

EXAMINING MISCONDUCT AND MISMANAGEMENT AT THE NATIONAL PARK SERVICE

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES
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CONTENTS

Hearing held on September 22, 2016	Page 1
--	-----------

WITNESSES

Mr. Michael Reynolds, Deputy Director for Operations, National Park Service, U.S. Department of the Interior	
Oral Statement	5
Written Statement	8
Mr. Kelly Martin, Chief of Fire and Aviation Management, Yosemite National Park, National Park Service, U.S. Department of the Interior	
Oral Statement	12
Written Statement	14
Mr. Brian Healy, Fisheries Program Manager, Grand Canyon National Park, National Park Service, U.S. Department of the Interior	
Oral Statement	23
Written Statement	25

APPENDIX

Letter of June 16, 2016, Representative Hice to the President re Director Jarvis's Resignation	74
September 22, 2016 Ms. Kearney Congressional Statement submitted by Mr. Palmer	76
Submitted by Ms. Lummis:	
September 21, 2016 Congressional Statement Grand Canyon	86
September 22, 2016 Congressional Statement Yosemite	88
September 22, 2016 Hester Congressional Statement	94
September 22, 2016 Larkin Congressional Statement	95
September 20, 2016 Nebel Congressional Statement	103
September 22, 2016 Williams Congressional Statement	105
September 22, 2016 Brady Congressional Statement	113
Response from Mr. Reynolds, NPS, to Questions for the Record	116

EXAMINING MISCONDUCT AND MISMANAGEMENT AT THE NATIONAL PARK SERVICE

Thursday, September 22, 2016

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, D.C.

The committee met, pursuant to call, at 1:02 p.m., in Room 2154, Rayburn House Office Building, Hon. Jason Chaffetz [chairman of the committee] presiding.

Present: Representatives Chaffetz, Mica, Walberg, Amash, Gosar, Gowdy, Lummis, Meadows, DeSantis, Blum, Hice, Carter, Grothman, Palmer, Cummings, Norton, Connolly, Plaskett, Welch, and Lujan Grisham.

Chairman CHAFFETZ. The Committee on Oversight and Government Reform will come to order. And without objection, the chair is authorized to declare a recess at any time.

We have an important hearing today. It is entitled “Examining Misconduct and Mismanagement at the National Park Service.”

In June, National Park Service Director Jarvis testify before this committee about the problems and sexual harassment throughout the Park Service. He suggested that things could potentially get worse before they got better, and boy, was he right. Things have gotten a lot worse. We have certainly been able to illuminate and find more problems that unfortunately have been festering and been part of the system for far, far too long.

Since Director Jarvis’ testimony, numerous park employees from multiple parks have contacted the committee to describe patterns of misconduct at the Park Service, and today, we are here to determine what the Park Service is doing to stop the harassment and find out why it keeps happening. There seems to be some patterns here that are just not anything that we should come close to tolerating.

These incidents are happening at our country’s most beloved parks. From Yellowstone to Yosemite and the Grand Canyon, these are some of the most visited and famous parks literally in the world. Unfortunately, they also face serious management challenges and allegations of disturbing misbehavior.

It is difficult often to have these discussions in an open setting, and I warn the parents of young people who may be watching this some of this is going to be probably a little touchy and a little inappropriate, but it is what we do in this committee. We illuminate things. We shine a light on them.

We are different in the United States of America, as I have said time and time again, in that we are self-critical. And we better

come to a reality grip of what is happening because far too often the people that are accused of this hideous behavior are simply promoted, maybe they get a bonus, and they just move on. There doesn't seem to be a consequence.

In Yosemite at least 18 employees, 18, have come forward with allegations of harassment, bullying, and a hostile work environment. These employees lay the blame at the top on Dan Neubacher, the superintendent of Yosemite. The Park Service law enforcement official who investigated the allegation in Yosemite concluded this: "The number of employees interviewed that describe horrific working conditions lead us to believe that the environment is indeed toxic, hostile, repressive, and harassing." I don't know that it could get any worse than that, but that is his conclusion. These are the words of the Park Service's own internal investigators, not the committee staff, not the Office of the Inspector General. Currently, Superintendent Neubacher is still running Yosemite. He is still there.

If this was the only park suffering from these problems, it would be enough of a serious concern, yet recent allegations from America's first national park, Yellowstone, are truly beyond the pale. They include sexual exploitation, intimidation, retaliation, and sexual harassment so depraved that it is disturbing even to discuss. With accusations so alarming, you would expect the Washington office to step in immediately and ensure that employees in Yellowstone are safe.

While I appreciate the decision to call on the inspector general for assistance, the Park Service must be more aggressive in protecting public service. We see this time and time again. It is not good enough to just say we are going to ask the inspector general to do it. The Park Service and the other agencies need to do their job and provide immediate relief, not punt it to somebody else to start doing it. And it is not good enough to just say we are going to do a survey. I am tired of hearing about surveys. There is a problem.

In our June hearing we heard about the serious problems at Grand Canyon and Canaveral National Parks. Since then, it was reported that the supervisors who allowed misconduct to occur in these parks were not just left unpunished, some were even promoted. What in the world does it take to get fired from the Park Service? In most of these cases that I have seen it is not just one he said/she said. Here is a case that we are going to talk about today where we had 18 people, 18, who are talking about this.

Leaders who fail in their obligations to protect the public or employees, they need to be fired. If they are not going to take action and they are not going to protect the employees of the United States of America, then they should leave.

We had hoped our hearing with Director Jarvis would have prompted to change. Instead, it seems to have been treated merely as a speed bump. Based on what we have seen, the response to the crisis has been to require additional training for managers and to realign the EEO, the Equal Employment Opportunity office, so it reports to Director Jarvis.

Here is the problem with Director Jarvis, though. Of course this is the same director who was removed from overseeing the Park

Service's ethics program because his own integrity failures, including lying to the Secretary of Interior.

I am glad to see that Director Jarvis has announced his retirement. I think that should have happened quite some time ago, but it is kind of stunning that the director of the Park Service is prohibited from administering an ethics program because of his own ethical problems. And then we wonder why we have a hard time implementing ethical reforms or just implementing things at the Park Service. How are employees supposed to trust the EEO process when the person in charge hasn't followed the rules themselves? Something needs to change and it needs to change fast.

And I would like to acknowledge we are joined today by two Park Service employees testifying in a whistleblower capacity. These brave employees have come forward despite the fear of possible retaliation. Now, I have got to tell you, we will have nothing of that. Mr. Cummings and I, Democrats, Republicans, we are united in the idea that we will go to the ends of the earth to protect and support people who step up as whistleblowers.

It takes a great deal of guts to come testify before this committee in a voluntary situation and explain what you have seen and heard firsthand. For that, we are exceptionally grateful. It is a difficult thing to do. I can't imagine you ever imagined in your life that you would be in this situation testifying before Congress, but as I said before, we take this responsibility very seriously. We can't fix it if we don't know precisely what it is. We have a pretty good indication of what it is, but to hear from the frontlines what is really happening is a pivotal concern to us.

We want to thank you for your courage, your willingness to step forward, and we expect candid answers. And we will do all we can to protect you from any sort of reprisals.

Chairman CHAFFETZ. So I would now like to recognize the ranking member, Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman, and I do indeed thank you for calling this hearing.

No employee in Federal civil service should ever feel afraid to come to work. This is a simple statement, but it is very, very important. And no employee should ever feel retaliation if she steps forward or he steps forward to report misconduct that makes him or her feel afraid or uncomfortable.

I thank Kelly Martin, the chief of fire and aviation management at Yosemite national Park; and Brian Healy, the fisheries program manager at the Grand Canyon, for being here today. I thank them for their courage and their willingness to come forward and share with this committee their experiences over decades of work for the Federal Government. I also thank you for your service. It should not have been necessary for them to be here today to testify.

A task force convened some 16 years ago commissioned a study to examine women in law enforcement occupations in the Park Service. Here is what that study found: Some individuals in positions of authority appeared to condone either by their action or inaction sexual harassment and discrimination. The system used for handling complaints is not trusted by the employees, nor timely in its ability to bring resolution to complaints. That is a major, major problem.

It went on to say that employees feel retaliation of complaints are voiced. That was 16 years ago. The task force concluded, "It is critical for the National Park Service to show a sense of urgency in ensuring that all employees are working in an environment free from unlawful harassment."

The task force developed a five-year action plan with nearly 30 recommendations to correct deficiencies with handling complaints, recruitment, and retention efforts and sexual harassment prevention. However, the Park Service, by their own admission, few of these recommendations were ever implemented. Obviously, they did not consider it to be that important. They did not feel a sense of urgency. And so that task force report was filed away, put on a shelf, gathering dust, ignored.

Sixteen years later, the inspector general has issued a report finding "evidence of a long-term pattern of sexual harassment and hostile workforce environment in the Grand Canyon River District." Sixteen years later, the inspector general has issued a report finding "a pattern of harassment involving a law enforcement supervisor at the Canaveral National Seashore." And 16 years later, members of the committee, allegations have been made at Yosemite and Yellowstone National Park's about possible harassment, hostile work environments, and even sexual exploitation.

Today's hearing will enable us to hear from the Park Service with regard to specific measures it has implemented to ensure that all employees work in facilities where sexual harassment is not tolerated, and the agency's culture welcomes and supports a workforce that reflects the diversity of our nation.

I want to hear about the specific reforms that the Park Service has implemented to ensure that all complaints are handled in a fair, timely, and thorough and consistent manner. I want to hear about the reforms that have been implemented to ensure that the disciplinary process yields consistent and fair discipline across all Park Service facilities and cannot be abused to retaliate against employees who file complaints.

And I want to hear about the reforms that have been implemented to bring the Park Service's Equal Employment Opportunity program into compliance with the standards of a model program.

In Ms. Martin's prepared testimony she wrote, "With steadfast resolve to work together and confront the serious and subtle misconduct issues we currently face, we will set a north star for the culture change for the next generation of National Park Service employees."

With the commitment of employees like Ms. Martin and Mr. Healy, I am confident that we are on the right course to correct longstanding patterns of harassment and retaliation in the Park Service. And I thanked them before but I want to thank them again because they are not only here about themselves and things that they have seen, but they are trying to make sure that the Park Service is a place that is welcoming to generations yet unborn.

However, to make the changes that clearly need to be made, we have to hold the Park Service's feet to the fire. Sixteen years ago, there were those who sat in the same chairs and tried to hold feet

to the fire, but apparently, the fire was not hot enough. Well, we are going to have to do it again.

It has been 99 days since our last hearing. Our committee should continue to hold hearings on the Park Service every 99 days until all employees feel safe coming to work and reporting misconduct whenever and wherever it occurs. As I have often said from this committee during committee hearings, when I see things that are not right, I often say we are better than that, and we are better than that. And I want to thank our witnesses for coming forward to help us get to where we have to go.

With that, I yield back.

Chairman CHAFFETZ. I thank the gentleman.

I will hold the record open for five legislative days for members who would like to submit a written statement.

I will now recognize our panel of witnesses. It starts with Mr. Michael Reynolds, deputy director for operations at the National Park Service of the United States Department of the Interior. Ms. Kelly Martin is the chief of fire and aviation management at Yosemite National Park of the National Park Service, the United States Department of Interior; and Mr. Brian Healy, fisheries program manager at the Grand Canyon National Park, the National Park Service, in the United States Department of the Interior.

We thank you all for being here. Pursuant to committee rules, all witnesses are to be sworn before they testify, so if you will please rise and raise your right hand.

[Witnesses sworn.]

Chairman CHAFFETZ. Thank you. You may be seated. Let the record reflect that all witnesses answered in the affirmative.

In order to allow time for discussion, we would appreciate your limiting your verbal comments to five minutes, but we are going to be pretty lenient on that. If you go over, you will be just fine. Your entire written record will be submitted as part of the record.

Mr. Reynolds, you are now recognized. And you have got to make sure you turn it on but bring that microphone uncomfortably close to your mouth. There you go. Thank you.

WITNESS STATEMENTS

STATEMENT OF MICHAEL REYNOLDS

Mr. REYNOLDS. Thank you. Chairman Chaffetz, Ranking Member Cummings, and committee members, thank you for the opportunity to update the committee on steps the National Park Service has taken to address sexual harassment cases at the Grand Canyon National Park and Canaveral National Seashore, as well as the broader issue of harassment in the workplace.

The cases at the Grand Canyon and Canaveral were more than a wake-up call for the National Park Service. They presented us with clear and undeniable evidence that we, as we begin our second century of service, must extend the same commitment to the employees of the National Park Service as we make to the protection of our nation's most extraordinary places.

On behalf of the senior leadership of the National Park Service and the majority of our 20,000 plus employees who are out-

standing, honorable public servants, I share your disgust with the behavior that the inspector general outlined in these reports.

In response to those situations, the leadership team at the National Park Service has committed to making substantial and long-term culture changes at the agency to prevent sexual harassment and to ensure that every employee has a safe and respectful work environment. This kind of change is neither easy nor fast. We will need to develop trust and support among our employees, visitors, and Congress to make the changes that are undeniably necessary. This hearing today is one step in that journey.

Prior to becoming deputy director in August, I worked in many parks and regional offices throughout my 30 years with the National Park Service. As the regional director for the Midwest and more recently as the associate for Workforce and Inclusion, my focus has been accountability and performance management and change.

As the new deputy director, I am personally committed to providing a culture of transparency, inclusion, respect, and accountability and making this a safe place for employees to work. We want to become a model agency. We will become a model agency.

I will start by outlining the specific actions we have taken at the Grand Canyon and Canaveral since we last testified here in June. Since the June 14 hearing at the Grand Canyon, we have appointed a new superintendent, Christine Lehnertz, closed the River District within the canyon for now in terms of the rangers running the program, taken actions to hold employees accountable for misconduct, and acted on an 18—18 action-item recommendations in response to the OIG report.

At Canaveral, we have removed the chief ranger accused of sexual harassment from his duties at the park, moved the superintendent into a detail assignment with the regional office, and initiated the process of moving forward with actions to hold employees accountable for misconduct. Employees and supervisors at both parks have received mandatory sexual harassment prevention reporting and response training sessions.

Nationally, we are working with the Department of the Interior to take steps to eradicate sexual harassment and to change the NPS culture. Some of these include mandated online training for all managers and employees and distributing new NPS-specific guides service-wide; additional focused training for EEO, human resources, and employee relations staff to support the workforce, the professionals that would support the workforce; new reporting options including a hotline and an ombudsman office, which will be operational within weeks to serve as an independent and confidential resource for employees; a service-wide workforce harassment survey to be conducted later this year; an EEO office that now reports directly to the director and will receive additional support for their critical work; updated policies that provide guidance to employees on harassment, equal employment opportunities, discrimination, and diversity; and a mandatory 14-day deadline for completing anti-harassment inquiries.

These efforts would be insufficient without a long-term plan to fundamentally change the culture of the National Park Service. Culture change begins with leadership commitment and account-

ability and is sustained through ongoing training, education, and employee engagement. In our centennial year, NPS leadership has refocused on what we want the service to look like in its second century and are committed to a transparent process focused on accountability to make the improvements that our employees want and deserve. This needs to be done very urgently.

Thank you again for inviting me to testify before you today. I am happy to answer any questions that the committee may have.

[Prepared statement of Mr. Reynolds follows:]

STATEMENT OF MICHAEL REYNOLDS, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, ON THE NATIONAL PARK SERVICE RESPONSE TO INCIDENTS OF EMPLOYEE MISCONDUCT.

September 22, 2016

Chairman Chaffetz, Ranking Member Cummings, and committee members, thank you for the opportunity to update the committee on steps that the National Park Service (NPS) has taken to address the specific sexual harassment cases at the Grand Canyon National Park and Canaveral National Seashore, as well as the broader issue of harassment in the workplace.

The sexual harassment cases at the Grand Canyon and Canaveral were more than a wake-up call for the National Park Service. They presented us with clear and undeniable evidence that, as we begin our second century of service, we must extend the same commitment to the employees of the National Park Service as we make to the protection of our nation's most extraordinary places.

On behalf of the senior leadership of the National Park Service and the majority of our 20,000-plus employees who are outstanding public servants, I share your abhorrence with the behavior that the Inspector General outlined in its reports on the River District of Grand Canyon National Park and Canaveral National Seashore.

In response to those situations, the leadership team at the National Park Service has committed to making substantial and long-term culture changes at the agency to prevent sexual harassment and to ensure that every employee has a safe and respectful work environment.

This kind of change is neither easy nor fast. We will need to develop trust and support among our employees, visitors, and Congress to make the changes that are undeniably necessary. Every employee in the NPS workforce plays a role in making the NPS a safe place to work. This hearing today is one step in that journey.

Prior to becoming Deputy Director in July, I worked in various parks and regional offices throughout my 30-year career with the National Park Service. As Regional Director for the Midwest Region, and more recently as Associate Director for Workforce and Inclusion, I strove to instill accountability and to address issues of unethical conduct or poor performance. As the new Deputy Director, I am personally committed to bringing a culture of transparency, respect and accountability back to the National Park Service and to making it a safe place for employees to work. We want to become a model agency.

I will start by outlining the specific actions we have taken at the Grand Canyon National Park and Canaveral National Seashore since Director Jarvis testified here in June. Then I will outline the NPS-wide roadmap to address sexual harassment and create a safer and more respectful work environment for all our employees and our larger workforce.

Since the June 14 hearing, the NPS has taken the following actions related to the incidents at the Grand Canyon:

- The NPS appointed a new superintendent, Christine Lehnertz.
- For now, we have closed the River District within Grand Canyon. While NPS still has a presence on the river, park and regional officials are developing a plan to better structure and organize the individuals responsible for protection and use of this resource.
- The NPS has taken actions to hold employees accountable for their misconduct and can discuss the details of those actions with the Committee in a closed setting.
- The NPS developed and is implementing 18 action items in response to the Office of the Inspector General (OIG) report.

Since the June 14 hearing the NPS has taken the following actions in response to the incident at Cape Canaveral:

- The NPS has appointed an acting Chief Ranger at the park. The Chief Ranger accused of sexual harassment is no longer working at the seashore.
- Appropriate actions are being determined by the regional office relating to holding the employees accountable for misconduct and action will be taken soon. The NPS can share the details of the Agency's action with the Committee in a closed setting.
- The Southeast Regional Equal Employment Opportunity Chief presented Sexual Harassment training at the seashore with separate sessions provided to supervisors and employees.

NPS policy directs all employees to report harassment when he or she sees it, and every employee is protected by law as an investigation unfolds. As we become aware of allegations of sexual harassment and hostile work environments, we must act quickly and consistently to protect employees and use each investigation to further inform efforts to prevent harassment.

The following are efforts, taken in partnership with Department of Interior (DOI), to fulfill Director Jarvis' directive to eradicate sexual harassment and to change the culture in the NPS:

- Since July 20, NPS managers and employees have participated in mandatory online training and new NPS-specific guides have been developed by the Office of Equal Employment Opportunity (EEO) and distributed service-wide. Along with the online training, these guides provide more detailed information to assist employees and supervisors in understanding, preventing and reporting harassment.
- We have created an e-mail box for employees to share their concerns regarding harassment in the workplace and the service-wide response to preventing further harassment. The mailbox is regularly monitored and all inquiries are referred to appropriate services, including the EEO Office, the Office of Labor / Human Relations and/or the Employment Assistance Program. All inquiries are addressed within 72 hours.
- The NPS is implementing a safe, confidential hotline for employees to report harassment and to understand their reporting options. The hotline will be monitored by an ombudsperson's office, housed within DOI. The ombudsperson's staff will serve as an independent, neutral, and confidential resource for employees to raise concerns, explore solutions and seek resolution and conciliation. They will be able to direct employees to appropriate officials and service providers. Meanwhile, we are holding focus groups with volunteers from the NPS workforce to provide qualitative feedback on employees'

needs and expectations for a confidential reporting service. Their feedback will enable the NPS to tailor ombudsperson services to the specific characteristics and needs of the NPS workforce.

- We are conducting a service-wide workplace harassment survey. The survey will identify the context, character, and causes of harassment and factors that have allowed it to occur within the NPS. The anonymous survey will be administered by a third party in late fall, and we expect to have the results by early spring. The survey will address harassment based on race or ethnicity, gender, sexual orientation, age, religion and disability status. We will repeat the survey in the summer of 2017 to capture input from seasonal employees who may not have been in employment status during the winter season survey.
- To address incidents of harassment or a hostile work environment as they come to light, the NPS is deploying teams to investigate potentially volatile situations and provide recommendations for quick and appropriate resolution, whether through a full internal investigation, engaging outside investigators or referral to the OIG. We used this technique recently at Yosemite National Park to deal with complaints of a hostile work environment, which has led to an OIG investigation.
- The EEO Office was realigned to report directly to the Director of the NPS. We are committed to ensuring the EEO office has the ability to support our compliance with the laws, regulations, policies, and guidance that prohibit discrimination in the Federal workplace. Furthermore, we are working to better integrate the role and function of EEO into the rest of the Park Service and the role of a diversity and inclusion program.
- In partnership with the Department, training of EEO, Employment Relations, and Human Resources staff has just been completed for all our professionals in this area. Also in coordination with the Department, the NPS Office of Learning and Development is developing in-person, NPS-specific training for managers and employees to be delivered in 2017. And, the NPS will participate in the roll-out of a new DOI online training on the No Fear Act in the fall.
- The NPS has a series of policies that provide guidance to employees on such topics as sexual and other forms of harassment, equal employment opportunities, discrimination, and diversity. These policies are based on laws, regulations and departmental policies. We are currently working on updating our bureau policy that provides the process for filing discrimination or EEO complaints for job applicants, employees, and former employees who are protected by civil rights laws. In addition, the Director will be revising policy to set a mandatory 14-day deadline for completing an anti-harassment inquiry. Since the Committee's June hearing, our EEO Office has developed and published specific guidance for all managers and employees on their rights, responsibilities and process in understanding, preventing and reporting harassment in the workplace.

The efforts undertaken in response to recent reports are insufficient unless we commit to a long-term plan to fundamentally change the culture of the National Park Service. As noted in the June 2016 Select Task Force on the Study of Harassment in the Workplace by EEOC, culture change begins with leadership commitment and accountability and is sustained through ongoing training, education, and employee engagement. In the last two years, we have stood up a series of employee resource groups--voluntary, employee-led affinity groups that connect like-minded

individuals and foster peer support, mentoring and information-sharing. A newly formed women's employee resource group has been instrumental in providing guidance and recommendations to ensure that our efforts meet the needs of our 9,000+ female employees.

The National Park Service leadership, in its centennial year, has re-focused on what we want the service to look like in its second century. We are committed to a process that is transparent and informed by the best practices of other government agencies and private industries that have faced similar crises. After the survey is completed, we will share the results publicly and with Congress. As we refine our response roadmap, we will share the steps we are taking – and the results of those efforts – as well. Transparency and accountability are the greatest tools we have to ensure that we continue to make the improvements that our employees want and deserve.

Thank you again for inviting me to testify before you today. I am happy to answer any questions that the committee may have at this time.

Chairman CHAFFETZ. Thank you.
Ms. Martin, you are now recognized.

