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OPPORTUNITIES FOR MOVING INTO A SECOND CENTURY OF SERVICE: WORKING TO IMPROVE THE NATIONAL PARK SERVICE WORKPLACE ENVIRONMENT

HEARING

BEFORE THE

SUBCOMMITTEE ON
NATIONAL PARKS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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OPPORTUNITIES FOR MOVING INTO A SECOND CENTURY OF SERVICE: WORKING TO IMPROVE THE NATIONAL PARK SERVICE WORKPLACE ENVIRONMENT

WEDNESDAY, JUNE 7, 2017

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:39 p.m. in Room SD–366, Dirksen Senate Office Building, Hon. Steve Daines, Chairman of the Subcommittee, presiding.

OPENING STATEMENT OF HON. STEVE DAINES, U.S. SENATOR FROM MONTANA

Senator DAINES [presiding]. Thank you. The Subcommittee will come to order.

This is our very first oversight hearing on the National Parks Subcommittee this Congress. I look forward to presiding over the important work of this Subcommittee and working with you, Ranking Member Hirono.

I have already had a great experience working with you on other issues. I am proud we were able to work together to recognize National Park Week recently and look forward to more great things to come.

I grew up 90 miles away from Yellowstone National Park, that is still home for me in Montana, and I know how important our parks are to our national heritage and the Montanans I represent.

I want to thank Chairman Murkowski for this opportunity and for her leadership and also prioritizing this critically important issue to our national parks.

The title of our hearing today is Opportunities for Moving Into a Second Century of Service: Working to Improve the National Park Service Workplace Environment.

Last year the National Park Service (NPS) celebrated its Centennial. The Centennial was more than just a celebration. It had a goal, and it was to create the next generation of national park visitors, supporters, and advocates and ensure that that group represents and looks like the rest of America. And based on the record number of visitors to our parks, it appears it was a resounding success.

But marring the successes of the Centennial that same year was the growing number of park service employee complaints about a

workplace culture where bullying is rampant, sexual harassment goes unaddressed, complaints leading then to retribution and top employees facing no accountability at some of our most high-profile parks, including one of Montana's crown jewels. I know the Senator from Wyoming would probably argue which state gets to claim this crown jewel, but it is Yellowstone National Park.

Senator HIRONO. ——Hawaii.

Senator DAINES. Well, yes, but I do not think you are going to claim Yellowstone. You can, though. It is a great park.

Senator HIRONO. Thank you.

Senator DAINES. At Yellowstone there was an investigation conducted by the Inspector General (IG) which documented a hostile work environment that was carried on because of the actions or inactions of supervisors.

These are not new problems, unfortunately. The Park Service has been aware of them for nearly two decades. As a son, a husband, and a father of four, including two young women, this is completely unacceptable.

Our national parks are what makes our country uniquely American. China may have the Great Wall, Europe has old cathedrals and castles, but in America, we have our national parks. And frankly, what I have learned about the workplace environment at the National Park Service is entirely unworthy of that ideal.

Concrete steps must be taken to put an end to this outrageous behavior in the workplace. While I recognize our witnesses today, along with previous and current Administrations, have taken some action, it is our duty to demand rigorous accountability. I look forward to hearing from the witnesses on how the National Park Service can reform and improve.

I will now turn to the Ranking Member, Senator Hirono. It is truly an honor, Senator Hirono, to have you here for your remarks.

STATEMENT OF HON. MAZIE K. HIRONO, U.S. SENATOR FROM HAWAII

Senator HIRONO. Thank you very much, Senator Daines, and congratulations on becoming the new Chair of this Subcommittee. Of course, I am looking forward to working with you on the many issues facing our national parks.

And yes, it was really important that last year we celebrated the Centennial of all of our national parks. As part of my observation, I went to Haleakalā National Park in Hawaii. We have a very rare plant there called the Silver Sword, and I planted Silver Sword there at the park with some of the students who have been regular visitors and supporters of the park. These are very important treasures for our country.

Business is booming at our national parks, which just set a new record for attendance for the third consecutive year. And despite the growing number of people who visit every year, our parks face serious underinvestment for the value they provide. In addition to the well-established $12-billion deferred maintenance backlog, record attendance has increased demand for visitor services that parks must provide from existing budgets.

The President's Fiscal Year 2018 budget reflects neither the tremendous economic impact of our national parks nor the financial

pressures they face. Instead of investing more in our parks, the President proposes to cut funding to NPS by almost $400 million and approximately 1,200 people would lose their jobs.

This budget sends precisely the wrong message to the National Park Service employees and the visiting public. By asking NPS employees to do more with fewer resources, the President is placing yet another unnecessary strain on these dedicated public servants.

It is against this backdrop, one of underinvestment, overextended staff and failure to prioritize our parks in the face of great public interest and support that we meet today to discuss the important issue of misconduct and harassment at the NPS.

The NPS, like any workplace, has a responsibility to provide a safe environment that provides adequate training and equitable treatment for all of its roughly 22,000 employees and 340,000 volunteers. Unfortunately, as the Chair mentioned, recent reports and investigations reveal that the NPS failed to protect its workers from sexual harassment and misconduct.

Since January 2016, the Interior Department's Office of Inspector General (OIG) has released eight investigative reports relating to workplace misconduct within the NPS. These reports painted a disturbing pattern of systemic sexual harassment and misconduct in parks across the country. Victims of harassment have faced retaliation for coming forward. Others have reported concerns about how NPS has dealt with perpetrators, including instances where individuals have been relocated instead of fired, or rehired at a different date.

Over the past year, the NPS has taken steps to address the issue of workplace harassment and misconduct. These actions include releasing a voluntary survey earlier this year to Park Service employees and establishing an ombudsman office.

In addition, Tammy Duchesne—Tammy, where are you? She's from Hawaii, a Superintendent from Hawaii, and she has been detailed here in DC to serve as NPS's Sexual Harassment Prevention and Response Coordinator. It is good to have you here, Tammy. I understand that Tammy is here today to say aloha and mahalo to all of us, and mahalo to you, Tammy, for your work to help address these important issues within the Park Service.

As someone who has spent a great deal of time working on how to address sexual assault within the military, I recognize that changing culture can be challenging and difficult. It is important, however, to address this issue head on. We need to identify the source of the problem, implement appropriate policy and procedural changes, incorporate best practices and establish a culture of transparency and accountability.

I appreciate that the Subcommittee is having a hearing today on this important issue and look forward to hearing what progress the NPS has made to address these concerns. It will take us all working together to effect a change in workplace culture within the NPS.

Of course, like the Chair, I look forward to hearing from our witnesses this afternoon on how Congress and this Administration can help support our National Park Service through policy, staffing, funding, et cetera, that will improve the workplace environment.

We want our second century of meaningful experiences for both national park visitors and employees, so we are on your side.

Thank you, Mr. Chairman.

Senator DAINES. Thank you, Ranking Member Hirono.

It is now time to hear from our witnesses. Joining us this afternoon are Mr. Michael Reynolds, Acting Director of the National Park Service; Ms. Mary Kendall, Deputy Inspector General at the Department of the Interior; and Ms. Maria Burks, Executive Council Member at the Coalition to Protect America's National Parks. I want to thank you all for being with us here today.

At the end of the testimony we will begin questions. Your full written testimony will be made part of the official hearing record.

Mr. Reynolds, would you proceed?

STATEMENT OF MICHAEL T. REYNOLDS, ACTING DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. REYNOLDS. Mr. Chairman, Senators, thank you for the opportunity to discuss the National Park Service's progress in improving our workplace environment as we begin our second century of service on behalf of the American people. I will summarize my statement and submit my full statement for the record.

It is a privilege to represent the nearly 20,000 employees who make up our workforce. One of the most rewarding parts of my job is hearing from the American people who tell me about the inspiring experiences they had during their trips to national parks. They often single out employees who have gone above and beyond the call of duty. In my over 30 years of government service employed at almost every level of the Park Service, I have been privileged to work with the most dedicated, professional and enthusiastic workforce imaginable.

Unfortunately, last year we saw the emergence of several sexual harassment and hostile work environment cases. There are park locations where these cases were allowed to fester, where employees felt that reporting these conditions would change nothing and invite retaliation. That was a wakeup call that we needed to make significant improvements to our workplace environment.

As a result, the National Park Service leadership is striving to bring a culture of transparency, respect, civility and accountability back to the organization. We want to ensure that all employees have a safe, respectful work environment that allows them to do their best. And leading our effort, Secretary Zinke has made it clear he demands that all employees work in a climate where any form of harassment or discrimination is not tolerated. We are acting as quickly as possible when new cases are brought to our attention, and we are pursuing proactive strategies on multiple fronts.

First is a workforce survey. We are examining the breadth and depth of the problem. To understand the prevalence of harassment we developed a Workplace Environment Survey that all permanent NPS employees were asked to complete. We anticipate receiving those results by the end of summer, by the end of August. We will use these results to define specific future goals and further tailor our response strategy. Next month we will also issue this survey to all—approximately 4,700—of our seasonal employees.

Second, we established an ombuds office to provide a confidential, independent resource that employees could turn to for advice about options available to report harassment or other complaints. In just four months the office received more than 1,000 complaints, concerns, or recommendations from hundreds of employees. The ombuds also provides updates to leadership about the questions and concerns they have heard.

Third, we are improving training aimed at recognizing and addressing harassment. We now require online sexual harassment training for all employees and are incorporating anti-harassment training into all of our major training curricula. We are also requiring all 4,000 supervisors to take a course called "Civil Treatment for Leaders." This will teach them how to create a welcoming environment where employees feel respected and encouraged to speak up and help them understand the responsibilities as it relates to harassment.

Fourth, to more effectively incorporate feedback from employees, we have endorsed and supported a range of Employee Resource Groups. These groups are made up of employees from all levels and locations across the organization who advise and collaborate with leadership to identify and implement best practices. They also provide opportunities for career counseling, mentoring and peer support.

Fifth, we are building stronger procedures for reporting, investigating, tracking and resolving work environment issues. We have a team conducting a thorough review of our policies and procedures. This group will recommend updates to ensure that employees have clear and safe reporting avenues without retaliation, investigations are effective and disciplinary actions are applied consistently. We will be working closely with the Offices of the Secretary of the Interior, the Office of the Inspector General and the Solicitor's Office to ensure we achieve these goals.

And finally, we will continue to hold employees accountable for their actions. We need to take all of these actions to restore trust and demonstrate to our employees that they are a valued resource and that leadership will protect them with the same passion with which we protect the parks. This will allow us to continue to attract and retain the best and brightest employees to care for America's national parks in our second century.

Thank you, Mr. Chairman. I'll be happy to answer any questions that you have.

[The prepared statement of Mr. Reynolds follows:]

STATEMENT OF MICHAEL T. REYNOLDS, ACTING DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE SUBCOMMITTEE ON NATIONAL PARKS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON MOVING INTO A SECOND CENTURY OF SERVICE: WORKING TO IMPROVE THE NATIONAL PARK SERVICE WORKPLACE ENVIRONMENT.

June 7, 2017

Mr. Chairman, Ranking Member Hirono, and members of the subcommittee, thank you for the opportunity to discuss the National Park Service's (NPS) progress in improving our workplace environment as we begin our second century of service on behalf of the American people.

As the Acting Director of the National Park Service, it is a privilege to represent the nearly 20,000 dedicated men and women who make up the National Park Service workforce. One of the most rewarding parts of my job is reading the letters and emails that I receive from Americans who have visited national parks and want to share the life-changing and inspiring experiences they had during their trips. More often than not, these thoughtful messages single out individual NPS employees who go above and beyond the call of duty to ensure that visitors feel welcome and have the best park experience possible.

In my over 30 years of government service, I have worked at almost every level within this organization – field employee, field supervisor, superintendent, regional director, associate director, deputy director, and now acting director. I have had the good fortune to work with the most dedicated, professional, and enthusiastic workforce imaginable.

During our Centennial last year, the NPS hosted a record 330 million visitors across the country. This was an indicator of both the growing popularity of our national parks and a reminder of the need for an outstanding professional workforce, capable of meeting the challenges of our second century of service.

Unfortunately, last year also saw the emergence of a series of sexual harassment and hostile work environment cases. These cases were a wake-up call that we need to make significant improvements to the NPS workforce environment. The issues we face are serious. They did not develop overnight and will not be solved overnight. We are facing morale issues with a workforce that has been adversely affected by these allegations, even while working hard in a time of rising park visitation. There are some NPS locations where sexual harassment and hostile work environments were allowed to fester, and where employees felt that reporting these conditions would change nothing and invite retaliation.

We have set an ambitious agenda to bring a culture of transparency, respect, and accountability back to our great organization. The entire NPS senior leadership team has joined me in the effort to ensure that all employees have a safe, respectful work environment that allows them to do their best work. And leading that effort, Secretary Zinke has made it clear he demands that all employees work in a climate where any form of harassment or discrimination is not tolerated.

