for Preventing Harassment*, which are recommended practices to assist employers in preventing and addressing harassment in the workplace.³

You asked us to review FEMA's efforts to improve its workplace culture. This report examines (1) actions FEMA has taken since fiscal year 2019 to prevent and respond to discrimination and harassment and to improve its culture; (2) the extent to which EEOC has found that FEMA has complied with equal employment opportunity program requirements; (3) the extent to which FEMA's actions have met selected EEOC recommended practices to prevent harassment; and (4) the extent to

²Harassment is unwelcome conduct that is based on a protected class. Harassment is unlawful when: (1) enduring the offensive conduct is a condition of employment; (2) submitting to or rejecting this conduct results in an employment decision, such as a decision to demote or fire the recipient or target of the conduct; or (3) the conduct is severe or pervasive enough to create an intimidating, hostile, or offensive work environment. See 29 C.F.R. § 1604.11(a). FEMA may also determine that misconduct has occurred if there is unwelcome conduct that is not related to a protected class. This behavior would not meet the legal definition of harassment under federal employment discrimination laws but is prohibited under FEMA's Anti-Harassment Program.

³U.S. Equal Employment Opportunity Commission, *Promising Practices for Preventing Harassment*, EEOC-NVTA-2017-2 (Washington, D.C.: Nov. 21, 2017). These practices are based on a 2016 EEOC report from the co-chairs of EEOC's Select Task Force on the Study of Harassment in the Workplace. See: U.S. Equal Employment Opportunity Commission, *Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace* (Washington, D.C.: June 2016). According to the EEOC, the practices outlined in EEOC's document are not legal requirements under federal employment discrimination laws but may enhance employers' compliance efforts when addressing matters of harassment.

which FEMA is overseeing and evaluating the effectiveness of its culture improvement efforts.

To address our first objective, we reviewed DHS and FEMA policies, guidance, and documentation, including DHS's Anti-Harassment policy and FEMA's Anti-Harassment Program instruction. We also analyzed FEMA data on equal employment opportunity complaints of discrimination submitted to its Office of Equal Rights from October 2019 through September 2021 and misconduct cases that included allegations of harassment filed during the same period. We determined these data to be sufficiently reliable for the purposes of reporting the number of equal employment opportunity complaints received by the Office of Equal Rights and the number of cases with allegations of harassment received by the Office of Professional Responsibility (OPR) during fiscal years 2020 and 2021.⁴ In addition, we interviewed officials from FEMA headquarters, including from the Office of Policy and Program Analysis, OPR, Office of Equal Rights, and Office of the Chief Human Capital Officer, on actions taken to address discrimination and harassment and to implement FEMA's culture improvement efforts. To understand how employees view FEMA's culture improvement actions and efforts to address discrimination and harassment, we interviewed leaders from FEMA's 10 Employee Resource Groups, which are voluntary employee organizations that represent diverse perspectives in executing FEMA's mission.

To address our second objective, we reviewed EEOC's evaluations of FEMA's compliance with regulations and management directives on equal employment opportunity programs from August 2017 and April 2022—the latest reviews of FEMA programs—including documentation submitted to EEOC to aid in those reviews. We interviewed EEOC officials to learn about their compliance evaluations of FEMA. We also

⁴Specifically, we reviewed user manuals, interviewed officials responsible for these data, checked for obvious errors in accuracy and completeness, and cross-checked data across sources to determine the reliability of these data. We determined the data were sufficiently reliable for the purposes of reporting both the number of equal employment opportunity complaints that were resolved informally through counseling and the number that proceeded to be filed as formal complaints during fiscal years 2020 and 2021. We also determined the Joint-Threat Information Management System data to be sufficiently reliable for the purposes of reporting the number of cases with allegations of harassment received by the Office of Professional Responsibility (OPR) and the length of investigations and adjudication of these cases during fiscal years 2020 and 2021.

interviewed FEMA officials to learn what actions were taken to respond to those evaluations.

To address our third objective, we assessed FEMA's documentation or actions against selected practices in each of the four categories outlined in EEOC's recommended practices—(1) comprehensive and effective anti-harassment policy, (2) effective anti-harassment training, (3) effective and accessible harassment complaint system, and (4) leadership and accountability.⁵ We reviewed agency policies, procedures, guidance and training materials, and interviewed FEMA officials. We also conducted interviews with 10 individuals who had made an allegation of harassment from October 2019 through September 2021 to better understand the agency's processes for reporting and responding to allegations of harassment.⁶ The information gathered from these interviews, while not generalizable to all allegations of harassment, provided important perspectives on FEMA's processes. To better understand FEMA's time frames to resolve harassment allegations, we analyzed FEMA data on misconduct cases that included allegations of harassment filed from October 2019 through September 2021. We also reviewed RAND's 2020 and 2022 reports on discrimination and harassment to better understand FEMA's actions to assess discrimination and harassment in its workforce. We determined the reports' overall findings to be sufficiently reliable for providing context on how harassment and discrimination in the FEMA workforce has been studied.⁷ Using information from these various

⁵EEOC provides leadership and guidance to federal agencies on all aspects of the federal government's equal employment opportunity program, including preventing and addressing discrimination in the workplace. According to the EEOC, the *Promising Practices* are recommended rather than required, but these practices can help employers prevent and respond to harassment and may enhance employers' compliance efforts when addressing matters of harassment. We selected 59 out of 71 recommended practices to review based on multiple considerations, such as whether we could reasonably and objectively evaluate the criterion.

⁶Our sample consisted of 34 closed cases filed by current FEMA employees that, as of November 8, 2021, met certain criteria. These criteria included that the case had been filed between October 2019 and September 2021 (i.e., since OPR was created in October 2019) and that the alleged activity met the definition of harassment. To ensure confidentiality, FEMA directly reached out to the individuals who made the allegations of harassment in each of these cases and invited them to participate in our interview. Ten of these individuals participated. To further ensure confidentiality during these interviews, we did not ask for or collect any personal or case-specific information.

⁷Specifically, we reviewed documentation related to the two reports such as information on survey design, response rates, and weighting to assess the reliability of the reports' findings.

sources, we conducted an assessment to determine the extent to which FEMA met individual practices in each category.

To address our fourth objective, we reviewed FEMA's 2018–2022 and 2022–2026 strategic plans and associated strategic planning guidance documents to identify culture improvement implementation plans, as well as related goals and performance measures. We also interviewed FEMA officials to learn about oversight efforts. We evaluated the information from these documents and interviews against internal control standards to assess the extent to which FEMA is overseeing and evaluating its culture improvement efforts.⁸ Appendix I describes our objectives, scope, and methodology in greater detail.

We conducted this performance audit from May 2021 to October 2022 in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Overview of FEMA Workforce

FEMA's workforce consists of permanent full-time staff, as well as temporary personnel and individuals who are deployed for disaster response.⁹ As of October 2021, the agency relied on a workforce of 21,540 full-time and temporary employees, and responded to 129 presidentially declared disasters in fiscal year 2021.¹⁰ FEMA's workforce operates out of the agency's national headquarters, regional offices, and joint field offices at specific disaster locations. The agency arranges states and territories into 10 regions that are to carry out guidance from

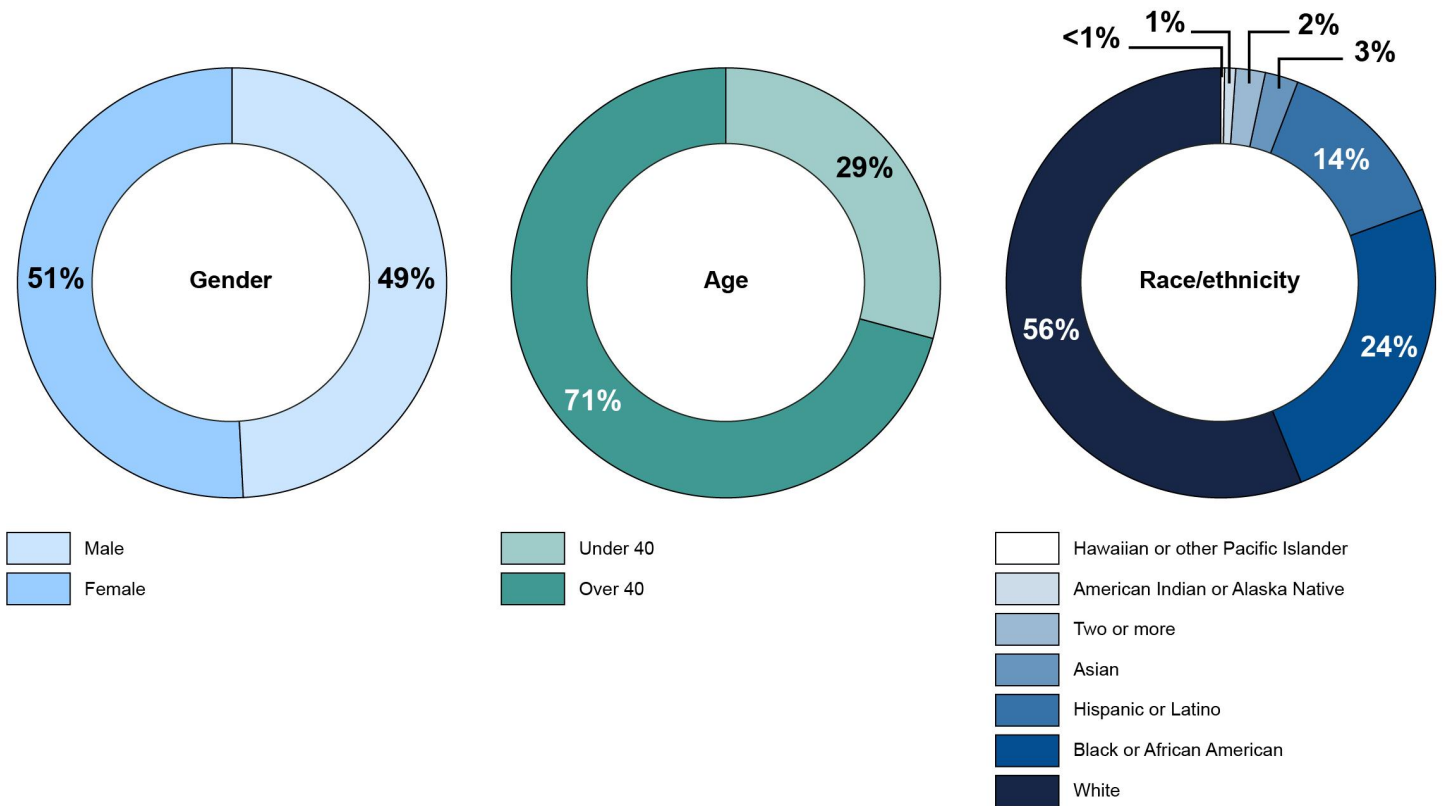
⁸GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sep. 10, 2014).

⁹See 42 U.S.C. § 5149.

¹⁰This number excludes (1) Surge Capacity Force volunteers, which are employees of other DHS components who may augment FEMA's workforce in the event of a catastrophic disaster; and (2) FEMA Corps, a national service program managed by AmeriCorps National Civilian Community Corps.

headquarters. FEMA also establishes joint field offices as temporary facilities that manage federal disaster response and recovery after a presidential disaster declaration. Figure 1 details the demographics of FEMA’s workforce as a whole, though the demographics can differ by employee type and location. For example, while the majority of the overall workforce is female (51 percent), FEMA’s permanent full-time workforce is largely male (59 percent) and less racially/ethnically diverse than its temporary workforce.

Figure 1: Federal Emergency Management Agency (FEMA) Employee Demographics, as of October 9, 2021



Source: National Finance Center. | GAO-23-105243

Accessible Data for Figure 1: Federal Emergency Management Agency (FEMA) Employee Demographics, as of October 9, 2021 (gender)

Gender	Percentage
Male	49%
Female	51%

Accessible Data for Figure 1: Federal Emergency Management Agency (FEMA) Employee Demographics, as of October 9, 2021 (age)

Age	Percentage
Under 40	29%
Over 40	71%

Accessible Data for Figure 1: Federal Emergency Management Agency (FEMA) Employee Demographics, as of October 9, 2021 (race/ethnicity)

Race/ethnicity	Percentage
Hawaiian or other Pacific Islander	<1%
American Indian or Alaska Native	1%
Two or more	2%
Asian	3%
Hispanic or Latino	14%
Black or African American	24%
White	56%

Note: This includes FEMA's permanent full-time employees, Cadre On-Call Response/Recovery Employees (CORE) and reservists. It does not include Surge Capacity Force volunteers.

RAND's 2020 Report on Discrimination and Harassment

In 2019, FEMA commissioned the RAND Corporation-operated Homeland Security Operational Analysis Center to survey all employees and estimate the prevalence of workplace discrimination and harassment. We refer to the report, which was issued in 2020, as RAND's 2020 report on discrimination and harassment. Based on retrospective, self-reported responses provided by FEMA employees participating in a 2019 workplace survey, RAND estimated that in the previous year: (1) 20 percent of FEMA employees experienced discrimination or harassment

related to sex or gender and (2) 18.4 percent of FEMA employees experienced discrimination or harassment related to race or ethnicity.¹¹

Specifically, RAND estimated that 13.5 percent of male employees and 26.3 percent of female employees experienced behavior perceived as discriminatory because of their gender, or sexual harassment.¹² The estimated rates of discrimination or harassment varied across FEMA offices. For example, women in Mission Support or the Office of the Chief Financial Officer were less likely to respond that they experienced gender-based or sexual harassment than women in regional offices. Further, the report estimated that one-third to one-half of FEMA employees who had experiences consistent with discrimination and harassment in the prior year had reported the incident,¹³ and that many

¹¹ Respondents were categorized as having this experience if their survey responses indicated that someone at work had engaged in (1) harassing behavior that was either persistent or severe or (2) behavior that was perceived as discriminatory and resulted in a workplace harm. The RAND survey had a 45 percent response rate and estimates of workplace harassment and discrimination were weighted to represent the population of FEMA employees. All estimates are presented along with their margins of error at the 95 percent confidence level. As the resulting report cautions, the accuracy of the estimate is unknown because of the subjectivity involved in categorizing such behaviors and possible errors related to self-reporting. It is possible that the estimate erroneously includes people reporting behaviors that do not meet the definition of workplace harassment and discrimination or that it excludes some people who experienced such behaviors but did not indicate this in the questionnaire. All estimates from the study are subject to sampling error. The study presented a 95 percent confidence interval for each estimate. Specifically, the estimate of FEMA employees having experienced sex or gender-based discrimination or harassment had a 95 percent confidence interval that ranged from 19.0 to 20.9 percent. The estimate of FEMA employees having experienced racial or ethnic discrimination or harassment had a 95 percent confidence interval that ranged from 17.5 to 19.3 percent.

¹² The estimate of male employees having experienced gender-based or sexual-based discrimination or harassment had a 95 percent confidence interval that extends from 12.4 to 14.8 percent, and for female employees from 24.9 to 27.8 percent.

¹³ The estimate of FEMA employees who reported (either by telling a supervisor or reporting through an official channel) experiences consistent with discrimination and harassment varied based on the type of offense. Specifically, the estimate of FEMA employees who reported experiences consistent with (1) gender-based or sexual harassment was 38.7 percent and had a 95 percent confidence interval ranging from 35.7 to 41.8 percent, (2) racial or ethnic harassment was 36.8 percent and had a 95 percent confidence interval ranging from 33.9 to 39.8 percent, (3) gender discrimination was 45.7 percent and had a 95 percent confidence interval ranging from 42.3 to 49.1 percent, and (4) racial or ethnic discrimination was 53.0 percent and had a 95 percent confidence interval that ranged from 48.4 to 57.6 percent.

employees who reported these incidents experienced retaliation.¹⁴ Specifically, one-third or more of employees who responded that they experienced discrimination, and one-fifth or more of employees who responded that they experienced harassment also said that they experienced retaliation.

The report also included six recommendations. Specifically, it recommended that FEMA (1) ensure that prevention efforts address all problematic behaviors; (2) explore differences in culture and climate between offices with low rates of civil rights violations and those with higher rates; (3) explore interventions with leadership to ensure that all staff understand how best to handle harassment and understand their responsibility to address it; (4) reduce barriers to reporting; (5) increase accountability and transparency in dealing with discrimination and harassment reports at all levels of leadership; and (6) continue monitoring discrimination and harassment in the workforce.

Oversight of Discrimination and Harassment at DHS and FEMA

Within DHS, the Office of Civil Rights and Civil Liberties leads the department's equal employment opportunity programs, including overseeing anti-discrimination and anti-harassment policies. In 2019, DHS issued its Anti-Harassment Policy Statement and revised its Anti-Harassment Directive and Program Instruction. In May 2021, FEMA issued its Anti-Harassment Program instruction to outline how the agency intends to implement DHS's policy.¹⁵ Both state that harassment is

¹⁴The estimate of FEMA employees who reported (either by telling a supervisor or reporting through an official channel) experiences consistent with discrimination and harassment and experienced retaliation from the person who they reported varied based on the type of offense. Specifically, the estimate of FEMA employees who experienced retaliation from the person who they reported for (1) gender-based or sexual harassment was 29.8 percent and had a 95 percent confidence interval that ranged 24.8 to 35.2 percent, (2) racial or ethnic harassment was 26.5 percent and had a 95 percent confidence interval that ranged 21.7 to 31.8 percent, (3) gender discrimination was 35.0 percent and had a 95 percent confidence interval that ranged 29.9 to 40.5 percent, and (4) racial or ethnic discrimination was 46.0 percent and had a 95 percent confidence interval that ranged 39.0 to 53.1 percent.

¹⁵FEMA, *FEMA Instruction 300-21-0001: Anti-Harassment Program*, Version 1 (May 26, 2021).

prohibited even if it does not rise to the level of harassment that violates federal law.

Within FEMA, three primary offices are involved in reviewing, investigating, and adjudicating discrimination and harassment allegations. Discrimination complaints must be filed through the equal employment opportunity process with FEMA's Office of Equal Rights. FEMA employees may choose to file a harassment allegation through FEMA's anti-harassment process with the Office of Professional Responsibility (OPR) or file an equal employment opportunity complaint with the Office of Equal Rights, or both.¹⁶ According to FEMA policy, misconduct allegations do not need to rise to a level of harassment that violates the law, however, equal employment opportunity complaints do.

- **Equal employment opportunity complaint process.** At FEMA, the Office of Equal Rights manages the equal employment opportunity program. Federal equal employment opportunity programs are responsible for identifying and eradicating unlawful discrimination from agencies' personnel policies, practices, and working conditions. Additionally, such programs are responsible for prompt, fair, and impartial processing of equal employment opportunity complaints. Processing a complaint involves consulting with a counselor within the agency to attempt to resolve the issue and an investigation by the agency. After the investigation, complainants may choose to have their complaints decided by an EEOC Administrative Judge, or alternatively, by a final agency decision. Each stage of the process is bounded by time frames, as specified in EEOC regulations.¹⁷ For example, employees seeking to report allegations of discrimination generally must contact a counselor within 45 calendar days of the incident.
- **FEMA's Anti-Harassment Program and process.** At FEMA, OPR receives allegations of employee harassment from individuals both within and outside the agency. Individuals (including members of the public) can report these allegations through a number of different

¹⁶The equal employment opportunity process is intended to provide individuals make-whole relief (such as damage awards) for discrimination that has occurred, whereas the Anti-Harassment Program aims to take immediate and appropriate corrective action (which could include discipline) to eliminate harassing conduct regardless of whether the conduct violated the law and to prevent harassing conduct before it can become severe or pervasive.