STATEMENT OF KELLY MARTIN

Ms. MARTIN. Chairman Chaffetz, Ranking Member Cummings, and members of the committee, I was requested before you today to discuss my personal experience with employee misconduct with the National Park Service.

My name is Kelly Martin, and I am the chief of fire and aviation management at Yosemite National Park. I have been in my current position for over 10 years. Prior to Yosemite, I worked for the Forest Service for 16 years. Between the two agencies, I have 32 years of distinguished service to the American people. I am here before you today as a citizen and on behalf of many of our public land management women leaders. My testimony provided for this hearing focuses on management diligence to address misconduct over the course of my career.

My motivation for this statement is for greatest focus and scrutiny on the culture created when leaders of our organization fail to take disciplinary action and to hold perpetrators accountable for their actions.

It is not without note the vast majority of individuals who have devoted their life work on working for the National Park Service is an honorable and noble profession, myself included. I am here before you today to tell you my story but more importantly to provide testimony regarding the dark clouds of misconduct that remains elusive from public view.

When I began working for the National Park Service as a college student in 1984, I was sure I found my dream job living and working in the outdoors with those who share the value of the importance of public lands in improving resources for the American public.

Imagine for one minute being 20-something again. We have an idealistic view of the world that is equitable and just. My idealistic view was soon shattered when I became victim of sexual harassment not once but three times. One of my perpetrators was repeatedly caught engaging in voyeuristic behavior, all the while receiving promotions within the National Park Service until his recent retirement as deputy superintendent.

This is very difficult to sit before you today. I am not boastful of the history of my sexual harassment experiences. As a matter of fact, this is the first time I have come out publicly to describe the painful scars of my past in a hopeful effort to eliminate these kinds of experiences from happening to young women entering our workforce today.

I did find my own way to push past these experiences and decided to preserve my opportunity for career advancement. My experiences would go unreported until now. This is a highly personal decision a woman must make, and it is almost always an embarrassing, arduous situation to endure. What brings me to testify today is due to a hostile work environment situation in Yosemite National Park where dozens of individuals have come forward with personal statements of demoralizing behaviors to include acts of bullying, gender bias, and favoritism.

While not rising to the notoriety of sexual harassment, equally damaging behavior patterns that create a hostile work environment are more pervasive than one might think and is unlikely confined to one park like Yosemite, as you will hear today.

The time has come to recognize hostile work environments affect our employees on a day-to-day basis in our agency. All members of the team that allow a toxic work environment to persist are complicit in the negative effects that resulted in a decrease in employee morale and productivity. The subtle and overt nuances of a hostile work environment erodes human dignity and diminishes the full potential of our most valued resource, the people who care so deeply in the mission of the National Park Service and their desire to reach their personal and professional aspirations. We owe this to our future generation of women and men leaders who our agency desperately needs to guide us through our current human resource challenges.

As I walked through my 33 years of service, I want to leave here today with a strong conviction of hope, hope for the future generation of the Park Service conservation leaders that will not know what it is like to experience sexual harassment, gender and racial discrimination, sexism, and hostile work environments; hope for national direction to encourage engagement of women and men at the smallest work unit to recognize and thwart negative behavior patterns at its insipid stage; hope we can identify misconduct and take swift and appropriate action against perpetrators.

I also recognize our agency has many great men who will come forward to be courageous mentors and champions of women's contributions and encourage and support an equitable work environment.

As a chief of fire and aviation at Yosemite, I aim to bring courage and inspiration to many women I am here representing today who are hopeful that my full written testimony would be the catalyst that is needed for change in our culture that is accepting of everyone.

Thank you for the opportunity to share my experiences and concerns as the current situation in the National Park Service is dire and needs immediate attention to ensure future generations of employees have access to a workplace free from harassment and hostile work environments.

I would be happy to answer any questions you have of me at this time.

[Prepared statement of Ms. Martin follows:]

TESTIMONY OF KELLY MARTIN
BEFORE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
ON
EXAMINING MISCONDUCT AND MISMANAGEMENT AT THE NATIONAL PARK
SERVICE
September 22, 2016

Chairman Chaffetz, Ranking Member Cummings, and members of the committee, I was requested before you today to discuss my first-hand experience with employee misconduct within the National Park Service.

BACKGROUND AND INTRODUCTION

My name is Kelly Martin and I am the Chief of Fire and Aviation Management at Yosemite National Park, with over 32 years of distinguished federal service to the American public. I am responsible for overall leadership, supervision, and direction for the Wildland Fire and Aviation Management program. I have been in my current position for over ten years. Prior to Yosemite, I worked with the United States Forest Service (USFS). My testimony before you today is that of a citizen representative of many of our public land management women leaders. Much of my testimony will focus on my personal experience with misconduct over the course of my career. I am motivated by a desire to focus scrutiny on the culture that is created when leaders of our organization fail to take action and hold perpetrators accountable for their actions. It is not without note, the vast majority of individuals who have devoted their life work to public service, myself included, find working for the National Park Service an honorable and noble profession.

The recent notoriety of the sexual harassment issues that have surfaced at Grand Canyon National Park have motivated me to testify about my own experiences as a woman leader in a predominantly male dominated field that can be dismissive and disrespectful of women's contributions. Women entering any profession that is dominated by men will have the arduous task of navigating the nuances of communication and culture. There are many outstanding men in our organization that have been and continue to be significant mentors and sponsors for the support and advancement of women. When a woman enters a traditional male held position, this notation of sponsorship becomes key to our success be it formal or informal.

It is a deep, conflicted, and risky decision for me to come forward and speak up today. But I believe we are all here to bring about real change and reverse the trend in decreased morale, and increase institutional commitment, we must be willing to confront workplace culture. This is not without great risk to my career and my standing within the wildland fire community. I appreciate the opportunity you have provided for me to be the voice for many others who cannot or are unable to share their experiences due to fear of reprisal.

MY EXPERIENCE WITH SEXUAL HARASSMENT AS A FEDERAL EMPLOYEE

During a recent hearing on June 14, 2016, Chairman Chaffetz asked Director Jon Jarvis, "Why do you think more women are not coming forward claiming sexual harassment?" His response, "I don't believe it is fear, I believe it's because they believe or don't think action will be taken." Director Jarvis is absolutely right. Many women do not believe action will be taken, but fear is a greater deterrent, explaining why many women do not come forward. The supervisory response to my three sexual harassment incidents was one of minimizing my experience and attempting to resolve the situation with a mere apology from the perpetrator instead of imposing more appropriate disciplinary action.

What I am about to describe is a 30 year progression of misconduct from the beginning of my career through contemporary time. The following examples demonstrate an inappropriate and minimalistic approach by management to situations that should have been dealt with utmost seriousness.

In 1987, at 24 years of age as an interpretive park ranger with the NPS, I was stalked by a fellow employee while attending "Ranger Skills" training at Albright Training Center on the South Rim of Grand Canyon. This incident occurred outside my apartment. One morning as I entered the shower, I noticed a shadow pass by my bathroom window. An individual in a park ranger uniform stopped just shy of my window and proceeded to back up and stoop down to look directly at me through the window. I hid behind my shower curtain looking out towards the window when we both made eye contact. He knew I saw him and would be able to positively identify him.

Visibly shaken by this incident, I reported this to two supervisors at the Albright Training Center. The supervisors explained my options for reporting the incident. I could choose to say nothing and move on, file an Equal Employment Opportunity (EEO) complaint, or file a criminal complaint. The perpetrator was a South Rim Law Enforcement Park Ranger. I felt shame on how to proceed because I felt there would be backlash for reporting, and I did not want this to become public knowledge to other coworkers of mine. In the end, I decided that I did not want to be known and ostracized for filing a charge or complaint. My supervisors addressed the incident by having the perpetrator apologize to me. In a private meeting with the two supervisors as witnesses, the perpetrator apologized to me; assured me that this had never happened before and that this would never happen again. Believing his story, I accepted the apology and moved on. Years later, I discovered that the NPS was conducting an active investigation into this ranger. As it turns out, other women had reported being stalked by this Peeping Tom. I do not know all of the facts surrounding the perpetrator, but I understand this individual continued to be employed by the National Park Service after 1987 but was repeatedly caught engaging in voyeuristic behavior, all the while receiving promotions around the agency until his recent retirement as a Deputy Superintendent.

During my four-year tenure at Grand Canyon, I experienced yet, another aggressive and unwelcomed advance from a male superior that worked for the US Forest Service while I was employed by the NPS. The perpetrator took photos of me and kept them above his sun visor in his government vehicle. One day I was alone in my National Park Service office when he stopped by. He

was brazen enough to push me up against the wall to try and kiss me. I physically pushed him away and made him leave my office. I made this incident known to a close friend of mine who confronted him at his US Forest Service office the next day. I did not report this to management, again fearing there were no witnesses and it would be his word against mine, and that no action would likely come of it, very similar to my previous incident. When the perpetrator applied for a supervisory job in my chain of command, I informed the Deputy Superintendent of the sexual harassment incident. Fortunately, the perpetrator was not selected for the position. Feeling unsafe in my work environment at Grand Canyon, I decided to leave the NPS. I took a job in Idaho with the United States Forest Service in 1990.

My third sexual harassment incident occurred when I was working for the US Forest Service. During a work-sponsored meeting held at a private home with several other Forest Service employees in attendance, one of my superiors ran his fingers through my hair while I was sitting next to him on a crowded couch. The following day I discussed the incident with my immediate supervisor. Within a couple of weeks, I received yet another apology from the perpetrator. When I brought this to the attention of Forest level senior leaders, his first comment to me was "Well, it's your word against his". I was confounded by his reply. I was convinced at this point in my career that if I were to stay in federal service I would have to figure out how to navigate ubiquitous harassing and hostile work environments as a way of self-survival and preservation. I refused to let these incidents deter me from my career aspirations.

These three incidents show a clear failure on management's response to take action to investigate and advocate on a victim's behalf. Incidents such as these lead to an atmosphere that discourages women from making complaints which in turn breeds a culture that is tolerant of harassment and misconduct. The burden should be placed on management and the supervisors to investigate and take appropriate action, whenever they are aware of misconduct. The burden should not rest entirely on women who have been victimized. Unfortunately, at present, when women feel victimized their only option is to slog through the EEO system at a great professional, personal, financial and emotional expense.

The current Grand Canyon sexual harassment case and several other recent, notable disturbing instances of sexual harassment within the NPS and our larger wildland fire community, along with tolerating hostile work environments, have had a chilling effect on me, that I feel I can no longer remain silent. I along with many other women have struggled through great challenges to reach positions of top leadership posts in the National Park Service. Having to navigate and tolerate harassing, hostile environments should never be part of our challenges.

As women, many of us feel shame and fear of coming forward to report misconduct and cannot bring ourselves to be the ones who have the difficult and painful task of speaking up about this type of serious allegation. This latest round of misconduct in the NPS has created another surge of bravery empowering women and men to come forward to shine a light on behavior that is toxic to a healthy work environment.

HOSTILE WORK ENVIRONMENT CLAIMS AND SUBSEQUENT OFFICE OF INSPECTOR GENERAL INVESTIGATION AT YOSEMITE NATIONAL PARK

Given the recent claims of harassment and workplace complaints in the NPS, dozens of employees felt compelled to share their experiences about what they feel is a hostile work environment at Yosemite National Park. If the statements of employees claiming they have been subject to a hostile work environment are dismissed, the system, culture and morale of the NPS will continue to degrade. Some employees have left Yosemite National Park or the National Park Service altogether due to the current work environment where belittling, favoritism, and public questioning of one's professional credibility is pervasive. In August of this year, an expedited inquiry (EI) was initiated to determine whether there was a basis for the EEO complaints. Some employees chose not to come forward for fear of retaliation; however it is my understanding from support and park friends groups that many did come forward and that they provided written and oral statements to investigators. The EI has been completed and a report has been compiled. I invite all of you to locate this report and further look into extensive allegations of workplace harassment in Yosemite National Park.

As you may know, there is a follow-up investigation by the Office of Inspector General (OIG) based on statements received during the expedited inquiry. It is unknown what action will be taken, but I would say that some people are concerned that the OIG may not be the appropriate body to handle the sensitivity and nuances of a hostile work environment complaint. Some individuals who met with the OIG confided in me that during their interview they felt their concerns were not being taken seriously and that they were being blamed for not resolving the hostile work environment. Hostile work environments are not clear-cut right and wrong issues such as fraud, waste, and abuse. More often they involve a pattern of behaviors and actions over time leading to the degradation of professional worth and the decline of morale aggravated by micro aggression behavior patterns that can sometimes span years.

In Yosemite National Park today, dozens of people, the majority of whom are women, are being bullied, belittled, disenfranchised and marginalized from their roles as dedicated professionals. In reading the EI report, you are likely to find accounts of women (and men) being publicly humiliated by the superintendent, intimidated in front of colleagues, and are having their professional credibility and integrity minimized or questioned. NPS employees, both women and men want to be, and should be, treated as valued, respected employees who are providing the American public with their best efforts to ensure the protection and preservation of our most treasured national parks. But under the present park management, employees who witness or are subject to harassment and hostile environments who come forward with substantial, credible grievances through an EI process and subsequent OIG investigation fear their experiences will again be minimized and dismissed by leadership. It is my hope here today that our NPS Leadership recognizes and affirms that further action and reforms are needed.

Situations that create a hostile work environment will vary by individual and circumstances. My professional experience here at Yosemite has been one of implicit gender bias that has manifested itself in self-doubt about my professional competency, accomplishments and qualifications. The following is an account of events I experienced as humiliating and outwardly hostile disregard of my leadership role as the Chief of Fire and Aviation Management at Yosemite National Park.

Tuesday, August 16th, 2013: While I was out of the park on a fire assignment, the Rim Fire starts on National Forest lands, 10 miles outside of the park and no threat to the park at this point. Yosemite Deputy Fire Chief (one of my direct reports) is assigned to the incident and he becomes committed to fill the role as the Deputy Incident Commander and relieved of official Park duties. This fire would soon become the largest fire in the history of Yosemite gaining significant political and social attention.

Wednesday August 21, 2013: I place a phone call to my supervisor, the Chief Ranger, letting him know I would be returning on Saturday, August 24th and available to assume my park duties and to act as the Agency Administrator Representative for the Rim Fire; a role I have filled competently many times throughout my career.

Thursday August 22nd, 2013: Rim Fire enters the park. Yosemite National Park and the US Forest Service jointly provide a briefing to the incoming Type 1 incident management team. The Yosemite Deputy Fire Chief, previously assigned as the Agency Administrator Representative for the park, is relieved of the role of Deputy Incident Commander and becomes an Incident Commander Type 1 trainee.

Friday, August 23rd, 2013: 11,000 acres now burning in the park; I am released from the external fire assignment to return to Yosemite assuming I would affirm my role as Agency Administrator Representative acting as a liaison between the Incident Management Team and the Executive Leadership Team of the Park. Instead, a Delegation of Authority is signed by the Yosemite Superintendent and USFS Forest Supervisor providing direction to the incoming Incident Management Team and assigns my Deputy Fire Chief as the Agency Administrative Representative. I verbally inform my supervisor, the Chief Ranger and the Yosemite Superintendent that I can fulfill my role as the Agency Administrator Representative while my Deputy Fire Chief assumes the role of Type 1 Incident Commander trainee. My request to balance the duties between my Deputy Fire Chief and myself was denied. The Deputy Fire Chief was retained to fill both roles.

Tuesday, August 28th, 2013: With no official assigned duties for the Rim incident, I participated in the Yarnell Hill Investigation Team as a Subject Matter Expert in Boise, ID for 2 days.

Wednesday, September 4th, 2013: As a part of the transition with a new Incident Management Team, I was finally assigned the duties of Agency Administrator Representative. The Rim Fire is now 80% contained.

This particular incident is noteworthy for the doubt it casts with park employees, the incident management team, our interagency partners and my staff as to whether or not I had the competency, skills and ability to assume the basic duties and responsibilities of my job for a complex wildfire incident. This example of gender bias became the marker point in time for me where I felt publicly humiliated for not being able to fulfill my obligation as the Fire Chief for Yosemite National Park. Our entire fire staff performed at the top of their professional career during this incident and I am extremely proud and grateful for their work.

This casting of doubt by leaders in our organization is pervasive and humiliating. The Superintendent continues to communicate more directly with males on my staff than with me on matters pertaining to Yosemite Fire and Aviation Management. This pattern of behavior is highly unusual in a government organization that has a military-like chain of command and corresponding reporting protocol. Coming up through the rank and file to gain the respect and trust of my staff is particularly challenging for a woman in my position and has led to unnecessary distrust and ostracizing.

Other instances of marginalizing my professional credibility:

June 3rd, 2015: It was brought to my attention by our Regional Office that the Yosemite Fire Program was the subject of a NBC Nightly News interview. As the Fire Chief of the park, I made a request through my supervisor via email to participate in the NBC Nightly News interview about Yosemite National Park fire program. The superintendent made the decision to dismiss me from this interview; the only explanation I was given is I needed more experience.

January 11, - May 2016: Over my tenure at Yosemite, I worked diligently on the contentious Yosemite Fire Management Plan/Environmental Impact Statement revision. In January 2016, I was detailed to the Department of the Interior, Office of Wildland Fire in Boise and DC. This revision effort started in earnest after the Rim fire of 2013, in which 70,000 acres were affected by fire. I was close to finalizing the document that would allow more fire on the landscape in areas previously limited to prescribed fire. During my detail assignment to DC, the superintendent brought in a volunteer to assist with the plan's revision and made the decision to return to the original document direction and only complete terminology changes. There was no communication with me regarding this decision. This decision discounted and discredited 3 years of devoted work. After I returned to the park from my assignment in DC, I once again resumed my original efforts to revise our Fire Management Plan. What felt like a deliberate decision to discredit my work, and exclude me from information, a conference call was made to the regional compliance specialist to discuss next steps. Unfortunately, two key people were left out of this direction and decision-making, the Acting Chief of Planning and myself.

Respecting my chain of command, I brought these situations to the attention of my supervisor on numerous occasions, specifically during performance reviews, respectfully requesting the Superintendent work directly with me on matters that pertain to the operations and direction of the fire program. Subverting my counsel and advice has eroded my credibility as a career fire professional. My peers here at Yosemite have also witnessed this behavior of the superintendent communicating directly with my staff and dismissing my leadership. I am left to wonder why he would bypass me and go direct to my staff for matters that pertains to the leadership of the Fire and Aviation program unless he does not trust my credibility. Feeling demoralized, with no resolution, I began to consider leaving the NPS and have given strong consideration to retirement.

The sad irony of these current investigations is the expedited inquiry and the OIG investigations and subsequent reports were all **conducted by men**. This has not gone unnoticed in a situation where women have been most affected by a hostile work environment. We should take additional steps to ensure fair and impartial investigations that include women as part of the investigative and

report writing team. On behalf of the dozens of women who came forward with their stories of the hostile work environment in Yosemite, we are hopeful this EI investigation will bring about a stronger, more inclusive work environment for current and future women leaders.

NEED FOR CULTURE CHANGE AND REFORMS IN THE NATIONAL PARK SERVICE

One needs to look no further than the Best Places to Work in the Federal Government where the National Park Service has slipped into the lower 25% quartile for the Best Places to Work (<http://bestplacetowork.org/BPTW/rankings/overall/sub>). Reforms should include how we affirm our core values to promote honesty, integrity and accountability within our agency and as employees in our park units. Without persistent attention our current issues, efforts could be soon forgotten with a change in administration this coming year. This should become a major priority as we carry out our core mission and exhibit those values in a renewed effort to reverse this trend and put forth human and fiscal capital as we did with our Centennial celebration.

Another example of positive change is the fact that the Pacific West Regional Director took immediate action upon learning there were concerns at Yosemite National Park. She continues to manage this evolving situation in a manner that demonstrates her true commitment to a positive organizational change.

With all of us coming together in a positive way, we hope for better understanding of the presence of gender bias or harassment in our workforce. Women know what gender bias feels like when it happens to us but the bigger hurdle is to be able to communicate the behavior patterns that lead to biases and how they should be addressed in our work units. Herein lies the conflict for so many. Women and men have different values, communications styles and motivation for the conservation work we are all so deeply committed to.

1999 Women in Law Enforcement Taskforce: Our hope is we will dust off previous reports such as the Women in Law Enforcement Taskforce and reinvigorate the findings and action items. It is highly likely the issues that were identified 17 years ago are very similar to the issues we continue to face today. The time is now to take real action. Providing additional online training with Preventing Sexual Harassment in the workplace as the NPS has recently done (likely a legal requirement) to address recent incidents provides an obligatory response and gives the appearance we are doing something until the pressure of actually doing something goes away. Compelled trainings trigger a response that breeds resentment from men who are not part of the problem and does little in the way of engaging employees in meaningful conversations. This type of tactic does little to engage employees, supervisors, and leaders to openly discuss the deeper issues such as behaviors patterns which lead to implicit bias and discrimination; left unchecked, or worse yet, bear silent witness to misconduct, often lead to egregious, notorious behavior.

Gender and Racial Parity in our Parks, Regional and National Offices: The NPS Director recently appointed a Senior Executive Service woman to oversee one of the most iconic parks of the National Park Service. This is an excellent step forward and sends a positive message that women have the capability and capacity to be instrumental leaders of change in the NPS. A

harder leap forward is to ensure broader equity in the powerful ranks of programs such as fire and law enforcement to ensure women also have an opportunity to hold the top ranks in traditionally male dominated positions. The gender and racial equity of women and men in these non-traditional career tracks are significantly under represented. Further research and long term monitoring of parity trends will be needed.

The crown jewels of the NPS heavily favor men in the most powerful positions of Superintendents and Deputy Superintendents, Fire (Fire Management Officers and Supervisors), and Law Enforcement (Chief Rangers and District Rangers). Women appear to be occupying an increasing number of top posts as Regional Directors, Superintendents and Deputies, but they are still few and far between in the most prestigious parks. When women achieve top posts, it's as if we are captivated by our progress when one finally 'makes the top post'. We become complacent for the advancement of women as it gives us pause to rest on our laurels for a while until the next big sensation sweeps the media and we start all over again. We should endeavor to ensure there is always a competent pipeline of women to succeed us. I am afraid we are backsliding with gender equity not just in the NPS but with our sister land management agencies as well.

Most women I know normalize gender bias and discrimination in an effort to aspire to these top posts. Some women get so worn down; they give up on their career ambitions. Others find their own personal way to cope with the pervasive biases in our culture, in hopes of someday gaining the credibility for their outstanding work. My hope for the future women aspiring to these top posts is to assure them that obstacles to their career advancement, such as harassment and discrimination, has been identified and proactive action is taken by our agencies to enhance, not thwart, opportunities for them. Ensuring qualified women occupy positions of power, especially in key parks, is a part of the solution to institutionalized issues with discrimination, bias, and harassment.

An interesting complexity to this issue for the land management agencies is that key positions can be held by individuals for extended periods of times, creating what some call fiefdoms. Superintendents, for example, can hold substantial power over iconic American institutions. Individuals that remain in a position for an extended period of time, without some kind of transition or oversight, may create a cult of personality in how the institution is managed incubating misconduct over a long period of time. This vulnerability is particularly the case in coveted locations and positions like Yosemite, Grand Canyon and Yellowstone National Parks.