As many of these sexual harassment cases came to light last year, we realized that we could not do this alone. We reached out to other organizations, including the Department of Defense, for assistance. They helped us identify effective actions to address this critical issue.

We are pursuing proactive strategies on multiple fronts. First, we are examining the breadth and depth of the problems. Second, we are encouraging employees to consult with a newly-established Ombuds Office if they encounter workplace problems. Third, we are improving training programs aimed at recognizing and addressing harassment. Fourth, we are seeking input from employee resource groups. Fifth, we are building stronger procedures for reporting, investigating, tracking, and resolving work environment issues. And sixth, we are acting as quickly as possible when new cases are brought to our attention.

Workforce Survey

In order to understand the prevalence of harassment that permeated our organization we developed a Workplace Environment Survey to give us a better sense of employee experiences with sexual harassment and other forms of harassment in the workplace. From January to March 2017, all permanent NPS employees were asked to complete the survey.

We do not yet have the final data as it is being compiled and externally peer reviewed, although we anticipate receiving it by the end of this summer. I assure you that we are committed to transparency and once we receive the final data, we will share it widely with this subcommittee as well as all employees and interested stakeholders. We will use the results to define specific future goals and metrics, identify additional policy responses, further tailor our response strategy to the problems identified in the survey, communicate goals and expectations to employees, and begin to implement data-informed actions.

In addition to this initial survey effort, we will be issuing the survey in July to all 4,700 summer seasonal employees to capture the experiences of this important segment of our team.

Ombuds Office

To respond to employees' immediate needs for support, we established a professional Ombuds Office in November 2016, which provides employees with a confidential, independent resource that allows them to discuss their work environments and get impartial advice. Ombuds programs are well known throughout the public and private sectors. The Ombuds are available to all employees by phone and email. Unfortunately, we were lacking this critical feedback component within the NPS.

In just four months, the Omsbuds received more than 1,000 comments, defined as complaints, concerns, or recommendations, from hundreds of NPS employees. The Ombuds team advises employees about the options available to them to report harassment or other complaints, including resources in the NPS Office of Equal Employment, Office of Employee Relations, and the Department of the Interior Office of Inspector General. They also provide general updates to NPS senior leadership about the questions and concerns they heard, without sharing any specific employees' identifying information. We will continue to support this office as an ongoing part of the NPS workforce improvement effort.

Employee Training
Effective training is a cornerstone to any successful organization. We have identified serious shortfalls in training consistency across the NPS. We now require mandatory online sexual harassment training for all employees – something that had not been required in the past. The training provides a clear overview of how to identify sexual harassment and actions employees subjected to sexual harassment can take. There is a separate training course for supervisors to help them better understand their responsibilities when an employee reports sexual harassment.

Last year, we also required a specific 8-hour training course for all executives to address sexual harassment. We are also incorporating anti-harassment training into all of our major NPS training curricula, including our new employee orientation, first-line supervisors' training, and our superintendents' academy.

The NPS is requiring all supervisors to take Civil Treatment for Leaders training. This training will allow supervisors to learn how to create a welcoming environment where employees feel respected and encouraged to speak up and help supervisors understand their responsibilities as it relates to harassment. All 4,000 supervisors were notified in April 2017 that they must complete this training by the end of 2018. This is the amount of time that is required to arrange and schedule this in-person training across the Service.

Employee Resource Groups
In order to more effectively incorporate feedback from employees, we have endorsed and supported a range of Employee Resource Groups, including a Women's Employee Resource Group, launched in April. These groups are made up of employees from all levels and locations across the organization. They advise and collaborate with NPS leadership to identify and implement best practices. They also provide opportunities for career counseling, mentoring, and peer support.

Clear, Safe Procedures for Acting on Incidents
A primary key to addressing harassment is accountability. We need to have strong procedures in place that result in consistent reporting, investigations, tracking, and resolutions to work environment issues.

We determined that we have very unclear reporting and investigative procedures. In some cases, contradictory policies and procedures make it difficult for us to achieve consistent results in combating harassment issues. A team is conducting a thorough review of our policies and procedures and will recommend updates to: 1) ensure employees have clear and safe reporting avenues when harassment occurs, without retaliation; 2) ensure investigations are effective; and 3) ensure disciplinary actions are applied consistently across the organization in substantiated harassment cases. This is another area where we're not working alone. We will be working closely with offices of the Secretary of the Interior, the Office of Inspector General and the Solicitors Office, to ensure we achieve these goals.

Working with the NPS Relevancy, Diversity, and Inclusion Program, we will collaborate with and engage employees in two-way communications to ensure information related to sexual harassment is easily available to all employees on multiple platforms, in formats that are easy to understand and use.

By ensuring that procedures and processes are clearly understood and applied consistently across the organization, all employees will know *how to report* incidents of sexual harassment and all supervisors will *understand how to respond accordingly and consistently*. As we develop and finalize new policies, processes, and procedures, we will share them with you. We look at this as work in progress, but believe these actions will make our structure clearer, more consistent, and improve accountability throughout the organization.

Additional Workforce Improvement Efforts

Outside of the realm of harassment, we are seeking to work on initiatives that will more effectively onboard new employees, more efficiently use recruitment and retention tools, and make better use of our training dollars. I would be happy to provide you more details about these initiatives.

I believe that the steps we are taking will help us not only address the problems our organization has with harassment, but they will also improve our workplace in more fundamental ways. We need our front line supervisors and other park and program leaders to really listen and understand what is happening in their parks and workplaces, and we need to give them tools to respond to sexual harassment, bullying, and other forms of harassment. These tools will support our supervisors and enable them to hear and understand what is happening with their employees and to address issues in a more expedient manner. Finally, we will continue to hold employees accountable for these actions.

We need to restore trust and demonstrate to our employees that they are a critical and valued resource and that NPS leadership will protect them with the same passion with which we protect the parks and resources in our care. This will allow us to continue to attract and retain the best and brightest employees who can care for America's national parks and the hundreds of millions of visitors in the second century.

Mr. Chairman, thank you again for inviting me to testify before you today. I would be happy to answer any questions that you may have.

Senator DAINES. Thank you, Mr. Reynolds.
Ms. Kendall, please proceed with your testimony.

STATEMENT OF MARY L. KENDALL, DEPUTY INSPECTOR GENERAL, U.S. DEPARTMENT OF THE INTERIOR

Ms. KENDALL. Thank you, Mr. Chairman. Good afternoon, Ranking Member Hirono and members of the Subcommittee.

To borrow a well-used axiom, management would be easy if it weren't for the people. And NPS has an enormous challenge to address in the management of its people.

The work of the Office of Inspector General offers ample evidence of this challenge: serious ethics violations and lapses by senior NPS officials, including the former NPS Director; little consequence for misconduct and poor judgment; an environment where harassment, discrimination and reprisal are commonplace; disregard for travel and procurement rules; ineffective controls over funds provided to NPS from outside partnership and friends groups; and lax fiscal governance.

In the past, NPS leadership has failed to lead by example to take action against wrongdoing and to address its ineffective ethics program. Changing this culture will be arduous. NPS has had a legacy practice of hiring family and friends. Favoritism and sexism abound. NPS' culture of silence and protecting its own has kept harassment, discrimination and retaliation in the shadows.

NPS is challenged by the independence of park superintendents and the influences of partnership, friends and employee groups. Changing this culture would be challenging in even the best of times, but that challenge is intensified by contemporaneous discussion of drastic reorganization of NPS, its structure and its leadership.

I can point to some improvements by NPS leadership: Acting Director Reynolds has been responsive to OIG reports and has taken prompt corrective action when necessary and appropriate. He recently issued an all-employee memorandum reminding NPS employees of their obligation to serve in a highly ethical, respectful and transparent manner. The relatively new Ombuds Program is a promising practice, and NPS leadership has improved communications with both the Solicitor's Office and the Office of Inspector General.

But there is much more that needs to be done. Specifically, NPS needs to make immediate changes to its ethics program. It has only one full-time ethics counselor, making NPS the bureau with the worst ratio in the Department. NPS should change its ethics training requirements to cover all employees, with a focus on conflict-of-interest risks, something that pervades the Service. Management training for all NPS supervisors and managers needs to go beyond dealing with sexual harassment. More transparency in taking corrective action for misconduct would increase accountability and serve as a deterrent factor throughout the Service.

NPS could benefit from an assessment and consequent change of hiring practices and selection criteria for seasonal, term and full-time permanent employees, as well as for promotion.

A thorough review and analysis of EEO and other grievance settlements should inform NPS of where it needs to focus some of its corrective action.

Controls and safeguards are needed for funds provided by outside organizations to the parks, to make this funding transparent to NPS leadership and, frankly, to Congress.

Finally, the "tone at the top" could not be more important for NPS and its future. NPS has top-level leadership nationwide. If these leaders are not modeling consistently good—indeed exemplary—conduct, NPS cannot expect its rank and file to do so. NPS has tolerated, maybe even encouraged, polarizing leadership at many levels. Going forward, NPS needs leadership that is not only unifying, but also models the upstanding conduct that the Service would like to see in all of its employees. NPS needs leaders who are not only aware of their ethical obligations but also apply and adhere to them and hold others accountable to do the same.

This concludes my prepared testimony and I'd be happy to answer any questions.

[The prepared statement of Ms. Kendall follows:]

TESTIMONY OF MARY L. KENDALL,
DEPUTY INSPECTOR GENERAL FOR THE U.S. DEPARTMENT OF THE INTERIOR,
BEFORE THE SENATE SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
ON MOVING INTO A SECOND CENTURY OF SERVICE:
WORKING TO IMPROVE THE
NATIONAL PARK SERVICE WORKPLACE ENVIRONMENT

Mr. Chairman and members of the subcommittee, good afternoon, and thank you for the opportunity to testify today on exploring ways in which the National Park Service (NPS) might improve its workplace environment.

To borrow a well-used axiom, management would be easy if it weren't for the people. And NPS has an enormous challenge to address in the management of its people.

The work of the Office of Inspector General (OIG) offers ample evidence of this challenge: serious ethics violations and lapses by senior NPS officials, including the former NPS Director; little consequence for misconduct and poor judgment; an environment where harassment, discrimination, and reprisal are commonplace; disregard for travel and procurement rules; ineffective controls over funds provided to NPS from outside partnership and friends groups; ineffective oversight of grant funds; and lax fiscal governance. In the past, NPS leadership has failed to lead by example, failed to take action against wrongdoing, and failed to address its ineffective ethics program.

Changing this culture will be arduous. NPS has a legacy practice of hiring family and friends. Favoritism and sexism abound. The remote location of many parks limits diversity in applicant pools, and often blurs the boundaries between the work and personal lives of park employees. NPS' culture of silence and protecting its own has kept harassment, discrimination, and retaliation in the shadows. NPS is challenged by the independence of park superintendents and the influences of partnership, friends, and employee groups. Changing this culture in a historic bureau like NPS would be challenging in the best of times, but that challenge is intensified by contemporaneous discussion of drastic reorganization of NPS, its structure, and its leadership.

I can point to some indications of improvement in NPS' leadership: Acting Director Reynolds has been responsive to OIG reports, and has taken prompt corrective action where necessary and appropriate. He recently issued an all-employee memorandum, reminding NPS employees of their obligation to serve the public and NPS in a highly ethical, respectful, and transparent manner. The relatively new Ombuds Program is a promising practice for the Service to accept and address concerns and complaints by NPS employees. We have seen an increased involvement in change initiatives by Regional Directors. And NPS leadership has improved communications with both the Solicitor's office and the OIG.

But there is much more that needs to be done to change the culture in NPS. Specifically, NPS needs to make immediate changes to its Ethics Program. It has only one full-time ethics

counselor, making NPS the bureau with the worst ratio in the Department of the Interior. NPS would do well to change its ethics training requirements to cover all employees, or at least all employees at a GS-12 level or above. NPS should have a focused emphasis on ethics training and oversight for conflict-of-interest risks, risks that pervade the Service.

Management training for all NPS supervisors and managers needs to go beyond just dealing with sexual harassment. Providing the "Civil Treatment for Leaders" training that is being rolled out Department-wide, is one positive step. To the extent possible, more transparency in taking corrective action for misconduct would increase accountability and serve as a deterrent factor throughout the Service. The Service could benefit from an assessment—and consequent change in practice—of hiring practices and selection criteria for seasonal, term, and full-time permanent employees, as well as for promotions within the NPS. A thorough review and analysis of Equal Employment Opportunity (EEO) and other grievance settlements should inform NPS of its problem areas, and where it needs to focus some of its corrective attention. Controls and safeguards are needed for funds provided by outside support organizations to the parks, to make this funding transparent Service-wide to NPS leadership and, frankly, to Congress.