¹⁷See 29 C.F.R. § 1614.105.

mechanisms, including, but not limited to, the OPR misconduct hotline, misconduct email address, and the DHS Office of Inspector General hotline. Employees can also report misconduct, such as harassment, to their supervisors.¹⁸ OPR reviews all allegations, including those that the DHS Office of Inspector General declines to investigate and returns to FEMA.¹⁹

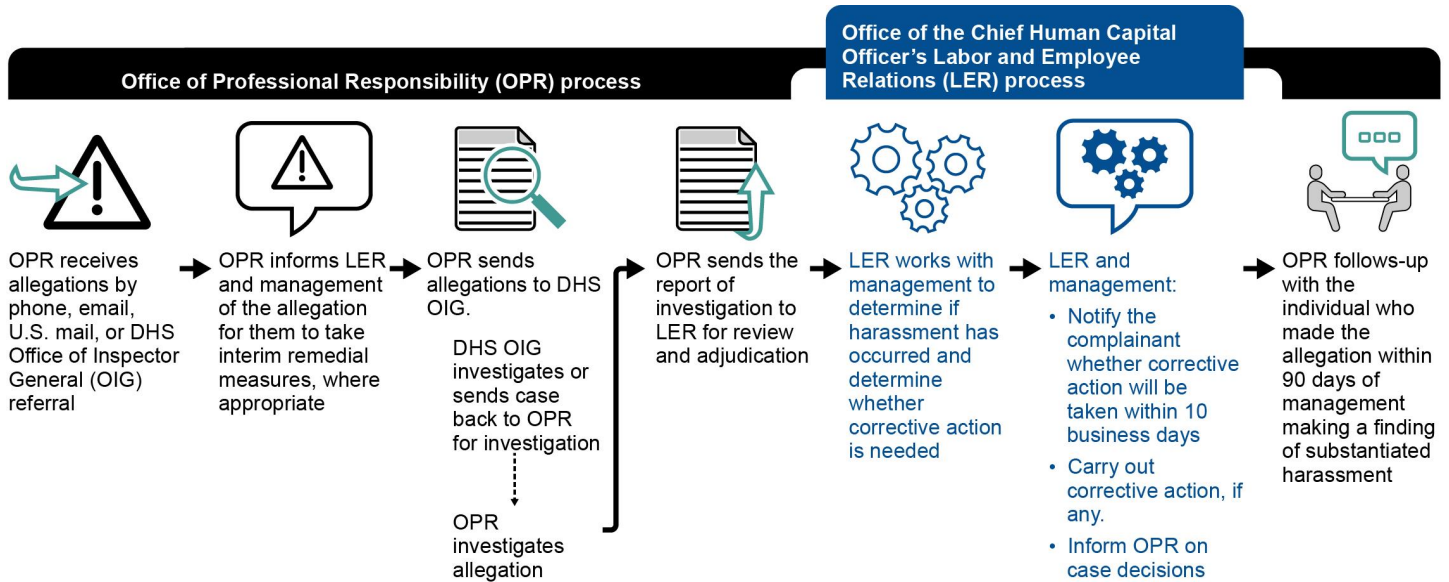
OPR investigators are to gather evidence and conduct interviews with subjects, witnesses, and individuals who made the allegation of harassment, and are required to complete investigations within established case processing time frames. Depending on the nature of the allegation(s), the office classifies cases as either Simple (30 days to complete), Moderate (60 days to complete) or Complex (90 days to complete). OPR is not responsible for making findings on harassment allegations (i.e., making a determination whether the conduct that occurred was harassment), as DHS guidance delegates responsibility for making these findings to management, such as the alleged offender's manager or supervisor.

Once completed, OPR refers the reports of investigation to the Labor and Employee Relations branch, within FEMA's Office of the Chief Human Capital Officer, for review. The Labor and Employee Relations branch works with managers and supervisors to determine if a violation of DHS or FEMA policy has occurred and recommends appropriate corrective action, if warranted. Figure 2 outlines the general steps in FEMA's process, including the role of the DHS Office of Inspector General in reviewing and investigating allegations.

¹⁸FEMA's Anti-Harassment Program instruction directs supervisors to forward allegations received to OPR.

¹⁹DHS Office of Inspector General also plays a role in reviewing and investigating certain misconduct allegations. DHS Management Directive 0801.1 requires officials from all DHS components, including FEMA, to refer certain categories of misconduct to the DHS Office of Inspector General for review, such as allegations of criminal misconduct against a DHS employee and any allegations of misconduct against senior employees. After reviewing the allegation, the DHS Office of Inspector General may elect to initiate an investigation or refer the case back to the component, such as FEMA, for review. The DHS Office of Inspector General receives complaints (from employees, supervisors, the public, and agency referrals) against employees in all DHS components through its hotline, which is a resource for reporting corruption, fraud, waste, abuse, mismanagement, or misconduct.

Figure 2: Steps in the Federal Emergency Management Agency’s (FEMA) Anti-Harassment Program Process



Source: GAO analysis of FEMA documentation. | GAO-23-105243

Equal Employment Opportunity Commission (EEOC)

The EEOC provides leadership and guidance to federal agencies on all aspects of the federal government’s equal employment opportunity program, including preventing and addressing discrimination in the workplace. The EEOC provides guidance and monitors federal agency and department compliance with regulations, provides technical assistance to federal agencies concerning complaint adjudication, monitors and evaluates federal agencies’ affirmative employment programs, and develops and distributes federal sector educational materials, among other things.

- **Management Directive 715.** Through this directive, the EEOC sets forth 156 measures for agencies to achieve model equal employment

opportunity programs as required by federal law.²⁰ The directive also sets forth the standards by which EEOC will review the sufficiency of agency programs, which include periodic agency self-assessments and the removal of barriers to free and open workplace competition. In accordance with this directive, federal departments, agencies and certain subordinate components are required to submit annual status reports to EEOC. Both DHS and FEMA submit these annual reports, which are to include a certification that the agency has completed an annual self-assessment, established plans to correct any program deficiencies, conducted comprehensive barrier analyses, and established plans to eliminate identified barriers. These reports also are to include the status of the activities under the agency's plans to correct any deficiencies.

- **Compliance reviews and technical assistance.** EEOC ensures federal agency compliance with requirements, including those outlined in Management Directive 715, through reviews of agencies' policies and by providing technical assistance to identify and address deficiencies. According to officials, the commission meets with each agency periodically to conduct these reviews. EEOC includes assessments of agency progress in notice and feedback letters to individual agencies. If the agency does not successfully undertake efforts to achieve compliance, the commission may choose to initiate its noncompliance process. This process could include conducting a program evaluation, issuing a notice to the head of the agency, or publicly identifying the agency as a noncompliant agency.²¹ EEOC last evaluated FEMA's programs to implement requirements in April 2022.
- **Recommended practices for preventing harassment.** In November 2017, EEOC issued a technical assistance document that outlines

²⁰See Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., and section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791. The Management Directive 715 identifies six essential elements for a model equal employment opportunity program: (1) demonstrated commitment from agency leadership, (2) integration of equal employment opportunity into the agency's strategic mission, (3) management and program accountability, (4) proactive prevention of unlawful discrimination, (5) efficiency, and (6) responsiveness and legal compliance. According to EEOC guidance, a "No" response to any measure from these essential elements in an agency's report checklist is a program deficiency. For each such "No" response, an agency is required to identify a plan for correcting the identified deficiency. EEOC, *Equal Employment Opportunity Management Directive 715*, Management Directive 715 (2003).

²¹29 C.F.R. § 1614.102(e).

recommended practices for preventing harassment.²² These practices are not legal requirements but identify practices employers can implement to help prevent and address harassment. They are organized into four areas: (1) comprehensive and effective anti-harassment policy, (2) effective anti-harassment training, (3) effective and accessible harassment complaint system, and (4) leadership and accountability. These practices are based on a 2016 report from the co-chairs of EEOC's Select Task Force on the Study of Harassment in the Workplace.²³

FEMA Took Action to Help Prevent and Respond to Discrimination and Harassment

Since 2019, FEMA implemented organizational changes such as the development or revision of key policy documents regarding discrimination and harassment in the workplace. In addition, FEMA took corrective actions as a result of RAND's 2020 report on discrimination and harassment, including the development of a Culture Improvement Action Plan.

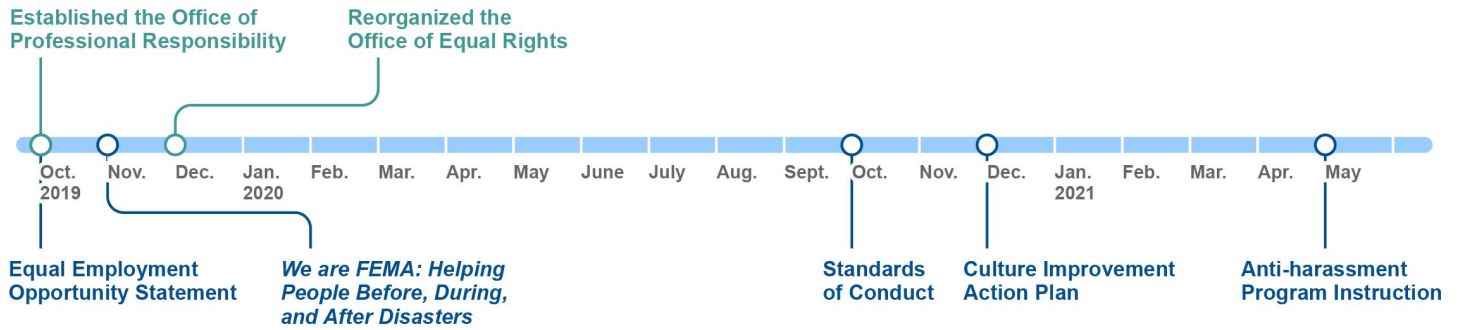
FEMA Made Organizational Changes and Issued or Revised Policies and Guidance on Discrimination and Harassment

FEMA made organizational changes to help prevent and respond to discrimination and harassment, including: (1) creating OPR; (2) reorganizing the Office of Equal Rights; and (3) updating and issuing policies, guidance, and other agency documents related to workplace culture (see fig. 3).

²²EEOC, *Promising Practices for Preventing Harassment*, EEOC-NVTA-2017-2 (Washington, D.C.: Nov. 21, 2017).

²³EEOC, *Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace* (Washington, D.C.: June 2016).

Figure 3: Timeline of Federal Emergency Management Agency (FEMA) Organizational Changes, Fiscal Years 2020–2021



Legend

Changes in organizational structure

Issuance of policies, guidance, and documents

Source: GAO analysis of FEMA documentation. | GAO-23-105243

Established OPR. FEMA established OPR in October 2019 to receive, review, and investigate allegations of misconduct in a timely, fair, and objective manner. In February 2020, OPR assumed responsibility for managing FEMA’s Anti-Harassment Program and for receiving and processing harassment allegations. As part of this, FEMA made changes to its misconduct and harassment processes. For example, FEMA:

- provided additional training to investigators on victim-based approaches to investigate sexual harassment claims.
- established four points of communication with individuals who made a harassment allegation throughout the investigative process to increase transparency.²⁴
- increased education for all FEMA offices, which included an overview of OPR’s mission and programs; information on the definitions of misconduct, discrimination, and harassment; and how to report misconduct.

In addition, OPR implemented a secure case management system (DHS Joint-Threat Information Management System) to help improve data

²⁴First, OPR is to send an acknowledgement to the individual who made the harassment allegation that OPR has received the allegation(s). Second, the investigator assigned to a case is responsible for reaching out to the individual who made the harassment allegation within 72 hours of case assignment. Third, the investigator is to conduct an interview with the individual who made the harassment allegation. Finally, the OPR case management team will notify the individual that the investigation is closed and that it has been referred to the Labor and Employee Relations branch for adjudication.

integrity, among other things.²⁵ According to our analysis of these data, OPR received 619 cases that included 833 allegations of harassment during fiscal years 2020 and 2021 (see table 1).

Table 1: Cases and Allegations of Harassment Received by the Office of Professional Responsibility, Fiscal Years 2020–2021

Fiscal year	2020	2021	Total
Cases involving harassment allegations	337	282	619
Harassment allegations ^a	450	383	833
Harassment allegations ^a : Bullying/ Non-Sexual Harassment	151	110	261
Harassment allegations ^a : Discrimination/ Discriminatory Behavior	25	17	42
Harassment allegations ^a : Discrimination/ Discriminatory Comments	67	17	84
Harassment allegations ^a : Hostile Work Environment	65	96	161
Harassment allegations ^a : Retaliation	113	107	220
Harassment allegations ^a : Sexual Harassment	28	36	64

Source: GAO Analysis of DHS Joint-Threat Information Management System data. | GAO-23-105243

^aA case can include more than one alleged offense.

Reorganized the Office of Equal Rights. In fiscal year 2020, FEMA reorganized its Office of Equal Rights into five functional areas: Business Management Unit, Equal Employment Opportunity Unit, External Civil Rights Division, Disability Unit, and Affirmative Employment Unit. According to officials, the reorganization allowed them to develop subject matter experts for the many facets of equal employment opportunity programs and clarify roles and responsibilities. The Office of Equal Rights also changed its case processing to have one team process all aspects of a discrimination complaint, rather than having different teams assess different parts of complaints, to help improve efficiency. The Office of Equal Rights uses a system (iComplaints) to collect, track, manage,

²⁵We have previously reported that FEMA employee misconduct data (which includes harassment) were not readily accessible and could not be verified as accurate and complete on a timely basis. These limitations restricted management’s ability to process the data into quality information. We recommended that FEMA improve its employee misconduct data by implementing quality control measures or considering the adoption of database software that would help standardize data collection across FEMA. GAO, *Federal Emergency Management Agency: Additional Actions Needed to Improve Handling of Employee Misconduct Allegations*, [GAO-17-613](#), (Washington, D.C.: July 18, 2017). FEMA has addressed this recommendation, and we have closed it as implemented.

process, and report information regarding complaints and cases. According to our analysis, the Office of Equal Rights received 237 complaints that were resolved informally through equal employment opportunity counseling and an additional 279 complaints that proceeded to be filed as formal complaints during fiscal years 2020 and 2021 (see table 2).²⁶

Table 2: Equal Employment Opportunity Complaints Received by the Office of Equal Rights, Fiscal Years 2020–2021

Fiscal Year	Informal complaints ^a	Formal complaints
2020	113	132
2021	124 ^b	147

Source: GAO analysis of iComplaints data. | GAO-23-105243

Note: We analyzed Federal Emergency Management Agency data that were separated as informal and formal complaints.

^aThese are complaints initiated during the fiscal year that were resolved during equal opportunity counseling (informal stage) and did not result in a formal complaint.

^bAs of December 2, 2021, an additional 17 complaints filed in 2021 were in equal employment opportunity counseling (informal stage) and could result in a formal complaint. These 17 complaints are not included in the table.

Updated and issued policies, guidance, and other documents. From October 2019 through May 2021, FEMA updated policies that prohibit discrimination and harassment. For example, in October 2019, FEMA issued its *Equal Employment Opportunity, Diversity, and Anti-harassment Policy Statement*, which states that discrimination and reprisal are prohibited and that appropriate corrective action will be taken when prohibited discrimination is found to have occurred. Similarly, FEMA’s *Personnel Standards of Conduct and Anti-Harassment Program Instruction* documents state that FEMA prohibits harassing conduct; encourages the reporting of suspected harassment; and affirm that FEMA will impose appropriate discipline on any employees found to have engaged in harassment, up to and including termination from employment.

FEMA also updated and issued documents to help foster a workplace environment that does not tolerate discrimination or harassment. For example, in November 2019, FEMA revised one of its policy statements to reemphasize the importance of the agency’s core values of

²⁶As of December 2, 2021, an additional 17 cases were equal employment opportunity counseling were open and could result in a formal complaint.

compassion, fairness, integrity, and respect.²⁷ Similarly, FEMA issued its *Culture Improvement Action Plan* (Action Plan) to increase employee awareness of efforts to reduce discrimination and harassment in the workplace and to communicate planned actions for improvement.²⁸

FEMA Issued and Took Steps to Implement Its *Culture Improvement Action Plan*

In December 2020, FEMA issued its Action Plan, which focuses on six areas: engagement and advocacy, training and education, messaging and communications, employee resources, performance and accountability, and monitoring and assessment.²⁹ In June 2021, FEMA issued a second edition of the Action Plan to update actions the agency had taken since December 2020 and to add new actions for the regions and other program offices to implement, among other things.³⁰

FEMA took various steps to implement its Action Plan, including (1) implementing training, (2) increasing communication, (3) aligning individual performance with culture improvement, and (4) conducting additional workplace studies. According to officials, the agency discontinued the Action Plan in December 2021, and plans to incorporate ongoing action items through other strategic efforts, which we discuss in more detail later in this report. As of May 2022, FEMA completed 31 of 39 actions identified in both editions of the Action Plan (see appendix II).

²⁷FEMA, *We are FEMA: Helping People Before, During, and, After Disasters*, FEMA Policy 112-01, (Washington, D.C.: November 18, 2019). Also known as Publication 1 (Pub1), this policy aims to help employees understand FEMA's role in the emergency management community and provides direction to employees for how to conduct themselves and make decisions each day.

²⁸FEMA, *Culture Improvement Action Plan*, (Washington, D.C.: December 2020).

²⁹According to FEMA officials, the Office of External Affairs led a team to create the Action Plan. This team reviewed the results of the RAND's 2020 report on discrimination and harassment to identify actions that FEMA could take to address the report's recommendations. The team also reviewed information on different offices' ongoing efforts and categorized them based on which RAND recommendation they addressed. For the second edition of the Action Plan, officials said FEMA followed a similar approach but also reached out to 88 executives to obtain input from them and their staff on additional actions the agency could take.

³⁰For example, the Action Plan added an action for each region and program office to appoint a "culture improvement champion."

Implemented training. Since 2019, FEMA has required all employees to take annual training on preventing and addressing workplace harassment. Similarly, the agency also requires employees to take annual training on equal employment opportunity, and a one-time training on civil treatment, both of which cover harassment. From June 2020 through May 2021, OPR provided a misconduct and harassment presentation to all regions and program offices. FEMA also provides new employees with this presentation and equal employment opportunity training during the onboarding process. From January 2020 through December 2021, FEMA also offered a 3-day anti-sexual harassment training by the Rape, Abuse and Incest National Network to approximately 3,000 employees across 15 field offices on how to create a safer work environment.³¹ Further, individual program offices have offered various training to employees in leadership positions, such as unconscious bias trainings. FEMA also revised multiple general training courses to include information on building appropriate culture.

Increased communication. In December 2020, senior leaders held town halls to address RAND's 2020 report on discrimination and harassment, FEMA's Action Plan, and employees' questions. Agency leaders also sent communications to reiterate the agency's commitment to culture improvement to employees. In 2021, FEMA developed a webpage for employees to find information and resources on culture improvement, including anti-discrimination and anti-harassment efforts. This webpage is accessible through a link on FEMA's intranet homepage. OPR also created posters and fact sheets about FEMA's Anti-Harassment Program. Further, since May 2020, FEMA includes information on a quarterly basis about disciplinary and administrative actions taken in response to employee misconduct, including discrimination and harassment, in its employee newsletter. FEMA leadership also engaged in conversations with all 10 FEMA Employee Resource Groups to discuss how the groups can help build employee advocacy related to anti-harassment, among other things.

Aligned individual performance with culture improvement. FEMA incorporated a new measure for its fiscal year 2022 Senior Executive

³¹The Rape, Abuse & Incest National Network is the nation's largest anti-sexual violence organization. This organization created and operates the National Sexual Assault Hotline in partnership with more than 1,000 local sexual assault service providers across the country. It also carries out programs to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice.

Service performance plans to rate an individual executive's contribution to culture improvement.³² In addition, in September 2021, FEMA directed regional councils to include responsibilities for disaster recovery managers to ensure a workplace that is free of bullying, discrimination, and harassment. As of May 2022, FEMA officials said that the agency is also piloting a 360-degree feedback program which would allow employees to provide feedback to supervisors. The Action Plan also indicated that FEMA would develop additional employee awards related to culture improvement and, as of May 2022, officials said they are working on this effort.

Conducted additional workplace studies. In October 2021, FEMA completed two studies to identify practices employed by external organizations as well as internally within FEMA, which could be leveraged for culture improvement. According to FEMA officials, they have implemented some of the findings from the reports in informal ways and said these reports are available as a resource to FEMA offices through the agency's culture improvement intranet webpage.

In addition, FEMA contracted with RAND for two additional studies. Specifically, as part of a prior contract, RAND conducted a follow-up agency climate assessment, including an online census survey focused on discrimination and harassment. In August 2022, RAND issued the results from this study. In addition, in September 2020, FEMA awarded a contract to RAND to examine the extent to which barriers to equal employment opportunity exist for women and underrepresented groups at FEMA (barrier analysis). FEMA expects the results from this study in early fall of 2022.