CURRENT NPS INITIATIVES

NPS Women's Employee Resource Group, Washington, DC: Positive steps are currently underway to address deep-seated gender issues in the National Park Service. Our National leadership team in Washington, DC has developed this group within the last six months. I am participating as one of the inaugural members of this group along with several other women from across the country. It is our hope that men will decide to join in this effort as well. We are in the process of finalizing the charter and developing committees that are relevant to current events such as sexual harassment, gender discrimination, succession planning and executive development.

NPS Fire Management Leadership Board, Boise ID: Our National Fire Management Leadership Board is committed to identifying barriers to the advancement of women in the wildland fire ranks. Unfortunately, it is becoming increasingly more difficult to find women and minorities in our hiring pipeline to fill our senior level positions. Empirical evidence suggests women are significantly underrepresented in our top fire management leadership positions in the National Park Service. The following key areas need to be part of a comprehensive plan to increase parity in our ranks: **Recruitment** efforts aimed at high school seniors and colleges; **Hiring** practices that increase our opportunities to provide more gender/racial parity at the entry level firefighter; **Retention** of top talented women and minorities after entering a career in wildland fire management remains elusive and unknown. If a similar survey was conducted for women in fire as was completed for women in law enforcement years ago, there will likely be striking significant parallels to be drawn between the two groups of women. Women in the early stages of their career are particularly vulnerable to hostile work environments, which oftentimes remain unreported. **Leave of Absence** develop policy which would allow women the ability to take a leave of absence to care for young children and return to the workforce with no punitive effect to their retirement and/or ability to reenter the workforce. This is yet another area needing significant action to increase our gender diversity in the National Park Service.

As egregious and painful as these misconduct events have been for me and for others recently, they are part of a larger narrative of tolerance and acceptance of a harassment and should stand as stark reminders to the women and men of the NPS that this type of insidious behavior should never again be tolerated and culturally accepted. This means we need to be brave in taking clear, actionable disciplinary steps when acts of misconduct are identified. When women and men at all ranks in the NPS can communicate openly with our senior leaders, even about the most difficult topics, only then will the NPS make strides toward becoming a culture of equity, fairness, and inclusion.

CONCLUSION

I am proud to be an employee of the National Park Service as well as a public servant to the American people. Everyday I find great meaning and personal fulfillment in the conservation of public land management; it truly speaks to the core of who I am as a person. The National Park Service has some of the most committed and talented people you will ever meet in public service. We are not without our shortcomings, and contrary to the Director's previous testimony, women and other employees in the National Park Service ARE still afraid to speak up, for fear of reprisal. But with steadfast resolve to work together and confront the serious and subtle misconduct issues we currently face, we will set a north star for culture change for the next generation of National Park Service employees.

Mr. Chairman, Ranking Member Cummings, and members of the committee, this completes my testimony. I am happy to answer questions you may have.

Chairman CHAFFETZ. Thank you.
Mr. Healy, you are now recognized.

STATEMENT OF BRIAN HEALY

Mr. HEALY. Good afternoon, Chairman Chaffetz, Ranking Member Cummings, and members of the committee. Thank you for the opportunity to speak to you today. I hope the information that I share will provide additional insight into the full scale of the sexual harassment and hostile work environment issues that Grand Canyon and the efforts of the National Park Service to address misconduct at the park.

The vast majority of Grand Canyon employees who believe in the NPS mission are hard-working, selfless, and willing to cooperate to meet management goals. Nevertheless, as this committee has seen in the Office of Inspector General's report on the previous—pervasive misconduct within the River District, there are exceptions.

My testimony today may anger some of coworkers and managers. Based on my experiences, I feel as if my career, my safety, and the safety of other employees at the park maybe at some risk even though there are numerous legal protections in place for whistleblowers. Thus, I am using caution in how I characterize these experiences to protect the privacy of individual victims and witnesses.

I know this committee is particularly interested in the NPS response to the findings of misconduct by the OIG. I can report on the progress of 12 of the action items proposed by the Park Service and how they've impacted operations and employees at the park.

First, in August, a boat operator that was implicated in many of these sexual harassment incidents has been removed from his position. In addition, training sessions were held to address sexual harassment reporting and confidentiality. The training also provided recommendations on responding to reference checks on former River District employees, and the agency is making progress on the development of a hotline for reporting harassment.

However, some actions did not have their desired impact. By shutting down Grand Canyon's River District and contracting river logistical support, we learned that we have very limited ability to prohibit problem boat operators from returning to work as contractors on NPS science trips. In addition, innocent employees that have worked at the River District may be negatively impacted by having their duties changed or, in the case of temporary employees, they lost work. We could have avoided this uncomfortable situation altogether if employees and supervisors were held accountable for their misconduct.

Accountability is elusive for managers. The deputy superintendent remains in a position in my chain of command, and the River District supervisor was assigned to a temporary chief ranger position at another park. While only a temporary position, this appeared to be a promotion to Grand Canyon employees. The OIG found this individual and the deputy superintendent had distributed confidential information related to victims of sexual harassment to the perpetrators, which is a violation of regulations and potentially put the victims' safety at risk.

In addition, despite reasonable and cost-effective alternatives, the deputy superintendent forced my worker to continue to work

with the River District, which had become a hostile work environment in 2015.

The culture of bullying and harassment is not limited to the River District, nor have all the issues been addressed. Beginning in 2013, I reported multiple instances of bullying and threatening behavior by members of Grand Canyon's trail crew and the program manager to the superintendent, deputy superintendent, and human resources staff. Examples included retaliation by some members of the trail crew directed toward an assault victim that had reported her assault to law enforcement. The assault victim's confidentiality was breached, and she was labeled with an expletive by members of the trail crew, the use of a misogynistic slur in reference to a female senior manager by the trail crew program manager, which was reported by a witness, and the witness was allegedly threatened with violence by the program manager on two occasions.

According to those involved, it appeared that NPS managers did not follow through with appropriate investigations and in some cases made excuses for this behavior. An investigation into these incidents involving the trail crew, which occurred in 2013 and 2014, was finally initiated in April 2016 by the Intermountain Region, but the findings have yet to be reviewed five months later.

Years of unchecked misconduct by the River District and some members of the trail crew and the termination of two employees that had reported sexual harassment have had a severe impact on employee morale, productivity, and perceived workplace safety. Witnesses and victims remain fearful. I have heard the term "I was afraid to report harassment because I feared retaliation" countless times in my seven years at Grand Canyon.

Reporting is also discouraged. I was told that the deputy superintendent viewed me as a whiner, and my own supervisor was pressured to lower my performance rating due to "Brian's problems with the River District and trail crew."

In closing, our new superintendent has pledged to improve the work environment for all employees. She indicated that we have much work to do. This summer, the regional office received almost 100 complaints or concerns related to workplace issues at Grand Canyon.

Cultural change is difficult and will take time. The retention and promotion of managers that are perceived to be implicated in wrongdoing may continue, which will discourage future reporting of harassment and challenge employee morale and confidence in NPS leadership. I sincerely hope that this testimony will lead to continued positive change in the agency. Thank you.

[Prepared statement of Mr. Healy follows:]

**TESTIMONY OF BRIAN D. HEALY, FISHERIES PROGRAM MANAGER, GRAND CANYON NATIONAL PARK,
BEFORE THE HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM**

SEPTEMBER 22, 2016

Chairman Chaffetz, Ranking Member Cummings, and members of the Committee, thank you for allowing me to testify today.

As the fisheries program manager at Grand Canyon National Park (GCNP), I'm responsible for conserving and protecting aquatic resources, which includes a leading role in the implementation of conservation measures designed to offset impacts of Glen Canyon Dam operations on endangered fish species downstream of the dam, in support of the Glen Canyon Dam Adaptive Management Program. The purpose of this program, established in 1992 with the passage of the Grand Canyon Protection Act, is to maintain or improve the natural and cultural resource conditions (and recreation) for which GCNP and Glen Canyon National Recreation Area were established, while providing water and hydroelectric power to millions of people in seven Southwestern states.

The GCNP fisheries program consists of 2 full-time TERM biologists, a part-time TERM technician, and between 30 and 40 intermittent technicians and volunteers, in addition to myself. To complete our work, we must rely on support services provided by the former river River District, Grand Canyon Aviation (helicopter services), Facilities Management, and others. Most NPS employees believe in the National Park Service (NPS) mission, are hardworking, selfless, and are willing to cooperate to meet Grand Canyon's management goals, while taking great pride in their work for the American people. Nevertheless, as this committee has seen in the Office of Inspector General's (OIG) report on the Grand Canyon River District, there are a few exceptions.

My testimony today may anger some of my co-workers and some managers. Based on my personal experiences and experiences reported to me by my employees or co-workers, I feel as if my career, and possibly my safety and the safety of other Grand Canyon employees may be at some risk, even though there are numerous legal protections in place for whistleblowers and for those who report workplace harassment. Thus, I am using extreme caution in how I characterize these experiences, to protect privacy of individuals. Nevertheless, I can also provide a full statement with details to this committee, upon request.

My written testimony of my own experiences will reinforce, and expand upon, the culture of harassment and bullying that was reported by the OIG. It will also highlight the past failures of managers to respond, some reprisal, and a general lack of compliance with workplace violence and anti-harassment policies. However, I will also mention the unprecedented commitment by NPS managers in the Regional Office to improve our culture and lead the NPS forward in 2016. Our new Superintendent, Chris Lehnertz, has strengthened this commitment, by pledging to make Grand Canyon a leader in the NPS in improving the work environment for all employees. In her first days at Grand Canyon, in an all-employee email, she indicated that we have much work to do – this summer the Intermountain Region of the NPS received almost 100 complaints or concerns related to workplace issues at Grand Canyon, and has opened 40 cases as a result. I will detail other workplace improvement efforts and my understanding of their progress, and the impact on the work environment at Grand Canyon.

Cultural change is difficult and will take time. For example, even as a problem employee implicated by the OIG has recently been removed from duty, the promotion or transfer of managers that have been perceived to be implicated in wrong-doing may continue, challenging employee morale and confidence in NPS leadership. Accountability for misconduct is needed.

I'm honored to be here, and I hope that my testimony assists this committee in understanding the pervasive cultural problems at GCNP, which may extend across the NPS. I feel as if I'm representing not only my employees at this hearing, but the interests of the thirteen courageous individuals that initially shed a very public light on Grand Canyon's River District, and many from other Grand Canyon workgroups that have confided in me and asked for assistance with their own hostile work environment issues. I sincerely hope that this testimony will lead to continued positive change in the agency.

NPS Response to the Office of Inspector General Report

Introduction

The NPS response to the OIG report was released on February 11, 2016, and I received it on February 17, 2016. The NPS response letter, signed by Intermountain Regional Director, Sue Masica (subject: Grand Canyon National Park – Response to the Office of Inspector General Report, Case No. PI-PI-14-0695-I), contained action items to address 18 issues that were identified by the OIG's investigation. Action items were listed by Director Masica under the following headings, including "Management", "Personnel", "Field Operations", "Training", "Other."

I am in a unique position to comment on the implementation of the actions outlined in the NPS response letter because I had planned to conduct more river trips than any other program, in support of our fisheries management activities in 2016, including the first trip of the season in March. In addition, I have reported multiple instances of harassment of my employees, and in some cases employees in other workgroups, beginning in 2009, and then again between 2013 and 2014. Thus, I can comment on the appearance of some recent personnel actions, or lack thereof, and the impact on employee morale and confidence in leadership. My understanding of the progress toward implementation of each action item, as of September 14, 2016, is described below.

Because I understand that this testimony will be made public on the Committee's website, I have referred to individuals throughout this testimony by such individual's position. If the Committee has any trouble identifying the individuals to whom I have referred herein, I will gladly answer any questions that may arise.

Management and Personnel Actions

The OIG found that claims of sexual harassment had not been handled appropriately by Grand Canyon managers, which is ultimately the responsibility of the park's Superintendent and Deputy Superintendent. Disciplinary actions were suggested by the Regional Director as a response to this issue. In addition, the findings of an investigation of sexual harassment in the River District in 2013 were never properly reviewed, and disciplinary actions may be appropriate in that case as well. Finally, the OIG found that the majority of harassment incidents were perpetrated by 4 employees of the river district, and one of the employees remained in his position at the river district, at the time of the release of the report. I lack firsthand knowledge of several of the action items involving disciplinary actions, due to employee privacy protections. However, as Deputy Inspector General Mary Kendall stated in her testimony to this committee in June, *"the appearance of rewarding bad behavior is not the desired outcome – nor a proper deterrent."* I will summarize my understanding and perception of the progress on these action items.

On May 17, 2016, Superintendent Dave Uberuaga sent an all-employee email that stated that Director Jarvis proposed moving him out of his leadership position at Grand Canyon to a position in Washington, D.C., and he chose to retire instead. He took full responsibility for failing to properly address sexual harassment issues within the river district, however, in general, employees feel that the Deputy Superintendent was delegated the authority, and thus responsible, for addressing these

complaints. Uberuaga's replacement began working at Grand Canyon at the end of August, which is encouraging to many employees. I and others are optimistic for change.

The Deputy Superintendent remains in her position at Grand Canyon, in my direct chain of command. The OIG publicly reported on the Deputy's role in breaching the confidentiality of the 13 individuals that sent the letter to Secretary Jewell in the fall of 2014 outlining a history of sexual harassment spanning many years. In contrast to Uberuaga's public acceptance of responsibility for the findings of the OIG report, his Deputy has not publicly taken responsibility for her role, and by remaining in her position, the lack of trust and confidence in NPS senior management is perpetuated.

The Superintendent and Deputy also failed to mitigate a hostile work environment that had developed associated with the NPS River District that I reported in the spring of 2015, as the OIG investigation was underway. They insisted that we continued to work with the River District after we completed a trip in March that resulted in an EEO investigation of a boat operator, and an inappropriate, retaliatory, law enforcement investigation that appeared to target my employee, a Fisheries Biologist. He had been falsely accused of misconduct by the River District Patrol Supervisor (a law enforcement ranger) after I informed the River District Supervisor that we were preparing a complaint, which related to fraudulent, unauthorized overtime charges, and inappropriate charges to a cooperator account. I requested that an impartial third party conduct the investigation due to the perceived conflict of interest, however I received no response. The Deputy Superintendent then criticized my supervisor when she suggested we may file a complaint. The former River District Patrol Supervisor, who was removed from river operations while the OIG investigation was being completed, retired during the spring of 2015, after making these false accusations against my employee. I do not believe disciplinary action was taken for these false accusations.

The Supervisor of the former River District, has recently received what appeared to be a temporary promotion to Chief Ranger at another NPS unit. According to one of my employees with firsthand knowledge, and the OIG, he breached the confidentiality of sexual harassment victims, not once, but twice (2012 and in September, 2014), and also denied the knowledge of a sexual harassment incident involving a fisheries biologist that was reported to him, and which led to the continued exposure of the victim to harassment on September, 2014 river trip. As a supervisor of alleged victims, I am aware of allegations shared with Secretary Jewell, however I do not possess full knowledge of the progress on the review of the 2013 investigation, or the current status of disciplinary actions associated with the review. I believe the 2013 investigation may implicate the Supervisor in additional misconduct.

Action items also highlighted the continued employment of a Boat Operator implicated in the OIG report, and suggests *“appropriate disciplinary or personnel action to remove this employee”* from the river work environment. The remaining boat operator has been removed from his position, as of late August. On August 24, 2016, the Boat Operator sent me and at least 50 others an email on August 24 stating that: *“NPS wants to fire me and has proposed an adverse disciplinary action of removal. I am NOT guilty of these charges and have retained legal representation to help me in my fight.”* I do not have full knowledge of the status of the appeal process, per privacy rules. However, the publicity surrounding this action may serve to warn others that misconduct is not tolerated.

As part of this training that was proposed as an action item (see below), we were encouraged to complete more rigorous background checks for applicants for vacant positions and potential volunteers, and to disclose known cases of misconduct in response to reference checks by hiring officials from other offices. In the past, we were discouraged by human resources staff from disclosing misconduct issues during reference checks. The guidance that I received during this sexual harassment training for supervisors in June, 2016 proved to be critical to responding to an inquiry from a colleague, who was approached by a former Grand Canyon River District employee to inquire about opportunities for volunteering to operate boats on his river trips. I felt comfortable sharing the public version of the OIG report, and I expressed my concerns on a follow-up phone call. On the advice of the Office of Solicitor, we have also incorporated questions into our reference check procedures for job applicants related to past misconduct.

Field Operations

In response to the OIG findings, GCNP and NPS Intermountain Region managers believed that contracting logistical support for river support would mitigate potential abuses of authority by the law enforcement staff operating the River District. I agree with the finding of Regional Director Sue Masica, that there are, and have been, opportunities for abuse of authority by the River District law enforcement unit. My employees and I have experienced this abuse (e.g., law enforcement investigations of my staff in retaliation for reporting misuse of funds/fraudulent time charges), and the OIG has provided others (e.g., issuing citations in retaliation against commercial outfitters that reported harassment). I believe the intent of this action item was to provide for a safe means to support NPS mission-related work on the Colorado River that would have been supported by the NPS River District, while a review of the river support operation was completed (see action item #12 in Masica’s memo).

Due to the extreme difficulties in coordinating our work with River District Supervisor and Patrol Supervisor, I had argued for a similar contracting approach after a fisheries trip in March 2015, when 1) my employee was falsely accused of misconduct; 2) a Boat Operator with at least one previous complaint by a young woman was allowed to operate a boat on the trip and bullied and harassed a female trip participant throughout the trip; and 3) another Boat Operator had an angry outburst at my employee. The approach I had argued for included contracting of river equipment and using fisheries staff that had the appropriate skills, to operate boats. This would remove my staff from the hostile work environment at the River District, and increase the efficiency of the work by cutting down on the number of staff.

In 2015, we were allowed to conduct one trip, in April, with an NPS Fisheries Biologist with boat operation experience as the boat operator, using rental boat equipment. It was a productive, efficient, safe, and harassment-free trip. I made the following arguments for continuing to conduct river trips in this way:

- I needed to remove my staff from the hostile work environment
- River Administrative trip Standard Operating Procedures were not being adhered to by the River District
- Potential fraudulent charges were being made to cooperator accounts
- OIG investigation may result in a “stand-down” of River operations
- River District may not have sufficient staff to support trips

Despite the success of this trip, and the reasonable arguments listed above, the Superintendent and Deputy Superintendent insisted that my office continue working with the River District to conduct river trips.

I argued for the approach above (rental equipment and trusted/skilled biologists as boat operators) to Superintendent Uberuaga in February, 2016. I insisted that we may not have control over who the operators would be if they were provided by a contractor. He denied my request and stated that I shouldn't try to make sense of it, we just need to show that we are complying with the direction coming from the Regional Office. I was also concerned we would not be able to compete and award a contract on such short notice (my first trip was in 2-3 weeks from that point).

My primary concern is for the safety of my employees and contract biologists, and I believe the implementation of this item, requiring contracting out ALL logistical support, including boat operators,

does not necessarily mitigate the potential for safety or harassment issues on contracted river trips for the following reasons:

- The NPS has no control over the assignment of a particular Boat Operator to a trip. To minimize safety risks, we can however, cancel a trip, or cancel the contract if a Boat Operator with a history of problems is assigned to a trip, but then the work does not get completed, and the NPS would have to pay for the trip anyway. For example, to my knowledge, ex-NPS River District Boat Operators could theoretically be hired by the current contractor. We would have to cancel the work if a former NPS operator implicated by the OIG's investigation was assigned.
- Boat Operators receive no, or minimal, training in DOI and NPS policy related to anti-harassment and sexual harassment, or workplace violence. We currently provide copies of these policies to Boat Operators and require that they sign an acknowledgement form affirming their receipt and understanding of these policies, but no training is provided.
- The current contractor appears to have difficulty finding Boat Operators to fill our trips, and did not comply with contract requirements to provide us signed acknowledgement forms prior to the launch of our last trip (September 5th). I am not confident in his hiring and boat operator screening processes.

Due to the nature of my program, and the necessity of river support to complete our fisheries work, I have been closely involved in the implementation of the efforts to contract river logistical support, beginning in March, 2016. Three contracts have been awarded this summer, including an indefinite quantities contract for up to 5 years. When I expressed my concerns about one of the contracts that NPS entered with a company that would provide river logistical support for my staff, **I was warned that I could face disciplinary action** for discussing the current river contract, outside of the NPS.

This past spring, I wrote contract Scope of Work documents and proposals for 2 different contracts for logistical and boat operator support of 5 fisheries river trips, and also assisted with and reviewed contract requirements for an indefinite quantities contract which would support fisheries (4 more trips in 2016), vegetation, wildlife, archaeology, and educational trips conducted by the NPS for up to 5 years. The first contracts for trips between March and June (5) were awarded to reputable local Grand Canyon river outfitters, and the trips proved to be successful.

I am not entirely comfortable with the current contractor, and the performance of several of his boat operators on a related contract. I was asked to review the lowest-bid proposal that was submitted

by a local company for the 5-year indefinite quantities contract by the Contracting Officer on May 18, 2016. The business does not operate commercial river outfitting services in Grand Canyon, but the owner coordinates boat operators for river work, with rental equipment. I noted that there have been several issues related to alcohol abuse, and NPS regulation violations, by the operators, on a related contract. In addition, some illegal drug use was noted during reference checks on boat operators, and by a cooperating Tribe. The problems had been reported to me by current and former employees of the contractor, professional colleagues from other state and federal management agencies, and my employees.

Given the past record, I believed the award of the contract to this company could pose a potential safety risk for my employees, and raised the concern with the Contracting Office prior to the award. The Contracting Officer told me he would evaluate past performance of the contractor through the Small Business Administration, including gathering of statements from witnesses, however, a thorough investigation did not appear to occur. I was informed in writing that my concerns were not considered when the contract was awarded.

Feeling as if this was yet another precedent-setting occasion where safety and conduct concerns raised by NPS employees were ignored, I followed up with supervisors, Employee Relations staff, and the Office of the Solicitor. In doing so, it was confirmed that we have very limited ability to control who the contractor hires as a boat operator. During this time, I was discouraged by the Contracting Officer from addressing my concerns. The Contracting Officer attempted to prevent me from speaking on a conference call by interrupting and saying that *"Brian is sticking his nose in places where it doesn't belong."* Nevertheless, the solicitor believed I had raised a serious issue, and suggested that he might propose cancelling the contract out of "convenience of the government" if safety concerns were not addressed by the company and that he would discuss the issue with the OIG. My supervisors told me that I was "empowered to speak up" when I see something wrong.

Later, a decision was made to cancel the first trip, as a result of the "red flags" and employee safety concerns, which cost the NPS funds, and resulted in our work being compromised. The trip was cancelled due to the lack of availability of dependable drug testing results, and feeling as if the contractor was not being cooperative in providing the results or information on his drug screening process, along with the many "red flags" that had arisen. Since the cancellation deadline in the contract had passed, the NPS also had to pay the contractor for the cancelled trip.