Finally, although the phrase "tone at the top" is often cited, it could not be more important for NPS and its future. NPS has top-level leadership nationwide, throughout its regions and icon parks. If these leaders are not modeling consistently good—indeed exemplary—conduct, NPS cannot expect its rank and file to do so. NPS has tolerated, maybe even encouraged, polarizing leadership at many levels. Going forward, NPS needs leadership that is not only unifying, but also models the very conduct that the Service would like to see in all of its employees. NPS needs leaders who are not only aware of their ethical obligations, but also apply and adhere to them, and hold others accountable to do the same.

This concludes my prepared testimony. I am happy to answer any questions that the subcommittee members may have.

Senator DAINES. Thank you, Ms. Kendall.
Ms. Burks.

STATEMENT OF MARIA BURKS, EXECUTIVE COUNCIL MEMBER, COALITION TO PROTECT AMERICA'S NATIONAL PARKS

Ms. BURKS. Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to discuss ways to improve the workplace environment of the National Park Service.

I am a member of the Executive Council of the Coalition to Protect America's National Parks, having retired in 2012 after a 39-year career with the National Park Service. The Coalition is comprised of 1,300 members who collectively have more than 30,000 years of experience managing and protecting national parks. We believe that our parks and public lands represent the very best of America and we advocate for their protection.

Last year, as several of you have mentioned, over 324 million people visited our 417 national parks in all 50 states and several territories. This record-breaking attendance reflects the value that Americans place on their national parks and served as a huge economic driver for communities and businesses that rely on the touring traveler for a critical income stream. It is the dedication of over 20,000 employees and 300,000 volunteers deeply committed to the mission of the service that protects these special places and opens them to the public.

As with any large organization with so many employees and places throughout the country—many in remote locations—and despite the dedication and general skill of the workforce, there are challenges to maintaining a healthy workplace. And regarding that, the coalition has some suggestions.

Annual Funding: The proposed Fiscal '18 budget just released by the Trump Administration calls for a cut of 13 percent from the funding received in the current fiscal year representing a reduction of almost $400 million and a loss of another 1,200 positions at a time when there are already 2,000 positions vacant. If adopted, this budget will result in reduced hours of park operations, more deferred maintenance resulting in rundown facilities, fewer visitor services and decreasing morale for employees already stretched to the breaking point. These reductions must be resisted.

Central Oversight: The Administration's budget includes a proposal to decrease staffing in central and regional offices. With ten regions reduced to seven in 1994, the Park Service already struggles to provide legal, technical and regulatory support in coaching to parks on complex issues involving maintenance, contracts, partnership fundraising agreements, disciplinary matters, environmental compliance and similar issues. This support is particularly needed by small and medium sized parks, a large percentage of the NPS's units which lacks specialized staff in these areas. Failure to provide this guidance can lead to expensive and time-consuming infractions, accidents and lawsuits.

Human Resources and Supervision: We have several specific suggestions to make in this area. First, the service should decentralize the human resources function, placing HR specialists in strategic locations in the field where they can be readily accessible to super-

visors and managers. Centralizing this function, as happened in the 1990s, has cost the Park Service dearly in effective supervisory practice. We have all seen painful examples of that recently.

The Park Service needs to put its money where its mouth is about supervisory oversight. A simple example, no supervisor should get a satisfactory performance rating, much less a performance award, who has not given each subordinate a set of performance standards and a meaningful performance review. In theory, that's the policy, but it's often overlooked and it's devastating to morale.

Training: A critical part of good supervisory practice, as well as other specialized job duties, must be improved. We recommend a strategic review of existing training needs followed by a funded training program with an emphasis, at least in the short run, on supervisory and leadership skills. Training should include the opportunity to meet in classroom settings where face-to-face interaction and hands-on mentoring can occur.

And last, but certainly not least, providing direct support to employees who have been harassed or who feel that they are receiving unequal treatment is vital. This issue can be complex and circumstances can vary, but a safe, clear avenue for employees to raise concerns is an excellent first step and we applaud the Ombuds Program that is currently being developed.

We would point out, though, that two employees in the Washington Office will never be sufficient to address the needs across the service. As well, this program will only be effective if it is part of an accompanying major emphasis on overall supervisory hygiene.

Other suggestions to address employee recognition, equal treatment of employees, the impact of travel restrictions and paperwork reductions are included in the longer testimony we submitted to the Subcommittee.

Thank you again for inviting us today. And I'm happy to answer questions.

[The prepared statement of Ms. Burks follows:]

Statement of Maria Burks
Coalition to Protect America's National Parks
Subcommittee on National Parks, Committee on Energy and Natural Resources
United States Senate
"Moving into a Second Century of Service:
Working to Improve the National Park Service Workplace Environment"

June 7, 2017

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to discuss ways to improve the workplace environment of the National Park Service (NPS). I am a member of the Executive Council of the Coalition to Protect America's National Parks, having retired in 2012 after a 39-year career with the Park Service. The Coalition is comprised of 1,300 members who collectively have more than 30,000 years of experience managing and protecting national parks. We believe that our parks and public lands represent the very best of America, and advocate for their protection.

During the National Park Service's Centennial year in 2016, over 324 million people visited our 417 national parks in all 50 states and several territories. While this record-breaking attendance was no doubt fueled by the Centennial celebration, it also is a reflection of the importance that these significant natural, cultural, and historic places have in the mind of the American public.

And it is only through the dedication of over 23,000 employees and 400,000 volunteers that the National Park Service is able to ensure that these special places are enjoyed by the public throughout the year. This dedication to the mission of the National Park Service by its employees is reflected annually in surveys of the public expressing high satisfaction with our national parks and their visits to them. It also is reflected in employee surveys that show employees of the service are proud of their work and are deeply committed to its mission.

As with any large organization with so many employees in places throughout the country – many in remote locations – you will find individuals who make poor decisions and engage in misconduct. These situations need to be addressed promptly and decisively. However, these instances should not overshadow the work performed every day, year in and year out, by the vast majority of the service's employees as they welcome visitors, manage and interpret the resources being protected in each of our parks, and carry out the programs Congress established to protect our nation's natural and cultural heritage.

This does not mean there is no room for improvement. In fact, representing many past employees who dedicated their careers to the Park Service, we have seen areas where actions can be taken to create a better workplace on a daily basis. I will focus on some of these some specific areas and provide suggestions that will help address shortcomings in the workplace.

Annual Funding: For employees to be able to perform their jobs and to have our parks accessible to the American public, there must be adequate funding from Congress. The proposed FY 18 budget just released by the Trump Administration calls for a cut of 13 percent from the funding received in the current fiscal year, representing a reduction of almost $400 million and a

loss of another 1,200 positions at a time when there are already 2,000 positions vacant. These cuts will hit parks, program offices, and central offices, as the budget calls for further reductions beyond those already undertaken in the 1990s when there were fewer parks and program responsibilities for the Park Service. And these cuts are coming at a time when we have seen visitation rise from 277 million in 2011 to 324 million last year. If adopted, the FY 18 budget will result in reduced hours of park operations, more deferred maintenance resulting in run-down facilities, inadequate staffing leading to fewer visitor services, and decreasing morale for employees already stretched to the breaking point. These reductions must be resisted.

Central Oversight: The administration's budget proposal to decrease staffing in central and regional offices will make oversight much worse. In 1994, the NPS reduced central office staffing by 1,300 positions and consolidated 10 regions down to 7 regions. Central and regional office oversight is particularly important and valued by small and medium-sized parks, which represent a large percentage of our park units and which lack sufficient staff to oversee complex issues involving maintenance contracts, partnership fundraising agreements, disciplinary matters, environmental compliance, and similar issues. Central and regional offices perform much of this work and its unavailability will lead to more investigations and oversight hearings by Congress when mistakes are made.

Additionally, there needs to be a way for central and regional offices to be in tune with changing circumstances at parks and programs under their supervision. Requiring a management review at each park or program office on a regular basis, through a sampling of employee feedback that is protected from disclosure, could allow managers to address issues or challenges prior to them becoming unresolvable and could keep managers up to date on those things that are needed to keep employees engaged in their work.

Human Resources Functions: While central offices provide valuable assistance for the areas mentioned above, the reorganization of the Human Resources (HR) programs has been a disaster for the parks and program offices. This has led to long waits to fill open positions because of requirements to obtain approval for position descriptions, to advertise the opening, to obtain a list of eligible candidates, and to complete hiring. Managers routinely find it takes at least six to nine months to fill a position. The recent freeze on hiring by the Trump Administration only exacerbates this problem. Seasonal hiring has also been thrown into chaos with a recent policy by the Office of Personal Management that disallows a seasonal employee from being rehired at more than one park. In a similar manner, disciplining employees has become a never-ending process that stymies managers from addressing problems in a timely manner.

To address these issues, the number of HR specialists needs to be increased in regional offices and in parks with larger staffs. This includes specialists who classify positions, deal with labor and employee relations, handle training and development opportunities, and address equal employment issues. Managers and superintendents cannot easily obtain guidance and advice for these processes as there are too few specialists, and it can appear to employees that their managers simply do not care about these issues. Additionally, the number of solicitors available to review serious discipline cases is insufficient, leading to long waits for final action, which Congress has complained about many times. Human Resources processes need to be revamped

dramatically to address these impediments to maintaining a functioning and effective workforce to lead the parks and programs.

Paperwork: A large boost to the morale of employees could be obtained by the elimination of unnecessary administrative requests. These requests come from a variety of sources that demand extensive staff time to compile the information. Many of the information requests are "urgent" and require employees to drop everything to provide the information in a timely manner. Once the information is gathered and conveyed to the appropriate party, it is often the last time anyone hears about the issue, leaving employees wondering why the information was needed and how it was used. Often there is no feedback.

Congress routinely mandates reporting requirements in both authorization and appropriations bills. Congress clearly has an oversight role of the Park Service as well as all federal agencies, but we urge care in asking for another study or report that will just sit on a shelf. The Office of Management and Budget also is constantly asking for justification of many things on a regular basis from small items in congressional testimony, to Federal Register notices, to reports being transmitted to Congress, and to requiring extensive data for existing programs as it arbitrarily decides a program needs to be reexamined. Often the questions being asked are hard to understand, redundant, and demonstrate a lack of knowledge of the programs or issue being reviewed. Responding to these requests requires an enormous amount of time, again with no obvious purpose or indication how the information will be used, if ever.

We understand that requests to review materials by officials in the Department of the Interior have exploded in the new administration on everything from routine congressional requests to filling open positions. These reviews lead to several questions that require staff time to develop a response. It is understandable that new political appointees wish to get up to speed on pending issues, but inserting themselves into every routine matter results in members of Congress being upset with not getting a response and the public being unable to obtain answers to their concerns. These review requests also demonstrate a lack of trust in the ability of federal employees to do their jobs. Employees in parks and program offices spend way too much time on keeping up with the paperwork associated with these requests and reviews instead of managing the parks and the NPS programs. Some efforts were made to reduce these requirements in the past administration, but clearly more can be done.

Employee Recognition: Efforts need to be made to recognize the value of the service's employees. Many employees get a small employee performance cash or time-off award during their annual performance reviews. However, those awards have become routine and do not carry much value with the employee nor provide wider recognition in the service for exceptional work. Park Service and departmental service awards, most of which have no monetary component but which spotlight significant achievements, appear to go to those who are the most "politically correct" rather than those who have performed excellent work. The same people receive award after award, while many people retire from the Park Service after a career of excellent work without ever receiving one service award or other recognition of their contributions. This is partially a result of a lack of support from the Human Resources Office, from which there is no consistent notification to supervisors about employees eligible for the awards and no consistent ability to process the awards.

Additionally, the leadership of the Park service has not made employee recognition a consistent priority of their responsibilities. During the Centennial Celebration, the Park Service focused little on the employees of the service and the contributions they have made to our parks and programs. The Coalition to Protect America's National Parks honored past employees with its Centennial History Project, which collected and posted on its website biographies and oral histories of employees who made significant contributions to the service in many ways. This is just one example of highlighting the excellence of service employees, which can be pointed to as a standard to follow for others entering the workforce.

Employee Training: Training within the service is inconsistent, inadequate, and unavailable to many employees. Managers and supervisors cannot count on training funds being available as they are often the first thing cut when appropriations are reduced. Central office training funds also are separately allocated from the budget available to parks and program offices, making planning difficult.

To the extent training funds are provided, often they are focused on mandatory recertification courses for law enforcement rangers and emergency medical technicians, among other specialists. Additionally, much current training time is spent for annual on-line courses, often mandated by Congress, such as IT security, protection of personally identifiable information, ethics, and a hostile work environment. Employees see these mandatory courses as a waste of time, particularly when they are required each year. On the other hand, employees are left out in the cold when training for the jobs they are performing each day is unavailable.

Part of this can be addressed by having the Park Service invest in live video communications technology so that peers can participate in real time job-related skills training directly at their desks in a "virtual classroom." An example is a workshop in curatorial skills for pottery led by a live trainer at the National Center for Preservation Technology and Training "attended" by curators and curatorial assistants across the country who interact and learn from each other and who are guided by the trainer. Courses such as these can help at a time when travel budgets are tight or non-existent for such on-the-job training courses.