EEOC Found That FEMA Has Complied with Some but Not All Equal Employment Opportunity Program Requirements

FEMA has addressed some but not all areas of noncompliance identified by the EEOC in its 2017 review. In April 2022, the commission

³²Specifically, the new measure rates Senior Executives on their ability to: (1) provide clear communication of workforce culture objectives, programs, and improvements, and (2) assist supervisors and managers in leadership and management development through training, coaching, and other means.

determined that since its previous review, FEMA had corrected three deficiencies in its equal employment opportunity program, but 13 remain, 10 of which were categorized as critical.³³ For example, the commission found that FEMA does not complete equal employment opportunity complaint investigations within 180 days of the date the complaint was filed. See appendix III for a listing of critical deficiencies.³⁴

In addition, the EEOC found that FEMA has not satisfied all requirements for its disability program. Specifically, the agency adopted goals regarding representation rates for people with disabilities at different pay-grade levels. But the EEOC found that FEMA had not issued reasonable accommodation procedures that met requirements or posted personal assistance services procedures on its public website as required.³⁵

The EEOC used information from fiscal year 2020 to complete its assessment, and according to FEMA officials, FEMA has taken steps to address remaining deficiencies since that time. For example, in its fiscal year 2021 Management Directive 715 report, a status report that FEMA certified on June 2, 2022, FEMA notes that it has corrected three of the

³³To conduct its 2022 review, the EEOC conducted a technical assistance visit with FEMA in November 2021 and analyzed FEMA's Management Directive 715 status report from fiscal year 2020. According to EEOC officials, as part of this review they met with FEMA officials and provided an opportunity to discuss actions taken between September 2020 (the end of fiscal year 2020) and November 2021 (the time of the EEOC's review). The EEOC determined that FEMA corrected the following deficiencies in its equal employment opportunity program: (1) the agency has successfully ensured senior managers participate in the identification and removal of barriers; (2) the agency has established timetables to review at regular intervals agency policies, practices and procedures for eliminating systemic barriers and collaborate with the Human Resources office on Affirmative Employment Action Plans; and (3) the agency completed equal employment opportunity counseling in a timely manner. Specifically, FEMA timely completed 90 percent of the counseling during fiscal year 2021.

³⁴The EEOC's feedback letter does not identify the other three deficiencies it did not identify as critical.

³⁵29 C.F.R. § 1614.203(d)(5)(v). Personal assistance services help individuals who, because of targeted disabilities, require assistance to perform basic activities of daily living (e.g., eating and using the restroom), but do not include helping the individual to perform job functions (although such help could be required as a reasonable accommodation). Other deficiencies in FEMA's Disability program include (1) not establishing a comprehensive plan designed to ensure advancement opportunities for people with disabilities, and (2) not identifying and investigating triggers involving people with disabilities for potential barriers to equal opportunity.

deficiencies in its equal employment opportunity program.³⁶ This status report includes corrective action plans for many, but not all, of the remaining deficiencies in FEMA's equal employment opportunity and disability programs that were identified in the EEOC's April 2022 letter summarizing its findings.

Office of Equal Rights officials said that some deficiencies will take additional time to resolve but explained that FEMA is taking action to address them as of July 2022. For example, officials said that FEMA had not implemented the equal employment opportunity complaint process in a timely manner because of a lack of resources. However, the Office of Equal Rights has since increased the staffing levels which officials stated could improve timeliness. For example, in September 2022, officials noted that the Office of Equal Rights had hired an Investigation and Compliance Manager to help improve timeliness. In addition, during fiscal year 2022, the Office of Equal Rights started creating monthly progress reports for timeliness alerts to help address complaints in a more timely manner. Officials said that this has already shown increased efficiencies in completing timely investigations. Specifically, FEMA completed 80 percent of equal employment opportunity investigations in a timely manner during fiscal year 2021, compared to 71 percent in fiscal year 2020. Officials noted that this improvement occurred even though there was an increase in complaints in fiscal year 2021. In addition, FEMA officials said that the agency is completing a review and update to the reasonable accommodations instruction to comply with EEOC requirement. According to EEOC officials, the commission is reviewing FEMA's instruction to ensure it complies with EEOC regulations.

To help ensure continued progress to address the remaining deficiencies, the EEOC is requiring FEMA to submit a compliance report in October 2022 showing meaningful progress toward addressing deficiencies. Following EEOC's 2017 technical assistance visit, FEMA did not provide

³⁶Specifically, FEMA's fiscal year 2021 Management Directive 715 status report no longer identifies the following three deficiencies: (1) a failure to regularly implement the equal employment opportunity Director's recommendations for remedial or disciplinary actions, (2) untimely issuance of acceptance and dismissal letters, and (3) a lack of barrier analysis.

compliance reports in a timely manner or at all.³⁷ Additionally, the commission has previously found that FEMA's plans to correct deficiencies did not include actions to address all the identified deficiencies. FEMA officials were unable to explain why FEMA had not been fully responsive to the EEOC, but they noted that staff turnover in the Office of Equal Rights has made it difficult to track information over that period of time. FEMA officials said they plan to provide the October 2022 compliance report to the commission on time. In addition, officials said that the Office of Equal Rights assigned responsibility to a staff member to track deficiencies identified by the commission and work with stakeholders across FEMA to develop action plans to address each deficiency. Upon receiving FEMA's compliance report, the EEOC will determine whether actions taken and planned are likely to result in meaningful progress toward addressing deficiencies.

FEMA Met Most of the Selected EEOC Recommended Practices but DHS and FEMA Could Take Additional Steps to Fully Implement Some Practices

FEMA met most of the EEOC recommended practices for preventing harassment that we selected in each of the four categories: (1) a comprehensive and effective anti-harassment policy (as provided by DHS), (2) regular and effective anti-harassment training (as provided by DHS and supplemented by FEMA), (3) an effective and accessible complaint system, and (4) leadership and accountability. Specifically, our analysis found that FEMA met 40 of the 59 selected recommended practices, partially met 14, and did not meet 5, as shown in table 3.³⁸ See

³⁷In July 2019, we reported that FEMA did not submit timely compliance reports to the EEOC. We also reported that FEMA, among other DHS components, had identified various deficiencies in equal employment opportunity programs, but lacked policies and procedures for developing action plans to address them. GAO, *Equal Employment Opportunity: DHS Could Better Address Challenges to Ensuring EEO in its Workforce*, [GAO-19-573](#), (Washington, D.C.: July. 24, 2019). In April 2020, in response to our recommendations, DHS issued standard operating procedures to respond to the EEOC findings in a complete and timely manner. Similarly, DHS components, including FEMA, issued standard operating procedures for addressing equal employment opportunity program deficiencies.

³⁸These include practices for which FEMA follows DHS policies and training. Thus, we assessed DHS's Anti-Harassment Policy Statement and DHS's "Preventing and Addressing Workplace Harassment" training against relevant practices.

appendix IV for further information on the extent to which FEMA met each practice.

Table 3: Extent to Which the Federal Emergency Management Agency (FEMA) Met Selected Equal Employment Opportunity Commission (EEOC) Recommended Practices for Preventing Harassment

Recommended Practices Category	Met	Partially Met	Not Met
Anti-Harassment Policy ^a	12	1	2
Training ^b	13	7	2
Complaint System	9	4	0
Leadership and Accountability	6	2	1
Total	40	14	5

Source: GAO analysis of information from FEMA compared with EEOC November 2017 *Promising Practices for Preventing Harassment*. | GAO-23-105243

Notes: "Met" means that the policy or actions of FEMA were consistent with a recommended practice identified by EEOC. "Partially met" means that FEMA's policy or actions are consistent with part, but not all, of a recommended practice. "Not met" means that FEMA's policy or actions are not consistent with a recommended practice. We selected 59 out of 71 recommended practices to review based on multiple considerations, such as whether we could reasonably and objectively evaluate the criterion. See appendix IV of the report for our evaluation of the extent to which FEMA met each practice.

^aFEMA follows Department of Homeland Security's (DHS) anti-harassment policy. Thus, we assessed DHS's Anti-Harassment Policy Statement against recommended practices in this category.

^bDHS provides mandatory annual anti-harassment training for DHS employees, including FEMA employees. Thus, we assessed DHS's "Preventing and Addressing Workplace Harassment" training against recommended practices in this category.

DHS's Anti-Harassment Policy Did Not Fully Meet Recommended Practices

DHS's anti-harassment policy, which covers FEMA, generally met EEOC's recommended practices for a comprehensive and effective anti-harassment policy. However, DHS's policy did not fully meet three of these practices.³⁹

³⁹As part of its 2022 compliance review, the EEOC found that DHS's anti-harassment policy is noncompliant with EEOC guidance. In particular, the EEOC found that DHS's policy does not include a time frame to ensure investigations are prompt, or to ensure immediate corrective actions are taken. As noted earlier in this report, FEMA plans to provide a compliance report, outlining plans to address each deficiency, to the EEOC in October 2022. Upon receiving FEMA's compliance report, the EEOC will determine whether actions taken and planned are likely to result in meaningful progress toward addressing deficiencies.

Selected Recommended Practices for Effective Anti-Harassment Policy

Met	12
Partially met	1
Not met	2

Source: GAO analysis of information from FEMA compared with EEOC November 2017 *Promising Practices for Preventing Harassment*. | GAO-23-105243

In April 2019, DHS issued its Anti-Harassment Policy Statement, which applies to employees at every level of the department and its components and contains most of the recommended language included in the EEOC practices.⁴⁰ For example, the policy contains easy to understand descriptions of prohibited conduct, and encourages employees to report suspected harassment even if they are not sure if the conduct violates agency policy. DHS’s policy also provides a general overview of the reporting process and refers employees to component-specific policies. FEMA’s Anti-Harassment Program instruction, issued in May 2021, provides detailed information on how to file a complaint at FEMA.⁴¹ Further, DHS’s policy states that the agency does not tolerate retaliation against any individual for reporting, assisting or providing information related to a report of harassment. The policy also provides an assurance that the organization will take immediate and proportionate corrective action if it determines that harassment has occurred. EEOC’s recommended practices state that a comprehensive, clear anti-harassment policy that is regularly communicated to all employees is an essential element of an effective harassment prevention strategy. DHS policy is clear and easy to understand and is communicated to employees upon hire, and is available via the agency’s website.

However, we found that DHS’s policy partially met one and did not meet two recommended practices. Specifically:

- The practices recommend that a policy include a statement that the employer will provide a prompt, impartial, and thorough investigation. DHS’s policy includes a statement that all reports must be referred for prompt inquiry but does not include information regarding an impartial and thorough investigation. This information is included in other documentation, such as DHS’s Anti-Harassment Program instruction. However, because it is not included in DHS’s anti-harassment policy, employees must look at multiple sources to find the relevant information. According to EEOC officials, agencies should provide information in a user-friendly manner to employees, applicants, senior leaders, and others. For example, EEOC officials said that including all the policy statements from the recommended practices in a single policy document can provide user-friendly access by limiting the extent to which employees must refer to multiple documents.

⁴⁰DHS. *Anti-Harassment Policy Statement* (Policy statement 256-06) April 1, 2019.

⁴¹FEMA *Instruction 300-21-0001*.

- DHS’s policy does not include a description of any processes for employees to informally share or obtain information about harassment without filing a complaint, as called for in the practices.
- Similarly, the policy does not include a statement that employees are encouraged to respond to questions or to otherwise participate in investigations regarding alleged harassment as the practices advise.

EEOC recommended practices state that a comprehensive anti-harassment policy, one that includes the elements mentioned above, is an essential element of an effective harassment prevention strategy. DHS officials said that they had focused on EEOC requirements rather than EEOC’s recommended practices when developing policy. In July 2022, DHS officials told us that fully implementing the recommended practices would strengthen DHS’s anti-harassment programs. Consistent with the recommended practices, DHS reviews its anti-harassment policy statement on an annual basis and updates it as needed. As part of its next annual review, updating its anti-harassment policy statement to be consistent with all of the EEOC’s recommended practices could help DHS better ensure that its department-wide policy is comprehensive and effective.

DHS and FEMA Anti-Harassment Trainings Do Not Fully Meet Recommended Practices

DHS’s anti-harassment training, which FEMA provides its employees, generally met the majority of EEOC recommended practices for regular and effective anti-harassment training. In particular:

- FEMA provides DHS’s annual anti-harassment training to employees at every level of the organization in a clear, easy to understand style and format. The training describes and encourages employees to report harassing conduct, and provides an assurance that employees who report harassing culture will not be subjected to retaliation. While the training is pre-recorded, it includes multiple case studies and knowledge checks to encourage active engagement by participants.
- FEMA requires supervisors to attend a civil treatment for leaders course. We found this training to be generally consistent with recommended practices. For example, this training reiterates that retaliation against employees for making a complaint is prohibited, and it includes explanations of the consequences for other prohibited conduct. Further, FEMA collects and analyzes employees’ evaluations for this training.

Selected Recommended Practices for Effective Anti-Harassment Training

Met	13
Partially met	7
Not met	2

Source: GAO analysis of information from FEMA compared with EEOC November 2017 *Promising Practices for Preventing Harassment*. | GAO-23-105243

- As part of the initiatives identified in FEMA's Action Plan, the agency introduced additional training courses containing content that met the recommended practices. For example, FEMA offered a civil treatment training weekly in 2020 and 2021, which was available to all employees. FEMA also offered sexual misconduct awareness and response initiative training at its Joint Field Offices. Similarly, through its leadership and Employee Resource Groups, FEMA engaged in multiple discussions with employees to address issues related to current events, which is also advised by the recommended practices.

However, DHS and FEMA mandatory trainings for all employees and for supervisors do not fully incorporate all elements of the recommended practices. In particular, DHS's mandatory anti-harassment training for all employees is (1) not tailored to DHS's workplace or workforce, including FEMA, and (2) provides limited information specific to the agency's complaint processes. Specifically:

- The training does not reflect the unique characteristics of DHS's workplace and workforce—two things that are advised by recommended practices. For example, the training presented scenarios of incidents taking place in an office environment. However, FEMA employees—in addition to employees in other DHS components—often engage in field work outside such environments. According to the EEOC, using examples and scenarios that realistically reflect the worksite may help enhance the effectiveness of the training. In July 2022, DHS officials told us that including scenarios in a field environment would strengthen its anti-harassment training because a substantial portion of the DHS workforce operates in the field. Officials also said they are revising the training to reflect these scenarios in the future.
- The practices recommend that training includes explanations of the information that may be requested during an investigation, including the name or a description of the alleged harasser(s), alleged victim(s), and any witnesses, the date(s) of the alleged harassment, the location(s) of the alleged harassment, and a description of the alleged harassment. However, the mandatory training does not include this information. DHS officials said they did not include this information in the training because of time constraints for the training. However, officials said the specifics about the process are provided to those who report harassment. Including this information in the training could provide more transparency in the process for those who are considering reporting harassment.

- The training does not provide employees with opportunities to ask questions about the training, anti-harassment policy, complaint system, and related rules and expectations contrary to recommended practices. DHS officials said that including an opportunity to ask questions would be difficult because of the online, pre-recorded format of the training. However, EEOC officials said that, when the training is pre-recorded, it is important for the agency to include contact information for the corresponding offices so employees can reach out with any questions. While DHS training directs employees to reach out to their components for questions, it does not provide component-specific points of contact. Including such contacts would help employees reach out to the most appropriate point of contact.

Updating DHS training to include these additional elements from the recommended practices could help DHS better ensure that the training for FEMA employees, and all other DHS employees, is effective.

Further, DHS does not collect employee feedback to evaluate its anti-harassment training, contrary to recommended practices. DHS and FEMA officials said that subject matter experts evaluate the mandatory training prior to being published yearly to employees. According to the EEOC, evaluations are most effective if they are done after the training and participants are asked questions, for example, about whether the training changed their own behaviors. Further, the EEOC states that training evaluations should incorporate feedback from all levels of the organization. DHS officials acknowledged that such an approach would provide useful feedback in determining whether changes to the training are needed, but noted that this approach would be resource-intensive since the department employs over 200,000 employees. However, there are multiple methods agencies can use to obtain and incorporate such feedback that will not require the agency to solicit input from all employees.⁴² Providing an opportunity for employees to evaluate the anti-harassment training on a recurring basis and considering any employee

⁴²We have previously reported that, to the extent possible, agencies should ensure that they incorporate a wide variety of stakeholder perspectives—including training participants, agency leaders, managers, supervisors, and subject matter experts—in assessing their trainings. Stakeholders' perspectives can be obtained through surveys and questionnaires, among other methods. We have reported that obtaining insights from different stakeholders can play an important role in helping agencies balance between overly broad and unduly detailed course content. See GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, [GAO-04-546G](#) (Washington, D.C.: March 1, 2004).

feedback for future training could help DHS ensure that its mandatory training is effective and has employee buy-in.

In addition, FEMA's training for supervisors does not include some information recommended by the practices. Specifically, the practices recommend that training for supervisors include information about how to prevent, identify, stop, report, and correct harassment. This could include: (1) the identification of potential risk factors for harassment and specific actions that may minimize or eliminate the risk of harassment; (2) an easy to understand and realistic methods for addressing harassment; (3) clear instructions about how to report harassment up the chain of command; and (4) explanations of the confidentiality rules associated with harassment complaints. However, FEMA's training does not include this information. For example, the training does not include clear agency-specific instructions about steps that the supervisor should take if an employee reports harassment to them. Our interviews with individuals who filed allegations of harassment from October 2019 through September 2021 indicate that FEMA supervisors would benefit from additional instruction on how to address harassment. For example, seven out of 10 individuals we interviewed raised issues with how their supervisor handled their harassment complaints, such as learning that the supervisor shared the individual's identity with others or observing that a supervisor indicated the individual's case was not taken seriously.

FEMA leadership has emphasized that managers and supervisors have a role in preventing and promptly correcting any conduct that could result in harassment. According to officials, the agency is leveraging trainings and other methods to increase the emphasis on managing culture, which includes its anti-harassment program. FEMA officials acknowledged that the training instruction provided to supervisors is general (i.e., not agency specific), but that instructors also facilitate conversations about FEMA-specific scenarios. However, it remains unclear whether supervisors are consistently receiving agency-specific instructions on how to prevent and address harassment. By updating training for supervisors to better align with EEOC's recommended practices to include information on (1) how to identify and mitigate risk factors specific to FEMA's workplace, (2) easy-to-understand and realistic methods for addressing harassment, (3) how to report harassment allegations up the chain of command, and (4) FEMA's confidentiality policies, FEMA would be better positioned to help ensure supervisors understand their role to prevent or respond to harassment when it occurs.

FEMA’s Harassment Complaint System Generally Met Recommended Practices but Could Improve in Timeliness and Communication

FEMA generally met EEOC’s recommended practices for an effective and accessible harassment complaint system.

In particular, the agency provides multiple avenues for complaints and has a voluntary alternative dispute resolution process. Further, FEMA met recommended practices related to conducting prompt, thorough, and neutral investigations. For example, OPR generally met its timeliness goal for, on average, completing investigations within 60 days.⁴³ OPR met several practices related to the employees who are responsible for receiving and investigating allegations of harassment, including that these employees conduct themselves in an objective and neutral manner. For example, in our confidential interviews, FEMA employees who had made an allegation of harassment provided examples of how OPR generally followed these practices.⁴⁴ Specifically, six individuals said they felt the investigator assigned to their case was objective and neutral.⁴⁵ Five individuals said the investigators were responsive and professional, and investigated their case in an appropriate way.⁴⁶

Selected Recommended Practices for Effective Harassment Complaint System

Met	9
Partially met	4
Not met	0

Source: GAO analysis of information from FEMA compared with EEOC November 2017 *Promising Practices for Preventing Harassment*. | GAO-23-105243

⁴³OPR officials said they are sufficiently resourced with a staff of 35, including 20 investigators and 3 case managers and a comprehensive case management system, which allows OPR to be responsive to complaints, as recommended. OPR officials said that the office is approved for a total of 39 positions.

⁴⁴Our sample consisted of closed cases filed by current FEMA employees that, as of November 8, 2021, met certain criteria. These criteria included that the case had been filed between October 2019 and September 2021 (i.e., since OPR was created in October 2019) and that the alleged activity met the definition of harassment. 34 cases met these selection criteria and the individuals who made the allegation of harassment received an invitation to contact us to participate in an interview. Ten of these individuals responded and participated in an interview.

⁴⁵Two participants responded negatively and two respondents did not provide a response to our questions related to the objectivity and neutrality of OPR investigations.

⁴⁶During interviews, participants described their experience with the reporting process, including how OPR investigators responded to their harassment cases. When we report the number of participants that identified certain OPR investigators’ behaviors, this does not necessarily mean that the remaining participants did not also experience similar behaviors. It means that those participants did not raise the behavior during the course of our interviews.