Several NPS employees, including myself, worked to address the safety related deficiencies in the Scope of Work for the contract. We included language that stated that alcohol and illegal drugs were prohibited, that Boat Operators were required to adhere to GCNP behavioral standards, that all NPS or DOI policies related sexual harassment, anti-harassment, and EEO and zero tolerance for discrimination must be adhered to, and that the contractor would need to supply qualifications and drug testing certifications 14 days in advance. However, a fisheries river trip launched on September 5, and we had not received the acknowledgement of policies form, or qualifications for the boat operator, and thus the contractor was out of compliance.

The dissolution of the River District also resulted in collateral damage to employees of the River District that had not been accused of wrongdoing, to my knowledge. A trusted female intermittent Boat Operator, the River District Warehouse Manager, and a River Ranger, all had their duties changed or were furloughed, in the case of the Boat Operator. As mentioned above, the River District Supervisor received what appeared to be a temporary promotion to another NPS unit, which does not seem equitable, given his lack of competence in addressing sexual harassment issues within the River District. Recently, however, I learned that he was not given the permanent position, and will be coming back to Grand Canyon.

Another component of field operational improvements proposed by the Regional Director included “prohibition of alcohol” on trips, greater communication of conduct and expectations during pre-trip meetings, trip reports, daily check-ins, post trip de-briefs and trip reports, and the adoption of standard uniforms. Many of the operational changes mentioned in the response memo were in place prior to the completion of the OIG’s investigation, although we have initiated post-trip debriefs with trip participants. Many NPS employees feel that requiring a standard uniform on river trips would not lead to less harassment, and point out that the River District employees that were sexually harassing woman on river trips were often in a standard river uniform. It appears to be a form of victim blaming, and is insulting to the victims. It should not matter what a person is wearing – they should never be subjected to sexual harassment. Nevertheless, we have designed and ordered standard shirts with the NPS logo on them.

I personally believe the alcohol ban is acceptable, and it may minimize safety concerns. However I do not believe that banning alcohol is a solution to the issue of lack of accountability of employees for bad behavior. The Deputy Superintendent told me at a meeting this spring that she believed alcohol

was the root cause of all the problems on the river, but I disagreed. Lack of employee accountability for misconduct is the main issue that needs to be addressed, in my opinion.

Finally, the NPS-Intermountain Region has convened a panel of NPS staff to review the river operations. I, and many of my colleagues, including one at USGS, were interviewed by the panel in August. This is a great step forward. The report is due in October 1st, and I hope to receive the full report and findings. Many of my co-workers and I believe that we need to reform the River District, as a non-law enforcement function, while others believe contracting a commercial river outfitting company is the best option. There are many good boat operators and staff that had resigned from the River District in the past due to the bullying behavior by the Patrol Supervisor, and due to sexual harassment. Many employees and members of the community believe that Grand Canyon should have the best river unit in the federal service, and we should be able to recruit highly skilled, professional, and responsible individuals to staff and supervise the unit.

Training

I believe I was given poor guidance related to harassment and a potential EEO case by Employee Relations and other managers on multiple occasions, and the OIG investigation affirms these issues. In the NPS response to the OIG investigation, training related to sexual harassment, confidentiality, EEO, and other topics is proposed for NPS leadership (e.g., superintendents), supervisors, employees, human resources, and employee relations staff.

There has been great progress on the implementation of training modules. All supervisors at Grand Canyon National Park were required to attend a training entitled "Sexual Harassment Training for Federal Supervisors & Managers." This training was conducted by Amy Duin, Office of the Solicitor. I attended this training on June 6, 2016. The training provided guidance on understanding confidentiality, the definition of sexual harassment and examples of what specific actions constitute harassment, impacts of sexual harassment on the employee(s), retaliation, and other aspects. In addition, as discussed above, the trainers provided specific guidance on reference checks for potential employees, which I found helpful. All Grand Canyon employees (not only supervisors) were provided sexual harassment training later in the summer. Amy Duin, DOI - Office of Solicitor, informed me on September 6 that she was holding a training seminar for employee relations personnel during the week of September 12th in Georgia.

Other (proposed Ombudsman)

The Regional Director recognized, in her response, that employees have not felt comfortable reporting issues through their chain of command. I find this to be particularly true for myself and others that have reported issues to me, or that have asked me for assistance when witnesses or victims felt uncomfortable approaching their supervisors. Employees at Grand Canyon completed a survey in 2015, and the survey found that only 37% of employees agree or strongly agreed with the statement: *"I can express my concerns regarding park management issues without fear of retaliation."* Multiple co-workers or employees (particularly TERM employees) that witnessed or were victims of workplace violence or sexual harassment have told me they feared that if she reported it, they might not be chosen for a permanent position, or would face reprisal. Others had the same fears related to their participation in investigations, despite whistleblower protections.

To respond to these concerns, Regional Director Sue Masica and Associate Regional Director for Workforce Management, Annette Martinez, visited GCNP to speak with employees in March. She offered all employees a chance to meet with the two of them confidentially for 20 minutes. I and other employees were able to take advantage of this time (on March 23), and as a result, they heard clearly that there were other issues at GCNP, outside the River District, and an investigation by a contractor was initiated in April.

It is suggested in the response letter that EEO and grievance procedures need to be respected, however, I don't believe the NPS grievance procedure is effective, in its current condition. For example, when my initial "informal" grievance was submitted as described below, and a thorough investigation was not completed, my only recourse was to file another grievance.

The establishment of an ombudsman, or some other type of impartial third party contact, is probably one of the most important action items that the NPS can take to alleviate fears of reprisal or retaliation by managers or co-workers when they have experienced harassment or workplace violence. I don't believe most employees feel comfortable reporting issues, particularly if they are in a TERM position, which is viewed as vulnerable. TERM employees do not feel they have the same protections of permanent employees, and 2 high performing TERM employees (my coworkers) were terminated after they filed sexual harassment reports, which appeared to be retaliation by many employees.

Finally, I found it troubling that Director Jarvis reinforced the idea that very little can be done to "remove" an NPS employee, during his testimony in June. He states several times that discipline or "firing" an NPS employee is extremely difficult, and yet, our policies related to sexual harassment and

workplace violence, which are distributed to all employees annually, state clearly that violators “*will be subject to disciplinary action, up to and including termination of employment.*” It appears that policy does allow for removal for misconduct, however there appears to be reluctance among managers to enforce the policies, which undermines employee confidence, and ultimately, discourages reporting.

My Efforts to Report Workplace Violence and Harassment and the Management Response

Harassment and workplace violence are not limited to the River District at Grand Canyon. Some members of the other workgroups, including a Program Manager, have a reputation as “bullies” at the park. However, as in the case of the River District, managers at the Deputy Superintendent and Superintendent level have responded inadequately to reports of harassment, intimidation, and threatening gestures, which fit the policy definition of workplace violence (i.e., DOI Personnel Bulletin NO; 1-12).

The Deputy Superintendent was the responsible “grievance official” assigned to the administrative grievance that I had filed in November of 2013 after one my Fisheries Technicians was physically assaulted by a member of the Trail Crew and then subjected to harassment and intimidation by other members of this work group in retaliation for her reporting the assault to law enforcement. Upon learning of the assault, the supervisor of the perpetrator called the assault victim in the bunkhouse and urged her not to report the incident to law enforcement, and she refused this request, and reported it, and the individual was prosecuted. I had requested an investigation as part of the grievance, which was granted by the Deputy Superintendent.

The Deputy Superintendent failed to follow through with the investigation, despite my numerous attempts to urge management and Intermountain Region Employee Relations staff to follow through. Over a period of several months, between January and July, 2014, I attempted to coordinate a meeting with the Facilities Chief, and my supervisors. I believe this lack of follow-through led to additional workplace violence perpetrated by the Program Manager of this workgroup, against non-fisheries employees and a female Division Chief, in 2014.

On August 22, 2014, a witness confided in me that Trail Crew Program Manager used a misogynistic slur to refer to a female Division Chief in a loud “rant”, and then displayed frightening behavior (loud outbursts) and made threatening comments toward the individual that had reported the use of the slur. Witnesses and the Division Chief all mentioned they felt threatened by these acts. Per my

responsibilities consistent with DOI policy, I immediately reported the incident to the Superintendent in an email, who had not heard of the incident.

The Chief of the Facilities Division, who supervises the Trail Crew, made excuses for the Program Manager's behavior, including the recently reported threats (e.g., *"That's just the way he is"*), and the hostile behavior was observed again, days later in a meeting. Meanwhile, after pursuing a restraining order, one of the targets of the threatening behavior, was later threatened a second time by the Program Manager, and she left her position because she did not feel safe at Grand Canyon.

As of February, 2015, the investigation that was granted as grievance relief by the Deputy Superintendent, had still not occurred 14 months later, and I informed the Superintendent and Deputy, in writing, that I did not see a way forward to resolving the issues without cooperation of park leadership, including the Chief and Deputy Chief of the Facilities Division. The Deputy Superintendent stated that she did not know that the investigation had not occurred, despite her responsibility as the designated grievance official.

While I was commended for speaking out on these issues, I was also discouraged by my supervisors from reporting additional incidents, and from continuing to urge managers to follow-up on our 2013 hostile work environment grievance, because the Deputy Superintendent considered me to be "a whiner." In fiscal year 2016, the Deputy also pressured my supervisor to lower my 2015 performance rating because of *"Brian's problems with the River District and the Trail Crew."* I did not know where else to turn, except the OIG, but I was not aware of that avenue until after the 2014 OIG investigation began. The OIG was focused on the River District, and it is unclear if details of my reports of the hostile work environment that occurred involving Trail Crew members were included in their report.

In general, I believe management has biases for and against certain workgroups, and considers some employees "too important to lose." This was the case for Grand Canyon boat operators implicated in harassment cases, and I believe it is also the case for the Trail Crew program manager. Excuses are made for behavior that would be considered misconduct, and others are defended, by supervisors. Some supervisors, such as the supervisor of the River District, have acted defensively multiple times in the past when I had attempted to make complaints about employees' conduct.

In summary, GCNP park managers in the Superintendent's office as well as in the River District and Facilities Management Division, have not appropriately handled reports of harassment and misconduct. In my experience between 2009 and 2015, a minimum of 10 supervisors in the chain of

command failed to follow DOI or NPS policies related to reports of harassment and workplace violence. This does not include 2 supervisors that were also implicated in misconduct reports or investigations. All but 3 of these supervisors, and 1 supervisor that is the subject of hostile work environment reports, have retired (7) or were transferred or promoted (1 permanent promotion, 1 temporary promotion) to other positions outside GCNP.

Impacts of Harassment and the River District Investigation

The impacts of the harassment and hostilities in the workplace, as well as the publication of the OIG report on the River District are profound, but are difficult to convey in written words. Shock, disgust, anger, and fear are common emotions felt among my co-workers, and in the community. However, many were not surprised. As discussed in the media and in the OIG report, confidentiality of sexual harassment victims was breached (at least twice), and 2 alleged victims were later terminated. Whether the OIG could confirm retaliation or not, it appears to be retaliation in the eyes of employees, which has the effect of discouraging reports, and mistrust of management.

Employees that have witnessed workplace violence or reported sexual harassment have told me that they have felt fearful of retaliation by the person whose behavior they reported. After or during the investigations (or inquiries) completed by the NPS in the past, there has been limited or nonexistent follow-up with the victims and witnesses, leaving witnesses and victims feeling as if nothing has happened, and there is no reason to believe the hostile working environment has been mitigated.

The toxic work environment has led to decreased employee morale, productivity, confidence in leadership, and feelings of anxiety, particularly among those that were victims of harassment, or that had the courage to report alleged misconduct, despite fears of retaliation. I estimate that I have spent an average of 50-75% of my time on these issues, since 2013. In addition, I have lost multiple outstanding employees, including a full time employee, as a result of the hostile work environment that is pervasive in the park.

The reputation of GCNP and the NPS has been severely tarnished as well. I believe our tarnished reputation is reflected in questions I've received on recent reference checks and interviews to refill a Fisheries Biologist position. Multiple candidates asked whether we have resolved all the issues with our River District, and a supervisor, knowing our work involves extensive time on the river, told me he was concerned for his employee's wellbeing, if he were to be selected for the position at Grand Canyon.

I also believe that our lack of effective hiring practice has led to excessive changes in personnel, leading to numerous “acting” employees in key leadership positions. For example, it took many months to refill key supervisory positions in several work Divisions at Grand Canyon, including the Science and Resource Management, Facilities and Maintenance Division, and the Visitor and Resource Protection Division, which oversaw the River District.

Policy is clear related to sexual harassment and workplace violence. I believe that in many cases, if managers adhered to policy and held employees accountable for their misconduct, working conditions would improve, and that would lead to increased productivity, and improved retention and recruitment of employees.

In closing, I’m optimistic that we have a new Superintendent willing to discuss these issues openly. By all accounts, she is a strong leader, and had been known to “do the right thing.” Without her support, I would not feel comfortable here today. I am looking forward to working with her and other NPS employees to improve the working conditions at Grand Canyon.

Chairman CHAFFETZ. Thank you.

I will now recognize the gentlewoman from Wyoming, one of the most beautiful States, perhaps second only to Utah, but one of the more beautiful ones and the home of one of our most treasured national parks. With that, I would like to recognize Mrs. Lummis for five minutes.

Mrs. LUMMIS. Thank you, Mr. Chairman.

We are primarily focused here on Grand Canyon and Yosemite National Parks, but it seems that more problems are cropping up in the system. Mr. Reynolds, are you aware of allegations by Bob Hester of misconduct among employees at Yellowstone National Park?

Mr. REYNOLDS. Yes.

Mrs. LUMMIS. Okay. Well, in an article published in the Montana Pioneer just before Labor Day weekend, Mr. Hester alleges that there was sexual harassment and exploitation as well as retaliation by supervisors at Yellowstone. The article mentions allegations also of financial misconduct. Now, who is currently investigating these allegations?

Mr. REYNOLDS. The IG, inspector general.

Mrs. LUMMIS. Have they begun interviewing witnesses?

Mr. REYNOLDS. The last information, as I understand, is they have not, but they have an arrival date of September 27 in the park.

Mrs. LUMMIS. When was the outside investigator scheduled to begin interviewing?

Mr. REYNOLDS. I had a first phone call around September 3, and I believe the following week, the week of the 5th, Superintendent Dan Wenk began to put together the right mechanisms to bring in an independent investigation team.

Mrs. LUMMIS. One of the things that concerns me, Mr. Chairman, about this is that in instances where the superintendent of a park is not implicated in the charges or the allegations of sexual misconduct and then attempts to investigate it or initiate an investigation quickly, that maybe the IG stops the investigation that is going on.

I think this was the case in Yellowstone where Superintendent Wenk was beginning an investigation and bringing in outside investigators to do an independent inquiry and then was prevented from doing so because the IG was brought in, thereby delaying the opportunity to obtain statements while people's memories were fresh and potentially providing for the opportunity for certain of the alleged perpetrators to retire.

So trying to balance how can we protect employees? How can we protect the people who, like Mr. Healy and Ms. Martin, who are bringing this information forward and at the same time type make sure that these investigations are conducted in a timely manner?

Mr. REYNOLDS. I agree completely with your concerns. One of our new policy shifts that I alluded to in my testimony that we're doing with our EEO program is to establish these third-party investigation units that would be able to swiftly go in. I'm going to recommend a 24- to 48-hour turnaround once we have a report. Superintendent Wenk had begun that process.

I would like to have further conversations with the IG. I think they're doing absolutely their job to come in and do this. I'm not sure—they want to have a clean investigation, and so they did ask us to stand down a third-party investigator, but I know the superintendent has expressed his dismay to me about how he's worried about the time for that. So we agree.

Mrs. LUMMIS. Okay. Well, in the case of Mr. Wenk, there were no allegations against him. There were no allegations to my knowledge that he knew and looked the other way. But what about the case where that is not true? What about the case where the superintendent of a national park is implicated? How do you deal with that situation?

Mr. REYNOLDS. It's very important that we have somebody from the outside managing that process so that you don't have any problems if you will tainting an investigation, right? So our policy is to develop—in one example we have a different region, an EEO director from a different regional office of the other park to direct the investigation and to work with the regional office. In our chain we have seven regions that oversee these different parks. So to bring in some sort of third party that way is our current plan and our current policy.

Mrs. LUMMIS. Well, and before my time is gone, I want you to know that we are going to be watching the National Park Service in the way that Ms. Martin is treated and Mr. Healy is treated and other whistleblowers are treated as a consequence of their bringing these allegations forward and that we are going to be watching the National Park Service because this should not be tolerated, it should not be unaddressed, and it has been inadequately addressed.

And thank you, Mr. Chairman. I yield back.

Chairman CHAFFETZ. I thank the gentlelady.

I will now recognize the gentlewoman from the District of Columbia, Ms. Norton.

Ms. NORTON. Thank you, Mr. Chairman. I appreciate this hearing.

Mr. Reynolds, we are very grateful for how the National Park Service runs most of our neighborhood parks. It is not just the Mall but our neighborhood parks are owned by the National Park Service. We have a good relationship with the Park Service. I want to know if these two parks where these allegations, these issues have come from in the West, are they ours? Are people quartered together? Or are these nationwide problems?

Mr. REYNOLDS. Congresswoman, if I can ask just to clarify. Do you mean, in other words, are these unique problems to these parks—

Ms. NORTON. To the Western part of the United States where these large parks where there are cabins. I don't understand whether or not the staff are quartered there instead of going home the way my own —

Mr. REYNOLDS. Understood.

Ms. NORTON.—Park Service rangers do.

Mr. REYNOLDS. Right, we—so 413 units nationwide, very diverse system now. As you know —

Ms. NORTON. I am talking about those Western units.

Mr. REYNOLDS. In these two parks—and I would be happy to let Ms. Martin and Mr. Healy also comment—things can be exacerbated when you have communities much like a military base living and working together.

Ms. NORTON. Let me ask you both. Do you live in the park where you are located in cabins, men and women, or how do you operate since the only parks I know are the urban parks?

Mr. HEALY. At Grand Canyon there is—many employees are housed on the south rim, but then there is—there's times when they're working out of bunk houses in inner canyon in the backcountry. Myself, I work in Flagstaff, which is about an hour-and-a-half drive away. So it —

Ms. NORTON. Ms. Martin?

Ms. MARTIN. Thank you, Congresswoman. I do live in Yosemite Valley in a cabin, and a lot of our seasonal staff that's on our fire crew will be housed in, say, one house or one bunk quarters. There are certainly opportunities there that could potentially lead to a hostile type of environment, especially with our young folks. So we do have close quarters that men and women do live and work in on a regular basis.

Ms. NORTON. Which should caution the National Park Service to take such matters into account.

Mr. Healy, I was reading your testimony. On page 8 you speak of a contractor. This doesn't go specifically to sexual harassment but it goes to issues like—you name alcohol abuse, drug use, so I am interested in how the policies relate to contractors. I was chair of the Employment Opportunity Commission. I wasn't aware that contractors were treated any differently, but I do note that you say in your testimony that you were informed that your concerns about the misconduct were not considered when the contract was awarded. I suppose I should ask Mr. Reynolds. Why are matters like drug abuse of a contractor, alcohol abuse, I take it maybe even sexual harassment are not taken into account when a contract is awarded?

Mr. REYNOLDS. They should be for any on-duty thing, and I'll be happy to investigate what happened in this contracting process.

Ms. NORTON. I wish you would because it said—Mr. Healy said that he was specifically informed that his concerns were not considered, not even considered. That is what caught my eye when the contract was awarded.

Mr. REYNOLDS. I would be very concerned about that if that is true, and I will be happy to get right back to you —

Ms. NORTON. And we would like to know whether or not they are considered generally or whether that was an exception, and if you would let the chairman know so that we can —

Mr. REYNOLDS. Yes, certainly, I can tell you —

Ms. NORTON.—go back —

Mr. REYNOLDS.—and I think Mr. Healy will back me up. For any on-duty if you will period of contract, performance, that should be standard language in any contract how —

Ms. NORTON. I would think so.

Mr. REYNOLDS. To your point, when you're living and working 24 hours a day if you will on the river, that may be where we have some issues.

Ms. NORTON. Yes, but Mr. Healy—there was a similar report 16 years ago about this systemic harassment of women, and there were specific recommendations made. Are you aware of that report? I mean, we hear again 16 years later. Are you aware of that task force report about similar problems?

Mr. REYNOLDS. The Women in Law Enforcement report?

Ms. NORTON. Yes.

Mr. REYNOLDS. Yes, I am.

Ms. NORTON. When did you become first aware of that report?

Mr. REYNOLDS. I —

Ms. NORTON. And were any of its recommendations implemented?

Mr. REYNOLDS. No, they were not as far as I can ever figure out. There were, as the chairman actually mentioned, 30 different recommendations. I think things were worked on during that time frame. I wasn't involved at the time.

Ms. NORTON. Of course.

Mr. REYNOLDS. But —

Ms. NORTON. How can we be assured that any recommendations either from this committee or from similar task forces since—worked on but full implementation apparently did not occur so we are back here again 16 years later?

Mr. REYNOLDS. Yes, it's a very regrettable action that did not occur.

Ms. NORTON. Finally, Mr. Chairman, if I could ask, apparently in that report 16.3 percent of the Park Service women in law enforcement, park ranger and special agents were women. What is the percentage of women in those positions today?

Mr. REYNOLDS. I believe we have about 247 women in law enforcement out of about a force of 1,664 so —

Ms. NORTON. So do the math.

Mr. REYNOLDS. I'm not the best in math but about 15 percent or so.

Ms. NORTON. You are going down, not up. One of the first things that agencies and private sector does when this problem occurs is to of course increase the number of women in law enforcement or in the applicable mission.

Mr. REYNOLDS. Yes.

Ms. NORTON. Thank you, Mr. Chairman.

Chairman CHAFFETZ. I thank the gentlelady.

I will now recognize the chairman for Michigan, Mr. Walberg.

Mr. WALBERG. Thank you, Mr. Chairman, and thanks to the panel for being here and we hope this is very worthwhile for yourselves but also for the people you serve with.

Having spent many weeks in national parks, North, South, East, and West, as a kid with my family camping, hiking, fishing, and then with my family doing the same thing even as I look forward to being out in Glacier National Park this next August, impressive territories we have, impressive treasures. And in every case, my experience, we have been treated with great respect and professionalism by the staff, so it is concerning to hear some of the behind-the-scenes and though we deal with humans and yet these type of things have to be addressed, so thank you for being here.

Ms. Kelly, can you describe for this committee some of Superintendent Neubacher's behavior that you observed which prompted the investigation?

Ms. MARTIN. Thank you, Congressman, for that question. Myself personally I have been the chief there at Yosemite for the last 10 years, and the marker point for me was when we had the rim fire of 2013 and I happened to be off unit on another fire and returning. My duties have been to act as the agency administrator representative for the superintendent when we have large incidents in the park. I returned. I told my supervisor I would be returning and I could assume those duties. And for whatever unknown reason, I was not allowed to perform those duties that is part of my official duties of my job within the park.

It was for myself personally discrediting my professionalism, and it was humiliating for me to not be able to perform that job and that function in front of my peers, our interagency wildfire cooperators, and even the—our park internal staff that I was not able to provide that leadership.

Mr. WALBERG. Any rational reason given to you for that?