Leadership training also is sorely lacking, with only small steps being made to provide new superintendents and other managers with the basics that they need to do their jobs. This includes leaders being able to set a good example for their employees, to deal fairly with employees, to recognize high-quality performance, to handle disciplinary issues well, and to provide empathy and understanding to employee concerns.

There are many superintendents and program managers who do not have a basic understanding of law, regulation, and policy, which is astonishing considering the responsibilities they are asked to undertake. For example, NPS managers are being strongly encouraged to engage in more philanthropic activities, but often do not have adequate training or guidance. They also have little exposure to case studies to take advantage of lessons learned and to help translate those lessons into practical application in a park or program setting.

The Park Service needs to require its leaders to get the necessary training to meet their responsibilities. The number receiving leadership training now is very small compared to the number in leadership or management positions. Retirees from the service can be a source of assistance to help develop leadership skill sets by mentoring upcoming employees and through their participation in training courses provided by the service.

Travel: Much has been made of federal employee travel over the years and it has become an easy target, often for political purposes. With a workforce scattered among the fifty states and several territories, the inability to travel for training, conference, and development purposes has sent a clear message to employees that no one cares about investing in them and their careers. There are few opportunities to exchange views in person on professional subjects, on best practices, and on common ways to perform the demanding duties required of park employees. Travel budgets for many parks and program offices has been cut by more than half since the 1990s, making it almost unavailable for many employees when inflation is factored in. When the message is relayed from management that it cares little for developing its employees, how can employees be expected to perform at the highest level?

Equal treatment of employees: Unequal treatment of employees is pervasive in the service. As an example, there are couples who both work for the Park Service. Some are hired for jobs in the same park and are able to transfer from one to another together easily. Other couples are not treated as well and find themselves frequently living great distances apart for most of their careers. Additionally, some employees are given the opportunity to work remotely to accommodate a personal need while others are not given this choice when the circumstances are similar. These results are often a matter of who the individuals know, instead of an even application of policy.

There also is inadequate support for employees who undergo personal or professional challenges that affect their performance. Some who run into issues are severely disciplined, while others receive a slap on the wrist. There cases require equitable treatment of all employees.

When it comes to serious misconduct issues involving senior supervisors or superintendents, their treatment should be commensurate with the seriousness of the infraction. Too often in the past the solution has been to reassign the person instead of addressing the misconduct. Many times this has just transferred the problem to another location and the effect on employee morale is devastating while sending a message that managers are not going to be held accountable.

The new Ombuds program holds promise for allowing employees to report problems in parks and program offices. However, it appears unreasonable to expect a couple of people in the Washington Office to ensure all of the problems brought to its attention are addressed. Consideration needs to be given to expanding the resources of this program so that parks in each region can guarantee timely follow-up. We have to remember, though, that the overwhelming majority of the NPS workforce is composed of dedicated, hardworking individuals and we urge caution in convicting employees of misconduct before the facts are investigated and verified.

Along with the Ombuds program, particular attention needs to be paid to supporting new and younger female employees in the service. This can be implemented through a defined process of

communication between female employees and their supervisors that provides a message they will be treated fairly, respectfully, and with empathy. This communication should also include assurances that female employees will be treated equally when it comes to training, detail assignments, and career promotion.

Several of the ideas discussed above can be implemented now through existing processes and programs. Others might require a reallocation of resources with a commitment to following through to ensure their implementation. The vast majority of Park Service employees are dedicated to their jobs and the mission of the service. But inadequate annual appropriations and a lack of support from Congress will signal to them that their work is not important or valued. We urge members of the subcommittee to do all that they can to follow the request from Director Horace Albright in his 1933 retirement letter to the National Park Service where he counseled, "Do not let the service become 'just another Government bureau;' keep it youthful, vigorous, clean and strong."

That completes my statement to the subcommittee. I would be glad to respond to any questions you may have.

Senator DAINES. Thank you, Ms. Burks.

I am going to start off.

Mr. Reynolds, thank you for your service to the National Parks. I was in Glacier National Park on Friday and had a chance to take Senator Roberts there, who actually served as a waiter at Lake McDonald Lodge in 1955. You do the quick math, that was a long time ago.

Mr. REYNOLDS. Yeah.

Senator DAINES. It was his first time back since 1955. We had a great experience. Superintendent Jeff Mow did a wonderful job and his Deputy, Eric Smith, top notch, as we had a great experience.

I do appreciate the steps you have been taking to address this challenging issue for employees. However, as I have looked through the reports, I am absolutely convinced we must do more. I spent 28 years in the private sector attacking these issues in the workplace with a Fortune 20 company, with a small, family-owned business, as well as a medium-sized cloud computing startup.

The Service issued a survey in 2000 in response to many hostile work environment and sexual harassment issues. Here we are 16 years later—that survey was back in 2000, nearly 17 years actually—and there are more hostile and harassment work environment claims than there were in 2000. The question is, can you truly say that a survey will give any guidance to improvement? Couldn't you just say that you already know there is a problem and let's focus our efforts on addressing it?

Mr. REYNOLDS. Yeah. Thank you, Senator.

And I'm aware of the survey that you were mentioning from 2000 was in and around the Grand Canyon, and I'm sorry that it did not come to the fruition that it should have.

The survey that we have put together was well thought out and we went out this time, into the private sector, to hire the right kind of folks to help us really delve into a number of different issues. So this survey is not simply the presence of, but it is to help us understand deeply with, not only prevalence, but how this might work in the kinds of locations that we have.

So, for example, we have very isolated staff, as we had in the Grand Canyon as an example, and we're—what the survey is trying to delve into is getting employees to answer appropriate questions that help us understand how to apply our resources best strategically ahead. How we would actually help employees feel safe in reporting one of the things we found was it wasn't just how managers misbehave, as it were, but it was that employees felt they were not safe to report.

And so, this survey is designed to do that. And it was a survey to help us understand the kinds of harassment, if you will, without going into detail, but the categories that they might be experiencing so we can focus on our employees best.

Senator DAINES. There is a statement that Ms. Kendall made that struck me. She talked about the importance of the "tone at the top," and I really could not agree more. Organizations will flex depending on how the leadership is directing the organization.

I also saw there was online training as something that was being done. As somebody who came from the technology world, using on-

line training mechanisms and tools can be very effective, but I don't think it is any substitute for having, as an example, superintendents actively engage, personally, in face-to-face training and engagement. I do believe more is caught than taught at the end of the day when we think about how we learn and how it is modeled.

What role do the superintendents have today? We have 417 national parks. I am doing some quick math here on the spreadsheet. Thirteen of those 417, have greater than 200 employees. Most of these are pretty small organizations and even the biggest ones, I realize you have seasonal employees, but it is a manageable group here that we can effectively, I think, transform a culture with which I think is the root cause involved in these problems, is the culture in the workplace.

What role does the superintendent have, do you believe, in actively being involved in leading from the top?

Mr. REYNOLDS. Thank you, Senator.

I couldn't agree more. Our superintendents are, symbolically and otherwise, the tip of our spear, our front-line managers. We're having direct conversations with them, with their seven regional directors, that they're going to have to be actively involved, that they will be held accountable at whatever level goes on in their park.

But at the same time, they can set a tone from the top by actively engaging in employee empowerment, for example. So if they had Employee Resource Groups, I mentioned in my testimony, I would like those superintendents to interact with the members of that group. There's a Women's Employees Resource Group forming in the service they would get to know and, for example, interact with that group on a daily basis. They're going to be actively engaged in some training requirements of themselves and then we will expect them to be meeting their employees.

Yeah, in Yosemite the acting superintendent now has taken a lesson from what happened in the IG investigation. There's a weekly, if not monthly, report on what's going on in the park. They're meeting with the employer relations people about certain issues going on at the park.

Senator DAINES. Mr. Reynolds, I am running out of time and I want to get a question to Ms. Kendall here on that.

Mr. REYNOLDS. Yup.

Senator DAINES. We will come back to you.

Mr. REYNOLDS. We agree.

Senator DAINES. Thank you.

In your opinion, moving forward, Ms. Kendall, how do you think leadership should be held accountable for workplace misconduct by their employees?

Ms. KENDALL. I believe, personally and I can say this from the organization, that accountability needs to be across the board. Oftentimes we see that, say, a wrongdoer is corrected or punished but if wrongdoing goes on under the management or auspices of a supervisor, we have as an organization started to look up the chain in our investigations. And I think that in any organization supervisors whose employees misbehave need to also be held accountable.

Senator DAINES. Thank you, Ms. Kendall.

Ranking Member Hirono.

Senator HIRONO. Thank you, Mr. Chairman.

I do commend the National Park Service for undertaking some pretty basic kinds of steps to put in place training, including a very needed ethics training. Better late than never really. I know that you have new challenges ahead of you.

Now the Ombuds office has two Ombudsmen and one is stationed in DC and the other in California. We're talking about over 20,000 employees, considering you've already received over 1,000 comments in just four months from some 300 employees. So clearly it does not seem that having only two staff to undertake this change in how you operate is enough.

How are you going to reach out to your very many employees? Are you asking for more resources?

Mr. REYNOLDS. Thank you, Senator.

Yes, we are focused on that. To be honest with you, we wanted to see how the Ombuds program worked. It was a first-time effort for the National Park Service. It is clearly growing in its success. It seems to be well regarded, so we are going to be pursuing how to grow the staffing needs for this. They're contracting ombuds to us right now so we have the flexibility to grow that.

Senator HIRONO. You have the flexibility, but do you have the money to put more employees to that effort?

Mr. REYNOLDS. I'd have to get back on that. We will be focusing resources to invest in our employees. That is a top priority.

Senator HIRONO. This is in light of, though, in the context of the pretty massive cuts to NPS as reflected in the President's budget.

I think it is going to be a major challenge for you all to provide all the kind of necessary resources that you need to really change the culture, which is one of the hardest things to do having to work on that with regard to our service components.

The survey—I'm curious about it. Who developed the survey and, in this area of sexual harassment, is there a model that you are using? Are there best practices from other agencies or other departments that you are looking to for help?

Mr. REYNOLDS. Short answer, Senator, is we didn't find too many other models out there other than we did meet with the military early on when this crisis was evolving. The military helped us very much understand why a very specialized survey would work.

A company named CFI, which is a contractor to the Department of the Interior, who then, I believe, subcontracted very specialized folks with doctor degrees and others are the folks that put together this survey. I have a diversity and inclusion manager that helped to run it. And then, as you mentioned earlier, we brought a superintendent from Hawaii, Tammy, to come in and help us coordinate this with our employees.

Senator HIRONO. So is a major portion of the survey to find out how extensive the sexual harassment and retaliation is, how deeply that goes? Is that part of what you want to do?

Mr. REYNOLDS. That's correct. It's a multilayered survey that asks, not only prevalence but, as I mentioned earlier, the kinds of harassment they may be experiencing, how the environment, where the environments are that this is occurring in, those kinds of things.

Senator HIRONO. I know that many of your employees are in remote areas. How are you going to make sure that the kinds of changes and cultural changes that you want to have effected, how will you make sure that this is happening in areas where your supervisory capability may not be all that strong?

Mr. REYNOLDS. I agree and those are some of our most vulnerable populations so we have turned to the EEOC, the Equal Opportunity Employment Commission, to get advice on where the high-risk factors are for these kinds of things, very much focus on those parks. And we're asking the regional directors to work with their superintendents to personally engage, as I said to Senator Daines, on assuring that these kinds of investments in our people are happening.

Senator HIRONO. Well clearly this is not something that is going to change overnight, so obviously we are going to continue our oversight inquiries as to how you are doing, what further resources you need.

And especially I would say in these remote areas where retaliation could occur, you may never hear about it—and that certainly occurs in the military side—so that's an area that I am very interested in finding out about.

Also the definition of, what kind of retaliation for the few people who may report sexual harassment within your employee base.

Mr. REYNOLDS. We would really enjoy working with you further on that and we appreciate the oversight on this.

Senator HIRONO. What is the morale like within the Park Service now with all of this going on?

Mr. REYNOLDS. Well, I would probably have a jaundiced view sitting in Washington, but I try to keep up weekly on what's going on. I'm very concerned about our employee viewpoint survey results that still indicate folks having concerns about the resources that they have available, their engagement, sometimes their feeling of senior leaders. So we're talking about that at every opportunity that I can get the senior team together.

I think, as you get out to the front line, our employees love serving the American people. They have some of the highest scores in the employee viewpoint survey in government about dedication to a mission: 98 percent feel they're dedicated to their jobs; and 86 percent enjoy the job they have in terms of the purpose of the job. The level of commitment in the National Park Service is higher than most agencies, but it is then very low in how folks feel treated and we're very focused on that.

Senator HIRONO. Good. I think that is an appropriate focus.