However, FEMA has not (1) promptly resolved harassment allegations; nor (2) consistently notified individuals who report harassment of the resolution of their case, contrary to recommended practices.

FEMA Has Not Promptly Resolved Harassment Allegations

While FEMA's Anti-Harassment Program guidance calls for the prompt review of harassment allegations, FEMA does not have mechanisms in place to ensure that these allegations are resolved in a timely manner. Specifically, while OPR has generally met the timeliness goals for its investigative process, the Labor and Employee Relations branch's adjudication process following an investigation has not met timeliness goals. According to our analysis, it took FEMA on average 124 business days in fiscal year 2020 and 114 business days in fiscal year 2021 to fully resolve harassment cases made under FEMA's anti-harassment process.⁴⁷

- **Investigative process.** OPR's goal is to complete investigations in a timely manner—which it defines as 30 days for simple cases, 60 days for moderate cases, and 90 days for complex cases.⁴⁸ OPR took, on average, about 45 business days in fiscal year 2020 and 39 business days in fiscal year 2021 to investigate harassment cases.
- **Adjudication process.** For the time period we analyzed—fiscal years 2020 and 2021—the Labor and Employee Relations branch had set a goal for part of the adjudication process. This process includes a Labor and Employee Relations specialist coordinating with a manager or supervisor to (1) make a determination on whether harassment occurred; (2) propose any corrective action, if applicable; (3) submit the decision through supervisory review; and (4) implement corrective action. The Labor and Employee Relations branch had set a goal for complaint cases to be ready for supervisory review within 30 to 45 business days of receipt of the OPR investigation. However, Labor and Employee Relations specialists do not always meet this time frame, according to officials. Our analysis of FEMA data shows that the branch took, on average, 66 business days in fiscal year 2020 and

⁴⁷We analyzed OPR data, which included steps for both the investigation process in OPR and the adjudication process through FEMA's Labor and Employee Relations branch.

⁴⁸These goals are part of OPR's investigators' performance measures. The investigator's ability to meet these timeframes are dependent upon many external factors, which include the availability and cooperation of complainants, witnesses, and subjects.

68 business days in fiscal year 2021 to adjudicate harassment cases (see table 4).

Table 4: Average Time Frames for Federal Emergency Management Agency (FEMA) to Resolve Reports with Harassment Allegations, Fiscal Years 2020–2021

Fiscal year	Number of closed harassment cases ^a	Average number of business days of OPR investigation	Average number of business days in Labor and Employee Relations review	Average number of business days to resolve cases ^b
2020	243	44.5	66.3	123.9
2021	154	38.6	67.9	113.9

Source: GAO analysis of DHS Joint-Threat Information Management System data. | GAO-23-105243

Note: We used the data that the Office of Professional Responsibility (OPR) provided from DHS Joint-Threat Information Management System to calculate the time frames in business days (without holidays). Specifically, to calculate the time frame for OPR’s investigation, we calculated the time frame between the date a case was assigned and the disposition date. For the time frame of Office of the Chief Human Capital Officer’s Labor and Employee Relation’s review, we calculated the time frame between the disposition date and the date the case was closed based on OPR data.

^aThese are cases that were received by OPR during fiscal years 2020 and 2021, referred to the Labor and Employee Relations branch for adjudication, and were closed as of November 8, 2021.

^bThe averages of both OPR and the Labor and Employee Relations branch may not match the total average because there is also a lag between when OPR receives an allegation and when it starts to investigate it. The averages for this timeframe were 13.1 and 7.4 days in fiscal years 2020 and 2021, respectively.

FEMA Labor and Employee Relations officials said that a large volume of work has caused delays in case processing times—in particular, each specialist has been handling over 50 cases at a time. These officials stated they are working to onboard additional staff. In February 2022, FEMA assessed the Labor and Employee Relations branch’s staffing needs and found, among other things, that the branch’s caseloads had almost doubled since 2019 because of referrals of misconduct and harassment from OPR. FEMA found that the Labor and Employee Relations branch receives approximately 90–100 cases each month and, on average, closes 75 percent of the cases received in a month, creating a backlog. The average annual caseload ratio for fiscal year 2021 was 104 cases per Labor and Employee Relations specialist. According to FEMA officials, this is the highest caseload ratio of all DHS components.

Labor and Employee Relations officials briefed FEMA leadership on the findings from this review and, in April 2022, FEMA approved the hiring of additional staff to increase the number of Labor and Employee Relations specialists from 11 to 22. Officials stated they expect the additional hiring will reduce each Labor and Employee Relations specialist’s annual caseload from 104 to 70 cases on average. In addition, officials said that the office has taken several other steps to reduce its backlog and improve the timeliness of taking corrective actions. Specifically, in May 2022, the

Labor and Employee Relations branch implemented a Customer Service Intake Cell that aims to improve the process of receiving employee relations actions. According to officials, the branch also created a case prioritization system to help address high-priority cases and redistribute cases evenly among specialists. In addition, the Labor and Employee Relations branch established parameters and time frames for completing some steps in the adjudication process.

However, the Labor and Employee Relations branch does not comprehensively collect and assess timeliness of all the steps in the process, and it is unclear which steps are having the largest effect on timeliness. In particular, both Labor and Employee Relations specialists and the alleged responsible party's managers and supervisors (who are not part of the Labor and Employee Relations branch) are responsible for various aspects of the adjudication process, but the branch does not track time frames for steps overseen by these different parties.⁴⁹ Specifically, the Labor and Employee Relations branch collects data on when it receives a case and when it closes a case, but does not collect other key data. For example, it does not track when a specialist refers the case to the manager or supervisor; when the manager or supervisor makes a determination on whether harassment has occurred; if any corrective action is needed; when the specialist provides documentation of the determination and corrective action to the second-line supervisor for review; or, when the manager or supervisor implements the corrective action and notifies the individual who made the allegation of harassment. Labor and Employee Relations officials stated that specialists identified their large workload as the main issue affecting timeliness rather than managers' and supervisors' responsiveness. However, without data on each step of the process, FEMA has limited information about whether and where in the process there are other delays that could be addressed.

EEOC's recommended practices state that an effective harassment complaint system operates promptly, thoroughly, and impartially. Further, according to the EEOC, timely resolution of complaints can promote employees' trust in the agency's process and help ensure that

⁴⁹Labor and Employee Relations specialists are to advise an alleged responsible party's manager or supervisor on how to make a case determination on whether a violation of FEMA policy, such as harassment, has occurred and what corrective action, if any, to take. The manager or supervisor is to consider this information and advice and makes an official determination. Labor and Employee Relations closes the case once it has received the final determination from the manager or supervisor.

harassment does not become severe or pervasive. According to Labor and Employee Relations officials, they identify issues with timeliness by manually reviewing the notes section of the tracker, and speaking with the Labor and Employee Relations specialists. However, this does not allow the Labor and Employee Relations branch to comprehensively assess timeliness across all cases. Federal internal control standards state that management should use quality information to make informed decisions and evaluate the entity's performance in achieving key objectives.⁵⁰ In this context, FEMA does not have quality information—that is, comprehensive information about timeliness to determine if it is meeting goals for time frames and to be able to take targeted action based on this information if goals are not met. Collecting the necessary data on time frames for key steps in the adjudication process could help the Labor and Employee Relations branch better measure how these steps affect the timeliness of adjudication. Subsequently assessing the timeliness of key steps in a systematic way could help the Labor and Employee Relations branch identify where delays occur and take action to improve timeliness of the adjudication process.

FEMA Does Not Consistently Notify Individuals Who Report Harassment of the Outcome of Their Case

FEMA does not consistently notify employees who made a harassment allegation when their allegations are resolved and whether the agency took or will take corrective action. FEMA's Anti-Harassment Program instructions state that once the manager or supervisor has made a determination as to whether harassment has occurred, they are required to notify the individuals who made the allegation within 10 business days of whether FEMA has taken or will take corrective action. According to Labor and Employee Relations officials, this requirement is also included in FEMA training materials for managers and supervisors. In addition, these officials said Labor and Employee Relations specialists may also inform managers and supervisors of their responsibility to notify individuals who made the allegation of harassment. However, there is no mechanism to ensure consistent implementation of this requirement, and it is unclear if individuals are regularly notified within 10 business days.

There are various means by which FEMA notifies those who made the allegations. For example, Labor and Employee Relations officials said some specialists have the manager or supervisor of record notify the

⁵⁰[GAO-14-704G](#).

individuals who made the allegation of harassment and request email confirmation of such notification. However, not all specialists request this confirmation, according to officials. These officials also said some Labor and Employee Relations specialists prefer to notify individuals who made the allegation of harassment themselves, contradicting stated policy.

Additionally, nine out of 10 individuals whom we interviewed who made an allegation of harassment said they never received communication as to whether the agency took corrective action related to their cases. Of the nine individuals, six told us they did not know whether their case was closed or only knew their case had been closed because they inquired about its status. Five of the nine individuals also stated that because of this experience, they do not trust the complaint system or would not file a complaint again.⁵¹ Specifically, not receiving timely notification of their case's resolution led some individuals to believe that their case had not been properly addressed, was forgotten, or that there was no accountability for employees who had engaged in harassing behavior.

EEOC's recommended practices call for organizations to promptly, thoroughly, and effectively respond to individuals who made the allegation of harassment, and systems should include processes to convey the resolution of complaints to these individuals. While FEMA's policy includes such notification processes, the agency relies on managers and supervisors to notify individuals who made the allegation of harassment whether corrective action has been or will be taken in a consistent manner. Specifically, the Labor and Employee Relations branch does not have a control, such as receiving a copy of an email notification or recording information about the notification in the Labor and Employee Relations' tracking system, to ensure that this occurs in every case. By implementing a control to ensure managers and supervisors notify individuals who made the allegation of harassment of whether FEMA has or will take corrective action, FEMA can better ensure consistent adherence to its policy and demonstrate accountability in FEMA's reporting and response systems. Doing so would also help communicate to FEMA's employees that the agency takes harassment seriously and would help build trust within its workforce.

⁵¹The EEOC Co-Chair report highlights that trust in complaint systems is an important attribute of effective complaint systems. It states that if one employee reports harassment and has a bad experience using the system, one can presume that the next employee who experiences harassment will think twice before making a report.

FEMA Generally Met Recommended Practices for Leadership and Accountability but Has Not Identified Harassment Risk Factors

FEMA generally met EEOC’s recommended practices related to committed, engaged leadership and accountability, but has not assessed harassment risk factors affecting its workforce.

For example, FEMA leadership met the practice to clearly, frequently, and unequivocally state that harassment is prohibited. Specifically, during 2019 and 2020, FEMA sent multiple communications related to its anti-harassment efforts. In addition, leaders of all 10 Employee Resource Groups said they recognize a change in FEMA leadership’s tone regarding implementing culture improvement efforts and combatting discrimination and harassment. Similarly, since May 2020, FEMA leadership acknowledges the efforts of employees and managers by publishing a quarterly *Good Order & Discipline* report. In this report, FEMA recognizes employee contributions in support of the agency’s vision, mission, and goals and summarizes anonymized disciplinary actions for misconduct, including harassment.

Selected Recommended Practices for Leadership and Accountability

Met	6
Partially met	2
Not met	1

Source: GAO analysis of information from FEMA compared with EEOC November 2017 *Promising Practices for Preventing Harassment*. | GAO-23-105243

Additionally, by creating OPR and adopting an Anti-Harassment Program instruction, FEMA leadership has met practices related to incorporating enforcement and compliance with its policies into the organization’s operational framework. As previously noted, FEMA also sought feedback on its efforts by conducting two employee surveys to assess whether employees perceive that harassment is occurring or is perceived to be tolerated—first in the survey for RAND’s 2020 report on discrimination and harassment, and then in a 2022 follow-up report.⁵² Seeking feedback about leadership and the prevalence of harassment is overall consistent with the recommended practices related to leadership and accountability. However, we found that FEMA partially met recommended practices related to exercising appropriate oversight over its harassment prevention efforts, which we discuss later in this report.

⁵²FEMA contracted with the RAND Corporation to conduct surveys of its workforce to assess the prevalence of workplace harassment and discrimination. The results from the first survey were published in 2020, RAND Corporation, *Harassment and Discrimination on the Basis of Gender and Race/Ethnicity in the FEMA Workforce*. The results from the second survey were published in 2022, *Harassment and Discrimination on the Basis of Gender and Race/Ethnicity in the FEMA Workforce: 2021 Survey Follow-Up*.

Further, FEMA has not assessed harassment risk factors—organizational factors or conditions that may increase the likelihood of harassment—in its workplace. RAND’s 2020 and 2022 reports on discrimination and harassment identified women, Black or African American employees, employees of two or more races, and employees in some offices—like FEMA’s Regional Offices—as more likely to have reported they experienced sex-, gender-, or race/ethnicity-based harassment in the workplace during 2019 and 2021. However, the report did not identify—and FEMA has not otherwise identified—the risk factors that have contributed to harassment, thus, limiting the agency’s ability to mitigate those risks.

FEMA officials said they believed identifying the populations more likely to experience harassment was sufficient for informing agency actions to prevent and respond to harassment. As of June 2022, officials stated the agency does not plan to conduct further risk factor studies or take steps to mitigate any specific risks. According to the EEOC, numerous studies have shown that organizational factors are the most powerful predictors of whether harassment will happen. These factors include historically homogenous workforces; isolated, decentralized workplaces; or workplaces with power disparities.⁵³ FEMA officials also said that some parts of FEMA have taken steps to identify and address organizational factors that may lead to harassment. For example, officials said one office sends a team to deployment locations to assess employee concerns, such as privacy and harassment, in the field. However, while having individual offices taking steps to identify and address these factors is beneficial, FEMA could better demonstrate agency-wide leadership commitment by more comprehensively assessing the harassment risk factors that may lead to harassment across the agency.

EEOC’s recommended practices posit that a key element of a successful prevention strategy is consistent and demonstrated commitment of senior leaders to create and maintain a culture in which harassment is not tolerated, and that this commitment can be demonstrated by assessing harassment risk factors and taking steps to minimize or eliminate those

⁵³The EEOC published a Chart of Risk Factors for Harassment and Responsive Strategies. The risk factors identified in the chart are not exhaustive, and include isolated workplaces, decentralized workplaces, workplaces with significant power disparities, workplaces where some employees do not conform to workplace norms, cultural and language differences in the workplace, workplaces with “high value” employees, workplaces where work is monotonous or tasks are low-intensity, workplaces that tolerate or encourage alcohol consumption, and young workforces.

risks.⁵⁴ Assessing harassment risk factors and taking steps to address them could help FEMA better target its anti-harassment efforts to mitigate the root causes of harassment in its workplaces. This could also help FEMA achieve other stated workforce goals, like retaining a diverse workforce, improving employee engagement, and reducing employee turnover.

FEMA's Oversight of Culture Improvement Efforts Does Not Ensure Effective Outcomes

FEMA completed many of the actions outlined in its Action Plan (see appendix II), which demonstrates a focus on cultural improvement. However, the outcome of these actions is unclear because the agency has not taken steps that would enable it to oversee the effectiveness of its efforts. Specifically, FEMA has not (1) designated an individual or entity to oversee the efforts, (2) established culture improvement program goals, or (3) evaluated program outcomes against performance measures. In the absence of these steps, FEMA is unable to demonstrate to its employees if the agency is effectively improving workplace culture. As mentioned earlier, all of the employee resource group leaders we interviewed recognized changes in the tone of FEMA leadership regarding its culture improvement efforts, but many also expressed concern that this tone shift will not result in material changes throughout the agency.

FEMA's approach to culture improvement has lacked these elements for demonstrating effective implementation:

- **Designation of an oversight individual or entity.** FEMA has not designated an individual or entity to guide and evaluate the effectiveness of its culture improvement efforts. According to officials, FEMA's Office of External Affairs took responsibility for developing the Action Plan and communicated with various offices to identify ongoing or potential initiatives to develop the plan. The Action Plan assigned

⁵⁴According to the EEOC, agencies can effectively implement harassment prevention strategies by assessing whether the workplace has one or more of the risk factors we describe above and taking proactive steps to address those. For example, if employees tend to work in isolated workspaces, an employer may want to explore whether it is possible for the work to get done as effectively if individuals worked in teams. In workplaces with many teenagers and young adults entering the workforce, the employer may wish to have an orientation in which conduct that is not acceptable is clearly described and workers are encouraged to come forward quickly with any concerns.

responsibility for implementing these initiatives to those respective offices, but FEMA did not designate a lead office for ongoing oversight and evaluation of overall efforts. Further, since the development of the second edition of the action plan—issued in June 2021 and discontinued in December 2021—the Office of External Affairs was no longer involved in a coordinating role.

EEOC’s recommended practices state that senior leaders should exercise appropriate oversight and periodically evaluate the effectiveness of harassment prevention efforts, which may include culture improvement programs. Similarly, federal internal control standards state that an agency should select an oversight body that carries out the program’s internal control process.⁵⁵ Specifically, this body—which may be a member of FEMA’s senior leadership or a selected entity or office—would oversee FEMA’s culture improvement operations, provide constructive criticism to management, and where appropriate, make decisions so that the agency achieves its objectives. Additionally, this oversight body should ensure that management sets specific goals and performance measures, as discussed below.

According to FEMA officials, in part because of the complexity of managing workplace culture, every member of the leadership team is responsible for culture improvement. Officials also said that all FEMA offices play a role in implementing and evaluating the effectiveness of efforts. According to these officials, FEMA’s Administrator maintains first-line supervision over the agency’s culture improvement efforts, while leveraging input from different senior executive steering committees who discuss FEMA’s culture improvement progress. The officials said that this approach allows various offices to have more immediate access to the Administrator when issues arise, rather than waiting for an intermediate entity to consolidate the information first. However, a designated individual or entity could help FEMA manage the detailed aspects of assessing the effectiveness of its culture improvement efforts, such as setting specific goals and measures, as discussed below. This individual or entity would thus be positioned to report to the Administrator about the collective status and effectiveness of FEMA’s numerous efforts. Further, designating an oversight individual or entity would help provide FEMA with structure to better monitor its culture improvement efforts, and to ensure that these efforts are effective across the agency.

⁵⁵[GAO-14-704G](#).

- **Establishing culture improvement program goals.** FEMA has not codified culture improvement program goals that would communicate what the agency proposes to accomplish and its progress in achieving those goals. According to agency officials, the goal of culture improvement is to identify and address instances of discrimination and harassment, among other things.⁵⁶ However, the agency has not codified any specific program goals for these efforts in the Action Plan or any other document.

Additionally, with the discontinuation of the Action Plan in December 2021, FEMA has not clarified to what extent and how it plans to continue with its culture improvement efforts. FEMA discontinued the Action Plan while some of its efforts were ongoing, and officials said that these efforts will be incorporated into other strategic planning documents, such as FEMA's Strategic Plan and its Diversity, Equity, Inclusion, and Accessibility Plan. However, these documents do not clearly identify goals related to culture improvement or preventing discrimination and harassment. For example, FEMA's 2022–2026 Strategic Plan—issued in the same month that FEMA discontinued the Action Plan—calls for the continued implementation of actions outlined in the Action Plan, making it unclear how the agency intends to continue its culture improvement efforts. In addition, the Strategic Plan includes an objective that aims to cultivate and prioritize a diverse workforce, but does not specify any goals for harassment prevention—the impetus for FEMA's culture improvement efforts.⁵⁷ Further, FEMA's 2022 strategic planning guidance does not mention prevention of discrimination and harassment, while its 2021 guidance prioritized the agency's efforts to combat discrimination and harassment in the workforce.⁵⁸ As of August 2022, the Diversity, Equity, Inclusion, and Accessibility Plan is still in the process of being

⁵⁶Similarly, according to the EEOC, harassment prevention strategies may focus on culture improvement as workplace culture has an effect on allowing harassment to occur, or conversely preventing it.

⁵⁷FEMA's Strategic Plan indicates that implementing the Action Plan is one of the many actions that will contribute to a diverse workforce but does not include any goals specific to its broader culture improvement initiatives, which are intended to address a culture of compassion, fairness, integrity, and respect. Furthermore, as noted previously, FEMA discontinued the Action Plan in December 2021.

⁵⁸Federal Emergency Management Agency, *Calendar Year 2021 Annual Planning Guidance*, (Washington, D.C.: December 16, 2020); and FEMA, *Calendar Year 2022 Annual Planning Guidance*, (Washington, D.C.: December 9, 2021). FEMA issues this guidance annually to identify the implementation activities aimed at securing the success of its Strategic Plan.

drafted, and it is unclear to what extent it will address goals for culture improvement or combatting discrimination and harassment.