Ms. MARTIN. No, sir.

Mr. WALBERG. Any reason at all?

Ms. MARTIN. No, sir.

Mr. WALBERG. So it was just an arbitrary decision that was made by Superintendent Neubacher to not allow you to function —

Ms. MARTIN. I requested to be able to split the duties between myself and I have a very competent deputy fire chief that took over two roles, both the agency administrator and he was also in the role of incident commander trainee. I'm confounded as to why I was not able to truly perform that—in that role.

Mr. WALBERG. In your testimony you mentioned the fear of retaliation for speaking out about what was happening at the park. Can you describe for us this concern and where it stems from? And are you aware of other employees that share the same concern?

Ms. MARTIN. The fear of retaliation, the fear of coming forward is not necessarily in our culture to come forward and to describe hostile type of situations or a toxic type of environment. Ours is certainly dealing more with a hostile work environment. It's not dealing with sexual harassment, so that's not at issue right here.

But people do not fear—or they do fear that they are not safe in bringing issues to management. And one of the concerns that I've heard is that within Yosemite National Park we have a superintendent, and our deputy superintendent position has been vacant for three years. So unfortunately, there's a concentration of decision-making within one person and is not necessarily shared within the deputy superintendent and the superintendent.

Mr. WALBERG. Has that been done for a purpose, keeping the vacancy there?

Ms. MARTIN. I'm unaware of why that would remain vacant for the last three years.

Mr. WALBERG. Do you believe Superintendent Neubacher's actions to be an isolated incident or are they reflective of a larger cultural problem within the National Park Service?

Ms. MARTIN. It's hard for me to address the larger cultural—I have reason to believe that it probably is a larger cultural type of

issue. I do believe that it is important for the image to be in-house and for us to kind of take care of things in-house and not be able to share these types of issues publicly, but I think it's very, very important for the women that are—that have left, the women that are currently there at Yosemite to really understand and daylight what it is, what the behaviors that are exhibited that really truly cost people's integrity and a reduction in morale.

Mr. WALBERG. Well, thank you for your testimony, and I yield back.

Chairman CHAFFETZ. The gentleman yields. I have just a follow-up to that.

Mr. REYNOLDS, there are two things the committee would like to see. You have been unwilling so far to give us the expedited inquiry into the Yosemite situation. Is that something you will provide to the committee?

Mr. REYNOLDS. Mr. Chairman, we did give your staff—I think they call it an on-camera—I'm not sure what that means but — Chairman CHAFFETZ. In camera, yes. Yes.

Mr. REYNOLDS.—in camera, you know, visible—and I know you're concerned about it. I know we've had some exchanging correspondence. I'll continue to work with our folks on it. It is an active investigation I guess is the short answer that I could give you. I am not unwilling to share with you data when I can. I just don't want to infringe on —

Chairman CHAFFETZ. It is something in your possession in Congress would like to see it, so can you name anything that we shouldn't be able to see? Is there anything classified in there?

Mr. REYNOLDS. No. And I don't disagree with your ability to get that. I'm just hampered a little bit —

Chairman CHAFFETZ. Wait, wait, wait —

Mr. REYNOLDS.—by the process —

Chairman CHAFFETZ.—don't disagree with my—you won't give it to us.

Mr. REYNOLDS. At the moment we're having conversations about how to do that —

Chairman CHAFFETZ. What is the conversation? What is the hesitation?

Mr. REYNOLDS. To keep—to be candid with you, sir, to keep the investigative process as clean as we can while we're getting into it.

Chairman CHAFFETZ. So you don't trust Congress? Is that what you are saying? It would make it dirty?

Mr. REYNOLDS. No, that's not what I mean.

Chairman CHAFFETZ. Well, you said you are trying to keep it clean and you won't give it to Congress so —

Mr. REYNOLDS. It's just for public data purposes during an investigation, but I would—I will pledge to you to continue to work —

Chairman CHAFFETZ. No, I want you to pledge to give it to Congress.

Mr. REYNOLDS. I understand that, sir.

Chairman CHAFFETZ. Do you need a subpoena? What do you need? Who makes this decision?

Mr. REYNOLDS. It will be a decision that I will talk over with our solicitors predominantly.

Chairman CHAFFETZ. I would also like to see anybody who has been fired, dismissed, or retired from Yellowstone since 2013. Is that something you can give to us?

Mr. REYNOLDS. Yes, I can.

Chairman CHAFFETZ. When will you give that to us?

Mr. REYNOLDS. I will give it to you within 48 hours.

Chairman CHAFFETZ. Fair enough. Thank you.

Chairman CHAFFETZ. I will now recognize the gentleman from Maryland, Mr. Cummings.

Mr. CUMMINGS. I want to pick up where the gentleman left off a few minutes ago, this whole thing of retaliation. And as I was listening to you, Ms. Martin, I cannot help but think about the question of how do you tackle a culture? It is not easy.

In the Baltimore City Police Department I had asked for pattern-or-practice investigation. And the reason why I asked for it is because we had people in the department, good policeman, who knew that things were going bad and wrong but they do not feel comfortable talking about it because they were worried that they would be retaliated against. Their comrades would do some things that may be harmful to them. And when we got that pattern-or-practice report, it was 10 times worse, 10 times, probably 20 than I ever imagined with regard to African-American men and the way they were being treated by police.

So, Mr. Healy, you said something that really kind of struck me. You said, "I feel as if my career and possibly my safety and the safety of other Grand Canyon employees may be at some risk." That is a hell of a statement and it is one that I feel pain that you even have to even think it, let alone say it. And the mere fact that you have said it in a public forum puts you even, I would assume, in even more jeopardy. It is one thing to think it, it is another thing to say it, it is another thing to say it in a public forum.

What can we do to help? Because, as I see it, the culture that I talked about before and I think that Ms. Martin is alluding to and probably you, too, is one that is—I mean, you almost have to dig deep and pry out probably a lot of folks and almost start over again. And so I am trying to figure out what is your hope? I mean, I am sure you have thought about this, said to yourself, you know, there has got to be a better way. I mean, how do you see that way?

Because let me tell you something. The reason I am raising this is because, you know, in my opening I talked about 16 years ago. Guess what? Most of these people weren't even—none of them, none of these people were here 16 years ago except me. They weren't even here. So another group of Congress people were addressing this supposedly, and yet it has not been corrected and the culture grows and metastasizes and gets worse.

And you come here and I want you all to be effective and efficient. See, not only do I—I mean, I know that you have your concerns about retaliation, about your comrades being all upset, but it will be a damn shame if you came here, you gave your testimony—and this is my great fear—and it was not effective and efficient and what you drive it to do. But that is a lose-lose all the way around. You go back and they said why did you do that? And then it gets worse.

And so help me in looking at what you have seen. I think Ms. Norton said one thing, Ms. Martin. She talked about having more women in key positions in law enforcement and supervisory positions. But what do you see? I mean, how would you like to see us try to break this culture? And do you have confidence—you made some complementary statements, Mr. Healy, about some of the things you have seen being done but then you came right back and talked about the negative impact of some of the positive things that were supposedly happening. So help us. Help us help you.

Mr. HEALY. Thank you. I think what would help is that if we can ensure that these people that have come forward to me to ask for assistance in reporting things are protected to the same extent that I am. And I think, you know, in preparing for this testimony, I went back to some of these individuals that had bad experiences at the park and I asked them to help me deliver that message here. And I heard a lot of fear from those people, you know? And there's individuals at the park that have, you know, as I mentioned in my testimony, threatened people with violence and they're still there. And I think account—holding those people accountable is a really good step. And I'm not really sure how Congress can assist the Park Service in doing that, but that would be a good first step.

And then the other thing you mentioned was you alluded to the—shutting down the River District and the river contracting. Those decisions were made—I'm not sure who made the decisions, but there was definitely no consultation with folks on the ground that are doing the work like myself or my coworkers that have experience and understand the risks and making some of those decisions. And I think if the Park Service leadership were to more effectively engage its employees in developing solutions for these problems, we would—it will go a long way.

Mr. CUMMINGS. What about you, Ms. Martin?

Ms. MARTIN. Thank you, Mr. Cummings. I believe that we really have to start with the awareness of the culture that's been created over the years, and we have to—like you said, we have to root it out. We have to really understand what's at the root of this type of culture and this type of behavior that then supports sexual harassment and hostile work environments. I think that's truly our first step is awareness of the issues of how those behaviors actually ascend to these types of situations.

Mr. CUMMINGS. Now, Ms. Martin, I have been on the Naval Academy Board of Visitors for about 10 years now, and one of the things—we had a major sexual harassment problem, and what we found is that a lot of the midshipmen—I am going to something you just said to make sure I am clear. A lot of the midshipmen were doing things that were harassment and they claim—and some of them—I believe some of them—I am not sure about. So they didn't even know I was harassed. I mean, can you comment on that? You say you just talked about awareness. Go ahead.

Ms. MARTIN. At some point we have to create an environment that's open and transparent with our leadership to really be able to talk about these hard issues. And until we get there, we're going to continue to have these misunderstandings between management and employees as to he said/she said. And until we get to that point that we can then provide this transparency and really expose

it for what it is, we need to really talk about the behaviors and be able to communicate that.

Right now, there's so much fear in being able to communicate what that is, and so I see that as, number one, the awareness and the culture that we've created and then being able to communicate what it is that creates these types of situations. Then —

Mr. CUMMINGS. I am sorry. Please.

Ms. MARTIN. And then at that point how do we then best educate our employees so that we don't have these kinds of—we don't have these kinds of hearings 16 years from now or five years from now. We just—we've got to think about things differently in terms of how we can be more communicative, you know, with our senior leaders. Right now, that's not happening.

Mr. CUMMINGS. And now that you have heard what they just said, Mr. Reynolds, can you tell us how, you know—you know, I get frustrated because, you know, I know we are going to hear—you say a lot of nice things about what you are going to do and, you know, but convince us that you get it and that your folks get it because I am telling you, after these lights go out, they have got to go back. They have got to go back. I mean, how do you assure them and people coming into the service or want to come into the service or people that are there that they don't have to go through this crap? This is crazy.

Mr. REYNOLDS. Yes.

Mr. CUMMINGS. And unacceptable.

Mr. REYNOLDS. First off, I will join you in protecting my colleagues —

Mr. CUMMINGS. Now, how are you going to do that?

Mr. REYNOLDS. Well, the first thing I'll do is we really need to dive into the cultural issues, as well as, if you will, the fundamentals of —

Mr. CUMMINGS. Well, what about the person who is watching us right now who is sitting there laughing and just—I mean, just like can't wait till they get back. I got something for them.

Mr. REYNOLDS. Yes.

Mr. CUMMINGS. I am going to hurt them. I'm going to do something to them. How do you deal with that person, those people? Because apparently, there are quite a few.

Mr. REYNOLDS. We can't let those lights go off. We have to not have any darkness, right? It has to be very transparent from here forward. There has to be an accountability that everybody can see and touch.

They're also—with our culture we're trying to pull together some parts of our organization. So, for example, we've never really had affinity groups in the National Park Service, women's groups or other employee groups that might come together, and we're trying to attempt to do that in order for there to be a cohort that can be another protective kind of place that people—a safe place if you will to be—also for management then to be required to listen to those groups and to those employees about what the concerns might be.

Mr. CUMMINGS. All right. Thank you very much.

Chairman CHAFFETZ. I now recognize the gentleman from Georgia, Mr. Hice.

Mr. HICE. Thank you, Mr. Chairman.

You know, based on the actions of Director Jarvis, I think further oversight of the National Park Service is desperately needed.

This is actually my third hearing on this matter. As a part of Oversight, we of course were here in June but also but also Natural Resources Subcommittee. We were with Director Jarvis in May.

And I want to thank Ms. Martin, Mr. Healy for your testimony this afternoon and what you have endured.

Director Reynolds, let me start with you. Based on your testimony, I know that you are aware of the sexual harassment cases specifically at Cape Canaveral, the operation there. Can you tell me just how many total complaints came from there even, you know, those that are ongoing or resolved cases?

Mr. REYNOLDS. Yes, Congressman. I believe there's about three complaints, but I believe there might be a few more IG reports that I'll follow-up in a confirmation with you on that.

Mr. HICE. Okay. There has actually been four. And in fact, the Washington Post reported in early July that four investigations there since 2012 is an unusually high number, they said, for such a small operation of the National Park Service. And, as you just mentioned, these are just the ones that we know about. As has been testified to today, people are scared. Who knows how many other cases have been swept under the rug because of the culture of fear.

During the time of these investigations since 2012, who was the superintendent in charge?

Mr. REYNOLDS. In 2012 I believe it was Superintendent Palfrey.

Mr. HICE. That is correct. And I don't represent the good people of Florida, but just yesterday came across an article in the Florida Today, and they reported, like I said, just yesterday that Superintendent Palfrey was promoted to the position of special assistant to the Southeast regional director. Are you aware of that?

Mr. REYNOLDS. Yes, sir.

Mr. HICE. Okay. And as she has been promoted, she gets to work at home, she gets a comfortable \$116,000 salary. And you mentioned in your testimony a few moments ago that the chief ranger at Cape Canaveral was no longer at the location there, but you failed to mention that the superintendent has received a promotion to the Southeast regional director. Do you know where the Southeast regional director office is located?

Mr. REYNOLDS. It's in Atlanta. And if I could offer, sir, that —

Mr. HICE. No, let me go on.

Mr. REYNOLDS. Okay.

Mr. HICE. It is in Atlanta, and that is in my backyard. And that raises a great deal of concern for me personally. You are also aware that Director Jarvis testified here in Congress over a book deal where he failed to secure proper permission for that book. You are aware of that?

Mr. REYNOLDS. Yes.

Mr. HICE. And, Mr. Chairman, you know, my point in all of this is the pattern that is clearly unfolding before us. Obviously, under the direction of Director Jarvis there is unaccountability, there is poor management, unsafe work environment, and that has per-

meated throughout the National Park Service. And what is the consequence for Director Jarvis? Again, he gets a mere slap on the wrist. He has to go through some silly monthly ethics training once a month, watch a video or something for the duration of his time.

And so here is what people are getting at the Park Service: these type of slaps on the wrist and/or promotions. You know, this is just insane. This is absolute insanity.

And, Mr. Chairman, on June 16 I wrote a letter to the President, President Obama, asking for the resignation of Director Jarvis. And I actually have a copy of that letter here that I would like to go in the record.

Chairman CHAFFETZ. He is asking unanimous consent. Without objection, so ordered.

Mr. HICE. And while I understand Director Jarvis is going to retire in January, what we have heard yet again here today and what continues to be prevalent in National Park Service I just want it on record that I stand by my position in requesting the immediate resignation of Director Jarvis.

And with that, sir, I yield back.

Chairman CHAFFETZ. The gentleman yields back.

I now recognize the gentleman from Vermont, Mr. Welch, for five minutes.

Mr. WELCH. Thank you very much.

You know, the National Park Service is a great treasure. It is unbelievable. We have all been to the national parks and I go to one every year, so it is pretty sad to hear about this. And my experience as a visitor, as a hiker is one of just enormous appreciation for the staff that I meet from the bottom on up. It is really quite wonderful. And my sense is that in general there is just an enormous appreciation for the work that people do.

My sense, too, is that the people who work there, it is a way of life for them. They love the outdoors, they love nature, they love the history and tradition. So it is very sad that also part of it is a situation that you all have been describing, but I want to take all three of you actually for the work you have done and for coming forward.

I will start with you, Mr. Reynolds. You know, the culture on this has got to be in a way zero tolerance, and the culture and how employees are expected to work does come from the top, and that has to imbued from the top down and then reinforced in every way. So what concrete steps can you take to do that? If the leadership doesn't take this deadly seriously, then no one else will.

Mr. REYNOLDS. We have to get this right. This has to be our top priority. One of the first things that I would like to do—I'm in day 52 here in this new job, so I'm just—I found the bathroom, so now we need to get going on some very big focus through the chains of command. We'll be meeting next week with some of the field leadership, and I would like to be able to tell them at that point what we plan to do with a diversity and inclusion outfit that would be tied to my office —

Mr. WELCH. You know —

Mr. REYNOLDS.—and that can start working on the cultural issues because you're right, it is —

Mr. WELCH. Well —

Mr. REYNOLDS. We have some of the most outstanding public employees, as these two represent —

Mr. WELCH. You do, but you know what —

Mr. REYNOLDS.—and we have to give them that kind of management.

Mr. WELCH. Yes, but I don't quite know what that means, what you just said. I don't think it takes a big meeting. It is like, look, folks, any unwanted advances just aren't allowed. I mean, how complicated is that?

Mr. REYNOLDS. We have put out quite a bit of extensive refresher if you will and reminder and zero tolerance policy. But I agree with you and I think it needs to be a step further, which is actions. Actions will be louder than words in this in terms of the accountability.

Mr. WELCH. The action is I think—all the people in management have to meet with their staff and they have to have a discussion and basically say it. It is not complicated. They have to say it and mean it.

And then on the other hand and we also want to get more women into leadership positions as well.

Mr. REYNOLDS. Right.

Mr. WELCH. All right.

Chairman CHAFFETZ. Will the gentleman yield?

Mr. WELCH. I will. Yes, go ahead.

Chairman CHAFFETZ. Mr. Reynolds, what was your job before this job? What were you doing at the Park Service?

Mr. REYNOLDS. I was the associate director for workforce —

Chairman CHAFFETZ. Yes, so you are in charge of H.R. Don't lead Mr. Welch to believe that you are in day 54 and, hey, I am the new kid on the block. You have been running the H.R. department at the Park Service since 2014, so your words are little bit hollow in here, hey, well, you know, we have got to do some refresher. And can you give me a single instance where you have—you said you have a zero tolerance policy. Are you kidding me? Show me an example of zero tolerance.

Mr. REYNOLDS. Well, you know, first off, I understand your perception, and I've been dealing with revamping the whole systems and process of workforce, haven't gotten there yet. We have the zero tolerance policy, and I guess my point is —

Chairman CHAFFETZ. Wait a second.

Mr. REYNOLDS.—putting it into action.

Chairman CHAFFETZ. It is Mr. Welch's time, but you haven't gotten there yet. You had the job—when did you first take on that job in human resources?

Mr. REYNOLDS. Two years ago.

Chairman CHAFFETZ. I know, but give me a month in 2014.

Mr. REYNOLDS. April of '14.

Chairman CHAFFETZ. Okay. Sorry. It is your time but —

Mr. WELCH. No, I appreciate your questions.

You know, here is my view on this. We can have personnel policies and we can write down the this's and the that's and it can be 10 pages or 500 pages. None of it means anything other than what is the culture that people in that environment are expected to live by? And people respond much more to a reinforced culture because

it is the way it is, and that comes with a pride. It comes with a mutual respect.

So, you know, give me all the policies in the world, but employees are not going to be thinking at the time they may want to do something that they shouldn't be doing whether this is a violation of subsection 4 of article 5 in chapter 2. It is just going to be—we don't do that around here. And that I really do think is a top-down responsibility. It is just every single day in every way.

And the reason I got a little nervous about your answer is that it suggested to me or this is the implication I have which may not be true, but that if we write the right policy, that will take care of it. And, you know what, we don't have to write anything and we can take care of it by having management make it clear that any unwanted advance is totally out of line.

Mr. CUMMINGS. Will the gentleman yield?

Mr. REYNOLDS. I'm sorry if I misled—misunderstood —

Mr. WELCH. You didn't mislead —

Mr. REYNOLDS.—Congressman, but I agree with you.

Mr. CUMMINGS. If the gentleman would yield just for one second, I know you don't have much time.

I just had one question. When you were running H.R., what does zero tolerance—what did that mean? Because I hope it is not about writing a memo to do a refresher course because let me tell you something. The people watching this at the Park Service, when they hear you say that, they say, oh, boy, we are in great shape.

Mr. REYNOLDS. Yes.

Mr. CUMMINGS. Nothing is going to happen, and we will keep doing what we have been doing. I am just telling you.

Mr. REYNOLDS. Right.

Mr. CUMMINGS. So tell us, define for all of us so that other people when they ask their questions will know what you meant when you were zero-tolerancing.

Mr. REYNOLDS. Well, we need to have a much better fundamental set of professionals —

Mr. CUMMINGS. But what did it mean when you were doing the job?

Mr. REYNOLDS. It should mean that we have —

Mr. CUMMINGS. No, no, no, no, no, no. I am asking you, you were head of H.R., am I right? Come on now.

Mr. REYNOLDS. The Workforce Directorate, yes.

Mr. CUMMINGS. All right. All I am asking you—the chairman talked about zero tolerance. That was your thing. All I am asking you is what did that mean? The reason why I am asking you this is because I am trying to predict your future. I am trying to figure out how you are going to act in this position because they have got to go back.

Mr. REYNOLDS. Yes.

Mr. CUMMINGS. And it seems listening to you say I am going to write a little memo, I am going to send them a refresher course, those guys are laughing at you like you are a big joke.

Mr. REYNOLDS. Right.

Mr. CUMMINGS. And you know what happens? They get screwed.

Mr. REYNOLDS. What it means to me is to make —

Mr. CUMMINGS. What it meant to you. What did it mean? And then tell me what it means now.

Mr. REYNOLDS. It meant to me to make the safest place we can for our employees. It meant that they would have the ability to report, that they would be protected.

Mr. CUMMINGS. Well, you failed.

Mr. REYNOLDS. Yes, we have, so far.

Mr. CUMMINGS. Sitting here —

Mr. REYNOLDS. We have.

Mr. CUMMINGS.—failed.

Mr. REYNOLDS. We have.

Chairman CHAFFETZ. I now recognize the gentleman from South Carolina, Mr. Gowdy.

Mr. GOWDY. Thank you, Mr. Chairman.

Mr. Reynolds, I want to you tell you. You have managed to do something that I have not seen done in the five years I have been here. Peter Welch is one of the more level-headed, reasonable-minded, one of the more decent human beings that you will meet in public service. You have managed to even get him upset. Getting Mr. Cummings and I upset is not as much of a challenge. Getting Peter Welch upset is.

And I think what upsets him is when you have a fact pattern of someone spying on another person while they are taking a shower, you don't need a policy change and you don't need a new memo. You need handcuffs and a trip to the sex offender registry. That is what you need.

So, Ms. Martin, you said a couple of things in your statement that resonated with me. You said, "It is a deep, conflicted, and risky decision for me to come forward and speak up today." And you said, many women "feel shame and fear of coming forward to report misconduct" and cannot bring themselves "to be the ones who have the difficult and painful task of speaking up." Here is what I want you to help me do. I want the fear and the difficulty and the pain to belong to the perpetrator, not the victim. So I want you to tell us as much about your fact pattern, your story, and I want you to stop and cite all those instances where something more could have been and should have been done, and do it on behalf of the women who maybe don't have the ability to speak up like you do.

Ms. MARTIN. Thank you, Congressman, for this opportunity. It is a very painful and conflicted position that I'm in right now. This happened. I was a victim of a peeping tom at Grand Canyon in 1987. It was a very difficult and painful experience for me. I reported it to two supervisors immediately that first day that I was able to positively identify a park ranger in uniform that was peering through my bathroom window. I reported it to two supervisors. Visibly shaken, it was very, very difficult for me to do. It was very embarrassing. I didn't think anybody would actually even believe me that something like this had happened to me.