If I can, Mr. Chair?

I was very astounded to learn that there is a lot of hiring of relatives, et cetera, and I hope that that is another area that you are going to clean up and provide some guidance so that we are not perpetrating people who really should not be in the positions that they are in.

Mr. REYNOLDS. I understand that, Senator.

We have unique relationships with dual career couples in very remote areas that are appropriate. We need to clean up our accountability on that to be very transparent in our hiring practices.

Senator HIRONO. Thank you.

Thank you, Mr. Chair.

Senator DAINES. Thank you, Ranking Member Hirono.

Senator Barrasso.

Senator BARRASSO. Well, thank you very much, Mr. Chairman. Congratulations on your chairmanship and thank you for using this as the focus of our first hearing under your leadership. I think it is very important, and I appreciate you calling this hearing to examine ways to improve the workplace environment in the National Park Service during its second century.

Yellowstone National Park, our nation's first national park, is often held as an example of what the park system should be. It is filled with beautiful and amazing springs, geysers and wildlife. Yellowstone, as well as its neighbor, Grand Teton National Park, draws millions of people to Wyoming each year who would not otherwise possibly come to our great state.

Mr. Chairman, you made a comment about the location. I would just say if you Google the official website it would point out that it is located mostly in Wyoming. It goes on to say the park spreads into parts of Montana and Idaho too.

Senator DAINES. Senator Barrasso, I have no response.

[Laughter.]

Senator BARRASSO. Well, I appreciate that, Mr. Chairman, the seriousness of the Committee, of what we are discussing here because unfortunately what we have seen is there have been a number of allegations. That is why it is so critical that we discuss the issue today of sexual harassment, workplace misconduct and the hostile work environments. We all agree that this is absolutely unacceptable.

So following the allegations of sexual and workplace misconduct, it was reported first in a Montana newspaper last September, the Department of the Interior, the Office of Inspector General began this investigation. The final report found that park supervisors in one division had created a negative work environment for their female colleagues and that supervisors had failed to respond correctly.

All of us are disturbed at the volume of the reports that have emerged over the past year, but I am encouraged that Secretary Zinke has expressed his desire to address the problem head on. Preventing future harassment and misconduct will require radical, immediate and lasting changes at both the National Park Service and the Department of the Interior as a whole.

Mr. Reynolds, I appreciate you outlining the Department's approach to changing the culture of the National Park Service. I think it is important. You indicated all park employees must now complete sexual harassment training. I think Senator Hirono mentioned this is now, it is online training, as the Chairman, something that had not previously been required.

But in her testimony Ms. Burks suggested that employees could see mandatory online courses, is what I think is a waste of time, particularly when they are required every year.

What are your thoughts on how the Park Service employees will view the training and are there plans to gather additional employee feedback on the effectiveness of the courses?

Mr. REYNOLDS. Thank you, Senator, and thanks for your comment.

We are starting, I guess you'd say, with the online to make sure with a very dispersed organization. When I get up in the mornings I remember I have American Samoa all the way to Maine. And we have to be cost efficient. We have to be effective with what we're doing with resources. So we wanted to move fast this year which is why we moved to an online format so we could report to our various oversight that we've reached all employees.

We do believe in face-to-face. We do also believe that we can empower employees through a chain reaction of training and certification, if you'll allow me to use that word, for some organizations that we have in the service called "Allies for Inclusion" that help with empowerment conversations and dealing with difficult subjects, and the Employee Resource Groups, I believe, could be an ally in that.

Senator BARRASSO. You indicated and Senator Hirono asked about the Ombuds Office. I think you said you received more than 1,000 comments in the four months following its establishment. Can you talk about how many of these are new allegations of misconduct? I am not sure what kind of things would come in 1,000 comments. How many of these are actually new allegations of misconduct and any of the new reports being handled differently than might have been reported or done, handled, last year?

Mr. REYNOLDS. Right. I would be happy, Senator, to follow up with more detailed statistics to your staff.

But in a nutshell, there weren't as—the level of the sexual harassment new cases has dropped significantly, but we have seen an uptick still in complaints and concerns around hostile workplace and then around other harassing behaviors that give us great pause. And that's part of what our culture change, part of what our organization is now investing in.

Senator BARRASSO. Ms. Kendall, did the Inspector General's process for evaluating and investigating these claims change after the development of the Ombuds Office?

Ms. KENDALL. We meet regularly with the Ombuds person with the Park Service, so I can't say that our process has changed dramatically but we do have a direct line of communication.

Senator BARRASSO. Great.

Ms. Burks, anything else you would like to offer?

Ms. BURKS. Yes, thank you for the opportunity.

I'd just like to say that it's important to understand, sometimes online training is useful, but I think when you're talking about changing an organizational culture, you need to make a different kind of investment. And when I look at the kinds of cuts that have been taken in the Park Service since back in the '90s, when ten regions were reduced to seven and you now have regional directors with spans of control that are 30, 40, 50 superintendents and under them are a variety of layers of subsequent supervision.

To change a culture, you really have to have exposure to new role models and that exposure really needs to be in person. We used to have conferences we attended that made a big difference. We realize that travel and training funds are highly constrained and we would suggest, as Senator Hirono is, I think, hinting at,

perhaps, that the budgets that are proposed for Fiscal '18 will make it much more difficult for the Park Service to take the right kinds of steps to respond to these issues.

If training can't be conducted in really effective ways and if it can't be reinforced on a regular basis with regular personal conduct, I think that it's going to be very challenging for the Service.

Senator BARRASSO. Thank you.

Thank you very much, Mr. Chairman.

Senator DAINES. Thank you, Senator Barrasso.

Ms. Burks, thanks for those comments. I share your perspective there as well. This, unfortunately, is not a new problem. It has been pervasive around organizations all over our country, around the world. But it is a solvable problem, and the online training, I would submit, is part of the solution but it is not sufficient. My experience has been sometimes online training is thrown out, as a way to check a box saying we did something, instead of getting back to the cultural change needed here which, I think, still the "tone at the top," as Ms. Kendall said, is so important.

Speaking of that too, I know Secretary Zinke is addressing this problem as he is coming into his new role as Secretary of the Interior. I know he wants to tackle this issue head on. I have known the Secretary for 38 years when we were both Boy Staters in 1979 in Montana. He grew up in the shadows of Glacier National Park. I grew up in the shadows of—Senator Barrasso seems to think that Yellowstone Park is only in Wyoming—but anyway, in the shadows of Yellowstone National Park.

Mr. Reynolds, in the six OIG reports of the past year there were many perpetrators given what seems to be more of a slap on the wrist or they are being allowed to retire with full benefits. My question is how are these punishments equitable to the actions?

Mr. REYNOLDS. We are deeply diving in to how to be transparent and accountable in a system that also values privacy, both in terms of law and practice. There's a way to fire employees in the Federal Government. It can be done and you need to take it on and we need to do it when it is appropriate, but there is a due process set of procedures that you have to make sure you're also defensible in how you do that. We also cannot help when people in the midst of an investigation or an HR process do choose to retire or resign.

But I get it in terms of how this impacts morale and we understand the perception problem. And we are working very hard to make sure that we up our accountability as the IG has informed us, now numerous times, that we need to do.

Senator DAINES. I had the Committee staff run a report for me yesterday that just stack ranked all 417 of our national parks by size of FTEs, full-time employees. I just wanted to get a sense of the organization size, kind of the command and control spans in layers.

Mr. REYNOLDS. Right.

Senator DAINES. As you look at trying to address a problem, again having spent 28 years in leading organizations and looking at organization design, it is a place to start.

One thing I also asked the staff to do was seeing, out of 417 of our national parks—just curious—how many of our superintendents are female? According to the Park Service, 37 percent of the

superintendents are female. After the incidents at Grand Canyon National Park, a female superintendent was hired.

Mr. REYNOLDS. Yeah.

Senator DAINES. I am going to direct this question to Ms. Burks, actually. Do you believe that putting more women in leadership positions, and I recognize sexual harassment occurs with both genders, but would this make a difference and do you think there should be more women in leadership roles?

Ms. BURKS. Well, thank you for the question.

You know, I'd like to see gender equity in the superintendents' roster. I'd like to see 50, 51 percent I think would actually be equity. Having spent 39 years in the Park Service, I can say that getting to 37 percent is a big accomplishment. This has been a male-dominated organization for a long time, and the service has made great strides. But yes, I do believe it would help. I believe it would make a difference. I'd like to see the Service be able to move more quickly in that direction, yes.

Senator DAINES. Thank you.

These are going to be some panel-wide questions to open up some discussion. The question, in each of your views, is how can the Park Service shift from a reactionary response to harassment issues to more of a preventive and preemptive strategy as a new approach to lowering the incidence of misconduct? And we will take volunteers. Who wants to go first?

Mr. Reynolds, thank you.

Mr. REYNOLDS. Senator, thank you.

In our view in the leadership representing the voice of leadership right now, we have been collectively deciding that we need to make this a year plus more of our people and to focus very much, the last hundred years has been about protecting our parks. We need to now focus and protect and invest in our people, would be a very good start because it would then drive investment, as you know as a business person.

Ms. KENDALL. I would also say that the civil treatment for leaders training that the Park Service is going to be implementing, is a very good step. All of their leaders are going to be expected to take this training. We just finished in the OIG training all of our managers and supervisors.

It is a good awareness program, and hopefully it will settle in. There's some practical things that the Park Service could do to follow up with that training, but it is a very good first step.

Senator DAINES. Ms. Burks?

Ms. BURKS. I'd like to build on what Mr. Reynolds said. You know, this is a situation where mold thrives in darkness, if you will. Supervisors are not held accountable in the Park Service, and they haven't been for some time. There are a lot of reasons for that, not necessarily having to do with intended malfeasance or anything of the sort. There are so many pressures on superintendents and on regional directors to respond to constituency issues and to resource problems and budget issues and employee and visitor injuries and you name it.

And the Park Service, because I think so many employees are dedicated and believe in service, have put family last. And what needs to happen now is what Director Reynolds said, is family has

to come first. There needs to be a major, major investment in increased transparency and time spent on working directly with supervisors to find out what they're doing and how well they're doing it. That has not happened recently.

Senator DAINES. Thank you, Ms. Burks.

Ranking Member Hirono.

Senator HIRONO. Thank you.

Issues surrounding sexual harassment, I think, are particularly egregious kinds of experiences for anyone to have. I am wondering, Mr. Reynolds—there are 22,000 or so employees. Do they all know that they are encouraged to report these kinds of experiences to you or to somebody?

Mr. REYNOLDS. Yes.

Senator, within—the policy is this—within 60 days of coming on board we give them a No FEAR Act training, and we tell them that they have to report these things, that they are protected from retaliation, and that we will not tolerate it.

Senator HIRONO. Are they given some kind of material, a sheet of paper that describes what——

Mr. REYNOLDS. They are, but I will tell you that I am, admittedly, wanting to invest and make sure that we are really focused on doing that in a much broader way. So we're talking very much about how to onboard and talk to our employees as they come on, particularly seasonal employees as well. There's a lack of consistency in that, but we are aware of it and we are trying to figure out how to best make sure it really happens.

Senator HIRONO. I think that in this area prevention is really important so there are any number of things that you can do, but a large part of prevention is that people need to know when their rights are being infringed upon and that there are very clear steps that can be taken——

Mr. REYNOLDS. Right.

Senator HIRONO. ——to report.

I did look at your website regarding your Ombudsman. As far as I can see there is nothing that leaps out at me that this particular problem of sexual harassment is something that you are, particularly, interested in preventing. So am I wrong in my view that this is very general, all of this material, and you have to go through a lot of it to figure out what you are supposed to do?

Mr. REYNOLDS. Well, I'll take your observation and critique seriously, Senator, and we'll make sure that we are very serious about this. This is really job one at this point, so we need to probably figure out our marketing materials.

The one thing I will say with our Ombuds we asked them to do is they're also there, we thought this year, to just answer lots of employee concerns and to give them a chain, or excuse me, access around the chain of command. This is a very new practice for us, so we're learning and we will put forward a better strategy on that communication.

Senator HIRONO. While I think it is great that your employees are now being able to report various kinds of workplace concerns that they have, sexual harassment and mistreatment, that is a very—how should I say?—very sensitive, underreported, kind of be-

havior, and especially if you are talking about co-workers or people who have supervisory power over you.

This is a very unique kind of a crime, if you will. I think that I would suggest that you spend some time to think about how you can ferret out the extent of the problem, how to prevent it and, of course, once the report is made because I am sure there is under-reporting going on in the area of sexual harassment—and sexual assault even. Then there has to be investigation that follows and appropriate actions taken, including prosecution.

So this is one of the ways that you prevent and then you deter. It is one of the ways that, I think, looking at what the military has had to go through over the last several years, that particularly the members of the Senate Armed Services Committee have focused on, the need for the military to finally put into place what they claim to have been a zero-tolerance policy for sexual assault in the military, sexual trauma in the military and nothing much had been happening for decades and decades. I would hate for your Park Service to have that kind of experience. We need to get to the bottom of this.