Federal internal control standards state that with the help of an oversight body, agencies should set goals, including defining what is to be achieved and how it will be achieved in specific terms so they can be easily understood. Because FEMA's culture improvement goals were not codified in the Action Plan nor in FEMA's current strategic planning documents, FEMA is unable to assess progress against those goals to determine whether it has accomplished what it intended to do. Establishing and communicating progress against such goals is important for demonstrating to employees the results of the agency's actions.

- **Evaluation of program outcomes against performance measures.** FEMA has not established outcome-based performance measures that would enable the agency to evaluate whether its culture improvement initiatives effectively contributed to improving workplace culture, or any other intended goals. For example, while the Action Plan lists actions for offices to complete, it does not include measures to assess the effectiveness of these actions.⁵⁹ Further, RAND's 2022 report on discrimination and harassment estimated a reduction in discrimination and harassment since 2019, though the report noted a continued high prevalence of workplace discrimination and harassment.⁶⁰ The report noted that it could not determine to what extent this reduction was a result of FEMA's efforts versus other concurrent changes such as an increase in remote work during the COVID-19 pandemic that might have contributed to reduced opportunities for offenders to harass and discriminate against their colleagues. This suggests that it is unclear whether this progress will be sustained if or when employees return to a communal workplace.

⁵⁹For example, FEMA reported that it completed its efforts to build an internal communications program, but did not evaluate the effectiveness of this program's internal website and email campaigns.

⁶⁰Specifically, as mentioned earlier, RAND's 2020 report estimated that 20 percent of FEMA employees experienced discrimination or harassment related to sex or gender (with a 95 percent confidence interval that ranged from 19.0 to 20.9 percent), and 18.4 percent of employees experienced discrimination or harassment related to race or ethnicity (with a 95 percent confidence interval that ranged from 17.5 to 19.3 percent). RAND's 2022 report estimated that 13.5 percent of FEMA employees experienced discrimination or harassment related to sex or gender (with a 95 percent confidence interval that ranged from 12.7 to 14.3 percent), and 13.9 percent of FEMA employees experienced discrimination or harassment related to race or ethnicity (with a 95 percent confidence interval that ranged from 13 to 14.8 percent). RAND's 2020 report survey had a 45 percent response rate, while the 2022 report had a 33.5 percent response rate, and estimates were weighted to represent the population of FEMA employees.

RAND's 2022 report also noted that the overall continued prevalence of discrimination and harassment at FEMA warrants continued efforts to further mitigate the risk of such experiences, and that it may be an opportune time for FEMA leadership to review its culture improvement efforts, identify successes and opportunities for improvement, and make changes if necessary.

With the discontinuation of the Action Plan, the agency has not documented and communicated to employees how it plans to evaluate its culture improvement efforts. FEMA's Strategic Plan notes that the agency does not have sufficient information to determine how to measure the culture of FEMA's workforce—defined as the presence of compassion, fairness, integrity, and respect—and whether the measurement of these core values is related to diversity of the workforce. Nonetheless, FEMA officials told us that they intend to evaluate their culture improvement efforts using OPR data, informal employee feedback, and employee surveys such as the Federal Employee Viewpoint Survey.⁶¹ Although FEMA officials have identified data sources for evaluation, the agency has not identified how it will analyze these data, what results would constitute success, or how it will link the results from these data sources to desired culture improvement goals.

Our prior work has shown that agencies successful in measuring performance used measures that demonstrated results (i.e., outcome-based performance measures) and provided information that was

⁶¹The Federal Employee Viewpoint Survey is a tool offered by the Office of Personnel Management that measures employees' perceptions of whether, and to what extent, conditions characterizing successful organizations are present in their agencies. According to officials, FEMA also measures the effectiveness of its culture improvement efforts in part by using OPR's data on the number of harassment and discrimination allegations. However, FEMA officials acknowledged that it is difficult to know whether any increase in allegations is because of increased trust in FEMA's reporting processes (resulting in more employees who are willing to report misconduct), or an increased number of acts of misconduct.

useful for decision-making, among other things.⁶² Outcome-based measures can help in evaluating the results of a program, identifying areas that need improvement, and ensuring accountability for end results.⁶³ Such information can allow an agency to adjust, reprioritize, and identify new actions needed, ensuring more effective use of resources. With respect to culture improvement initiatives, outcome-based measures can help assess whether the initiatives implemented are improving workplace culture. Establishing outcome-based performance measures and evaluating against them could help FEMA ensure that it is directing its resources towards its most effective culture improvement efforts.⁶⁴

⁶²GAO, *Sexual Assault: Actions Needed to Improve DOD's Prevention Strategy and to Help Ensure it is Effectively Implemented*, [GAO-16-61](#) (Washington, D.C.: November 4, 2015). Some earlier work includes *Executive Guide: Effectively Implementing the Government Performance and Results Act*, [GAO/GGD-96-118](#) (Washington, D.C.: June 1996) and *The Results Act: An Evaluator's Guide to Assessing Agency Annual Performance Plans*, [GAO/GGD-10.1.20](#) (Washington, D.C.: April 1, 1998). Our prior work also establishes that performance measures are concrete, objective, observable conditions that permit the assessment of progress made toward the agency's goals. In addition, we have previously reported that a program performance assessment system is an important component of effective program management, and requires agencies to set program goals, performance measures, and conduct program evaluations using those measures. See GAO, *Veteran's Justice Outreach Program: VA Could Improve Management by Establishing Performance Measures and Fully Assessing Risks*, [GAO-16-393](#) (Washington, D.C.: Apr. 28, 2016); *Program Evaluation: Strategies to Facilitate Agencies' Use of Evaluation in Program Management and Policy Making*, [GAO-13-570](#) (Washington, D.C.: June 26, 2013); *Performance Measurement and Evaluation: Definitions and Relationships*, [GAO-11-646SP](#) (Washington, D.C.: May 2011); and *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: Sept. 9, 2005).

⁶³Our prior reports and guidance have stated that performance measurement should evaluate both processes (outputs) and outcomes related to program activities. Specifically, we have noted that output measures address the type or level of program activities conducted and the direct products or services delivered by a program, such as the number of trainings given, while outcome measures address the results of products and services, such as changes in employee engagement. Output measures, along with targets, provide an indication of the status of program implementation. See GAO, *DHS Employee Morale: Some Improvements Made, but Additional Actions Needed to Strengthen Employee Engagement*, [GAO-21-204](#) (Washington, D.C.: January 12, 2021); *Designing Evaluations: 2012 Revision (Supersedes PEMD-10.1.4)*, [GAO-12-208G](#) (Washington, D.C.: January 31, 2012), [GAO-11-646SP](#), and [GAO/GGD-96-118](#).

⁶⁴Upon establishing program goals and performance measures, FEMA may be better positioned to set measurable targets, including numerical goals, which may help the agency gauge the extent of progress in its culture improvement efforts by comparing projected performance with actual results. Our prior work on effective agency strategic reviews has shown that setting measurable targets is an evolutionary process involving trial and error and that agencies may need to break their strategic objectives into pieces that can be more easily be measured or assessed.

Conclusions

Discrimination and harassment in the workplace can undermine trust in leadership and impact an agency's ability to meet its mission. FEMA must attract and retain a diverse workforce to achieve its mission. In recent years, the agency has taken actions to help prevent and respond to discrimination and harassment. These actions have generally been consistent with recommended practices to prevent harassment established by the EEOC. Specifically, FEMA met 40 of the 59 EEOC recommended practices we assessed it against. However, FEMA could further enhance its anti-discrimination and anti-harassment efforts by taking additional actions to further align with EEOC recommended practices.

While DHS has issued anti-harassment policy and trainings for its employees, updating the department's anti-harassment policy and training to be consistent with EEOC's recommended practices could help the department better ensure that its efforts are effective. Further, by taking additional actions to more fully meet recommended practices related to resolving complaints and consistently communicating complaint resolutions, FEMA could improve employees' trust in its processes and demonstrate its commitment to responding promptly to harassment. Assessing harassment risk factors would also help FEMA address the root causes of harassment in its workplace and more effectively prevent and respond to harassment across the agency.

Given the serious circumstances that prompted FEMA's recent efforts to improve its culture, it is important that FEMA ensure its efforts are effective. FEMA has implemented many of the actions identified in its *Culture Improvement Action Plan*. However, FEMA has not assessed the effectiveness of its efforts. Taking steps to designate an individual or entity to oversee the efforts, establish program goals, and evaluate program outcomes against performance measures could help FEMA evaluate the effectiveness of its efforts, gauge its progress in meeting culture improvement goals, and make any needed adjustments for improvement. Taking these steps could also help FEMA demonstrate to employees that agency leadership is committed to improving its workplace culture and help the agency direct its resources towards the most effective efforts.

Recommendations for Executive Action

We are making a total of 13 recommendations, including four to DHS and nine to FEMA. Specifically:

The Secretary of Homeland Security should update DHS's Anti-Harassment Policy Statement, consistent with EEOC's *Promising Practices for Preventing Harassment*, to ensure it includes:

1. A statement that DHS will provide a prompt, impartial, and thorough investigation;
2. A description of any processes for employees to informally share or obtain information about harassment without filing a complaint; and
3. A statement that employees are encouraged to respond to questions or to otherwise participate in investigations regarding alleged harassment. (Recommendation 1)

The Secretary of Homeland Security should update mandatory anti-harassment training consistent with EEOC's *Promising Practices for Preventing Harassment*, to ensure it includes:

1. Examples that are tailored to the DHS-specific workplace and workforce;
2. Explanations of the information that may be requested during an investigation, including: the name or a description of the alleged harasser(s), alleged victim(s), and any witnesses; the date(s) of the alleged harassment; the location(s) of the alleged harassment; and a description of the alleged harassment; and
3. An opportunity for employees to ask questions about the training, harassment policy, complaint system, and related rules and expectations, either during the training or by providing component-specific points of contact. (Recommendation 2)

The Secretary of Homeland Security should provide an opportunity for employees to evaluate its anti-harassment training on a reoccurring basis. (Recommendation 3)

The Secretary of Homeland Security should ensure employee evaluations of anti-harassment trainings are regularly considered for future updates to its training. (Recommendation 4)

The FEMA Administrator should update the agency's anti-harassment training for supervisors to include information on (1) how to identify and mitigate risk factors specific to FEMA's workplace, (2) easy-to-understand and realistic methods for addressing harassment, (3) how to report harassment allegations up the chain of command, and (4) FEMA's confidentiality rules associated with harassment complaints. (Recommendation 5)

The FEMA Administrator should collect data on time frames for key steps in the adjudication process. (Recommendation 6)

The FEMA Administrator should implement a process, using the data on time frames for key steps, to regularly assess and take action to improve the timeliness of key steps in the harassment complaint adjudication process. (Recommendation 7)

The FEMA Administrator should implement a control to ensure that, consistent with agency policy, when a manager or supervisor has made a determination on whether harassment has occurred, the individual who made the allegation of harassment is notified whether corrective action has been or will be taken. (Recommendation 8)

The FEMA Administrator should assess harassment risk factors in FEMA's workplace. (Recommendation 9)

The FEMA Administrator should take steps to mitigate the harassment risk factors in FEMA's workplace. (Recommendation 10)

The FEMA Administrator should designate an individual or entity to oversee FEMA's culture improvement efforts. (Recommendation 11)

The FEMA Administrator should establish program goals and outcome-based performance measures for FEMA's culture improvement efforts. (Recommendation 12)

The FEMA Administrator should establish a plan for evaluating FEMA's culture improvement efforts using established program goals and outcome-based performance measures, and take steps to do so. (Recommendation 13)

Agency Comments and Our Evaluation

We provided a draft of this report to DHS and the EEOC for their review and comment. DHS provided written comments, which are reproduced in appendix V. Additionally, DHS and the EEOC provided technical comments, which we incorporated as appropriate.

In its comments, DHS concurred with our 13 recommendations. For two recommendations, DHS identified actions that it believes are responsive to the recommendations. Specifically:

- With respect to our fifth recommendation, that FEMA should update its anti-harassment training for supervisors, DHS concurred and noted that FEMA's Office of Equal Rights has updated its mandatory equal employment opportunity courses, which cover harassment. DHS requested that we consider the recommendation implemented. According to DHS, these trainings include realistic methods for addressing harassment that are easily understandable, and information on how to identify and mitigate risks. Further, DHS noted that FEMA plans to continue to evaluate and include more robust and relevant training on the importance of confidentiality associated with harassment complaints. FEMA did not provide documentation of these trainings during the course of our review, and thus we will obtain documentation for FEMA's mandatory equal employment opportunity courses and assess the extent to which it addresses this recommendation.
- With respect to our eighth recommendation, that FEMA should implement a control to ensure that individuals who have made an allegation of harassment are notified whether corrective action has or will be taken, DHS concurred and noted that FEMA's standard operating procedure identifies that the decision maker is to notify the individual who has made the allegation of harassment whether action will or will not be taken. DHS requested that we consider the recommendation implemented.

Our report reflects the decision maker's responsibility, however, we found that this responsibility had not been executed consistently. While FEMA's standard operating procedure outlines what officials are expected to do, it does not serve as a control to ensure that these officials consistently take action as expected. As we note in our report, examples of such a control could include the Labor and Employee Relations branch receiving a copy of an email notification or recording information about the notification in its tracking system. Accordingly,

we disagree with DHS and continue to believe that our recommendation is warranted. Implementing a control to ensure that the individual who has made the allegation of harassment is notified whether corrective action has been or will be taken, could help FEMA ensure compliance with its policy and improve employees' trust in its processes.

For the remaining 11 recommendations, DHS identified planned actions to address the recommendations, such as updating DHS's policy and training and actions to better ensure timeliness in the harassment complaint adjudication process. If effectively implemented, these actions should address our recommendations.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Homeland Security, the Administrator of FEMA, the Chair of the Equal Employment Opportunity Commission, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you and your staff have any questions, please contact me at (404) 679-1875 or curriec@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix VI.

Sincerely yours,

A handwritten signature in black ink that reads "Chris P. Currie". The signature is written in a cursive style with a large initial "C" and a distinct "P" and "C".

Chris P. Currie
Director
Homeland Security and Justice

Appendix I: Objectives, Scope and Methodology

This report examines (1) actions the Federal Emergency Management Agency (FEMA) has taken since fiscal year 2019 to prevent and respond to discrimination and harassment and to improve its culture; (2) the extent to which the Equal Employment Opportunity Commission (EEOC) has found that FEMA has complied with equal employment opportunity program requirements; (3) the extent to which FEMA's actions meet selected EEOC recommended practices to prevent harassment; and (4) the extent to which FEMA is overseeing and evaluating the effectiveness of its culture improvement efforts.

To address our first objective, we reviewed DHS and FEMA's policies, guidance, and documentation, including DHS's Anti-Harassment policy, FEMA's Anti-Harassment Program instruction and both editions of FEMA's *Culture Improvement Action Plan*. We obtained and analyzed data on equal employment opportunity complaints of discrimination submitted to FEMA's Office of Equal Rights from October 2019 through September 2021.¹ We also obtained FEMA data on misconduct cases that included allegations of harassment filed from October 2019 through September 2021.² We determined these data to be sufficiently reliable for the purposes of reporting the number of equal employment opportunity complaints received by the Office of Equal Rights and the number of

¹The Federal Emergency Management Agency (FEMA)'s Office of Equal Rights, along with other DHS components, use a system called iComplaints—a commercial case management system—to track, monitor, and manage equal employment opportunity complaints. iComplaints allows staff to enter data about complainants, as well as data collected from the complainant's co-workers, supervisors, witnesses, and legal representatives of parties.

²The DHS Office of the Chief Security Officer developed the Joint-Threat Information Management System as a solution for managing the intake and tracking of security-related events, including criminal and administrative investigations on DHS personnel. This system provides information on case status, investigative activities, records of investigations, and legal or administrative disposition actions. Since October 2020, FEMA's Office of Professional Responsibility (OPR) has been using this system to manage and track allegations of misconduct, including harassment.

cases with allegations of harassment received by FEMA's Office of Professional Responsibility (OPR) during fiscal years 2020 and 2021.³

We also interviewed officials from FEMA headquarters, including from OPR, the Office of Policy and Program Analysis, the Office of Equal Rights, and Office of the Chief Human Capital Officer, on actions taken to address discrimination and harassment and to implement FEMA's culture improvement efforts. To understand how employees view FEMA's culture improvement actions and efforts to address discrimination and harassment, we interviewed leaders from FEMA's 10 Employee Resource Groups, which are voluntary employee organizations that represent diverse perspectives in executing FEMA's mission.

To address our second objective, we reviewed EEOC's evaluations of FEMA's compliance with regulations and management directives on equal employment opportunity programs from August 2017 and April 2022—the latest EEOC reviews of FEMA programs—including FEMA documentation submitted to EEOC to aid in those reviews. We interviewed EEOC officials to learn about their compliance evaluations for FEMA. We also interviewed FEMA officials to learn what actions FEMA took to respond to those evaluations. Using input from EEOC on these actions, we provided additional contextual and status information.

To address our third objective, we assessed the information we collected against selected practices in each of the four categories outlined in EEOC's recommended practices—(1) comprehensive and effective anti-harassment policy, (2) effective harassment anti-training, (3) effective and accessible harassment complaint system, and (4) leadership and accountability.⁴ We selected 59 out of 71 recommended practices to

³Specifically, we reviewed user manuals, interviewed officials responsible for these data, checked for obvious errors in accuracy and completeness, and cross-checked data across sources to determine the reliability of these data. We determined the data were sufficiently reliable for the purposes of reporting both the number of equal employment opportunity complaints that were resolved informally through counseling and the number that proceeded to be filed as formal complaints during fiscal years 2020 and 2021. We also determined the Joint-Threat Information Management System data to be sufficiently reliable for the purposes of reporting the number of cases with allegations of harassment received by OPR and the length of investigations and adjudication of these cases during fiscal years 2020 and 2021.

⁴According to the EEOC, its *Promising Practices* are recommended rather than required, but these practices can help employers prevent and respond to harassment and may enhance employers' compliance efforts when addressing matters of harassment.

review based on whether a given practice was worded explicitly enough for us to evaluate and whether the practice applied to FEMA.⁵ We then reviewed agency policies, procedures, guidance and training materials, and interviewed FEMA officials.⁶ To better understand the agency's processes for reporting and responding to allegations of harassment, we conducted a series of interviews with 10 individuals who had made an allegation of harassment from October 2019 through September 2021.⁷ The information gathered from these interviews was not generalizable to all allegations of harassment, but provided important perspectives on FEMA's processes.

To better understand FEMA's time frames to resolve harassment allegations, we analyzed data from DHS's Joint-Threat Information Management System on misconduct cases that included allegations of harassment filed from October 2019 through September 2021. We determined these data to be sufficiently reliable for the purposes of reporting the average number of days FEMA's OPR and Labor and Employee Relations branch took to investigate and adjudicate cases during fiscal years 2020 and 2021. We also reviewed RAND's 2020 and 2022 reports on discrimination and harassment to better understand FEMA's actions to assess discrimination and harassment in its

⁵We determined which practices to review based on multiple considerations, such as whether we could reasonably and objectively evaluate the criterion. To this end, we included practices that required us to identify the presence of an activity or policy element, such as "conduct anonymous employee surveys on a regular basis to assess whether harassment is occurring, or is perceived to be tolerated" and with respect to training practices we included whether FEMA's training contained "explanations of the range of possible consequences for engaging in prohibited conduct." We excluded practices or elements that required us to make a subjective evaluative judgment.

⁶We also reviewed DHS's Anti-Harassment Policy Statement and anti-harassment training because FEMA follows that policy and requires the training for its employees.

⁷Our sample consisted of 34 closed cases filed by current FEMA employees that, as of November 8, 2021, met certain criteria. These criteria included that the case had been filed between October 2019 and September 2021 (i.e., since OPR was created in October 2019) and that the alleged activity met the definition of harassment. To ensure confidentiality, FEMA directly reached out to the individuals who made the allegations of harassment in each of these cases and invited them to participate in our interview. Ten of these individuals participated. To further ensure confidentiality during these interviews, we did not ask for or collect any personal or case-specific information.

workforce.⁸ We determined the reports' overall findings to be sufficiently reliable for providing context on how harassment and discrimination in the FEMA workforce has been studied.⁹

We determined the extent to which FEMA met individual practices in each category by having one analyst conduct an assessment of the information collected against each selected practice, having a second analyst review this assessment and flag areas of disagreement, and then having both analysts come to consensus to finalize the assessment. To communicate the results of our analysis, we used the terms “met,” “partially met,” and “did not meet.” A determination of “met” means that FEMA provided evidence that it has adopted all elements of the practice. A determination of “partially met” means that FEMA provided evidence that it has adopted some elements of the practice. A determination of “did not meet” means that FEMA did not provide evidence that it has adopted any elements of the practice.