I was given options. I could say nothing and move on. I could file an EEO complaint or a criminal complaint. I had to think about that for a couple of days as to how I wanted to proceed. I was just starting my career in the Federal service in my early 20s, and I just did not want to make this an issue. I just did not want to come

forward in admitting a complaint like this this early in my career and be labeled as a troublemaker.

In the end, what I agreed to was a conference or a sit-down with the two supervisors that I reported this to, along with the perpetrator. He apologized to me. He assured me that this had never happened before and that it'll never happen again.

And so for me this has been with me my entire career, and so when I think of zero tolerance, I think this is where this was the hardest part for me is to—it just did not feel like zero tolerance for me. I've had to live with this a long time. This particular individual continued to be moved through the Park Service and just recently retired.

So for me I believe that this was the tipping point for me to come forward and tell my story that this is why I could no longer remain silent. There's a lot of other women out there that I represent that these very same things have happened or very similar things, and they just fear that management will not take action and then we become victims again for coming forward.

Mr. GOWDY. So the perpetrator went on and finished his career with the Park Service and is now enjoying the perks of his retirement?

Ms. MARTIN. That's my understanding.

Mr. GOWDY. Well, I will just say this. You should never have to choose between your career and justice ever. You should be able to pursue both of them with all the vigor in the world, so I am sorry it happened to you and I appreciate the courage it takes to come and share your story.

Chairman CHAFFETZ. I thank the gentleman.

I will now recognize Ms. Plaskett.

Ms. PLASKETT. Thank you, Mr. Chairman. And thank you for being here this afternoon and sharing this somewhat uncomfortable discussion with us here.

We all know that there is an urgent need to stem sexual harassment, discrimination by increasing female representation in the workforce and particularly at senior leadership positions and individuals having a say in how these policies are done.

Ms. Martin, you wrote in your prepared statements—I am going to quote—"The jewels of the Park Service heavily favor men in the most powerful positions of superintendents, deputy superintendents, fire, and law enforcement." Mr. Reynolds, how many national parks are there, and how many park superintendents are women?

Mr. REYNOLDS. We have 413 parks, and as you know, Congresswoman, there is not a superintendent necessarily in every park. And I believe—I'm going to find the actual number for you, but I think it's around 258 superintendents —

Ms. PLASKETT. Okay.

Mr. REYNOLDS.—and I believe about 127 are women. If you just give me a minute —

Ms. PLASKETT. Okay.

Mr. REYNOLDS.—I'll find the right number.

Ms. PLASKETT. That would be good.

Mr. REYNOLDS. It's about a 60/40—slightly under 40 percent.

Ms. PLASKETT. So 60 percent are?

Mr. REYNOLDS. Men.

Ms. PLASKETT. Men. And then those positions below that at the deputy superintendent level?

Mr. REYNOLDS. Deputy superintendents, I have 58 percent men, 42 percent female —

Ms. PLASKETT. And —

Mr. REYNOLDS.—and I will clarify for you, 62 percent men, 38 female on superintendents.

Ms. PLASKETT. Okay. And the parks that the women are superintendents over, are they the same size and scope in terms of geographic size, as well as personnel, as the men that are superintendents —

Mr. REYNOLDS. You know, I'd have to —

Ms. PLASKETT.—because there are different kinds of superintendents.

Mr. REYNOLDS. Correct. I think it's pretty evenly distributed. We could look at that more carefully, but I have not heard a concern on that level other than our demographic numbers.

Ms. PLASKETT. Okay. I know that there are two initiatives to expand the presence of women in the Park Service. So you said that it seems to be evenly distributed. I mean, it is not exactly what the demographics of our country are but it seems evenly distributed as much as wouldn't seem askew. What are the initiatives that you are doing to increase the number of women in that workforce? So we have the same number level at leadership, so you have a 60/40 split. Do you have a 60/40 in terms of at middle management and then in terms of the workers that are in the park?

Mr. REYNOLDS. I'd have to pull out exact numbers, but I think it tracks fairly close to that. We do have women now scattered through in our senior leadership as well, in our regional director ranks, for example, and in our associate director ranks.

We have some initiatives in general to diversify the Park Service. We also have strong majority numbers of our employees, and so we're working across the board. We've set up a new recruitment office to begin to focus the H.R. community on that very topic.

Ms. PLASKETT. Okay. I know that you have the Women's Employee Resource Group, the Fire Management Leadership Board. How are they bringing benefit to the Park Service?

Mr. REYNOLDS. Well, I think they're a start. I don't think they're fully achieving their goals, but they bring us some tools and some awareness and some requirement on our leadership to be considering these things in the recruitment process —

Ms. PLASKETT. What are the goals of those initiatives?

Mr. REYNOLDS. Well, the Employee Resource Group, there's a number of them that we're trying to form to give people, again, a safe place to have a cohort to bring forward, for example, if it's the women's—we call them ERGs, Employee Resource Group. Then they can bring forward issues important to women in the service. They can represent a voice. They can be a defense place if they need it, that kind of thing.

Ms. PLASKETT. And I would be remiss without asking—I know we were talking about sexual harassment against women, but how many people of color do you have as superintendent of the parks?

Mr. REYNOLDS. I don't know the answer to that. I can quickly get it to you, though. But I will tell you that our workforce is generally 80 percent white across the board.

Ms. PLASKETT. Across the board?

Mr. REYNOLDS. Yes.

Ms. PLASKETT. Okay. But I would like to know how many men, women of color are superintendents and deputy superintendents

Mr. REYNOLDS. I would be happy to get that to you.

Ms. PLASKETT.—of the parks. Thank you. I yield back.

Chairman CHAFFETZ. I thank the gentlewoman.

I will now recognize the gentleman from Alabama, Mr. Palmer, for five minutes.

Mr. PALMER. Thank you, Mr. Chairman.

Mr. Reynolds, what steps has the National Park Service taken in response to the findings of the Grand Canyon's OIG report?

Mr. REYNOLDS. Yes, thank you, Congressman. We have about 18 steps that the OIG asked us to endeavor on, and this included everything from some of the training and awareness kinds of programs that we talked about to disciplinary action.

Mr. PALMER. One of the action items outlined by the Park Service in response to the OIG report is that managers who failed to properly report all allegations of sexual harassment would be held responsible and that appropriate disciplinary action would be taken by May of 2016. To date, what if any disciplinary action has the Park Service taken against these managers?

Mr. REYNOLDS. I believe everybody in the canyon—and Mr. Healy can back me up on this—have been removed from the job that they had. The boatman has been removed from the park and is undergoing a disciplinary process as we speak.

Mr. PALMER. Well, as I was listening to testimony earlier, it seemed to me that Mr. Healy felt like some of the action was taken was more in the context of a promotion than disciplinary action. Did I misunderstand that or did I hear that correctly?

Mr. REYNOLDS. I'm not aware of any —

Mr. PALMER. Mr. Healy?

Mr. REYNOLDS. I'm sorry.

Mr. HEALY. Thank you. Yes, the supervisor of the River—former River District was given a temporary promotion to another park.

Mr. PALMER. Do you think that was appropriate?

Mr. HEALY. I don't, and a lot of employees at the park feel the same way.

Mr. PALMER. Let me read something to you that I find particularly troubling. It is a quote from the National Park Service expedited investigation, and it is from two trained investigators who interviewed some of the victims. And it says, "It is difficult to articulate in words the emotions that exuded from those interviewed." It says that "It is apparent that these employees have suffered in their positions and are traumatized by the harassment they are subjected to. During the interviews, the emotions ranged from inconsolable tears, anger, frustration, helplessness, and regret." In that regard, Mr. Reynolds, do you think appropriate actions have been taken?

Mr. REYNOLDS. I believe —

Mr. PALMER. Your microphone, please.

Mr. REYNOLDS. Sorry. I believe what you are reading from, sir, is the Yosemite expedited inquiry or is —

Mr. PALMER. Well, I mean, it seems that there is a pattern across here that women were intimidated, other people were intimidated, they were traumatized —

Mr. REYNOLDS. Yes.

Mr. PALMER.—and you gave one guy a temporary promotion. Has anyone been fired? Has that question been asked, Mr. Chairman? Has anyone been fired? Has anyone terminated?

Mr. REYNOLDS. No one has been fired yet, no.

Mr. PALMER. That seems to be a pattern —

Mr. REYNOLDS. A disciplinary action is—are underway. And the one thing that I —

Mr. PALMER. Let me go on and ask you a couple of other questions. In November 2015 the OIG found that the deputy superintendent and other managers of Grand Canyon improperly shared personal information of the women who wrote to Secretary Jewell reporting the egregious sexual harassment in the Grand Canyon River District.

One former Grand Canyon employee who submitted a statement for the record stated that, “Given the culture of retaliation and hostility towards the victims within the Grand Canyon River District, I, along with the other victims of Diane Chalfant’s negligence, am rightly terrified that the alleged perpetrators will contact us directly to retaliate against us.” I would like to enter that statement in the record.

Chairman CHAFFETZ. Without objection, so ordered.

Mr. PALMER. What actions has the Park Service taken in response to the disclosure of this personal information?

Mr. REYNOLDS. The actions that we’ve taken to date is to recognize that there was inappropriate actions for the EEO process —

Mr. PALMER. Well, that is great that you recognize it, but I want to know, has anyone been fired? Has anyone been demoted? I mean —

Mr. REYNOLDS. No, what I can do under the interest of the Privacy Act for these kinds of things is to personally debrief with you on what we’re doing with disciplinary actions. I can assure you that they’re underway.

Mr. PALMER. All right. And I just wonder, given all of this, how any Park Service employees can trust that managers will keep their information confidential, that any Park Service employees can be confident that if they are harassed in any way that they will be listened to and that action will be taken to protect them?

Mr. REYNOLDS. The—this has —

Mr. PALMER. It is disconcerting to me, Mr. Chairman, that we have had hearings with other agencies and it just seems that this goes on and on and on and no real punitive action is taken. And as long as we have that stance, as long as no real punitive action is taken, these types of things are going to continue to happen.

My time is expired. I yield back.

Chairman CHAFFETZ. I thank the gentleman.

I will now recognize myself here.

Let me go back to the expedited investigation at Yosemite. It is our understanding of the 21 people the investigators interviewed, every single one of them with one exception described Yosemite as a hostile work environment as a result of the behavior and conduct of the park's superintendent. Why isn't there immediate relief?

Mr. REYNOLDS. We—I'm sorry, Mr. Chairman, that was to me? Chairman CHAFFETZ. Yes.

Mr. REYNOLDS. We are actively engaged. The regional director, who's in San Francisco —

Chairman CHAFFETZ. Wait, wait. Let's explore the relationship between Yosemite and the region. Is there a problem with that chain of command there?

Mr. REYNOLDS. The regional office that oversees Yosemite is in San Francisco. We have a regional director. We had the —

Chairman CHAFFETZ. What about the deputy? Who is that person?

Mr. REYNOLDS. We have three deputy regional directors.

Chairman CHAFFETZ. Yes.

Mr. REYNOLDS. And one is in Seattle and two are in San Francisco, along with the regional director.

Chairman CHAFFETZ. Come on. You know what I am getting at. What is the —

Mr. REYNOLDS. One of the deputies is the wife of the superintendent at Yosemite —

Chairman CHAFFETZ. So —

Mr. REYNOLDS.—and we have—and if I may, Mr. Chairman, we have consciously stovepiped that by having a third party in the Midwest region, our EEO manager, help run the investigative process.

Chairman CHAFFETZ. Okay. But here is the problem. These things didn't just spring up overnight, right? This has been a long-standing pattern. You have somebody who is essentially protected and empowered by his wife. I mean, people are afraid of actually coming forward and filing a complaint. I mean, one of the complaints is that the complaints get back to the superintendent. And so when your chain of command and your ability to tell supervisors is impeded by the fact that they are husband and wife, how do you let that happen?

Mr. REYNOLDS. It's even more important why this investigation is important to me to understand if the allegations are true —

Chairman CHAFFETZ. How long has it been going on?

Mr. REYNOLDS. I am not sure, Mr. Chairman.

Chairman CHAFFETZ. What you mean you are not sure? You are the head of the workforce and then you got a promotion so —

Mr. REYNOLDS. Yes, I don't know in terms of what the timescale has been, but that is what I am asking the investigative teams to look into.

Chairman CHAFFETZ. Who did the—you mean the inspector general?

Mr. REYNOLDS. The inspector general now is involved. We were going to be doing our own —

Chairman CHAFFETZ. Okay. Ms. Martin, can you shine some light on this ongoing problem?

Ms. MARTIN. The expedited inquiry took place about the first part of August, so I can appreciate the fact that there—the investigation is now turned over to the IG but with substantial credible evidence of a hostile work environment. There was a number of us that did fear that the superintendent did release or did have a list of names when the regional director came out with the expedited inquiry looking for individuals that would be willing to make statements either in person or written about their perception of a hostile work environment at Yosemite.

So there was a number of us that feared that the superintendent probably got our names. We don't know how. Maybe it was through the regional office. We don't know, but I—there are people that felt that they were not going to come forward and provide a statement based upon this expedited inquiry because the superintendent had a list of names ahead of time.

Chairman CHAFFETZ. Were there any repercussions for that? I mean, are you aware of anybody who had any sort of retaliation against them because they had stepped forward and made a statement about the reality of what was going on?

Ms. MARTIN. Not at this point. There—because it still is under investigation, we don't have—we're not hearing about any—no names have been shared. We only have an informal network of individuals that have come forward, but we—this is the first time I'm actually hearing what some of the additional allegations are in this—in the statements that have been made.

Chairman CHAFFETZ. Can you share with us any of your other personal experience? You mentioned that you had been the victim three times, and you were very candid in what happened in the 1980s. But when you came back to the Park Service, what was your experience?

Ms. MARTIN. I came back to the Park Service after working for the Forest Service for 16 years. When I came back in 2006, I was very excited that my career was coming back to the Park Service. I really enjoy working for the Park Service. But I am—experienced the culture that's very closed in terms of being able to talk about these difficult issues.

And when I came back to the Park Service, my fear was is that the first individual that was the perpetrator for my first sexual harassment was still working for the Park Service, and indeed he was. And it was up until just recently that I—this is why I made the decision to come forward is that I really felt that it was important to shine light on the fact that this was the tipping point for me and for so many other women that needed to have this heard.

Chairman CHAFFETZ. And this was a person who was arrested in the year 2000, a high-ranking national park official accused of peeping at naked women at a YMCA. Then, there is another incident report in 2001. They were having voyeurism issues. A police officer was sent; this person was found to be behind a home or a building in a highly suspicious behavior in that situation. And again, nothing happens. It seems to be a little bit of a pattern. These are just the one that they caught.

So if you don't mind my asking—I hope you don't—what were the other two incidents that happened to you? And then also maybe if

you can contrast the difference between Forest Service and Park Service.

Ms. MARTIN. Thank you, Mr. Chairman. The other two incidents, one while I was still working at Grand Canyon, it was a—I don't remember the exact year—there was an individual that—between the Park Service and the Forest Service we work very closely together on wildland fire, you know, incidents, and so this particular gentlemen worked for the Forest Service, took pictures of me and put pictures—my pictures up above his visor in his government vehicle, was quite bold about it and showed other people that he had pictures of me in his government vehicle.

One day, alone at my office, the south rim of Grand Canyon, he was bold enough to enter my office and tried to kiss me, and I pushed him away, very, very visibly shaken and upset, told a friend of mine about what had happened, went to his office, the Forest Service office, and proceeded to confront the individual. I never had any problems after that, but I did not feel safe at Grand Canyon.

This particular gentleman had applied for the chief of fire and aviation job at Grand Canyon, and at that point I proceeded to notify the deputy superintendent at Grand Canyon at that time that this particular individual was sexually harassing me. I do believe that my conversation with the deputy superintendent most likely prevented that individual from getting a job at Grand Canyon.

Chairman CHAFFETZ. And the other incident?

Ms. MARTIN. The other incident was when, after I left the National Park Service, I was working for the U.S. Forest Service and there was a private—it was a work-sponsored meeting at a private house, and I was sitting next to a superior of mine in my fire chain of command, was sitting on a crowded couch, proceeded to run his fingers through my hair. I immediately got up from the couch to remove myself from the situation. I talked to my immediate supervisor about it the following day.

Again, these are very embarrassing situations. It seems so ubiquitous in our culture, in the wildland fire culture that I just didn't feel that I could expose that as part of my—preserving my career. But at one point I did mention it to upper management in the Forest Service, and the appalling reply when I told him about it, well, it's his word against yours.

So I think at that point I really began to really believe that there is a culture of tolerance and acceptance of this kind of behavior in our workforce. And I have been powerless, although maybe I could have come forward with more formal complaints. I did not. I honestly felt that the preservation of my career and my career status with my peers was more important than filing a complaint.

Chairman CHAFFETZ. With some indulgence here, just one more question. Mr. Reynolds, during your time heading the workforce, how many people were fired for sexual harassment, sexual misconduct, or anything in that genre? How many?

Mr. REYNOLDS. I'd have to look up a number and get it to you today, but I am not aware that there were that many fired to be honest with you for those actions that you state.

Chairman CHAFFETZ. Were there any?

Mr. REYNOLDS. I'll confirm with you. I don't have any recollection of any at this point.

Chairman CHAFFETZ. I guess I would like to know how many complaints were filed during that time.

Mr. REYNOLDS. Yes.

Chairman CHAFFETZ. Let's take the end of 2013 —

Mr. REYNOLDS. Okay.

Chairman CHAFFETZ.—to present day —

Mr. REYNOLDS. Got it.

Chairman CHAFFETZ.—how many complaints happened at any level, and how many people were fired?

Chairman CHAFFETZ. Thank you.

Mr. REYNOLDS. Thank you.

Chairman CHAFFETZ. I now recognize the gentleman from Virginia, Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chairman, and thank you for having this hearing.

Mr. Reynolds, you are the deputy director of operations?

Mr. REYNOLDS. Yes, sir.

Mr. CONNOLLY. So you, in that responsibility, oversee all of the national parks in some fashion?

Mr. REYNOLDS. Through their regional directors, yes.

Mr. CONNOLLY. Yes. How long have you been on the job?

Mr. REYNOLDS. Since August 1.

Mr. CONNOLLY. And why did you get placed in that job on August 1?

Mr. REYNOLDS. We had a retirement of my previous boss, Peggy O'Dell, and the director asked if I would be willing to be reassigned into that job.

Mr. CONNOLLY. So it wasn't because of some policy shift or shoring up enforcement or making a statement that now we are taking it seriously?

Mr. REYNOLDS. In this case my understanding is they needed a replacement for —

Mr. CONNOLLY. Right. Okay.

Mr. REYNOLDS.—a retirement.

Mr. CONNOLLY. So you were filling in?

Mr. REYNOLDS. Yes.

Mr. CONNOLLY. Nothing wrong with that, but I mean —

Mr. REYNOLDS. Yes.

Mr. CONNOLLY.—I just wanted to make sure. We weren't making a statement trying to deal with what is front of us here?

Mr. REYNOLDS. No.

Mr. CONNOLLY. So how long have you been with the Park Service?

Mr. REYNOLDS. Thirty years.

Mr. CONNOLLY. Okay. So it is fair to ask you this question, I think. I mean, I am looking at the fact that we have got problems, you know, in the last few years at the Grand Canyon, Cape Canaveral, Yosemite, Yellowstone. I mean, you know, why shouldn't the public be led to believe that—now, behind the redwoods, you know, shenanigans are going on? People are being harassed or worse and nothing is being done about it because the culture is a so-what kind of culture frankly. It doesn't take this seriously, which has

lots of ramifications for would-be employees in terms of the desirability of service, in terms of the integrity of the National Park Service itself. The public wouldn't think this is a good idea or tolerate it and it would be very distressed and is distressed to hear the stories repeatedly.

So help me understand. Is this a systemic culture that has to be weeded out in the National Park Service? And secondly, would you, by way of self-criticism, agree with Ms. Martin that up until now it has frankly not gotten the serious attention it deserved?

Mr. REYNOLDS. I would first like to say that I think the majority of our employees are some of the best-serving employees I have ever seen in the Federal workplace, including folks like these, and they deserve a much, much better culture that we have. I hope it's not as systemic —

Mr. CONNOLLY. Wait, wait —

Mr. REYNOLDS.—as it appears to be —

Mr. CONNOLLY. Wait, wait, wait. They deserve a better culture than they have? That seems to be saying there is something —

Mr. REYNOLDS. We have a problem.

Mr. CONNOLLY.—systemically wrong with our culture.

Mr. REYNOLDS. I believe we have a problem —

Mr. CONNOLLY. Okay.

Mr. REYNOLDS.—and I believe we should be making very urgent change to that culture.

Mr. CONNOLLY. Is there training or orientation before I put on that uniform as an employee of the National Park Service?

Mr. REYNOLDS. There is. There —

Mr. CONNOLLY. On this subject?

Mr. REYNOLDS. There is a little on the subject. It needs to be more.

Mr. CONNOLLY. All right. Tell us the—what is the SOP, standard operating procedure, when you get a report, whether it is anonymous—I assume you have a hotline so if I want to protect my identity—I am Ms. Martin but I don't want to be fingered because I am on the job surrounded by the people —

Mr. REYNOLDS. Right.

Mr. CONNOLLY.—perpetrating —

Mr. REYNOLDS. Confidentiality.

Mr. CONNOLLY.—the harassment. So do I have an anonymous hotline I can call and have it followed up on?

Mr. REYNOLDS. Yes. To clarify, there is a hotline if you will, a reporting mechanism, in each region for the EEO operation. We are establishing a new hotline as well, a third-party —

Mr. CONNOLLY. Does that mean that each region has its own SOP?

Mr. REYNOLDS. In general, each region has its own offices. They should be operating from one Park Service-wide SOP, and that's something we're shoring up as we speak.

Mr. CONNOLLY. So there is a manual that—if I am a regional director —

Mr. REYNOLDS. Yes.

Mr. CONNOLLY.—and I am new on the job, where do I go to get guidance on how we handle these things?

Mr. REYNOLDS. You go right to your EEO officer in the region. And some parts have EEO collateral duty, which is a fancy way of saying other duties as assigned, and they often are in H.R., they might be in some other—depending on the size of the park —

Mr. CONNOLLY. Okay.

Mr. REYNOLDS.—they might actually have a —

Mr. CONNOLLY. All right. Sticking with SOP for a minute because I am trying to understand —

Mr. REYNOLDS. Yes.

Mr. CONNOLLY.—what is going on at the National Park Service. So I am so-and-so and I have been harassed and I go to my supervisor, I don't do it anonymously, and I report that, you know, Fire Ranger X has put the hit on me and I am very comfortable, I shouldn't have to put up with that, it is degrading, humiliating, I didn't sign up for this and I want some action, what happens?

Mr. REYNOLDS. They are referred immediately—if the supervisor does their job right—to an EEO specialist or to somebody at the hotline at the place that we were referring to.

Mr. CONNOLLY. But you heard Ms. Martin's testimony. Her testimony is that when that happened I think to her the answer was it is your word against his, right? Is that right, Ms. Martin?