I thank all of our witnesses and especially you, Ms. Burks, for your very practical-minded concerns. And yes, I think it is very clear that this program is under-resourced for what you are needing to do.

Thank you, Mr. Chairman.

Senator DAINES. Senator King, you are up, if you would like.

Senator KING. I apologize. If you have further questions?

Senator DAINES. I will ask a question then I will turn to you.

Senator KING. Thank you.

Senator DAINES. One of the other areas I wanted to discuss is the seasonal employees we have in our national parks and the challenge that may present here as we attack this issue. I was looking at the numbers, kind of going back to my hometown park, Glacier National Park: there are 140 permanent, year-rounds, but there are 310 seasonal, on average; Yellowstone National Park, 227 permanent year-rounds, but 570 seasonal.

Growing up again literally in the shadows of going through my grade school, high school, college years, I get it, in terms of we have a lot of young people come oftentimes, but all ages will come to our national parks to be seasonal employees. We have a lot of good friends in my hometown of Bozeman where they met at Yellowstone National Park from the various areas of our country, came to work at Yellowstone Park and they are married and living in Bozeman.

How does that affect the culture and how do we address the nature that you have short-term, seasonal employees here as you are trying to change a culture in our national parks?

Mr. REYNOLDS. Well, Senator, you're correct. We really, truly rely and the parks operate thanks to our seasonal employees. And many of them, as you know and describe, work for many years for us. It's almost a second career for some people depending on what else they do with their life. Some are brand new and some of them are students and are interns.

We need to very much have a better consistency about how we onboard, how we let them know, as I was speaking with Senator

Hirono about what their rights are. And so, those are the kinds of part of the process and system improvements that we're now making because of this experience that we've been having the last two years.

The other thing that we really want to do with seasonals is make sure that we're getting their voice. So we will put out, not only the sexual harassment survey, but we need to be figuring out ways that match the calendar time of year because remember, we have seasonals year-round, really, in the National Park System. But how we interface with them so that they're not ever treated as a second-class employee.

Senator DAINES. Alright, thank you.

Senator King.

Senator KING. I apologize for my tardiness. As the Senators know, there is no effort to coordinate schedules around here and I was at another hearing this afternoon.

This is a bit off-topic of the central purpose of this hearing, which I think is a very serious concern, and I assume your testimony has been that you are going to work seriously to confront this issue in our National Park Service. Is that correct?

Mr. REYNOLDS. Yes.

Senator KING. Yes, thank you.

The question I wanted to ask is a recent order that I find puzzling that suspends the Advisory Commission meetings of something like 200 Advisory Commissions. I do not get that. Can you explain why that order was issued? The Acadia National Park Advisory Commission is established by statute. I just wonder what the motivation is, what the purpose is, because this is a very important voice for the community around our national parks. What is going on? Why? And what are the prospects for getting these Advisory Commissions back to work?

Mr. REYNOLDS. Yes, thank you, Senator King.

I can tell you first off that Secretary Zinke is very focused in a very positive way on the National Park Service. I've been told personally by the Secretary how much he's focused on and interested in the Park Service and how it operates. He's also very much trying to lead the Department through making sure we're as efficient as possible.

And my understanding is that the Department as a whole, I don't know my numbers, to be honest with you, we spent about $15 million on Advisory Commissions and different committees across the different bureaus. And the Secretary had simply asked to put a pause on those and ask those groups to put a form of reporting into him, I believe a two-page report, this next few weeks and months to just see what they've been accomplishing, what their mission is and why they're there.

I know the Acadia organization very well, Senator. I've been up there and had to work in that part of the world. So——

Senator KING. You did not "have" to work there, you were "privileged."

Mr. REYNOLDS. Yeah, thank you.

But we will keep a close eye on it. I think that their work will be well received by this review at this point, and we'll make sure we keep a close eye on it.

Senator KING. I hope so because I do think it is very important for any national lands, but particularly national parks, for the area to have a voice in the activities and to provide information to the National Park Service and to the local park.

I know that the Acadia Park Advisory Commission has been very important in the local community and so I hope that this pause, as you characterize it, will be a short one and that we can get our advisory commission/committee back up and running.

Thank you.

Mr. REYNOLDS. I will focus with the Department on that. Thank you.

Senator KING. Thank you.

Thank you, Mr. Chairman.

Senator DAINES. Thank you, Senator King.

Ranking Member Hirono.

Senator HIRONO. I have one follow-up question for Ms. Kendall.

Thank you for the work that you have done in exposing some of the challenges facing our National Park Service.

In your opinion, what are the three most urgent actions that the Park Service can take or needs to take to change the workplace culture?

Ms. KENDALL. Certainly getting the training and the word out to their employees that reporting misbehaviors, harassment or retaliation, discrimination, anything like that, that they can do this without fear of retribution or any kind of retaliation. I think that's probably number one to get that word out.

Number two, I would go back to what Senator Daines focused on and that is the "tone at the top." I think that working with their folks at headquarters—their superintendents, their regional directors—they're the people that are going to have to model the behavior in a very transparent and I would say, upfront and almost an aggressive way, to let their folks know in the field that they're serious about this.

And then finally, having a vehicle like the Ombuds to receive and coordinate complaints and other concerns with offices like mine, where we conduct, as you know, quite a few investigations. And we rely on getting information directly from organizations like the Park Service. And we do have very good communication, both with Director Reynolds directly, as well as many people in the Park Service.

Senator HIRONO. Mr. Reynolds and Ms. Burks, would you pretty much agree with these priority areas that Ms. Kendall outlined for us? Yes?

Mr. REYNOLDS. Yes, I do agree. I would maybe add something in there about revamping our policies and procedures, but I think that's buried in Ms. Kendall's statement.

Ms. BURKS. Yes, I think what she said was exactly right.

Senator HIRONO. Thank you, Mr. Chair.

Senator DAINES. Thank you, Ranking Member Hirono.

I too, very much concur as we think about the next steps going forward, which there will be many, is back to this "tone at the top," taking from Ms. Kendall's original testimony that I just would like to see the superintendents personally involved in some form or fashion here, early on, employee onboarding.

I recall when I was a young employee in organizations when the big boss came in, it meant a lot. They can set the expectation. They will model it by being present and talking about this up front. I think that is real important to setting the cultural tone going forward here. It is what needs to be changing here, the culture.

Something else I learned after 20 years of business is that if you aim at nothing you will hit it.

[Laughter.]

My last question, then we will conclude the hearing unless Senator King has additional questions or the Ranking Member, but I will end with this question. How exactly should the Park Service measure improvement in the workplace? What are the one or two metrics that we should be looking at here that we will set as key goals and measure over time to make sure we are actually making progress? And I would like to get opinion from all three, if you have one. We will start with you, Mr. Reynolds.

Mr. REYNOLDS. I think progress and changes through things like the employee viewpoint survey or other surveys would be good data marks. I also think that some sort of oversight reporting that we should be doing that ties to performance of our people would be another way of seeing how performance changes with that.

Senator DAINES. Ms. Kendall?

Ms. KENDALL. And if we saw a reduction in complaints it would be an indicator, I believe.

Senator DAINES. Okay.

Ms. Burks?

Ms. BURKS. Yes, I think a reduction in complaints would be one metric. I'd also suggest a very simple, practical step of formal review of performance standards and performance appraisals to see that they are actually being done and the supervisors are actually carrying out their training and mentoring responsibilities. I think that would make a big difference right up the line.

Senator DAINES. Well, my experience—I mean, I agree—as we do these odyssey surveys, they give you a nice big, fancy report and you have a one-time power point presentation. Then they are quietly put on a shelf and they collect dust until somebody asks a question, perhaps ten years later, and it is a real challenge. So action is needed.

If there are no more questions for today, members may also submit follow-up, written questions for the record. The hearing record will be open for two weeks.

I want to thank the witnesses for their time and testimony today.

This hearing is adjourned.

[Whereupon, at 3:40 p.m. the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
June 7, 2017 Hearing: Opportunities for Moving into a Second Century of Service: Working to Improve the National Park Service Workplace Environment
Questions for the Record Submitted to
Mr. Michael T. Reynolds, Acting Director, National Park Service

Question from Senator John Barrasso

Question: You indicated the new Ombuds office has received more than 1,000 comments in the four months following its establishment. How many of those are new allegations of misconduct, and are any new reports being handled differently than those reported last year?

Response: Ombuds do not receive formal reports of misconduct or initiate investigations. They provide confidential assistance to employees with identifying appropriate avenues for formally raising matters, such as filing complaints with the Office of Human Resources, Equal Employment Opportunity counselors, the Inspector General hotline, or senior officials. The Ombuds can report aggregate numbers of each tupe of comment they receive, but because they guarantee anonymity, it is not possible to know how many of the comments received by the Ombuds lead to new formal allegations of misconduct.

Separately, the National Park Service (NPS) is creating a tracking system that will help with measuring the number of official reports of misconduct over time. Until recently, the NPS did not have a consistent method to track the instances of misconduct or document the penalties for such misconduct nationally. Documentation of misconduct may have been gathered at the park or regional level, but national data was not compiled or analyzed. Beginning in March 2017, the NPS began tracking data related to allegations of employee misconduct in a consistent format on a monthly basis and submitting to the Department of the Interior (Department). In the future, the NPS will have more precise data on reports of misconduct.

Questions from Senator Mazie K. Hirono

Question 1: In your testimony you note the voluntary survey that the Park Service has circulated to permanent employees and plans to circulate with seasonal employees next month and how the results of this survey will assist the Park Service in understanding the scope of the sexual harassment and other workplace environment issues across the service.

Do you feel that the survey is adequate? Once you assess the scope of the problem, how will you monitor and evaluate steps taken to address sexual harassment to make sure that they are effective and producing results? Going forward, what will be the Park Service's formal procedure for responding to and addressing sexual harassment reports, including the process and criteria for disciplining employees that have committed sexual harassment, and ensuring that these procedures are communicated to all employees?

Response:

Adequacy of the survey - The survey will be adequate to provide the information we need to lay a foundation for a comprehensive, effective plan to combat sexual harassment and hostile work environments. The survey was rigorously designed and goes beyond basic harassment prevalence surveys. It will give us a clear understanding of the type of employee who is most likely to be harassed, the particular type of environment where harassment is occurring (e.g. office environment, remote location), when employees are harassed for the first time in their career and by whom (e.g., supervisor, coworker), the likelihood of a person intervening if they witness harassment, and whether employees are likely to report harassment and if they are not willing to report, why not.

Monitoring and evaluation - Survey data will drive the interventions we design and implement. We will monitor our progress by comparing the 2017 baseline survey results with the results of future surveys and the total numbers of misconduct allegations. As we assess our progress, we will make adjustments to our interventions and tailor our actions to ensure we are addressing the issues effectively and efficiently. In the near term, we expect to see an increase in reporting and total numbers of cases because employees and managers are actually reporting harassment that they might not have reported in the past. An increase in complaints may occur as employees have increased evidence that management will take appropriate action and employees are protected from retaliation. When cases of misconduct are more consistently reported, we are in a much better position to hold employees accountable and ensure safe environments for all employees.

Responding to sexual harassment reports - The Secretary has been very clear that he has a zero tolerance policy for sexual harassment and has begun a process to clarify and update NPS' training and processes. Once updated, we look forward to their swift implementation. .

Criteria and process for disciplining employees - Managers are required to follow Office of Personnel Management guidelines to ensure the laws passed by Congress are upheld. That includes allowing employees due process, providing them with written notice of the charges and access to any supporting documentation, and allowing employees to give oral and written responses to the charges. Managers consider the circumstances surrounding the event, the table of penalties, and the Douglas Factors (https://www.opm.gov/policy-data-oversight/employee-relations/reference-materials/douglas-factors.pdf) when taking disciplinary actions related to misconduct. Managers are held accountable for addressing misconduct of their subordinates through their annual performance plans. The NPS will seek to enhance the skills of our front-line managers so that they are more skillful and confident when addressing employee misconduct through improved supervisory training.

Communicating to employees - We are taking several steps to ensure that procedures are communicated to all employees:

1) Improving our internal intranet site, so that online resources for employees are easy to find and understand.

2) Including explanations of policies and procedures related to sexual harassment and hostile work environments in our onboarding of new staff.

3) Requiring Civil Treatment for Leaders training for all supervisors, which includes sessions on the managers' duty to act when allegations of harassment have been brought to their attention.

4) Including information about how to report and respond to allegations of misconduct, and integrating anti-harassment training into existing training programs.

5) Continuing to require Prohibited Personnel Practices and Whistleblower Training, which includes a section for managers on managers' duties related to hiring and to whistleblower protections.

6) Continuing to have the Ombuds disseminate information to employees about resources available to resolve workplace problems through emails and phone calls with individuals, and through site visits.