To address our fourth objective, we reviewed agency documentation outlining FEMA's culture improvement implementation plans, including the first and second edition of its *Culture Improvement Action Plan*. We also reviewed FEMA's 2018–2022 and 2022–2026 strategic plans and associated strategic planning guidance documents to identify goals or performance measures related to culture improvement, as well as preventing and responding to discrimination and harassment in the workplace. We evaluated these documents against internal control standards to assess the extent to which FEMA is overseeing and evaluating its culture improvement efforts.¹⁰

We interviewed officials from OPR, the Office of Policy and Program Analysis, and others to learn about their plans to develop and implement the Action Plan, to conduct oversight and measure the effectiveness of its culture improvement efforts. We compared information about FEMA's

⁸RAND Corporation operated Homeland Security Operational Analysis Center, *Harassment and Discrimination on the Basis of Gender and Race/Ethnicity in the FEMA Workforce (2020)*, and *Harassment and Discrimination on the Basis of Gender and Race/Ethnicity in the FEMA Workforce: 2021 Survey Follow-Up (2022)*.

⁹Specifically, we reviewed documentation related to the two reports such as information on survey design, response rates, and weighting to assess the reliability of the reports' findings.

¹⁰GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sep. 10, 2014).

oversight efforts from these documents and interviews against internal control standards, including the standards related to the responsibilities and qualifications of an oversight body, defining goals and objectives, and designing control activities.¹¹ We also compared FEMA's culture improvement efforts to our prior work on setting performance measures and a program performance assessment system.¹²

We conducted this performance audit from May 2021 to October 2022 in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence we obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

¹¹[GAO-14-704G](#).

¹²See for example, GAO, *Program Evaluation: Strategies to Facilitate Agencies' Use of Evaluation in Program Management and Policy Making*, [GAO-13-570](#) (Washington, D.C.: June 26, 2013); *Performance Measurement and Evaluation: Definitions and Relationships*, [GAO-11-646SP](#) (Washington, D.C.: May 2011); and *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: Sept. 9, 2005); and *Designing Evaluations: 2012 Revision (Supersedes PEMD-10.1.4)*, [GAO-12-208G](#) (Washington, D.C.: January 31, 2012).

Appendix II: Status of the Federal Emergency Management Agency's Culture Improvement Actions

This appendix provides information on the status of the actions included in the Federal Emergency Management Agency (FEMA)'s *Culture Improvement Action Plan*. FEMA issued two editions of the Action Plan, first in December 2020, and the second in June 2021. The table below compiles actions included in either or both editions of the Action Plan. FEMA organized these actions into six key focus areas, which relate to the recommendations outlined in RAND's 2020 report on discrimination and harassment.¹

Table 5: Status of Actions Outlined in the Federal Emergency Management Agency's (FEMA) *Culture Improvement Action Plan* as of May 2022

Category	#	Actions	Status, as reported by FEMA in the action plan(s) or in other documents	Steps FEMA officials reported taking to implement the action
Engagement and Advocacy	1	All FEMA employees should review FEMA's capstone doctrine, <i>Publication 1</i> , on a recurring basis.	Complete.	FEMA has made <i>Publication 1</i> available to employee through its app. It also provides the <i>Publication 1</i> to all new FEMA employees upon onboarding. In addition, individual offices remind staff to review this document.
Engagement and Advocacy	2	Convene Senior Leader virtual "Town Halls" and "Listening Tours" to solicit employee input on ways to improve FEMA's workplace culture.	Complete.	On December 4, 2020, FEMA's Administrator held a Town Hall to address the RAND report findings and FEMA's action plan to improve its culture, and to answer employees' questions. FEMA leadership conducted multiple town hall events on agency priorities related to its strategic plan and conducted engagements through the Employee Resource Groups.

¹In 2020, the RAND Corporation-operated Homeland Security Operational Analysis Center issued the report *Harassment and Discrimination on the Basis of Gender and Race/Ethnicity in the FEMA Workforce*. We refer to the report as RAND's 2020 report on discrimination and harassment.

Appendix II: Status of the Federal Emergency Management Agency's Culture Improvement Actions

Category	#	Actions	Status, as reported by FEMA in the action plan(s) or in other documents	Steps FEMA officials reported taking to implement the action
Engagement and Advocacy	3	Make Office of Professional Responsibility and Office of Equal Rights virtual "roadshows" available for directorates, program offices, and regions.	Complete.	The Office of Professional Responsibility provided briefings to directorates, program offices, and regions from June 2020 through May 2021. This office also hosted panels with representatives from Office of Equal Rights, and the Labor Employee Relations office to educate FEMA's workforce about which role each office plays in relation to misconduct, harassment, and discrimination.
Engagement and Advocacy	4	Empower and resource FEMA Employee Resource Groups to build advocacy for employees related to core values and anti-harassment.	Complete.	FEMA's Office of the Chief Human Capital Officer (OCHCO) conducted listening sessions with FEMA employee resource groups' leadership in fiscal year 2021, and is working to revise the FEMA Employee Resource Group Directive during Calendar Year 2022 to ensure the Directive reflects and supports senior leadership's expectations of the Employee Resource Groups per the 2022-2026 FEMA Strategic Plan.
Engagement and Advocacy	5	Promote leadership talks for all directorates, program offices, and regions.	Action not yet taken.	FEMA has not yet implemented this action.
Engagement and Advocacy	6	Initiate Guest speaker series.	Complete.	FEMA has conducted Town Hall events headlined by the FEMA Administrator and other FEMA leaders as its guest speaker series and as part of convening Town Halls and Listening Tours, according to officials.
Training and Education	7	Address FEMA's commitment to a workplace free of discrimination and harassment during new employee onboarding and orientation.	Complete.	FEMA educates all new staff on core values and its commitment to a workplace free of discrimination and harassment. FEMA has also adjusted new employee onboarding and orientation to provide the information on its culture improvement efforts.
Training and Education	8	Conduct supervisor "stand-down" to complete training that supports culture improvement.	Complete.	OCHCO leadership distributed guidance to all managers and supervisors detailing stand-down requirements. OCHCO provided the regions and program offices—who were responsible for implementation—with training resources, and required all supervisors and managers to complete the training by the end of September 2021.
Training and Education	9	Revise curricula of academic and leadership development programs to include relevant information on building the appropriate culture, among other things.	Complete.	OCHCO's Office of the Chief Learning Officer reviewed the management development program curricula and updated the materials to incorporate training on employee engagement, retention, and attrition.

Appendix II: Status of the Federal Emergency Management Agency's Culture Improvement Actions

Category	#	Actions	Status, as reported by FEMA in the action plan(s) or in other documents	Steps FEMA officials reported taking to implement the action
Training and Education	10	Provide race and equity training through the Racial Equity Institute to fifteen field leaders.	Complete.	FEMA's Field Operations Directorate provided Racial Equity Institute Training for 15 Federal Coordinating Officers and National Incident Management Assistance Team leads to raise awareness on racial equity issues.
Training and Education	11	Continue Sexual Misconduct Awareness and Response Initiative training at FEMA Joint Field Offices through March 2022.	Complete.	FEMA's Field Operations Directorate collaborated with Rape, Abuse, and Incest National Network to deliver a three-day Anti-Sexual Harassment Training at Joint Field Offices to inform staff on how to create a safer environment for the entire community. Fifteen offices with approximately 3,000 employees received training.

Appendix II: Status of the Federal Emergency Management Agency's Culture Improvement Actions

Category	#	Actions	Status, as reported by FEMA in the action plan(s) or in other documents	Steps FEMA officials reported taking to implement the action
Messaging and Communications	12	Rollout RAND Report findings and recommendations.	Complete.	Following release of RAND's 2020 report on discrimination and harassment, the Administrator conducted a Town Hall with FEMA employees to promote and walk through the results from this report as well the <i>Culture Improvement Action Plan</i> . FEMA made the report and the Action Plan available to all employees via its internal culture improvement website.
Messaging and Communications	13	Roll out "Culture Improvement Action Plan."	Complete.	Following release of RAND's 2020 report on discrimination and harassment, the Administrator conducted a Town Hall with FEMA employees to promote and walk through the results from this report as well this <i>Culture Improvement Action Plan</i> . FEMA made the report and the Action Plan available to all employees via its internal culture improvement website.
Messaging and Communications	14	Reinitiate "30-Second" Thursdays and create "FEMA Weekly"/"FEMA Bulletin" content.	In progress.	FEMA's Office of Professional Responsibility created content pertaining to its anti-harassment program in its weekly bulletin multiple times during calendar year 2021. FEMA has not implemented "30-Second" Thursdays.
Messaging and Communications	15	Initiate "Living our Values" FEMA Podcast series.	Action not yet taken.	FEMA has not yet implemented this action.
Messaging and Communications	16	Build and sustain internal communications program to assist in improving the Agency's culture.	Complete. ^a	FEMA's Office of External Affairs expanded capacity needed to develop and sustain delivery of a dedicated internal communication program to promote the Culture Improvement Plan and its tenets, agency implementation activities, and resulting best practices. FEMA conducted a capacity needs assessment and gap analysis through the use of an existing contract, and is working to build on the capacity to conduct this work in-house.

Appendix II: Status of the Federal Emergency Management Agency's Culture Improvement Actions

Category	#	Actions	Status, as reported by FEMA in the action plan(s) or in other documents	Steps FEMA officials reported taking to implement the action
Messaging and Communications	17	Establish additional employee venues to facilitate the discussion of culture improvement actions.	Complete. ^a	FEMA Office of External Affairs drafted and sent out internal communications related to FEMA's core values and culture improvement efforts. In addition, the Office of External Affairs coordinated communication mechanisms across multiple FEMA offices. For example, it organized Town Halls, and helped with the tours led by the Office of Equal Rights and the Office of Professional Responsibility.
Messaging and Communications	18	Refine FEMA's internal communications program based on effectiveness and feedback.	In progress.	FEMA Office of External Affairs conducted a capacity needs assessment and gap analysis, through the use of an existing contract, to determine internal communications capability. However, FEMA has not assessed the effectiveness or feedback on its internal communications.
Employee Resources	19	Develop FEMA's landing page on the FEMA intranet.	Complete.	FEMA developed a central "landing page" on the FEMA Intranet to serve as a one-stop shop for employees looking for resources regarding culture improvement.
Employee Resources	20	Sustain landing page content to help ensure currency and relevancy.	Complete. ^a	The landing page will be continuously available as a resource and updated as needed, according to FEMA.
Employee Resources	21	Sustain FEMA's Retention Toolkit content, which provides supervisors and the entire workforce tools to better understand attrition, retention, and strategies to keep talent at FEMA.	Complete. ^a	OCHCO updated the Retention Toolkit. Specifically, the toolkit now contains an Exit Interview Guide to better inform managers and supervisors about the importance of soliciting feedback from departing employees. Additionally, the Stay Interview Guide gives managers and supervisors a format they can follow to conduct interviews with their current personnel as an enabler of retention. OCHCO has staff assigned to review the Retention Toolkit yearly and assess the toolkit against industry standards and update accordingly.
Performance and Accountability	22	Engage Administrator and Chief of Staff on employee misconduct, harassment, and accountability matters.	Complete. ^a	OCHCO's Labor Employee Relations continues to engage the Administrator and Chief of Staff on employee misconduct, harassment, and accountability matters as need through the Chief Human Capital Officer.
Performance and Accountability	23	Report disciplinary infractions on OCHCO SharePoint and quarterly in the "FEMA Weekly" to inform and maintain employee situational awareness.	Complete.	OCHCO reports employee awards and infractions/discipline in the FEMA Weekly and on the OCCHCO SharePoint to inform and maintain employee situational awareness.

Appendix II: Status of the Federal Emergency Management Agency's Culture Improvement Actions

Category	#	Actions	Status, as reported by FEMA in the action plan(s) or in other documents	Steps FEMA officials reported taking to implement the action
Performance and Accountability	24	Pursue continual improvement of processes to ensure timely resolution (adjudication, decision, notification) of employee complaints and associated disciplinary actions.	Complete.	On May 19, 2022, the OCHCO's Labor Employee Relations distributed a workflow and timeline process map to its specialists of time limits to process, draft, and provide notification for associated disciplinary actions.
Performance and Accountability	25	Address culture improvement as a priority in 2021 Annual Planning Guidance with objectives and performance measures.	Complete.	FEMA codified its commitment to a workplace free of discrimination and harassment by integrating a specific priority into the Administrator's 2021 Annual Planning Guidance. The planning guidance did not include objectives or performance measures related to culture improvement.
Performance and Accountability	26	Include specific performance measures and targets in Senior Executive Service performance plans to rate the individual's contribution to culture improvement within FEMA.	Complete.	A new set of performance requirements was approved by FEMA's Chief of Staff, submitted to, and approved by DHS, and is now incorporated into the Fiscal Year 2022 Senior Executive Service performance measure requirements under "Leading People." Among other things, this new set of requirements calls for improvements in organizational results via specific performance measures.
Performance and Accountability	27	Each region and FEMA component is to appoint a "Culture Improvement Champion" to ensure culture improvement initiatives are being implemented, and to serve as a point of contact for implementation questions and comments.	Complete.	The Inclusive Diversity Council (IDC) is an employee-led group created to address workplace culture, diversity, inclusion, and employee engagement and is chaired by the Office of Equal Rights and OCHCO. Representatives from across FEMA are selected every two years to offer guidance to senior leadership and represent the needs of FEMA employees. The IDC will serve as the culture improvement champions as called for in the <i>Culture Improvement Action Plan</i> . The IDC includes 20 total members, including representatives from two of 10 regions and nine of 27 components.
Performance and Accountability	28	Revise Regional Administrator designation and delegation memorandum templates to include additional management expectations for Federal Coordinating Officers and Disaster Recovery Managers to ensure a positive workplace culture and deployment opportunity for employees free of bullying, harassment, and discrimination.	Complete.	FEMA approved template language, which was delivered to the Regional Administrators and Regional Council will ensure insertion in each Regions' respective templates going forward.

Appendix II: Status of the Federal Emergency Management Agency's Culture Improvement Actions

Category	#	Actions	Status, as reported by FEMA in the action plan(s) or in other documents	Steps FEMA officials reported taking to implement the action
Performance and Accountability	29	Inform contractors of cultural expectations during onboarding, including reiterating the expectations of a safe environment and the standards articulated in Publication 1.	Complete.	Federal Acquisition Regulation part 22 contains regulations for the application of labor laws to Government Acquisitions. Prescribed clauses are included, as applicable, in FEMA's contracts including Equal Opportunity; and Affirmative Action Compliance Requirements for Construction. Additionally, the Office of the Chief Component Procurement Officer reviewed training to ensure FEMA contractors are aware of cultural expectations during onboarding. Further, the same office developed the Acquisition Alert to request the Contracting Officers convey to contractors FEMA's core values of compassion, fairness, integrity, and respect.
Performance and Accountability	30	Finalize FEMA's Anti-Harassment Program Instruction.	Complete.	FEMA issued its Anti-Harassment Program Instruction in May 2021.
Performance and Accountability	31	Type 2 Federal Coordinating Officers are aligned to a specific region and report to the respective Regional Administrator to help increase accountability and transparency in dealing with discrimination and harassment reports at all levels of leadership.	Complete.	On January 11, 2022, FEMA revised its directive on Federal Coordinating Officer Operation and Management. The directive states that Type 2 Federal Coordinating Officers report to a Lead Field Coordinator and are aligned to a specific region. The Regional Administrator serves as a second line supervisor for Type 2 Federal Coordinating Officers.
Performance and Accountability	32	Develop additional employee awards.	In Progress.	OCHCO's Performance Management and Awards Branch benchmarked honorary and monetary awards programs within DHS and other agencies and put forth draft options for consideration in October 2021. The establishment of new honorary employee awards is a calendar year 2022 OCCHCO Mission Support Maturity Action Plan initiative with an anticipated completion date of Quarter 4 of calendar year 2022.
Monitoring and Assessment	33	Compare RAND findings to 2019 Federal Employee Viewpoint Survey results.	In Progress.	The survey responses from RAND's 2020 report on discrimination and harassment are over two years old and lend themselves to comparison with the 2019 Federal Employee Viewpoint Survey results for potential gap analysis. As of June 2021, FEMA had begun that comparison.

Appendix II: Status of the Federal Emergency Management Agency's Culture Improvement Actions

Category	#	Actions	Status, as reported by FEMA in the action plan(s) or in other documents	Steps FEMA officials reported taking to implement the action
Monitoring and Assessment	34	Update exit interview process.	Complete.	FEMA improved exit surveys as well as supervisory/managerial resources found on the Retention Toolkit to provide enhanced tools for employee retention efforts. Data obtained from separating employees can also inform future improvements to organizational culture.
Monitoring and Assessment	35	Complete "deep-dive" review and analysis of higher-performing offices within FEMA's regions and components to determine the common characteristics of these offices.	Complete.	FEMA finalized the deep-dive review in October 2021.
Monitoring and Assessment	36	Complete barrier analysis.	In Progress.	The Office of Equal Rights is in the process of completing the barrier analysis.
Monitoring and Assessment	37	Conduct annual Agency-wide climate assessment (follow-on surveys, focus groups).	Complete.	FEMA did not complete an agency-wide assessment. In lieu, it recently received and released results for the 2021 Federal Employee Viewpoint Survey.
Monitoring and Assessment	38	Conduct a benchmarking study to determine best practices in culture improvement based on other federal agencies' past efforts.	Complete.	FEMA finalized the benchmarking report in October 2021.
Monitoring and Assessment	39	Conduct 360-degree feedback pilot study to determine the possibility of integrating 360-degree feedback as part of supervisor/manager individual development plans.	In Progress.	In 2021, 13 FEMA senior leaders began the DHS pilot regarding 360-degree surveys. The pilot continues to be led by the DHS through the 2022 calendar year.

Source: FEMA Culture Improvement Action Plan (Edition 1 and 2), and other agency documentation. | GAO-23-105243

^aThis action may be ongoing as it relates to sustaining an activity.

Appendix III: Federal Emergency Management Agency's Equal Employment Opportunity Program Deficiencies

In April 2022, the U.S. Equal Employment Opportunity Commission (EEOC) sent a letter to the Federal Emergency Management Agency (FEMA) summarizing its findings concerning FEMA's compliance with EEOC's regulations, directives, and on key aspects of the agency's equal employment opportunity program. The EEOC's findings are based, in part, on FEMA's self-reported deficiencies from its Management Directive 715 status report for fiscal year 2020, which identified 13 deficiencies. The EEOC identified 10 of those 13 as critical deficiencies.

1. **Noncompliant Reporting Structure.** The equal employment opportunity program director (the Director of FEMA's Office of Equal Rights) does not report directly to the head of the agency (FEMA Administrator), as required by federal law.
2. **Noncompliant Anti-Harassment Policy.** The Department of Homeland Security (DHS)'s Anti-harassment policy, which FEMA follows as a component of DHS, does not include a time frame to ensure investigations are prompt, or to ensure immediate corrective actions are taken.
3. **Failure to Regularly Implement the Equal Employment Opportunity Director's Recommendations for Remedial or Disciplinary Actions.** FEMA reported on its Management Directive 715 status report that the agency does not regularly implement the equal employment opportunity director's recommendations for remedial or disciplinary actions. According to the EEOC's letter to FEMA, FEMA officials stated that FEMA's Discipline Review Board should consider honoring the findings of the equal employment opportunity office when taking personnel actions; however, the EEOC noted that the equal employment opportunity office is not involved with the Discipline Review Board.
4. **Untimely Complaint Investigations.** Equal employment opportunity complaint investigations are not implemented within 180 days of the date the complaint was filed. The EEOC's letter noted that FEMA's

percentage of timely equal employment opportunity investigations increased from 13.2 percent in fiscal year 2019 to 46.7 percent in fiscal year 2021.