Ms. MARTIN. That's correct.

Mr. CONNOLLY. So, Mr. Reynolds, going to the EEO person didn't work.

Mr. REYNOLDS. Yes. We've got problems that I have to fix urgently.

Mr. CONNOLLY. Mr. Healy, a lot of the complaints focused on the Grand Canyon, which shocked me. I mean, the Grand Canyon is so spectacularly beautiful. I can't believe that you are focused on anything other than beauty, but apparently our Park Service rangers are. What is going on in the Grand Canyon by way of trying to address this issue so that it does not recur and that we have actually shifted the culture at one of the great icons of the world, the Grand Canyon?

Mr. HEALY. We do have the Park Service response to the OIG. There's 18 action items. But I think a very positive step was the assignment of our new superintendent Chris Lehnertz. I think people at the park feel comfortable with her, and she's—she called me on her second day on the job. She's definitely someone that will listen to us and I think has been approaching our issues directly instead of pretending they aren't there, you know. She's there to make change, and I think that's a big positive step for us.

Mr. CONNOLLY. Just a final question because I know my time is up and I thank my classmate and friend from Wyoming in indulging me. But, Mr. Healy, would you agree with Mr. Reynolds that we have got a lot of reform that has to happen in the culture?

Mr. HEALY. Absolutely.

Mr. CONNOLLY. Thank you.

Thank you, Madam Chairman.

Mrs. LUMMIS. [Presiding.] The gentleman yields back.

Mr. Grothman, is recognized.

Mr. GROTHMAN. Thank you.

First of all, there was an incident referred to by Chairman Chaffetz before, and I am going to ask Mr. Reynolds about it, a sit-

uation where at first blush the wife was kind of over the husband. Is that true?

Mr. REYNOLDS. In that situation she does not directly supervise her husband. She's in the regional office, which is the next level up, sir.

Mr. GROTHMAN. How long did that situation exist?

Mr. REYNOLDS. I would have to confirm it, but I think it's been many, many years that they've been in service.

Mr. GROTHMAN. I mean, where she's—okay.

Mr. REYNOLDS. Long-serving deputy —

Mr. GROTHMAN. Office —

Mr. REYNOLDS.—maybe more than 10 years at least.

Mr. GROTHMAN. Okay. I will give you another general question, and this to me is just, you know, more evidence why, no matter how tempting it may seem to my colleagues, you never, ever, ever want the government to do anything more than they have to.

Mr. Healy—oh, one more question for Mr. Reynolds. You said that you never knew since you were they head of H.R. anybody being fired for sexual harassment, right, you couldn't remember that —

Mr. REYNOLDS. Yes. I am going to follow up for the chairman on —

Mr. GROTHMAN. Yes.

Mr. REYNOLDS.—the data, but it didn't—I was managing systems and processes.

Mr. GROTHMAN. How long were you head of H.R. in this region?

Mr. REYNOLDS. Two years.

Mr. GROTHMAN. Two years? How many people did you have under you?

Mr. REYNOLDS. There's about 18,000 permanents, upwards of 20,000 by the time the seasons come in.

Mr. GROTHMAN. So you were the H.R. head of over 18,000 people, right?

Mr. REYNOLDS. In general. The way our system works is our regions actually run their own H.R. programs. We have the sort of the overarching system and process oversight.

Mr. GROTHMAN. Do you know in those two years how many people were let go, period, for anything?

Mr. REYNOLDS. We fire quite a few—upwards of at least 100 people a year for various infractions.

Mr. GROTHMAN. Okay. What do they usually do?

Mr. REYNOLDS. They are often conduct issues. They might be caught stealing or they might be the normal range of things you might have happen.

Mr. GROTHMAN. Okay. Mr. Healy, thanks for coming by. We have got to ask you some questions. How pervasive is retaliation at the Park Service?

Mr. HEALY. I'm sorry. Can you repeat that?

Mr. GROTHMAN. How pervasive do you think retaliation is at the Park Service?

Mr. HEALY. You know, I—my experience is limited to Grand Canyon, and it's—with a couple of the individuals that are still at the park I think there's a pretty extensive pattern of that. And that was all described in—by the OIG during their investigation.

Mr. GROTHMAN. Okay. Are you afraid of retaliation for showing up and talking to us today?

Mr. HEALY. Yes, I am somewhat. Yes. Yes.

Mr. GROTHMAN. Okay. I guess this question is kind of obvious but do you feel the Park Service has adequately held managers accountable for their part in allowing harassment to occur at Grand Canyon?

Mr. HEALY. I don't at this time. I'm optimistic for the future, but, you know, it's been quite a while since the OIG investigation came out, and the Park Service response to that, and, you know, we're in September and we still haven't seen some of the individuals that were implicated by the OIG leave.

Mr. GROTHMAN. Slow-moving. Maybe I will switch back to Mr. Reynolds. Are any of these managers under any jeopardy of losing their job for their slow-moving here?

Mr. REYNOLDS. I—again, as I offered earlier, I'd be happy to talk to you in person or the chairman —

Mr. GROTHMAN. Again, are they in jeopardy, I mean, just poking around here —

Mr. REYNOLDS. For many of these actions, as they are found true, yes, they are in jeopardy.

Mr. GROTHMAN. Okay. Mr. Healy, according to your testimony, a former supervisor at the Grand Canyon district breached confidentiality victims and was given a temporary promotion to chief ranger, is that true? What effect does that have on the morale of the employees when they see the sort of thing going on?

Mr. HEALY. I think it has a severe impact. I think it really does. I think that was probably a setback for employee morale in moving forward after this thing. You know, this is a really, really big deal for employees.

Mr. GROTHMAN. What was his position before and what was he promoted to?

Mr. HEALY. He was supervisory park ranger, I believe, and his temporary promotion was chief ranger at a park, so the highest ranger position at another park from what I understand.

Mr. GROTHMAN. Okay. Would you feel comfortable saying what park? I won't make you do that. You probably —

Mr. HEALY. It's Curecanti —

Mr. GROTHMAN. Curecanti —

Mr. HEALY.—Black Canyon of the Gunnison area. It's in Colorado.

Mr. GROTHMAN. Okay. Okay. Okay. Interesting. I will go back to Ms. Martin. I will ask you the same question. How common do you think retaliation is at NPS?

Ms. MARTIN. Thank you, Congressman, for that. I'm fearful more of the repercussions. The retaliation I have not been a victim of. And I think everybody knows that by coming forward, we are trying to very truly have a stronger conversation about what sexual harassment is and a hostile work environment is, so I actually feel somewhat confident that retaliation will not happen. But there are people that do fear that and will not come forward with honest statements.

Mr. GROTHMAN. Because retaliation, you mean they feel they are less likely to be promoted themselves in the future?

Ms. MARTIN. Yes, I think, you know, people just don't want to really rock the boat. They don't really want to come forward for what they really see as going on. So there's a handful of us that believe that this is an extremely important topic to bring forward, and so I'm cautiously optimistic, I guess, that we will not be retaliated against.

Mr. GROTHMAN. Okay. Mr. Reynolds, in your past statements you said you were doing what you can to increase the number of women in management positions at the Park Service. Could you elaborate?

Mr. REYNOLDS. We are beginning to venture into a much more aggressive recruitment. We've opened a recruitment office that will—we really have not had—recruitment has been done at the supervisory management level, so we're trying to begin to centralize that to focus on both—diversity in all of its forms.

Mr. GROTHMAN. Okay. I am well over my time so thanks for being patient with me.

Mrs. LUMMIS. I thank the gentleman.

Mr. Mica is recognized for five minutes.

Mr. MICA. Well, thank you, Madam Chairman and ranking member. I haven't been able to participate; I got waylaid on a host of other things. But I did stay up last night and read some of the testimony and a staff report. It was absolutely appalling to see what took place in some of these instances, and it also to me is disgraceful that the Federal Government could be a partner into the abuse of women and employees and others and let them be subject to this type of activity. I just was stunned at what is going on.

When we came into the majority in 1995, I was the first Republican chairman of civil service in 40 years, and I got to look at the civil service system. And you want a civil service system—and it was created to protect employees from political interference, but it wasn't created to protect them when they abuse their fellow employees, violate laws, protocols, rules, and that is what I read page after page. It is just stunning.

And then I saw the movement of people within the agency from department to department. One case, and I am sure it has been relayed here, where you get promoted after you commit sexual acts that no one would tolerate in any other form of employment.

Okay. I have sat here, I have sat through IRS, I have sat through—I never forget the head of Secret Service. She came to me after she was brought in, Julia—she went to the University of Central Florida, was a police officer, eminently qualified, first female Secret Service director. And after she was there for a while, she came in and she says this is almost impossible to control. I need assistance to determine—well, to be able to hire and fire, hire and fire poor performers, and that is—whether it is Secret Service, whether it is IRS, whether it is GSA, FBI, other agencies, we have to—actually some of them are exempt. There is exempt and un-exempt.

Mr. Reynolds, are your hands tied?

Mr. REYNOLDS. Congressman, thank you for bringing this up. It is a complex system that you know better than anybody.

Mr. MICA. It is very complex, and it is very difficult for you to navigate —

Mr. REYNOLDS. Yes.

Mr. MICA.—and it can take a long time to get rid of these people.

Mr. REYNOLDS. I don't want to cop out by saying it's the process, right —

Mr. MICA. I would —

Mr. REYNOLDS.—we have to be accountable —

Mr. MICA. I am not copping out either, but I am telling you, it is the process. We have set up a system where nobody gets fired. When you do egregious things, you don't get fired. It is easier to transfer them around. And we have seen examples. An example, I read it last night, and it didn't let me sleep well last night.

Mr. REYNOLDS. There is a GAO report that says it takes us six months to a year to terminate people at times.

Mr. MICA. And that would be a speedy termination, and the alternative is actually that they are moving people into other positions. And then what kind of message does it send when they actually get elevated? One of the most troublesome cases was getting elevated to one of the highest positions, and everybody knew what was going on. It is disgraceful.

Well, I think that the way to cure this is, again, you want to protect—we want to protect people—we have thousands and thousands of wonderful employees of the Federal Government. You have got them in the Park Service —

Mr. REYNOLDS. Yes.

Mr. MICA.—and I have seen them. They stay there late, they work extra time, they neglect sometimes their family, but they serve the public. They are public servants. We have got a few rotten apples in the barrel, and they are still in the barrel, and to me it is disgraceful that we haven't fixed the system that allows you to do your duty to clear the deck of people who need to be fired, removed, and held accountable. Would you agree with that?

Mr. REYNOLDS. I agree.

Mr. MICA. Okay.

Mr. REYNOLDS. We need to move as fast as we can —

Mr. MICA. Well, again, Madam Chairman, thank you for holding this hearing. This is an important hearing. This is to the core of the problem we have across the spectrum of the Federal Government.

And I thank you and yield back the balance of my time.

Mrs. LUMMIS. I thank the gentleman from Florida.

I have seven statements that I would like to include in the record. Without objection, so ordered.

Mrs. LUMMIS. Mr. Healy, have you ever seen someone, let's say a problem person, a sexual predator within the National Park Service, either transferred laterally or promoted?

Mr. HEALY. I don't believe so.

Mrs. LUMMIS. Ms. Martin, have you ever seen someone who was known to be a problem employee for the reasons we are meeting today either transferred laterally to a different NPS property or promoted?

Ms. MARTIN. If you refer to my testimony regarding my first sexual harassment incident at Grand Canyon, that is an example of how an individual was laterally moved and promoted.

Mrs. LUMMIS. Well, what we have heard today are terms like toxic work culture, a closed culture. We have heard "go along to get along" culture, and we know that within the National Park Service there are plum assignments. People will stay regardless of how long it takes or what they have to put up with to get to some of those crown jewel properties because they love their jobs so much.

In some respects that is rewarding loyalty. In other respects, it can create a toxic work culture. And it appears that the National Park Service, especially since we have had reports of this for 16 years and that these matters are not being adequately addressed, that perhaps promotion from within has actually hurt the National Park Service from addressing cultural systemic problems in this area.

So I will be asking the chairman and ranking member of this committee to prepare memos to the transition teams for both the Democratic and Republican Presidential candidates to inform them of what is in the record here about what is going on at the National Park Service in terms of a toxic work culture and how maybe it is time to get, as Mr. Mica said, some of the rotten apples that are still in the barrel out of the barrel.

And maybe that is going to require people who have made this their career and have been looking forward to being considered for some of the very highest positions within the National Park Service to not attain those goals because this has been tolerated. It has not been swept under the rug and now some of the people in leadership positions are just finding out about it. It has been tolerated. And it appears that people have tolerated this in order to advance their careers into the highest positions in the National Park Service. It is time to ferret out that kind of toxic culture. And either new President is going to be in a position to do that.

So I will ask the chairman of this committee and the ranking member to prepare memos to the transition teams of the Democratic and Republican nominees for President and present them to them so when they are going through transition and preparing people to go before Senate committees for confirmation that they know exactly what is going on in the National Park Service and they are prepared to address these problems.

I thank you for your testimony today. It builds on testimony that we have in writing. It builds on reports that we have had for 16 years that have gone inadequately addressed. It informs the next President that they better start lawyering up these agencies with people who are experts in personnel rules and disciplinary rules because they are going to take a whole bunch of people through processes that have not been used enough within the National Park Service.

I now recognize the ranking member, Mr. Cummings.

Mr. CUMMINGS. I want to thank the chairlady for your words, and I agree that it would be a good idea to get those letters out to the two transition teams. And I think hopefully it will have some impact.

To you, Ms. Martin, to you, Mr. Healy, I thank you for coming forward. This is not easy. It can't be. When I think about you, Ms. Martin, having left and then come back, and I was just reading the

file of the person who was the peeping tom, you should not have had to go through that.

You know, I often think about how people come to work every day. Sometimes they have things that they have to struggle with at home. All of us do. But no matter what, they get up, they come to work, and when you have got a job like the ones you all have, dealing with the public, you have got to put on a good face and you have got to be the best that you can be.

But the idea that you come to work and you have got people who place you in a position of discomfort, knowing that they could have not only an impact on your career but on your way of life and then to be able to function at your maximum with all of that over your head, that is quite a bit. And then to seemingly have an administration at the Park Service that through neglect or just a sheer sense of lack of urgency, does not back you up, that is a problem.

The other thing that I guess that goes through my head is what I said a little bit earlier. You have been bold enough to come here to give your testimony and the idea that you might not have the impact that you wanted to have and to go back and get hurt because you have stepped forward is the worst thing that could happen.

So I want to vow to you and I am sure everybody on this committee feels the same way—and let me send the message to all of those who are thinking about, thinking about, thinking about retaliating or bringing harm that we will come after you with everything we have got. There is no way that we will correct this culture if you have to be in fear and if they have the position that they can do whatever they want and get away with it.

And to those who feel that way, that feel that they want to retaliate, I would invite them to leave the Park Service. Go do something else because we want our employees to be able to be content. We want them to have a normal employee/employer existence, normal. This is not normal. It is not. It has got to be stressful every day watching your back. Who is going to hurt you? Who is going to block your path? What is going to happen when you come up for promotion? Who is going to be whispering things, oh, she is not this or he is not that? And when you don't even know who did it. So all of that, that has got to be stressful.

And then I go back to what you said, Ms. Martin, with regard to doing the whole balancing thing. Do I tell or do I be quiet? Do I say something? Because if I say something, my career may be ruined. And then what am I going to do? How am I going to feed my family? Those are real, real decisions.

And so, you know, I know there is a survey coming out, Mr. Reynolds, but the thing that struck me is that 16 years ago a similar survey came out, is that right? And when folks were asked about sexual harassment, they were asked this question, "have you personally experienced sexual harassment" 52 percent, hello, 52 percent of the respondent females in law enforcement positions in the Park Service said yes, and an astounding 76 percent of the respondent females in the United States Park Service answered yes.

What is that about? And did you see that? Did you see those things when you were there? You know, we talked about these inci-

dents. When you held the position that you held, head of H.R., whatever you called it, did you see some of this?

Mr. REYNOLDS. I did see instances come through in terms of cases, not—we haven't had the data to understand that the way that survey describes, which is why we want to do a second—you know, this new survey and to do it right this time.

Mr. CUMMINGS. But this was 16 years ago?

Mr. REYNOLDS. Yes.

Mr. CUMMINGS. All right. We have got problems —

Mr. REYNOLDS. Yes, sir.

Mr. CUMMINGS.—and we have got to correct them.

Mr. REYNOLDS. And I would like to say that I will personally ensure—and you may hold me absolutely accountable—that these people will be protected with their careers and their lives.

Mr. CUMMINGS. And see, they know the names. They know the names. They know the names. But you know what? You can know the information and know the names, but when you have got this culture, even giving up—just the mere giving up the names would cause them stress, am I right, Ms. Martin?

Ms. MARTIN. Without a doubt. I know that I have—I'll be probably more—I'll be facing serious repercussions, but I just have to go on record to tell you that I have a tremendous amount of support of women behind me that could not do this, but the other important thing is that there's men that want to see our culture change, too.

Mr. CUMMINGS. That leads me to my last statement, and I am so glad you said that. I am so glad you said that. And I want to say this to all the people that you just talked about, the ones that back you up, the ones that care, the ones that support you —

Ms. MARTIN. Absolutely.

Mr. CUMMINGS.—they have got to understand that they are the solution. They really are. They have to be that critical mass. They have got to stand up, they have got to back you up, and then hopefully more and more will come forward. And if changes need to be made at the top, they need to be made, but they have to help us change it because they are there. You are on the ground. They are the witnesses, okay?

I have often said through our pain must come our passion to do our purpose. Your pain has allowed you to come here with a passion, and that passion has allowed you to do your purpose. And hopefully, we will be able—that purpose will be about bringing a new day to the Park Service by shining a bright light on its problems.

With that, Madam Chair, I yield back.

Mrs. LUMMIS. I thank the ranking member.

The tone is set at the top, so the tone has to change going forward.

I want to thank our witnesses. Mr. Healy, thank you for coming here and for your bold statements. Ms. Martin, thank you for your testimony today and for representing other people within the National Park Service who are similarly situated, but your ability to speak on their behalf is deeply appreciated by this committee. Mr. Reynolds, thank you for your testimony today. You have got your hands full. I hope you are up to the task.

Mr. REYNOLDS. Yes.

Mrs. LUMMIS. You know, God bless you in your work there.

With that, the Committee on Oversight and Government Reform is adjourned.

[Whereupon, at 3:18 p.m., the committee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

JODY B. HICE
10TH DISTRICT, GEORGIA
HICE HOUSE GOV

1510 LIVINGSTON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4101 PHONE
(202) 226-0776 FAX

100 COUNTRY STREET
MUNDOE, GA 30655
(770) 207-1778

3015 HERITAGE ROAD, SUITE 6
MILLEDGEVILLE, GA 31061
(478) 457-6007

210 RAILROAD STREET, ROOM 2401
THOMSON, GA 30624
(706) 969-1461

Congress of the United States
House of Representatives
Washington, DC 20515-1010

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
SUBCOMMITTEES

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ENERGY AND MINERAL RESOURCES
FEDERAL LANDS
OFFSHORE AND INVESTIGATIONS
POLICY COMMITTEE

June 16, 2016

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. President:

As a member of the House Oversight and Government Reform Committee and House Natural Resources Committee, I am deeply troubled by the pattern of misconduct and unethical behavior by employees of the National Park Service, and specifically, Director Jonathan Jarvis. Over the past month, I have had the opportunity now to participate in two separate hearings where the problems at this agency have become more publicly known.

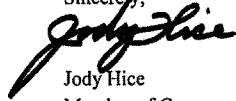
Unfortunately, this pattern of misconduct starts at the very top of the National Park Service with Director Jarvis. Last year, the Department of Interior's Office of Inspector General (OIG) began an investigation associated with a book deal on the National Park System that Director Jarvis negotiated without consulting the Department's Ethics Office. To make matters worse, the OIG noted in its report on Director Jarvis that he chose to avoid consultation with the Ethics Office because it would essentially delay his book from being published.

Furthermore, this misconduct does not stop with Director Jarvis. In the hearings held in these two House Committees, we learned of two additional investigations conducted by the OIG on allegations of sexual harassment at the Grand Canyon National Park's River District and Cape Canaveral National Seashore. In both locations, the OIG found that individuals chose not to come forward out of a fear of professional retaliation or that complaints were not properly sent up the chain of command.

Regrettably, in these cases – and others – the proper form of discipline was not pursued. In the case of Director Jarvis' book deal, the only punishment he faced was that he was stripped of his authority to implement the Park Service's Ethics Program and is required to attend monthly ethics training courses for the remainder of his tenure. Others have either been transferred out of their positions or have been allowed to retire without facing the punishment that fits the misconduct.

These are just some of the examples of the ethical failures and misconduct committed by employees of the National Park Service and the lack of discipline they have faced. Ultimately, Director Jarvis must be held accountable for these actions. Therefore Mr. President, I believe that the time has come for you to call on Director Jarvis to tender his resignation as the Director of the National Park Service. Should he choose not to resign, I believe that you must relieve him of his duties effective immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Jody Hice", written in a cursive style.

Jody Hice
Member of Congress

Cc: The Honorable Sally Jewell, Secretary, Department of the Interior

Testimony for Public Hearing
House Oversight Committee on Government Reform
September 22, 2016

Michelle L. Kearney
[REDACTED]
[REDACTED]
[REDACTED]

My name is Michelle L. Kearney. I am a former employee of Grand Canyon National Park. I want to thank Chairman, Rep. Jason Chaffetz and Ranking Member, Rep. Elijah Cummings and other members of the House Oversight and Government Reform Committee for the interest you have shown in demanding accountability and reform on hostile and discriminatory working conditions in the National Park Service.

I wish to provide testimony of my employment history with Grand Canyon National Park, the harassment that I suffered during such employment, the numerous complaints that I submitted to different individuals in leadership roles at the Grand Canyon National Park, and the losses that I have suffered as a result of both the Grand Canyon National Park's failure to act in response to my numerous complaints of sexual harassment, and the Grand Canyon National Park's negligence in improperly disclosing my personal information to the alleged perpetrators of my harassment. I also wish to recommend four areas of reform for the Committee to consider in addressing the appalling working conditions at Grand Canyon National Park.

I understand that this testimony will be accessible to the public via the Committee's website. As such, throughout this testimony, I will be referring to individuals either by their title or by the designation assigned to them in the Office of Inspector General's *Investigative Report of Misconduct at the Grand Canyon River District*. I am available to provide more details as to the identity of the individuals described herein, should the Committee have any difficulty in identifying the individuals described.

Employment History

I was employed at the Grand Canyon National Park in various capacities between 2007 and 2015:

- October 2007, intermittent small craft operator for Grand Canyon River District;
- April 2009 to November 2009, seasonal law enforcement park ranger for the North Rim of the Grand Canyon;
- December 2009, intermittent small craft operator for Grand Canyon River District;

- March 2010 to October 2011, seasonal law enforcement ranger for the Grand Canyon River District;
- October 2011 to September 2012, GS-0025-09 permanent status river ranger for the Grand Canyon River District; and
- December 2012 to present, intermittent GS-05 biological technician with the Grand Canyon Fisheries Department.