7) Planning for providing training to all employees so that they know how to report harassment and managers know how to promptly and properly respond to allegations; we will conduct this training after the personnel bulletin on reporting and investigating harassment has been finalized and NPS standard operating procedures are in place.

Question 2: The National Park Service director is one of 442 Senate confirmable positions that has yet to receive a nominee from this administration. What are the challenges the Park Service faces in setting a tone for the workplace environment without a director?

Response: The entire NPS senior leadership is demonstrating to employees in multiple ways that we are determined to bring about a culture change that will end sexual harassment and hostile work environments. We anticipate that a Senate-confirmed director will reinforce that message, especially since Secretary Zinke has made clear through numerous statements and actions that harassment and hostile workplace environments will not be tolerated.

Question 3: Seeing as you have spent over 30 years in government and worked at almost every level within the National Park Service, I'm sure you have noticed some trends over that period of time. With visitation increasing and the National Park Service budget being cut simultaneously, have you noticed these factors impacting workplace morale?

Response: Many factors contribute to the morale of the workforce in any government agency and private sector workplaces. Some of the factors are within our control and some are beyond our control. We cannot equate the morale of the workforce solely to the budget.
We are very committed to addressing morale issues and going forward we are going to need to listen better and understand our workforce needs.

Question 4: **In Ms. Burks' testimony she notes that "Training within the service is inconsistent, inadequate, and unavailable to many employees" and that "Managers and supervisors cannot count on training funds being available as they are often the first thing cut when appropriations are reduced."**

You note in your testimony that the Park Service has identified serious shortfalls in training consistency across the NPS. However, do you agree with Ms. Burks that training funds are not consistently available for managers and supervisors? If so, how has the Park Service ensured that employee training will not suffer in the time of reduced appropriations, especially given the President's budget proposal for FY 18?

Response: As with every other area of the budget, the NPS often has to make hard choices when it comes to allocating limited funding for staff training and development. The NPS prioritizes training funds to meet the legal requirements for training superintendents and new managers so they can lead by example, but we are also working hard to make the most effective use of training funds for all employees. To deliver training to employees more cost effectively, the NPS Office of Learning and Development is developing a Learning and Performance Ecosystem (LPE) strategy, an industry model which "enhances individual and organization effectiveness by connecting people, and supporting them with a broad range of content, processes and technologies to drive performance." The LPE supports employees through six components: structured learning, knowledge management, social networking/learning, performance support, talent management, and asking experts.

Additionally, through the new NPS Common Learning Portal (CLP), staff connects in real time to find courses, internal experts, training opportunities, and best practices. The CLP is a crucial tool to connect the over 22,000 staff across the country and it increases opportunities to connect beyond in-person learning and development activities.

Question 5: **Do you agree with Ms. Kendall that having only one full-time ethics counselor within the Park Service is inadequate? What is the current training requirement for NPS employees and roughly what percentage of NPS employees in leadership or management positions receive adequate leadership training? Do you agree with Ms. Kendall that NPS should require ethics training for all employees?**

Response: The NPS has received recommendations about the ethics program from the Department's ethics counselor. It would be desirable to have more than one NPS ethics counselor. We are currently prioritizing the recommendations among the multiple needs of the organization. Our resources are being directed first to the almost 300 park superintendents who set the tone and example for the employees under them and who also tend to deal with these ethical issues more than other employees. One of our current efforts is the development of ethics training for superintendents on how to work properly with partners on fundraising activities.

All new employees are required to take ethics training within 90 days of beginning work as part of their onboarding. Notices reminding all NPS staff of ethics policies are sent out annually. In addition, certain categories of employees including Senior Executive Service employees,

political appointees, contracting officers, and other employees who are required to submit financial disclosure reports, are required to complete ethics training annually.

All new managers are expected to participate in the New Supervisor Development Program during their first 12 months as a supervisor. This program includes supervisory ethics.

Question 6: **Ms. Kendall notes in her testimony that the Park Service has developed a "culture of silence and protecting its own."**

What is your response to her criticism of the Park Service's "culture of silence," and what specific steps do you plan to take to address the conditions that have created this culture?

Response: We appreciate the hard work that Ms. Kendall and the staff of the Office of the Inspector General have done to ferret out wrongdoing and bring to our attention some serious workplace issues. However, characterizing the culture of the NPS with such a sweeping generalization is unfair to the thousands of conscientious men and women of the NPS, including the majority of managers, who are fair and respectful to their fellow employees. The comment fails to recognize the determined effort that the NPS leadership is making to assure employees who come forward with complaints that they will not be ignored or face retaliation.

NPS leaders are making it easier and safer for employees to report misconduct and are taking appropriate and swift disciplinary action in cases of confirmed wrongdoing. Employees are seeing that misconduct is not being tolerated. To the extent that the culture characterized by Ms. Kendall exists in any part of the NPS, we are making every effort to change that.

Questions from Senator Angus S. King. Jr.

Question 1: **While additional training and new programs to expedite handling of complaints is an important start, these proposed responses won't rectify systemic problems without an effective and timely disciplinary process.**

To that end, what concrete steps do you plan to take in order to dismiss consistently problematic employees from the NPS? Is there a formula you can develop, such as first identifying the most frequent offenders, and work from there? And along those lines, what steps can you take to replace the managers who have turned a blind eye to the recurring problems? Can you look to any other federal agencies besides the Department of Defense – or even private industry – for assistance?

Response:

Dismissing consistently problematic employees and identifying the most frequent offenders - The NPS is committed to addressing misconduct and poor performance to regain the public's trust and our employees' confidence. Employees can be removed for both conduct and performance reasons, but each basis has its own set of procedural due process, as established by Congress.

The agency must take care that a decision to remove an employee is factually and legally supported to ensure that the removal is not overturned if appealed by the employee.

In March 2017, the Department of the Interior asked all bureaus to begin tracking data related to allegations of employee misconduct in a consistent format and submitting to the Department. This means cases of misconduct are now able to be reviewed and tracked at the regional and national level across bureaus to ensure cases are being addressed and resolved.

To address problem employees, managers work closely with Employee Relations specialists to learn about an employee's past work history so they can understand if they have any previous cases of misconduct. Managers have also been instructed to more consistently conduct reference checks on candidates to determine if a candidate has an existing disciplinary record. By understanding an employee's past conduct, managers can weigh a variety of factors when determining disciplinary actions. If employees continue to act inappropriately, managers can use progressive discipline and can assign a more serious penalty for each infraction including up to removal from government service.

Replacing managers who ignore problems - Secretary Zinke has adopted a zero-tolerance policy for misconduct related to sexual harassment. Under this policy, employees may be removed from Federal service for a single, egregious offense. Additionally, the Department is reviewing new policies that will provide managers options to hold employees accountable for harassing conduct that is inappropriate but falls short of the legal definition of harassment under Title VII. This will enable the NPS to address misconduct before it rises to the level of illegal harassment. It is essential for every manager to be accountable for his or her performance in addressing employee misconduct. All managers have a critical element on their performance plan in which they are rated on their effectiveness in supervising their employees. Managers who fail to hold their employees accountable for performance or misconduct can receive a negative performance evaluation, be placed on an employee performance improvement plan, and if performance does not improve, may themselves be removed or demoted from a supervisory position.

External assistance - In addition to earlier engagement with the Department of Defense, the NPS has sought other outside expertise to help us understand and address the issue of sexual harassment and incivility. Two recent examples: (1) The NPS convened a "Creating Employees First NPS" workshop on June 19-20. Seven highly regarded experts in the fields of organizational behavior, industrial psychology, sociology, communications, women's studies, and human resources helped us understand how we might be able to change our culture by increasing the level of respect in the workplace and preventing instances of harassment and incivility. (2) The NPS Women's Employee Resource Group in partnership with the Office of Learning & Development, the Peace Corps Office of Safety and Security, and US Park Police jointly developed a webinar on Bystander Intervention that was delivered on July 12. The Peace Corps has documented over 1600 occurrences in which Peace Corps members have used bystander intervention skills since they began offering their Bystander Intervention training in 2011.

Question 2: The Mount Desert Island community that surrounds Acadia National Park is very concerned about the suspension of the Acadia National Park Advisory Commission, a

Commission established by law that serves as an important forum for communication between the local communities and the Park Service. Formal meetings of the Commission operate to make valuable suggestions and recommendations to the Park Service on the management and operation of Acadia National Park that benefit the Park, visitors to the Park and residents of the region and state. The suspension of this important Commission, especially in light of critical Commission meetings set to take place this year, negatively impacts Acadia National Park management and the local communities.

What specific actions will the National Park Service take to ensure that the Acadia National Park Advisory Commission can get back to work so that they can formally meet for their scheduled meeting in September of this year?

Response: The Acadia National Park Advisory Commission has been a strong partner to the NPS, ensuring coordination and consultation at the local level. In order to make sure all commissions are giving local communities adequate opportunities to comment on park management decisions, the Department is reviewing the more than 200 boards, committees, and commissions under its responsibility. This review is scheduled to be completed later this year so that commissions can get back to work.

Question 3: **What steps does the Acadia National Park Advisory Commission need to go through in order to ensure that they can be relieved of the suspension of activities as soon as possible?**

Response: The NPS has submitted all necessary paperwork to the Department to complete its review of the Acadia commission. No additional steps need to be taken at this time.

Question 4: **Will there be a first round or tier of Advisory Commissions that will be released from the freeze?**

Response: No information is available on the exact timing of when individual commissions can begin meeting again.

Question 5: **What are the standards that an Advisory Commission would need to meet in order to be release from the suspension of formal activities as soon as possible?**

Response: The Department is reviewing committee charters, evaluating committee memberships to ensure there is adequate local representation, assessing benefits and services provided by the committees, and analyzing costs. One important requirement is that there are an adequate number of members on each commission to represent the local community's interests.

Questions from Senator Tammy Duckworth

Question 1: **During your June 7th hearing before the National Park Service Subcommittee, you highlighted the important work of two new ombudsmen employees at the National Park Service (NPS). As you continue implementing this new avenue of outreach for NPS's**

23,000 employees, what is your vision and long-term goals for this program? Please share any metrics you are using to evaluate the program's effectiveness.

Response: The mission of the NPS Ombuds program is to help reinforce a workplace culture that focuses on ethics, respect, teamwork, fairness, civility, responsibility, and accountability. The vision is to provide resources to the NPS to explore resolution of individual and systemic problems affecting the workforce. As we work on defining the long-term goals and role for the NPS Ombuds, we will evaluate the program's effectiveness and make changes, as needed, to best serve the workforce.

We are taking several actions simultaneously to better understand the NPS workplace environment and improve conditions for employees, so it is difficult to attribute changes specifically to the Ombuds program. However, the number of employee contacts, and the quantity and types of comments received, are metrics which indicate the extent to which employees are using the service.

Question 2: **Given your stated goal of creating an open and safe atmosphere at NPS and the more than 1,000 comments, complaints and recommendations already received, how many ombudsmen employees are needed to fully and effectively address the concerns of all 23,000 of your employees? How do you plan to increase the public facing visibility of this office?**

Response: As part of the evaluation of the program's effectiveness, we will assess the Ombuds workload, employee interest, and the value to leaders in order to make recommendations about Ombuds staffing needs and implementation strategy. The Ombuds guarantee the anonymity of the employees who use their services. Their primary roles are to assist employees with identifying appropriate pathways for resolving workplace issues and advising senior leaders about the trends in comments from employees. As such, it is an internal program and we do not have plans to share more than general information about the program with the public.

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June 7, 2017 Hearing: Opportunities for Moving into a Second Century of Service: Working to Improve the National Park Service Workplace Environment
Question for the Record Submitted to Ms. Mary L. Kendall

Question from Senator Mazie K. Hirono

Question: You note that "tone at the top" is very important for NPS and its future.

What impact does a vacant seat for NPS Director currently have on setting a "tone at the top" at the bureau? Aside from the all-employee memorandum that was submitted by Acting Director Reynolds, how has the Park Service brought together NPS top-level leaders to unify consistent exemplary conduct and ensure that it trickles down the chain of command?

Answer:

The vacancy for a permanent NPS Director hinders the "tone at the top" from being set in NPS. While I have considerable personal respect for Acting Director Reynolds, he is in a no-win situation of having responsibility for this crisis of culture but little power to correct it. Although I have no direct knowledge, I have anecdotal information to suggest that the NPS leadership team views Mr. Reynolds as a lame-duck (he is rumored not to be in the running for the permanent Director) and they have actually opposed Reynolds' efforts to increase the presence and professionalism of ethics officers throughout the Service. This is not a great harbinger of a culture change.

As the Secretary and the White House evaluate candidates for permanent NPS Director, they would be well-advised to consider integrity, honor, demeanor, character, and leadership skills that will model the kind of behavior they would like to see reflected throughout the NPS, as would members of this subcommittee in examining a candidate for confirmation to this position.