5. **Untimely Issuance of Acceptance and Dismissal Decisions.** FEMA acknowledged that it does not issue acceptance or dismissal letters—acknowledging receipt of a complaint in writing and stating the claim(s) asserted and to be investigated—within a reasonable time.
6. **Failure to Timely Issue Final Agency Decisions on the Merits.** DHS and FEMA are not issuing timely final agency decisions. The EEOC's letter notes that the percentage of timely decisions increased from 11.5 percent in fiscal year 2019 to 23.7 percent in fiscal year 2021. According to EEOC's letter, FEMA advised that DHS's Office for Civil Rights and Civil Liberties is responsible for issuing such decisions and has lacked sufficient resources over the last few years.
7. **Lack of Coordination between FEMA Offices.** FEMA does not ensure that its Office of Equal Rights informs the Anti-Harassment Program, within the Office of Professional Responsibility, of equal employment opportunity counseling activity alleging harassment.
8. **Untimely Processing of Reasonable Accommodation Requests.** In its Management Directive 715 status report, FEMA reported that it processed 45 percent of its reasonable accommodation requests during fiscal year 2020 within time frames.
9. **Lack of Applicant Flow Data.** FEMA does not collect all of the required applicant flow data. These data are the demographic information voluntarily provided by applicants for: (1) vacancy announcements and interviewed applicants for new hires and internal competitive promotions to mission-critical occupations, senior grade levels, and management positions; and (2) career development programs for the senior grade levels and management positions.
10. **Lack of Barrier Analysis.** FEMA has not conducted a barrier analysis, which is an investigation into anomalies found in the agency's employment-related policies, procedures, and practices. Agencies conduct such analyses to identify and subsequently eliminate the root causes of those anomalies that may be impeding the employment opportunities of a protected equal employment opportunity group.

Appendix IV: Summary Analysis of Selected Recommended Practices Developed by the Equal Employment Opportunity Commission

This appendix provides further information on the extent to which the Federal Emergency Management Agency (FEMA) met selected practices in each of the four categories articulated by the Equal Employment Opportunity Commission's (EEOC) *Promising Practices for Preventing Harassment*, a set of recommended practices. These four categories are: (1) comprehensive and effective anti-harassment policy, (2) effective anti-harassment training, (3) effective and accessible harassment complaint system, and (4) leadership and accountability.¹ The EEOC recommended practices are not legal requirements under federal employment discrimination laws, but may enhance employers' compliance efforts when addressing matters of harassment.

Table 6: Extent to Which the Department of Homeland Security's Anti-Harassment Policy Statement Met Selected Equal Employment Opportunity Commission (EEOC) Recommended Practices for a Comprehensive and Effective Harassment Policy

Category	Selected recommended practices	GAO's analysis of DHS Anti-Harassment Policy Statement
Comprehensive anti-harassment policy includes	A statement that the policy applies to employees at every level of the organization, as well as to applicants, clients, customers, and other relevant individuals	met
Comprehensive anti-harassment policy includes	An unequivocal statement that harassment based on, at a minimum, any legally protected characteristic is prohibited	met
Comprehensive anti-harassment policy includes	An easy to understand description of prohibited conduct, including examples	met

¹As part of DHS, the Federal Emergency Management Agency (FEMA) follows DHS anti-harassment policies and training. Thus, we assessed DHS's Anti-Harassment Policy Statement and DHS's "Preventing and Addressing Workplace Harassment" training against relevant practices.

**Appendix IV: Summary Analysis of Selected
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Category	Selected recommended practices	GAO's analysis of DHS Anti-Harassment Policy Statement
Comprehensive anti-harassment policy includes	A description of any processes for employees to informally share or obtain information about harassment without filing a complaint	did not meet
Comprehensive anti-harassment policy includes	A description of the organization's harassment complaint system, including multiple (if possible), easily accessible reporting avenues ^a	met
Comprehensive anti-harassment policy includes	A statement that employees are encouraged to report conduct that they believe may be prohibited harassment (or that, if left unchecked, may rise to the level of prohibited harassment), even if they are not sure that the conduct violates the policy	met
Comprehensive anti-harassment policy includes	A statement that the employer will provide a prompt, impartial, and thorough investigation	partially met
Comprehensive anti-harassment policy includes	A statement that the identity of individuals who report harassment, alleged victims, witnesses, and alleged harassers will be kept confidential to the extent possible and permitted by law, consistent with a thorough and impartial investigation	met
Comprehensive anti-harassment policy includes	A statement that employees are encouraged to respond to questions or to otherwise participate in investigations regarding alleged harassment	did not meet
Comprehensive anti-harassment policy includes	A statement that information obtained during an investigation will be kept confidential to the extent consistent with a thorough and impartial investigation and permitted by law	met
Comprehensive anti-harassment policy includes	An assurance that the organization will take immediate and proportionate corrective action if it determines that harassment has occurred	met
Comprehensive anti-harassment policy includes	An unequivocal statement that retaliation is prohibited, and that individuals who report harassing conduct, participate in investigations, or take any other actions protected under federal employment discrimination laws will not be subjected to retaliation	met
Effective written anti-harassment policies are:^b	Written and communicated in a clear, easy to understand style and format	met
Effective written anti-harassment policies are:^b	Provided to employees upon hire and during harassment trainings, and posted centrally, such as on the company's internal website, in the company handbook, near employee time clocks, in employee break rooms, and in other commonly used areas or locations	met
Effective written anti-harassment policies are:^b	Periodically reviewed and updated as needed, and re-translated, disseminated to staff, and posted in central locations	met

Legend:

● Met

◐ Partially met

Appendix IV: Summary Analysis of Selected Recommended Practices Developed by the Equal Employment Opportunity Commission

○ Did not meet

Source: GAO analysis of information from FEMA compared with EEOC November 2017 Promising Practices for Preventing Harassment. | GAO-23-105243

Notes: “Met” means that DHS’s Anti-Harassment Policy Statement was consistent with a recommended practice identified by EEOC. “Partially met” means that the policy was consistent with part, but not all, of a recommended practice. “Did not meet” means that the policy was not consistent with a recommended practice.

^aDHS’s policy provides a general overview of the reporting process and refers employees to component specific policies. FEMA’s Anti-Harassment Program instruction, issued in May 2021, provides detailed information on how to file a complaint at FEMA.

^bWe did not include the recommended practice of policies being translated into all languages commonly used by employees.

Table 7: Extent to Which the Department of Homeland Security’s (DHS) and Federal Emergency Management’s Agency (FEMA) Training Met Selected Equal Employment Opportunity Commission (EEOC) Recommended Practices for Effective Anti-Harassment Training

Selected recommended practices	GAO’s analysis of DHS and FEMA’s training
Anti-Harassment training may be most effective if it is, among other things: ^a Championed by senior leaders	partially met
Anti-Harassment training may be most effective if it is, among other things: ^a Repeated and reinforced regularly	met
Anti-Harassment training may be most effective if it is, among other things: ^a Provided to employees at every level and location of the organization	met
Anti-Harassment training may be most effective if it is, among other things: ^a Provided in a clear, easy to understand style and format	met
Anti-Harassment training may be most effective if it is, among other things: ^a Tailored to the specific workplace and workforce	partially met
Anti-Harassment training may be most effective if it is, among other things: ^a Conducted by qualified, live, interactive trainers, or, if live training is not feasible, designed to include active engagement by participants	met
Anti-Harassment training may be most effective if it is, among other things: ^a Routinely evaluated by participants and revised as necessary	did not meet
Effective anti-harassment training for all employees includes, for example: Descriptions of prohibited harassment, as well as conduct that if left unchecked, might rise to the level of prohibited harassment	met
Effective anti-harassment training for all employees includes, for example: Examples that are tailored to the specific workplace and workforce	partially met
Effective anti-harassment training for all employees includes, for example: Information about employees’ rights and responsibilities if they experience, observe, or become aware of conduct that they believe may be prohibited	met
Effective anti-harassment training for all employees includes, for example: Encouragement for employees to report harassing conduct	met
Effective anti-harassment training for all employees includes, for example: Explanations of the complaint process, as well as any voluntary alternative dispute resolution processes	partially met
Effective anti-harassment training for all employees includes, for example: Explanations of the information that may be requested during an investigation, including: the name or a description of the alleged harasser(s), alleged victim(s), and any witnesses; the date(s) of the alleged harassment; the location(s) of the alleged harassment; and a description of the alleged harassment	did not meet

Appendix IV: Summary Analysis of Selected Recommended Practices Developed by the Equal Employment Opportunity Commission

Selected recommended practices	GAO's analysis of DHS and FEMA's training
Effective anti-harassment training for all employees includes, for example: Assurance that employees who report harassing conduct, participate in investigations, or take any other actions protected under federal employment discrimination laws will not be subjected to retaliation	met
Effective anti-harassment training for all employees includes, for example: Explanations of the range of possible consequences for engaging in prohibited conduct	met
Effective anti-harassment training for all employees includes, for example: Opportunities to ask questions about the training, harassment policy, complaint system, and related rules and expectations	partially met
Effective anti-harassment training for all employees includes, for example: Identification and provision of contact information for the individual(s) and/or office(s) responsible for addressing harassment questions, concerns, and complaints.	partially met
Effective training for supervisors and managers includes, for example: Information about how to prevent, identify, stop, report, and correct harassment, such as:	partially met
• Identification of potential risk factors for harassment and specific actions that may minimize or eliminate the risk of harassment;	
• Easy to understand, realistic methods for addressing harassment that they observe, that is reported to them, or that they otherwise learn of;	
• Clear instructions about how to report harassment up the chain of command; and	
• Explanations of the confidentiality rules associated with harassment complaints	
Effective training for supervisors and managers includes, for example: An unequivocal statement that retaliation is prohibited, along with an explanation of the types of conduct that are protected from retaliation under federal employment discrimination laws, such as:	met
• Complaining or expressing an intent to complain about harassing conduct;	
• Resisting sexual advances or intervening to protect others from such conduct; and	
• Participating in an investigation about harassing conduct or other alleged discrimination	
Explanations of the consequences of failing to fulfill their responsibilities related to harassment, retaliation, and other prohibited conduct	met
To help prevent conduct from rising to the level of unlawful workplace harassment, employers also may find it helpful to: Consider and implement new forms of training, such as workplace civility or respectful workplace training and/or bystander intervention training.	met
To help prevent conduct from rising to the level of unlawful workplace harassment, employers also may find it helpful to: Meet with employees as needed to discuss issues related to current events and share relevant resources	met

Legend:

- Met
- ◐ Partially met
- Did not meet

Source: GAO analysis of information from FEMA compared with EEOC November 2017 *Promising Practices for Preventing Harassment*. | GAO-23-105243

Notes: We assessed DHS's "Preventing and Addressing Workplace Harassment" training, which is required for all FEMA employees, against the selected practices. We also assessed FEMA's civil treatment for leaders training, which is required for supervisors, against practices related to effective training for supervisors. "Met" means that the DHS or FEMA training was consistent with a recommended practice identified by EEOC. "Partially met" means that the DHS or FEMA training was consistent with part, but not all, of a recommended practice. "Did not meet" means that the DHS or FEMA training was not consistent with a not consistent with a recommended practice.

^aWe did not include the recommended practice of providing training in all languages commonly used by employees.

**Appendix IV: Summary Analysis of Selected
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Table 8: Extent to Which the Federal Emergency Management Agency (FEMA)'s Complaint System Met Selected Equal Employment Opportunity Commission (EEOC) Recommended Practices for an Effective and Accessible Complaint System

Selected recommended practices	GAO's analysis of FEMA's system
An effective harassment complaint system, among other things: ^a Is fully resourced, enabling the organization to respond promptly, thoroughly, and effectively to complaints	<ul style="list-style-type: none"> • partially met • OPR (met)
An effective harassment complaint system, among other things: ^a Is fully resourced, enabling the organization to respond promptly, thoroughly, and effectively to complaints	<ul style="list-style-type: none"> • partially met • Labor and Employee Relations Branch (did not meet)
An effective harassment complaint system, among other things: ^a Provides multiple avenues of complaint, if possible, including an avenue to report complaints regarding senior leaders	met
An effective harassment complaint system, among other things: ^a Is responsive to complaints by employees and by other individuals on their behalf	<ul style="list-style-type: none"> • partially met • OPR (met)
An effective harassment complaint system, among other things: ^a Is responsive to complaints by employees and by other individuals on their behalf	<ul style="list-style-type: none"> • partially met • Labor and Employee Relations Branch (did not meet)
An effective harassment complaint system, among other things: ^a May describe the information the organization requests from complainants, even if complainants cannot provide it all, including: the alleged harasser(s), alleged victim(s), and any witnesses; the date(s) of the alleged harassment; the location(s) of the alleged harassment; and a description of the alleged harassment	met
An effective harassment complaint system, among other things: ^a May include voluntary alternative dispute resolution processes to facilitate communication and assist in preventing and addressing prohibited conduct, or conduct that could eventually rise to the level of prohibited conduct, early	met
An effective harassment complaint system, among other things: ^a Provides prompt, thorough, and neutral investigations	met
An effective harassment complaint system, among other things: ^a Protects the privacy of alleged victims, individuals who report harassment, witnesses, alleged harassers, and other relevant individuals to the greatest extent possible, consistent with a thorough and impartial investigation and with relevant legal requirements	met
An effective harassment complaint system, among other things: ^a Includes processes to determine whether alleged victims, individuals who report harassment, witnesses, and other relevant individuals are subjected to retaliation, and imposes sanctions on individuals responsible for retaliation	met
An effective harassment complaint system, among other things: ^a Includes processes to ensure that alleged harassers are not prematurely presumed guilty or prematurely disciplined for harassment	met
An effective harassment complaint system, among other things: ^a Includes processes to convey the resolution of the complaint to the complainant and the alleged harasser and, where appropriate and consistent with relevant legal requirements, the preventative and corrective action taken	partially met
Employees responsible for receiving, investigating, and resolving complaints or otherwise implementing the harassment complaint system, among other things: ^b Are well-trained, objective, and neutral	met

Appendix IV: Summary Analysis of Selected Recommended Practices Developed by the Equal Employment Opportunity Commission

Selected recommended practices	GAO's analysis of FEMA's system
Employees responsible for receiving, investigating, and resolving complaints or otherwise implementing the harassment complaint system, among other things: ^b Have the authority, independence, and resources required to receive, investigate, and resolve complaints appropriately	<ul style="list-style-type: none"> ● partially met ● OPR (met)
Employees responsible for receiving, investigating, and resolving complaints or otherwise implementing the harassment complaint system, among other things: ^b Have the authority, independence, and resources required to receive, investigate, and resolve complaints appropriately	<ul style="list-style-type: none"> ● partially met ● Labor and Employee Relations Branch partially (met)
Employees responsible for receiving, investigating, and resolving complaints or otherwise implementing the harassment complaint system, among other things: ^b Appropriately document every complaint, from initial intake to investigation to resolution, use guidelines to weigh the credibility of all relevant parties, and prepare a written report documenting the investigation, findings, recommendations, and disciplinary action imposed (if any), and corrective and preventative action taken (if any)	met

Legend:

- Met
- ◐ Partially met
- Did not meet

Source: GAO analysis of information from FEMA compared with EEOC November 2017 *Promising Practices for Preventing Harassment*. | GAO-23-105243

Notes: "Met" means that FEMA's documentation or actions were consistent with a recommended practice identified by EEOC. "Partially met" means that FEMA's documentation or actions were consistent with part, but not all, of a recommended practice. "Did not meet" means that FEMA's documentation or actions were not consistent with a recommended practice. We provided a separate assessment for the Office of Professional Responsibility (OPR) and Office of the Chief Human Capital Officer's Labor and Employee Relations branch if the practice was applicable to both offices and our assessment differed between the two offices.

^aWe did not include the recommended practice of systems being translated into all languages commonly used by employees.

^bWe did not include the following practices: take all questions, concerns and complaints seriously, and respond promptly and appropriately; create and maintain an environment which employees feel comfortable reporting harassment to management; understand and maintain the confidentiality associated with the complaint process.

Table 9: Extent to Which the Federal Emergency Management Agency (FEMA) Met Selected Equal Employment Opportunity Commission (EEOC) Recommended Practices for Leadership and Accountability

Category	Selected recommended practices	GAO's analysis of FEMA's actions
Consistent and demonstrated commitment of senior leaders includes: ^a	Clearly, frequently, and unequivocally stating that harassment is prohibited	met
Consistent and demonstrated commitment of senior leaders includes: ^a	Incorporating enforcement of, and compliance with, the organization's harassment and other discrimination policies and procedures into the organization's operational framework	met
Consistent and demonstrated commitment of senior leaders includes: ^a	Providing appropriate authority to individuals responsible for creating, implementing, and managing harassment prevention strategies	met

Appendix IV: Summary Analysis of Selected Recommended Practices Developed by the Equal Employment Opportunity Commission

Category	Selected recommended practices	GAO's analysis of FEMA's actions
Consistent and demonstrated commitment of senior leaders includes:^a	Assessing harassment risk factors and taking steps to minimize or eliminate those risks	did not meet
Consistent and demonstrated commitment of senior leaders includes:^a	Engaging organizational leadership in harassment prevention and correction efforts	met
Senior leaders ensure that their organizations:^b	Acknowledge employees, supervisors, and managers, as appropriate, for creating and maintaining a culture in which harassment is not tolerated and promptly reporting, investigating, and resolving harassment complaints	met
Senior leaders ensure that their organizations:^b	Impose discipline that is prompt, consistent, and proportionate to the severity of the harassment and/or related conduct, such as retaliation, when it determines that such conduct has occurred	partially met
Senior leaders exercise appropriate oversight of the harassment policy, complaint system, training, and any preventive and corrective efforts, which may include:	<ul style="list-style-type: none"> • Periodically evaluating the effectiveness of the organization's strategies to prevent and address harassment, including reviewing and discussing preventative measures, complaint data, and corrective action with appropriate personnel; • Ensuring that concerns or complaints regarding the policy, complaint system, and/or training are addressed appropriately; • Directing staff to periodically, and in different ways, test the complaint system to determine if complaints are received and addressed promptly and appropriately; • Ensuring that any necessary changes to the harassment policy, complaint system, training, or related policies, practices, and procedures are implemented and communicated to employees 	partially met
To maximize effectiveness, senior leaders could seek feedback about their anti-harassment efforts by, for example:	<ul style="list-style-type: none"> • Conducting anonymous employee surveys on a regular basis to assess whether harassment is occurring, or is perceived to be tolerated; • Partnering with researchers to evaluate the organization's harassment prevention strategies 	met

Legend:

- Met
- ◐ Partially met
- Did not meet

Source: GAO analysis of information from FEMA compared with EEOC November 2017 *Promising Practices for Preventing Harassment*. | GAO-23-105243

Notes: "Met" means that FEMA's documentation or actions were consistent with a recommended practice identified by EEOC. "Partially met" means that FEMA's documentation or actions were consistent with part, but not all, of a recommended practice. "Did not meet" means that FEMA's documentation or actions were not consistent with a recommended practice.

^aWe did not include the recommended practice of allocating sufficient resources for effective harassment prevention strategies and sufficient staff time for harassment prevention efforts.

^bWe did not include the following practices: have a harassment policy that is comprehensive, easy to understand, and regularly communicated to all employees; have a harassment complaint system that is fully resourced and accessible; regularly and effectively train all employees, including managers,

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because they are a cumulative assessment of each of the policy, systems, and training categories, respectively. See tables 6, 7, and 8 for our assessment of these categories.

Appendix V: Comments from the Department of Homeland Security

**Appendix V: Comments from the Department
of Homeland Security**

U.S. Department of Homeland Security
Washington, DC 20528



October 4, 2022

Mr. Chris Currie
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Re: Management Response to Draft Report GAO-23-105243, “FEMA WORKFORCE:
Additional Actions Needed to Help Prevent and Respond to Discrimination and
Harassment”

Dear Mr. Currie:

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS or the Department) appreciates the U.S. Government Accountability Office’s (GAO) work in planning and conducting its review and issuing this report.

DHS leadership is pleased to note GAO’s recognition that the Federal Emergency Management Agency (FEMA) has taken action since fiscal year 2019 to prevent and respond to discrimination and harassment, such as creating an office to investigate harassment allegations, developing response policies, and issuing the “Culture Improvement Action Plan.”¹ FEMA’s Office of Professional Responsibility, established in October 2019, ensures expeditious, fair, and objective follow-up and resolution of all allegations or employee misconduct with an emphasis on building a culture that reflects FEMA’s core values of compassion, fairness, integrity and respect. In addition, FEMA’s Office of Equal Rights leads the Agency’s efforts to support a discrimination-free workplace and equal access to FEMA programs and services.