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
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Questions for the Record Submitted to Ms. Maria Burks

Questions from Senator Mazie K. Hirono

Question 1: You mention your concerns about the administration's proposed budget for FY 18 and its impact on the parks and programs of the service.

Can you give us some idea of the impact that these cuts will have on employee morale, visitation to the parks, and dealing with the maintenance backlog?

Answer: Cuts of the magnitude proposed will have serious both long- and short-term impacts. Already strained by years of tight budgets, park staffs will be forced to cut back operations, especially in the high season. Exact impacts will vary by park, but will be highly visible. Campgrounds, life-guarded beaches, seasonal visitor centers, emergency services and ranger-led programs will be reduced or eliminated. Some parks might not be able to open at all. Visitation during the Centennial in 2016 was record breaking at most of our nation's parks and it appears that trend is continuing this year, meaning that many more visitors will be disappointed. The impact of this will also hit hard in gateway communities near parks.

The effect on employee morale will be equally devastating. Employees of the National Park Service have always met the call of duty even with funding not keeping pace with increasing demands. However, many are already discouraged, struggling with limited resources. The proposed cuts would greatly exacerbate that problem, essentially telling employees their work is not important and making it difficult for them to succeed, while demanding continued performance.

Insufficient funding also will result in the continued growth of the maintenance backlog as more buildings and facilities fall into greater disrepair. There are many deferred maintenance projects in every state and the only thing lacking is funding to complete them. It will be nearly impossible for park staff to continue to maintain the resources entrusted by Congress for the benefit of the American public without sufficient funding.

Question 2: You note that employees spend a lot of time taking mandatory online training courses for IT security, ethics, etc. but cannot find training for job-related responsibilities such as natural, cultural, or historic resource protection.

Do you think that the training courses within the Park Service need an overhaul and if so, what should be the primary focus?

Answer: There is a place for certain mandatory on-line training courses, but for courses focusing on leadership and management skills, natural and cultural resources management, maintenance and project management, and other professional development, in-person training at a designated training facility offers much greater benefits. Besides learning specific skills relevant to that employee's job, there are numerous intangible elements gained from in-person training,

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including opportunities to bring up problems needing resolution, ways to effectively deal with employee performance issues, as well as identifying mentors for new employees, and engaging in networking with other park and program staff. Artificial travel and other restrictions hinder employees' participation in these training courses and should be removed to allow participation when funding is available. In particular, we recommend an initial strong focus on leadership and supervisory skills, where one-on-one mentoring and direct exposure to appropriate role models can make a big difference.

Question 3: I know that Secretary Zinke has mentioned on numerous occasions his desire to reorganize the Department of Interior. One idea that I understand the Secretary is exploring is to put all Interior Department bureaus within a region under one regional director. So, under this model, the Park Service would head one region, the BLM another, and the USGS another.

In your opinion, what would the impact of such a model have on the work of the Park Service within a given region? Do you agree with Ms. Kendall that drastic reorganization of the Park Service will amplify the challenge of changing the NPS workplace culture?

Answer: Reorganizing the department in the manner described would be extremely difficult considering the diverse missions of the various bureaus. It is impossible to expect one person to provide leadership for such different and competing missions. Such a plan would require the designated regional director to become an expert in the mandates, programs, and personnel of multiple bureaus without any obvious benefit to the department. Additionally, the cost involved in moving employees would be tremendous, and such a reorganization would create another level of bureaucracy that is unneeded and wasteful. It is much better to encourage field managers of the various bureaus to work together to find efficiencies and to resolve problems. This model has worked well for a number of years within the department.

Additionally, this proposed model would further delay addressing the workplace issues identified in the Park Service by the Inspector General. This only signals to employees that management does not take their concerns seriously.

Question 4: What would be your recommendation to ensure that there is equal treatment for all employees? Can you describe the impact that merely moving employees from one location to another instead of addressing misconduct has had on employee morale?

Answer: Providing effective training for supervisors and managers is critical for ensuring equal treatment of employees. Additionally, holding supervisors accountable for the management of their employees as part of their annual performance will go a long way toward guaranteeing equal treatment. Supervisors need to understand that merely moving employees with disciplinary issues from one park to another is unacceptable. When employees see that their managers support employees when issues arise, that leadership will demonstrate the expectations of the supervisors and the consequences for unacceptable behavior and performance.

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Question 5: Your testimony notes a lack of support from the Human Resources Office.

In your opinion, what is needed to help managers and supervisors improve the management of their human resources matters?

Answer: The centralization of the Human Resources office has resulted in long delays in filling open positions, and little assistance in dealing with performance and disciplinary issues. Returning these functions to the regional and park levels will provide resources closer to the place of need and allow greater interaction between HR and park or program staff to resolve any problems that delay hiring or hinder timely disciplinary action. Consideration needs to be given to the size of the workforce being served so that parks or programs with a larger workforce can be served on-site, while regional and central offices provide assistance to smaller parks or offices.

NTEU
The National Treasury Employees Union

Statement for the Record

Anthony M. Reardon

National President, National Treasury Employees Union

For the

U. S. Senate

Committee on Energy and Natural Resources

Subcommittee on National Parks

"Moving into a Second Century of Service: Working to Improve the National Park Service Workplace Environment"

June 7, 2017

Chairman Daines and Ranking Member Hirono,

Thank you for the opportunity to share our thoughts on ways to improve the workplace at the National Park Service (NPS). As National President of the National Treasury Employee Union (NTEU), I represent over 150,000 federal employees in 31 different agencies, including the NPS. Our purpose is "To organize federal employees to work together to ensure that every federal employee is treated with dignity and respect." We know there have been times when the Park Service may have not performed well in that aspect, but I can assure you that frontline employees know that we are available to help them in situations that require remediation.

How does an organization improve its workplace environment? In my meetings with our NPS members, one solution is immediately raised time and time again – increase funding to a reasonable level. There is simply not enough funding available to keep our parks functioning. As you may know, there have been severe staffing shortages at NPS for years. In fact, many parks used to have twice the number of employees than they have onboard now. However, it is important to recognize that the workload does not change. NPS has previously changed workers' shifts because of a lack of funds. For instance, for the last few years, when it snows, parks in the DC metro area have required employees to work overnight shifts instead of their day shifts, because the roads needed plowing and the parks wanted to limit overtime pay. This is only one example of an agency that is already operating on a shoestring. Let me add that this change was in violation of current statute, and NTEU took action to assure that improper and sudden disruption from regular work hours won't happen again.

Although the NPS budget was announced with great fanfare by Secretary Zinke, saying "President Trump and I are absolutely committed to repairing our treasured national parks and making sure the American people have a world class experience when they visit our parks, and this budget reflects that", the document itself tells a very different story:

- The Fiscal Year (FY) 2018 budget request is over 10 percent less than the FY 17 Continuing Resolution. It requests 6.4 percent fewer fulltime equivalent employees.

- The proposed budget for National Recreation and Preservation is scheduled for a reduction of $25.5 million. The document explains why this kind of reduction makes no sense: many parks have already implemented strategies to reduce costs and many other parks cannot achieve additional savings because they do not have periods of lower visitation or a way to limit public access. As a result, at the proposed budget levels many parks would be required to institute further reductions to services, operating hours, and to the number of full-time and seasonal employees. Service-wide, these adjustments could include the elimination of thousands of seasonal employees, leaving vacancies for key positions unfilled, all of which translate into an immediate problem for individuals visiting our nation's parks.

- Since FY 2011, the NPS workforce has decreased by more than 11 percent, at a time when visitors to the parks have increased by 17 percent. As one of our chapter leaders put it, "We've gone from doing more with less, to doing less with less."

- Maintenance is currently deferred because there are no funds. You may recall that the Washington Monument was in the news several times last year, when people were getting stuck in the elevator. When our union tried to have the elevator closed for a needed overhaul, management authorized a quick fix that did not last. However, we don't regard this as management's fault – for so long, the Park Service has been forced to MacGyver its maintenance problems because of a lack of adequate funding. Ultimately, we persuaded NPS to close the elevator and replace it because it posed a clear occupational health and safety problem for visitors and employees, and it is now getting the attention needed.

- The proposed NPS budget would have tangible impacts to the visiting public that include: reduced hours of park operations; reduced Visitor Center hours; closing some Visitor Centers at parks that have multiple Centers; fewer ranger-led talks; decreased ability to conduct Search and Rescue operations for lost or injured visitors; increased maintenance backlogs leading to accidents in areas where sidewalks and other structures may go without repair or replacement; and, forced overtime for maintenance staff during the summer months because of serious staff shortages.

I recognize that this Committee takes its task in overseeing the Park Service very seriously. Likewise, NTEU seriously takes its task of representing employees, and sharing the perspectives of these experienced and knowledgeable individuals, who have chosen careers dedicated to the upkeep of our parks for the public. Our union does its best to make sure that all NPS employees come to work in a safe and respected environment. But improving the workplace takes more than vigilance. It takes funds. Funding the parks at a level where workers feel they are given what they need to be able to do the job is the place to start. Our members love being Park Service employees. They are dedicated to the mission and it's frustrating to them to not be in a position to give the American public the experience our members want them to have. As one of our members said, "Parks cannot be automated. They don't run themselves. You can't set up an automatic check-in or checkout line for nature, not without forfeiting the opportunity to briefly engage every single visitor and impart to them the basic things they need to keep in mind to have a satisfying and safe visit." Please help to improve the NPS workplace, and the public's parks, by rejecting the Administration's proposed FY 2018 NPS budget, and properly fund them instead. Thank you for taking our views into consideration.

To: US Senate Committee on Natural Resources
From: James Pickard

Subject: My dismissal from federal service based on my disability

I'm writing to you today to ask for your help regarding my dismissal from the National Park Service. I believe that my dismissal was based on having a speech disability. Below is a background about my situation.

I was employed by the National Park Service as a Law Enforcement Park Ranger in a permanent status since October of 2009. I completed my one year probationary period therefore, I was considered as a career status federal employee. After I completed my training at the federal law enforcement training center, I was sent to a duty station in North Carolina for my Field Training and Evaluation period. While in field training I began to have difficulties with my field training instructors. They apparently felt that my speech issues would affect my ability to perform as a law enforcement officer.

While in training, my head field trainer recommended for my removal because of alleged performance deficiencies and not meeting the standards of the field training program. I have a speech disability and have had it for many years. During my training, I made the National Park Service aware of my speech disability. I requested a reasonable accommodation related to my disability and I was denied. I had a review board hearing. During this hearing, I represented myself. I explained my speech disability to the board and previously to my trainers. I also requested a training transfer and they denied my request based on lack of funds.

The board ruled against me and I was removed from the field training program. I returned to my duty station in New Orleans, Louisiana. I was given a choice to either resign or be fired. I ultimately resigned. I then contacted the National Park Service Equal Employment Opportunity right before Christmas. I thought that I needed all of my documentation in the case before I could proceed further with my EEO. I was finally contact by the NPS EEO.

During the next couple of months I participated through the EEO process. The National Park Service training director Don Usher refused to work through Alternative Dispute Resolution. All that I got out of the EEO process was a thirty minute phone call with Don Usher, were Mr. Usher told me that I did a great job during the academy training. Mr. Usher also told me that he was not going to overrule the field training staff even though I felt the disability rights were violated. Last week I notified the NPS EEO Office that I want to have a hearing before an Administrative Law Judge.

The following are the two civil rights violations that I'm citing: I'm a federal employee covered under the Rehabilitation Act of 1973 which I receive the same protections as the Americans with Disability Act. My trainer used the speech disability as bases for my bad performance evaluations. Specifically, when I was graded under the topics of Command Presence, Voice Control, keep dispatch advised, and relationship with public. I believe

that my speech disability was used as the sole bases for the performance evaluations. Specifically they would make comments like "Does not speak clear" or " uses ums,uhs,ohs". One traffic stop I was given a failing grade for not controlling a suspect movement because I did not yell loud enough into a PA siren. It turned out the suspect was a non English driver.

Second, my due process civil rights were denied. When I had my removal hearing I was not allowed access to a lawyer which violates my 6th amendment right to counsel. When I told the board that I was being denied my right to counsel they acted as if they did not care. I also told them that my 5th amendment right to due process was also violated. Because I was a career status employee I was entitled to a full human resource board of review. This board of review was supposed to have my chief ranger, my park superintendent, my park human resource officer, and a lawyer. None of this was given to me.

In 2013 I entered a Settlement Agreement with the National Park Service. I accepted a monetary amount of money and a promise that the National Park Service would not give negative reference about me. Fast forward to April 2017, I was reviewing a document of my last federal background for another Department of Interior Law Enforcement position. I read were my former NPS Law Enforcement Supervisor told the background investigator all alleged negative things I did. This was a complete violation of the settlement.

The most heart-breaking thing is that I'm now banned for life from ever being a National Park Service Law Enforcement Ranger.

I look forward to hearing back from you.

James Pickard.

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