GAO also acknowledged that the DHS Office of Civil Rights and Civil Liberties (CRCL) leads the Department’s equal employment opportunity programs, including overseeing anti-discrimination and anti-harassment policies, and that DHS issued a related policy

¹ https://www.fema.gov/sites/default/files/documents/fema_culture-improvement-action-plan_2021.pdf

**Appendix V: Comments from the Department
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statement,² directive,³ and instruction during 2019.⁴ DHS remains committed to addressing discrimination and harassment challenges to ensure a safe and fair work environment for all personnel.

The draft report contained 13 recommendations with which the Department concurs. Enclosed find our detailed response to each recommendation. DHS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for GAO's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

JIM H CRUMPACKER

Digitally signed by JIM H
CRUMPACKER
Date: 2022.10.04 12:59:38 -0400'

JIM H. CRUMPACKER, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

Enclosure

² <https://www.dhs.gov/sites/default/files/publications/dhs-anti-harassment-policy-statement.pdf>

³ <https://www.dhs.gov/sites/default/files/publications/256-01.pdf>

⁴ <https://www.dhs.gov/sites/default/files/publications/256-01-001.pdf>

**Enclosure: Management Response to Recommendations
Contained in GAO-23-105243**

GAO recommended that the Secretary of Homeland Security:

Recommendation 1: Update DHS’s Anti-Harassment Policy Statement, consistent with EEOC’s [Equal Employment Opportunity Commission’s] Promising Practices to Prevent Harassment, to ensure it includes:

- 1) A statement that DHS will provide a prompt, impartial, and thorough investigation;
- 2) A description of any processes for employees to informally share or obtain information about harassment without filing a complaint; and
- 3) A statement that employees are encouraged to respond to questions or to otherwise participate in investigations regarding alleged harassment.

Response: Concur. CRCL will revise DHS Policy Statement 256-06, “Anti-Harassment Policy Statement,” dated April 1, 2019, to align with the EEOC’s recommended practices, and include the statements and description detailed by this recommendation. Estimated Completion Date (ECD): September 29, 2023.

Recommendation 2: Update mandatory anti-harassment training consistent with EEOC’s Promising Practices to Prevent Harassment, to ensure it includes:

- 1) Examples that are tailored to the DHS-specific workplace and workforce.
- 2) Explanations of the information that may be requested during an investigation, including: the name or a description of the alleged harasser(s), alleged victim(s), and any witnesses; the date(s) of the alleged harassment; the location(s) of the alleged harassment; and a description of the alleged harassment.
- 3) An opportunity for employees to ask questions about the training, harassment policy, complaint system, and related rules and expectations, either during the training or by providing component-specific points of contact.

Response: Concur. CRCL will revise the DHS mandatory anti-harassment training to align with the EEOC’s recommended practices. Specifically, CRCL will put in place a new contract by June 30, 2023, to update the anti-harassment training, and plans to develop the revised course content by December 29, 2023. CRCL will then implement, and deliver, the updated anti-harassment training to all employees by September 30, 2024. ECD: September 30, 2024.

Recommendation 3: Provide an opportunity for employees to evaluate its anti-harassment training on a reoccurring basis.

Response: Concur. CRCL will collaborate with the DHS Management Directorate, Office of the Chief Human Capital Officer (OCHCO), Learning, Education, and Development Strategy (LEDS) to ensure that employees are provided an opportunity to evaluate training in time for the release of the updated DHS mandatory anti-harassment training. Specifically, CRCL will meet with OCHCO LEDS by December 30, 2022, to determine whether the planned student course evaluation capabilities in DHS' forthcoming new learning management system will be sufficient to meet the intent of the recommendation. CRCL will then implement evaluation capabilities for the existing antiharassment training by June 30, 2023, while the new contract vehicle is put in place for the updated anti-harassment training, due no later than September 30, 2024. ECD: September 30, 2024.

Recommendation 4: Ensure employee evaluations of anti-harassment trainings are regularly considered for future updates to its training.

Response: Concur. CRCL will coordinate with OCHCO LEDS and relevant Component offices, as appropriate, to establish a mechanism for CRCL to receive feedback from employee evaluations on a quarterly (or more regular) basis as soon as that capability has been implemented for the DHS mandatory anti-harassment training. Specifically, CRCL will establish a mechanism for CRCL to receive feedback from employee evaluations by June 30, 2023. Once established, CRCL will begin receiving and analyzing employee feedback on its current anti-harassment training by September 29, 2023. CRCL will consider those evaluations in the development of content for future updates to the DHS anti-harassment training, due no later than September 30, 2024. ECD: September 30, 2024.

The GAO recommended that the FEMA Administrator:

Recommendation 5: Update the agency's anti-harassment training for supervisors to include information on (1) how to identify and mitigate risk factors specific to FEMA's workplace, (2) easy to understand and realistic methods for addressing harassment, (3) how to report harassment allegation up the chain of command, and (4) FEMA's confidentiality rules associated with harassment complaints.

Response: Concur. The FEMA Office of Equal Rights (OER) updated its mandatory harassment training courses – "FEMA EEO [Equal Employment Opportunity] Employee Course 2022 (IS-0018.22) and "FEMA EEO Supervisor Course 2022" (IS-0019.22) – in October 2021 and January 2022, respectively. These courses address how to identify and mitigate risk factors specific to FEMA's workplace, provides easy to understand and realistic methods for addressing harassment, encourages employees to "speak up" at the

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lowest level in the chain of command first, and to escalate up and outside the chain of command as circumstances warrant. FEMA OER acknowledges the importance of confidentiality associated with harassment complaints and will continue to evaluate and include more robust and relevant training on this important point.

Separately from IS-0018.22 and IS-0019.22, FEMA OER offers EEO training to new employees during New Employee Orientation. This training addresses anti-harassment and hostile work environments, among other EEO subjects. FEMA OER also offers supervisory training to supervisors up to four (4) times per week, which includes anti-harassment training.

We request that GAO consider this recommendation resolved and closed.

Recommendation 6: Collect data on time frames for key steps in the adjudication process.

Response: Concur. FEMA's Office of the Chief Component Human Capital Officer (CCHCO), Labor Employee Relations (LER) Branch has contracted for a Labor Employee Relations case management system; the contract was awarded in February 2022. The new case management system will be configured for use by May 31, 2023, and, once configured, will be used to monitor processing timeframes for resolution of harassment complaints. ECD: December 29, 2023.

Recommendation 7: Implement a process, using the data on time frames for key steps, to regularly assess and take action to improve the timeliness of key steps in the harassment complaint adjudication process.

Response: Concur. FEMA's CCHCO LER Branch will use the new case management system, once configured for use by May 31, 2023, to monitor processing timeframes and identify trends with a focus on continuous improvement in its harassment complaint adjudication process. ECD: December 29, 2023.

Recommendation 8: Implement a control to ensure that, consistent with agency policy, when a manager or supervisor has made a determination on whether harassment has occurred, the individual who has made the allegation of harassment is notified whether corrective action has been or will be taken.

Response: Concur. On May 19, 2022, FEMA's CCHCO LER Branch implemented a new process to ensure decision makers notify individuals who make allegations of harassment regarding the outcome. The process, which was documented in a standard operating procedure for LER specialists and which was provided to the GAO in June 2022, requires the decision maker(s) to notify the complainant that action will or will not be taken.

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We request that GAO consider this recommendation resolved and closed.

Recommendation 9: Assess harassment risk factors in its workplace.

Response: Concur. FEMA’s OER leads efforts to assess, and will continue to assess, harassment risk factors in FEMA’s workplace. For example, FEMA commissioned the RAND Corporation in 2019 and 2021 to conduct an independent and objective assessment of harassment and discrimination in the organization, which included an assessment of harassment risk factors and identification of FEMA personnel most at risk of experiencing harassment. FEMA is also currently conducting an “Analysis of Barriers to Employment in FEMA,” which will examine the gender diversity within FEMA’s workforce and barriers to leadership opportunities in FEMA field occupations, and identify root causes that contribute to underrepresentation. In addition, OER’s annual status report created pursuant to EEOC Management Directive 715, “Federal responsibilities under Section 717 of Title VII and Section 501 of the Rehabilitation Act,” dated October 1, 2003,⁵ and the results of the annual Federal Employee Viewpoint Survey, provides FEMA with a recurring ability to assess harassment risk factors in its workplace. ECD: March 31, 2023.

Recommendation 10: Take steps to mitigate the harassment risks factors in its workplace.

Response: Concur. Once complete, FEMA’s 2023-2027 FEMA Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan will provide a roadmap for steps FEMA will take to mitigate harassment risk factors in its workplace. FEMA’s DEIA Council, with the support of OER, will lead FEMA’s DEIA Strategic Plan implementation stage, and it will be made publicly available upon final publication.

The DEIA Strategic Plan identifies actions FEMA will take in response to Objective 1.1. of the 2022-2026 FEMA Strategic Plan⁶ – “Cultivate a FEMA that prioritizes and harnesses a diverse workforce.” Further, the DEIA Strategic plan will advance DEIA initiatives at FEMA, and is the next step in the work FEMA began with its Culture Improvement Action Plan. More specifically, the DEIA Strategic Plan describes a desired end state in which FEMA will have significantly increased diversity at all levels, while providing the workforce the opportunity to work in an environment that is physically and psychologically safe, fair, equitable, accessible, and supportive. The DEIA Strategic Plan also includes an Implementation Plan that identifies: (1) specific outcomes FEMA will achieve; (2) actions FEMA will take to achieve those outcomes;

⁵ <https://www.eeoc.gov/federal-sector/management-directive/section-717-title-vii>

⁶ <https://www.fema.gov/about/strategic-plan>

**Appendix V: Comments from the Department
of Homeland Security**

and (3) accompanying outcome-based performance measures FEMA will use to monitor and evaluate successful implementation of the Strategic Plan. ECD: March 31, 2023.

Recommendation 11: Designate an individual or entity to oversee its culture improvement efforts.

Response: Concur. FEMA will establish a DEIA Executive Council to oversee implementation of the DEIA Strategic Plan. The DEIA Executive Council will be chaired by FEMA's Chief of Staff, comprised of leadership from across the agency, and supported by FEMA's OER. ECD: May 31, 2023.

Recommendation 12: Establish program goals and outcome-based performance measures for its culture improvement efforts.

Response: Concur. FEMA's draft DEIA Strategic Plan is the next step in the work FEMA began with its Culture Improvement Action Plan. Accordingly, FEMA's DEIA Strategic Plan includes an Implementation Plan that identifies: (1) specific outcomes FEMA will achieve; (2) actions FEMA will take to achieve those outcomes; and (3) accompanying outcome-based performance measures FEMA will use to monitor and evaluate successful implementation of the Strategic Plan. ECD: March 31, 2023.

Recommendation 13: Establish a plan for evaluating its culture improvement efforts using established program goals and outcome-based performance measures, and take steps to do so.

Response: Concur. As FEMA's draft DEIA Strategic Plan includes an Implementation Plan that identifies: (1) specific outcomes FEMA will achieve; (2) actions FEMA will take to achieve those outcomes; and (3) accompanying outcome-based performance measures FEMA will use to monitor and evaluate successful implementation of the Strategic Plan, FEMA believes that issuance of the DEIA Strategic Plan will also address this recommendation. ECD: March 31, 2023.

Accessible Text for Appendix V: Comments from the Department of Homeland Security

October 4, 2022

Mr. Chris Currie
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Re: Management Response to Draft Report GAO-23-105243, “FEMA
WORKFORCE: Additional Actions Needed to Help Prevent and Respond to
Discrimination and Harassment”

Dear Mr. Currie:

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS or the Department) appreciates the U.S. Government Accountability Office’s (GAO) work in planning and conducting its review and issuing this report.

DHS leadership is pleased to note GAO’s recognition that the Federal Emergency Management Agency (FEMA) has taken action since fiscal year 2019 to prevent and respond to discrimination and harassment, such as creating an office to investigate harassment allegations, developing response policies, and issuing the “Culture Improvement Action Plan.”¹ FEMA’s Office of Professional Responsibility, established in October 2019, ensures expeditious, fair, and objective follow-up and resolution of all allegations or employee misconduct with an emphasis on building a culture that reflects FEMA’s core values of compassion, fairness, integrity and respect. In addition, FEMA’s Office of Equal Rights leads the Agency’s efforts to support a discrimination-free workplace and equal access to FEMA programs and services.

¹ https://www.fema.gov/sites/default/files/documents/fema_culture-improvement-action-plan_2021.pdf

GAO also acknowledged that the DHS Office of Civil Rights and Civil Liberties (CRCL) leads the Department's equal employment opportunity programs, including overseeing anti-discrimination and anti-harassment policies, and that DHS issued a related policy statement,² directive,³ and instruction during 2019.⁴ DHS remains committed to addressing discrimination and harassment challenges to ensure a safe and fair work environment for all personnel.

The draft report contained 13 recommendations with which the Department concurs. Enclosed find our detailed response to each recommendation. DHS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for GAO's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

JIM H. CRUMPACKER, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

Enclosure

Enclosure: Management Response to Recommendations Contained in GAO-23-105243

GAO recommended that the Secretary of Homeland Security:

Recommendation 1: Update DHS's Anti-Harassment Policy Statement, consistent with EEOC's [Equal Employment Opportunity Commission's] Promising Practices to Prevent Harassment, to ensure it includes:

- 1) A statement that DHS will provide a prompt, impartial, and thorough investigation;

² <https://www.dhs.gov/sites/default/files/publications/dhs-anti-harassment-policy-statement.pdf>

³ <https://www.dhs.gov/sites/default/files/publications/256-01.pdf>

⁴ <https://www.dhs.gov/sites/default/files/publications/256-01-001.pdf>

- 2) A description of any processes for employees to informally share or obtain information about harassment without filing a complaint; and
- 3) A statement that employees are encouraged to respond to questions or to otherwise participate in investigations regarding alleged harassment.

Response: Concur. CRCL will revise DHS Policy Statement 256-06, "Anti-Harassment Policy Statement," dated April 1, 2019, to align with the EEOC's recommended practices, and include the statements and description detailed by this recommendation. Estimated Completion Date (ECD): September 29, 2023.

Recommendation 2: Update mandatory anti-harassment training consistent with EEOC's Promising Practices to Prevent Harassment, to ensure it includes:

- 1) Examples that are tailored to the DHS-specific workplace and workforce.
- 2) Explanations of the information that may be requested during an investigation, including: the name or a description of the alleged harasser(s), alleged victim(s), and any witnesses; the date(s) of the alleged harassment; the location(s) of the alleged harassment; and a description of the alleged harassment.
- 3) An opportunity for employees to ask questions about the training, harassment policy, complaint system, and related rules and expectations, either during the training or by providing component-specific points of contact.

Response: Concur. CRCL will revise the DHS mandatory anti-harassment training to align with the EEOC's recommended practices. Specifically, CRCL will put in place a new contract by June 30, 2023, to update the anti-harassment training, and plans to develop the revised course content by December 29, 2023. CRCL will then implement, and deliver, the updated anti-harassment training to all employees by September 30, 2024. ECD: September 30, 2024.

Recommendation 3: Provide an opportunity for employees to evaluate its anti-harassment training on a reoccurring basis.

Response: Concur. CRCL will collaborate with the DHS Management Directorate, Office of the Chief Human Capital Officer (OCHCO), Learning, Education, and Development Strategy (LEDS) to ensure that employees are provided an opportunity to evaluate training in time for the release of the updated DHS mandatory anti-harassment training. Specifically, CRCL will meet with OCHCO LEDS by December 30, 2022, to determine whether the planned student course evaluation capabilities in DHS' forthcoming new learning management system will be sufficient to meet the

intent of the recommendation. CRCL will then implement evaluation capabilities for the existing antiharassment training by June 30, 2023, while the new contract vehicle is put in place for the updated anti-harassment training, due no later than September 30, 2024. ECD: September 30, 2024.

Recommendation 4: Ensure employee evaluations of anti-harassment trainings are regularly considered for future updates to its training.

Response: Concur. CRCL will coordinate with OCHCO LEADS and relevant Component offices, as appropriate, to establish a mechanism for CRCL to receive feedback from employee evaluations on a quarterly (or more regular) basis as soon as that capability has been implemented for the DHS mandatory anti-harassment training. Specifically, CRCL will establish a mechanism for CRCL to receive feedback from employee evaluations by June 30, 2023. Once established, CRCL will begin receiving and analyzing employee feedback on its current anti-harassment training by September 29, 2023. CRCL will consider those evaluations in the development of content for future updates to the DHS anti-harassment training, due no later than September 30, 2024. ECD: September 30, 2024.

The GAO recommended that the FEMA Administrator:

Recommendation 5: Update the agency's anti-harassment training for supervisors to include information on (1) how to identify and mitigate risk factors specific to FEMA's workplace, (2) easy to understand and realistic methods for addressing harassment, (3) how to report harassment allegation up the chain of command, and (4) FEMA's confidentiality rules associated with harassment complaints.

Response: Concur. The FEMA Office of Equal Rights (OER) updated its mandatory harassment training courses – “FEMA EEO [Equal Employment Opportunity] Employee Course 2022 (IS-0018.22) and “FEMA EEO Supervisor Course 2022” (IS-0019.22) – in October 2021 and January 2022, respectively. These courses address how to identify and mitigate risk factors specific to FEMA's workplace, provides easy to understand and realistic methods for addressing harassment, encourages employees to “speak up” at the lowest level in the chain of command first, and to escalate up and outside the chain of command as circumstances warrant. FEMA OER acknowledges the importance of confidentiality associated with harassment complaints and will continue to evaluate and include more robust and relevant training on this important point.

Separately from IS-0018.22 and IS-0019.22, FEMA OER offers EEO training to new employees during New Employee Orientation. This training addresses anti-harassment and hostile work environments, among other EEO subjects. FEMA OER

also offers supervisory training to supervisors up to four (4) times per week, which includes anti-harassment training.

We request that GAO consider this recommendation resolved and closed.

Recommendation 6: Collect data on time frames for key steps in the adjudication process.

Response: Concur. FEMA's Office of the Chief Component Human Capital Officer (CCHCO), Labor Employee Relations (LER) Branch has contracted for a Labor Employee Relations case management system; the contract was awarded in February 2022. The new case management system will be configured for use by May 31, 2023, and, once configured, will be used to monitor processing timeframes for resolution of harassment complaints. ECD: December 29, 2023.

Recommendation 7: Implement a process, using the data on time frames for key steps, to regularly assess and take action to improve the timeliness of key steps in the harassment complaint adjudication process.

Response: Concur. FEMA's CCHCO LER Branch will use the new case management system, once configured for use by May 31, 2023, to monitor processing timeframes and identify trends with a focus on continuous improvement in its harassment complaint adjudication process. ECD: December 29, 2023.

Recommendation 8: Implement a control to ensure that, consistent with agency policy, when a manager or supervisor has made a determination on whether harassment has occurred, the individual who has made the allegation of harassment is notified whether corrective action has been or will be taken.

Response: Concur. On May 19, 2022, FEMA's CCHCO LER Branch implemented a new process to ensure decision makers notify individuals who make allegations of harassment regarding the outcome. The process, which was documented in a standard operating procedure for LER specialists and which was provided to the GAO in June 2022, requires the decision maker(s) to notify the complainant that action will or will not be taken.

We request that GAO consider this recommendation resolved and closed.

Recommendation 9: Assess harassment risk factors in its workplace.

Response: Concur. FEMA's OER leads efforts to assess, and will continue to assess, harassment risk factors in FEMA's workplace. For example, FEMA commissioned the RAND Corporation in 2019 and 2021 to conduct an independent

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⁵ <https://www.eeoc.gov/federal-sector/management-directive/section-717-title-vii>

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Appendix VI: GAO Contact and Staff Acknowledgments

GAO Contact

Chris Currie, (404) 679-1875 or CurrieC@gao.gov.

Staff Acknowledgments

In addition to the contact named above, Alana Finley (Assistant Director), Marycella Mierez (Analyst-in-Charge), Dominick Dale, Pamela Davidson, Clifton Douglas Jr., Eric Hauswirth, Tracey King, Katherine Lenane, Benjamin Licht, Zina D. Merritt, Jan Montgomery, Danielle Pakdaman, Carlin Van Holmes, and Amber Yancey-Carroll made significant contributions to this report.

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