As the Office of the Inspector General found, in its *Investigative Report of Misconduct at the Grand Canyon River District*, there has been “a long-term pattern of sexual harassment and hostile work environment in the [Grand Canyon] River District.”

A hostile work environment and long-term pattern of sexual harassment is especially dangerous in an employment context such as the Grand Canyon River District for a few reasons. First, co-workers are completely dependent upon each other for safety, food, and privacy. Privacy is extremely limited, and depends upon individuals to respect each other’s space for changing, bathing, relieving oneself, etc. Second, employees are very regularly alone in isolated areas. As explained below, such an isolated area is ideal for perpetrators to commit acts of sexual harassment. Third, the long-term pattern of sexual harassment and hostile work environment creates a “norm,” in which it is normal, and expected, that female employees will experience sexual harassment. This norm creates an extremely dangerous situation, in which female employees are regularly isolated with individuals who harass them, expose themselves to them, and assault them, in some cases.

Like the thirty-five victims of sexual harassment that the Office of the Inspector General identified, I was subjected to a hostile work environment and numerous explicit acts of sexual harassment by other employees of the Grand Canyon National Park. I outlined my experiences of harassment in a twenty-nine-page letter to Grand Canyon National Park’s Chief Ranger dated June 6, 2013. My letter documents both my own experiences of sexual harassment and other current and former employees’ experiences.

The most egregious incident of sexual harassment that I experienced occurred when Grand Canyon employee Boatman 1 exposed himself to me in April of 2011. I was also repeatedly propositioned by Boatman 1, exposed to naked photos of women by another Grand Canyon small craft operator (who spent the off-season making pornography), and Boatman 1 watched me change clothes in October of 2010.

I described very thoroughly the incident in which Boatman 1 exposed his genitals to me in my detailed letter to the Chief Ranger, and will not repeat all of the details here. However, I will emphasize that I was alone with Boatman 1 in an isolated area when he exposed himself to me, creating a very intimidating and hostile situation.

As explained below, I reported this incident of sexual harassment to Supervisor 1, my supervisor and the harasser's supervisor; to the Deputy Chief Ranger for the River District; and to the Superintendent of the Grand Canyon. As far as I know, none of these individuals conducted an investigation of my allegations.

Ultimately, I resigned from my permanent position with the Grand Canyon in September of 2012 because of the hostile environment created by employees and supervisors with whom I worked. It was with great disappointment that I did so, as I had hoped to do the work that I was doing at the time for the rest of my life.

After my resignation in September of 2012, I agreed to work occasionally as an intermittent biological technician with the Fisheries Department of the Grand Canyon. I only agreed to do this work because I was assured that my work would not bring me into any contact with the River District. In fact, I was assured that I would conduct this work nine miles from the river, along waterways within the Grand Canyon which could only be reached on foot.

In October of 2013, while I was working as an intermittent biological technician, I learned that the Grand Canyon Trail Crew had received knowledge of the letter that I submitted to the Chief Ranger. At that time, the Trail Crew regularly and actively harassed the employees of the Fisheries Department. Also during this time, an employee of the Trail Crew assaulted an employee of the Fisheries Department at the Phantom Ranch Bunkhouse. This was a very dangerous group to have such information of my complaint, and there was no legitimate reason for the Trail Crew to have such information.

I reported to my supervisor in the Fisheries Department at the time, when I learned that the Trail Crew knew of my letter. My supervisor reported this information to his supervisor, the Deputy Superintendent for Grand Canyon. However, yet again, the Grand Canyon leadership failed to take any corrective action, either for the improper disclosure of the letter or for the incidents clearly outlined in the letter.

The disclosure of the letter that I wrote to the Chief Ranger released a great deal of allegations that I had raised against numerous individuals. Because such information was released, I am now terrified to work in the Grand Canyon for fear of retaliation by the perpetrators that I had reported. I turned down work offered to me with the Fisheries Department in March of 2014 because I would have had to spend a week with the Trail Crew and was concerned that I would be retaliated against by either the River District employees or the Trail Crew. Throughout 2015, I remained an intermittent employee with the Fisheries Department, but was too concerned of retaliation to take part in any trips with the Fisheries Department.

As explained below, however, I do not have to come to the Grand Canyon for the perpetrators that I reported to find me and retaliate against me, as Deputy Superintendent of the Grand Canyon, Diane Chalfant, provided my personal contact information directly to those perpetrators.

In January of 2016, I learned, for the first time, that Deputy Superintendent of Grand Canyon National Park Diane Chalfant had disclosed my personal contact information, along with the personal contact information of numerous other individuals who complained of sexual harassment, to the alleged perpetrators of the sexual harassment described in the complaints. The November 16, 2015 Memorandum between Jon Jarvis, Director of the National Park Service, and Mary Kendall, Deputy Inspector General, describes this disclosure. This disclosure became public in a Management Advisory from the Office of Inspector General on January 12, 2016.

Complaints Lodged

Throughout my employment with the Grand Canyon, I reported numerous complaints about the boatmen to my supervisor, the Deputy Chief Ranger for the River District. The first time that I did so, the Deputy Chief Ranger informed me that the "problem" was that participants on river trips "would sleep with each other on day 3, but by day 12 they hated each other, and suddenly it became sexual harassment." The Deputy Chief Ranger also informed me that the "problem" was also that a female Supervisory Plant Biologist at Grand Canyon, "would get these girls pre-loaded to think they had been sexually harassed," so that when they came off of the river, she would get them all "worked up" to file a Complaint. The Deputy Chief Ranger did not, to my knowledge, conduct an investigation of any of the complaints of sexual harassment that either I or any other employee raised.

Later, following Boatman 1's exposure of his genitals to me, I immediately reported the incident to the Deputy Chief Ranger. The Deputy Chief Ranger responded to my report by informing me that, in the ski patrol world they "used to not call it sexual harassment until the guy whipped out his penis and slapped you across the face with it." This was the Deputy Chief Ranger's only response to the incident. He did not counsel me on my rights to report the incident, nor, to my knowledge, did he even speak to Boatman 1 regarding his completely inappropriate behavior.

I also reported the incident to the Supervisory Law Enforcement Ranger in the River District in September of 2011. To my knowledge, this supervisor took no action regarding this report. Additionally, in my 2013 letter to the Chief Ranger, I describe a conversation that I had with the River District Supervisory Law Enforcement Ranger about Boatman 1 in August of 2012, upon my resignation from the Grand Canyon National Park River District. This supervisor described to me a sexual harassment complaint that another Grand

Canyon employee had filed with the EEOC regarding Boatman 1. In the conversation, this supervisor drastically minimized the legitimacy of the complaint. The result of this separate EEOC complaint was that Boatman 1 was no longer to be scheduled on any river trips, in any capacity. However, by October of 2012, only two months after he reviewed the EEOC Complaint, the River District Supervisory Law Enforcement Ranger scheduled Boatman 1 to run a shuttle for a river trip.

In addition to raising my own complaints regarding sexual harassment, I have been involved in other sexual harassment complaints by Grand Canyon employees. I testified in the investigation by the Office of Inspector General in October of 2014, and submitted a Witness Affidavit in an EEOC complaint filed by Employee 5 in December of 2014. Employee 5 was employed in the same permanent position from which I resigned.

Additionally, I reported the incidents of sexual harassment, both against myself and against other employees, to numerous other individuals. Specifically, I reported such incidents to a human resources specialist from the Regional Office in Denver; Dave Uberuaga, former Superintendent of the Grand Canyon National Park; and to my supervisor in the Fisheries Department at Grand Canyon National Park.

Response to Complaints by Grand Canyon National Park Leadership

In short, Grand Canyon National Park simply did not respond to my complaints. As noted above, the Deputy Chief Ranger made light of my report that Boatman 1 had exposed his genitals to me. The River District Supervisory Law Enforcement Ranger made no response to, and no investigation of, my report of the same incident. In May of 2013, over two years after I reported Boatman 1 exposing his genitals to me, the River District Manager contacted me to ask me to make a statement regarding the incident, since he had received more sexual harassment complaints about Boatman 1. Of course, because the Grand Canyon had failed to act upon my report in 2011, Boatman 1 continued to sexually harass women on river trips.

The only action that any Grand Canyon employee did take in response to my complaints was in response to my 29-page letter to the Chief Ranger in 2013. The Chief Ranger, upon receiving my letter, initiated an EEOC investigation that did not, to my knowledge, lead to any discipline, corrective action, training, or any other action by the Grand Canyon.

In September of 2014, having had no action from the Grand Canyon National Park, thirteen former and current employees of the Grand Canyon National Park River District sent a letter directly to Sally Jewell, Secretary of the U.S. Department of the Interior. The letter contained, as attachments, my twenty-nine-page letter to the Chief Ranger and Declarations of all of the letter's signors. It was this letter that Deputy Superintendent Diane Chalfant distributed directly to the individuals complained of in the letter.

Following receipt of this letter, the Office of Inspector General conducted an investigation. On January 12, 2016, the Office of the Inspector General for the U.S. Department of the Interior released its *Investigative Report of Misconduct at the Grand Canyon River District*. As noted above, the report found a long pattern of sexual harassment within the Grand Canyon River District.

Culture of Defense of Perpetrators at Grand Canyon National Park

Prior to my employment with the Grand Canyon National Park, a Grand Canyon employee reported sexual harassment by a River District employee referred to as Boatman 2. Boatman 2 was disciplined and his employment was ultimately terminated in connection to those allegations. From December of 2009 until my resignation in September of 2012, employees of the Grand Canyon River District maintained a statue of Jesus Christ wearing a crown of thorns, labeled with his name in the boat shop. This statue made it clear that the employees of the River District believed Boatman 2 to be a martyr, sending a strong message that sexual harassment was to be accepted and that those accused of sexual harassment would be defended, rather than properly investigated.

At least in 2010, and possibly other times, Boatman 2 came on a river trip with National Park Service employees as a volunteer-in-park. Boatman 2 was in the Grand Canyon boat shop, where the statue of him as Jesus Christ was displayed, while the group was preparing for the trip.

Impacts of this environment

It is difficult to overstate the vulnerable position that I was in in my job on the River District. I was isolated with individuals known to me and to my supervisors, and to their supervisors, to have a history of sexual harassment. This experience was extremely traumatizing, and I am in counseling, attempting to work through this trauma. I have been diagnosed with severe post-traumatic stress disorder and depression. I continue to suffer nightmares from the experience. I had to take leaves of absence from the piecemeal employment that I have had for the last few years. While I am now employed full-time in a position that I expect to remain in for many years, I have not had such security since 2012.

The most recent act of harassment and retaliation, of which I learned in January of 2016, was Diane Chalfant's disclosure of my personal information to the accused perpetrators of the sexual harassment that I complained of. As described above, knowing that the individuals about whom I complained have my contact information causes me to live in fear of retaliation by individuals named in the complaints, as well as the friends and supporters of those individuals.

As the Office of Inspector General's notice, dated January 12, 2016, states "GRCA managers compromised the privacy of 13 current and former GRCA employees who had filed

harassment complaints against other employees. The managers shared the complaints, which contained sensitive and private information about the complainants, with various GRCA employees who did not need to review them.”

Not only had the individuals who were required to respond to the allegations fail to act, in this case the one required to act chose to disclose the private, personal information, including complainants’ addresses and phone numbers, to the alleged perpetrators. Given the culture of retaliation and hostility towards the victims within the Grand Canyon River District, I, along with the other victims of Diane Chalfant’s negligence, am rightfully terrified that the alleged perpetrators will contact us directly to retaliate against us.

I assumed that, upon receipt of the Office of Inspector General’s notice regarding the release of private information, the National Park Service would take immediate disciplinary action against the individuals responsible for releasing that information – Diane Chalfant, the Chief Ranger and the River District Manager. To my knowledge, no disciplinary action has been taken.

This failure by the National Park Service prompted me to file a complaint with the EEOC for discrimination based on a hostile work environment in February 2016 and to file a separate tort claim against the National Park Service in June 2016.

Recommendations for Reform

Based on my experiences, I recommend that the Committee consider the following areas for reform:

1. ***Reform the disciplinary policies within the federal government.*** Federal employees should be terminated if they repeatedly violate law or agency policies. The National Park Service had sexual harassment policies in place. The Park failed to hold employees and managers accountable for violating or failing to enforce those policies.
2. ***Hold mid-level managers accountable for violating policy or failing to enforce policy.*** To my knowledge, not a single mid-level manager has been disciplined for allowing a 15-year hostile work environment to exist at Grand Canyon National Park. Nor, to my knowledge, has there been any disciplinary action taken against Deputy Superintendent Diane Chalfant.
3. ***Reform National Park Service Law Enforcement policies:*** I would like to bring to the attention of the Committee that many of the mid-level managers for the River District at Grand Canyon were also federally-commissioned law enforcement officers. While all federal employees should be held to a high standard, law

enforcement officers should be held to an even higher standard because of the authority vested in them.

I also recommend that the Committee request that the National Park Service review its law enforcement policies. I bring forth the following incidents as examples of law enforcement practices within the National Park Service that contributed to the hostile work environment. The information below was directly provided to me by former GRCA employees that I will refer to as Employee 1, Employee 2, and Employee 4, or is based on my personal observations.

- a. Law enforcement officers did not open criminal investigations or even file law enforcement reports as appropriate.
 - In approximately 2005, Employee 1 reported to a River District Law Enforcement Ranger that Boatman 2 had held a camera under her skirt and took a photograph. This law enforcement officer did not open a criminal investigation nor did he explain to Employee 1 that the incident she was reporting was a crime. She was not informed that she was a victim of a crime until the statute of limitations had passed. As a consequence, there was no accountability.
 - In approximately 2005, Employee 4 reported to a River District Law Enforcement Officer that Boatman 3 was intoxicated, waving an axe and threatening her if she reported sexual harassment. This law enforcement officer did not open a criminal investigation nor did he explain to employee 4 that the incident she was reporting was a crime. Again, there was no accountability.
- b. Law enforcement officers who conducted investigations into the river district staff had conflicts of interest.
 - In approximately 2005, an investigation was conducted into River District employees. This investigation was conducted by an NPS law enforcement ranger who was the wife of the Deputy Chief Ranger for the River District. This constitutes a conflict of interest.
 - In 2014, Employee 2 reported to the Chief Law Enforcement Ranger at Grand Canyon that she had been physically assaulted twice by Boatman 3 on a river trip. Boatman 3 worked under the Chief Ranger's chain of command. The Chief Ranger investigated the matter himself, an inherent conflict of interest. The Chief Ranger did not interview all potential witnesses in the incidents described by Employee 2. The Chief Ranger did not find any wrongdoing. Again, there was no accountability.

- c. Law enforcement officers who have been disciplined for sexual harassment, or who have been complicit in the culture of sexual harassment, are being promoted into supervisory law enforcement positions.
 - The DOI Office of the Inspector General *Investigative Report of Misconduct at the Grand Canyon River District*, in figure 1 documents that “Supervisor 1” was disciplined with a 10-day suspension for grabbing a Contract employee’s crotch on July 12, 2005. “Supervisor 1” is a commissioned law enforcement officer. He was promoted to the Supervisory law enforcement position in the River District at Grand Canyon in approximately 2007 and held this position until his retirement in 2015. It should come as no surprise that a “long-term pattern of sexual harassment and hostile work environment” ensued in the River District.
 - I just learned that the River District manager from 2011 to present is temporarily being promoted to the Chief Law Enforcement position at Gunnison National Park. The OIG *Investigative Report of Misconduct at the Grand Canyon River District* found evidence of a “long-term pattern of sexual harassment and hostile work environment in the GRCA River District,” so this pattern of sexual harassment has existed under his leadership.

4. ***Recognition by the National Park Service on the limitations of the Equal Employment Opportunity Commission.*** The National Park Service’s policy on sexual harassment, NPS Director’s Order #16E: Sexual Harassment, states “When receiving complaints of sexual harassment, managers or supervisors shall work with their servicing Equal Employment Opportunity Office to promptly conduct an inquiry into the matter.”

The Equal Employment Opportunity settles discrimination complaints and lawsuits against the federal government to avoid over-burdening the court system. Based on my experiences with the EEOC and on that of other victims, the EEOC does not do the following:

- Provide crisis intervention for victims, e.g. remove victims from an unsafe environment and provide for their safety, refer victims for health care or assist victims in making a law enforcement report.
- Conduct investigations to identify violations of law or policy, conduct investigations to identify perpetrators, or conduct investigations into root-cause analyses for multiple discrimination cases coming out of the same place. The EEOC only conducts investigations to determine if a victim is entitled to monetary or other damages by the agency.

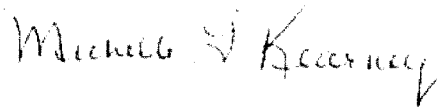
- Issue disciplinary actions against individuals or the agency. The EEOC does not effectively stop bad behavior.

Based on my experience and that of other victims, the EEOC is not victim-centered. Victims need to retain attorneys at their own cost. Victims were left in extremely unsafe conditions by the agency while going through their EEOC complaints. I found the process extremely re-traumatizing. Filing an EEOC complaint should be the last resort when everything else fails, not the first step.

The agency should be responsible for providing safe routes of reporting, advocacy for victims, including safety planning and appropriate referrals, an investigation team responsible for investigating wrong-doing, and a clear-cut disciplinary process.

Thank you for taking the time to consider my testimony.

Sincerely,

A handwritten signature in black ink that reads "Michelle L. Kearney". The signature is written in a cursive, flowing style.

Michelle L. Kearney

US Congressman Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

September 21, 2016

Dear Chairman Chaffetz and other distinguished members of the committee,

I am one of the 13 current and former employees from Grand Canyon National Park (GRCA) who sent a letter to Secretary Jewell on September 4, 2014. In our letter, we requested a formal investigation of civil rights violations occurring against women who worked within and in conjunction with the River District at Grand Canyon. Thirteen declarations were attached to the letter we sent to Secretary Jewell. These declarations contained our personal stories detailing over thirty incidents of sexual harassment and hostility while working with the River District at Grand Canyon. The declarations also included our names, phone numbers and addresses.

On January 12, 2016, the Office of Inspector General posted the report of the investigation into the Grand Canyon River District on their website. It was here I learned that our letter and declarations had been distributed, not only to the very people who were named as suspects in our declarations, but to at least one other Grand Canyon employee. The report found that this egregious act was facilitated by GRCA Deputy Superintendent Diane Chalfant, who authorized the letter and declarations to be released to the former GRCA Chief Ranger and one of his Supervisory Rangers, who worked in the former River District. Deputy Superintendent Chalfant thought that our documents were "public information," while her two Law Enforcement Officers thought it was permissible to release them to the suspects we named.

It is hard for me understand how somebody who has made her way up through the ranks in the NPS to the Deputy Superintendent of Grand Canyon National Park can assume that a seven page letter with 13 declarations attached, containing the sensitive information that they did, could be "public information." I met with Deputy Superintendent Chalfant in March of 2014. During our meeting, I reported to her that my confidentiality was breached and that I was being targeted for reporting sexual harassment. Deputy Superintendent Chalfant said to me repeatedly that sexual harassment claims were confidential and that nobody knew I reported sexual harassment. Four months later she distributed 13 people's claims of experiencing or witnessing sexual harassment as public information.

Additionally, I am appalled that people in Law Enforcement positions at Grand Canyon thought it was acceptable to give our declarations to the suspects of the investigation. I wonder if either one of the officers would readily give any suspect in a sexual harassment and hostile work environment investigation their daughter's address and phone number; knowing that retaliation is a real consequence. At the time our information was released, many of us lived alone. I strongly feel that both my confidentiality and safety were compromised by these actions. Furthermore, it was documented that our declarations were distributed to at least one other GRCA employee. I am doubtful that the circulation of our declarations stopped there. I

have yet to see anyone be held accountable for the distribution of our declarations. In fact, the former GRCA Chief Ranger was promoted to Superintendent at another park.

I hope this issue will be addressed during the hearing Examining Misconduct and Mismanagement at the National Park Service on September 22, 2016. Thank you for your time.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Statement from [REDACTED]

Submitted to the Full House Committee on Oversight and Government Reform Regarding
Misconduct and Mismanagement in the National Park Service

Chairman Chaffetz, Ranking Member Cummings, and other distinguished members of the committee, thank you for the opportunity to submit my statement.

I am currently the Chief Ranger at [REDACTED] since leaving Yosemite National Park in July. I was in Yosemite for the last four years as the Emergency Services Program Manager, in charge of Search and Rescue (SAR), Emergency Medical Services (EMS) and the Preventive Search and Rescue (PSAR) Program. Prior to that, I was at Grand Canyon for seven years as a backcountry patrol supervisor. My career has also taken me to Yellowstone, Arches, and Rocky Mountain, with long details at Glen Canyon and Zion.

I wish to first tell you that, prior to going to Yosemite, I had stellar supervisors, several of whom were other women. Up until I went to Yosemite, I was supported fully throughout the two decades I had worked for the NPS. I have been a commissioned law enforcement officer since 1995 and have fought wildland fire in varying roles for over 20 years. I was on two different tactical teams – one regional and one local – doing drug interdiction work on the border, dignitary protection details, and emergency response. I was a flight paramedic for Grand Canyon, and while there, was Incident Commander for literally hundreds of SAR missions. I did solo river patrols with the support of river staff, and was an accomplished outdoors person, conducting 8-day solo patrols into some of the Canyon's most difficult technical terrain to monitor archeological sites. I won several performance awards, culminating in the peer awarded National Harry Yount Award in 2011, the highest honor given to a law enforcement ranger. I never once felt deterred or held back. As I left for Yosemite 4 months later, I *loved* my job and practically bled green and gray.

I had no illusions heading to Yosemite. The Yosemite Valley patrol is LEGENDARY for their discrimination against women, and their bullying of anyone they do not deem "worthy". I started as an intern in Yosemite in 1993, and was told even then to leave for another park to build my career because, "they will never let you do anything here." The word "Valleycentric" is part of the park's common lexicon, describing how aloof the Valley operation is at the expense of the rest of the park. Going back as the Emergency Services Manager, I would have no line supervision over any of the rangers, but would be responsible for managing the high profile Helicopter Rescue Team, and the SAR and EMS program park wide, of which they were all a part. This meant that, while I was responsible for and evaluated for implementing best practices and safety standards, I had to have the support of the supervisors to see they were carried out, and to discipline those who did not adhere. I was also tasked with building a PSAR program, with the stated goal of lowering the visitor injury and fatality rate by 20%. My supervisor, Chief Ranger, [REDACTED] told me it was his top priority to build this program, as a recent series of drownings in the park's waterfalls had struck a nerve park-wide. He believed my time working with the Grand Canyon's PSAR program would make me uniquely qualified to see a similar program launched at Yosemite. It was a precarious balancing act, as PSAR had never been fully

implemented, the SAR and EMS programs, after decades of neglect, were hugely out of policy, the SAR plan was 30 years old, no EMS plan had ever been written, and I had been awarded the position over several of the supervisors currently working in the Valley.

As I set about to work with the staff to correct some of the issues, the bullying began. For the first three years, the field supervisory staff of the Valley District – all white males – perpetrated a culture of professional and personal hostility such as I had never seen before. It was by far the most painful experience I have ever endured. Not a week went by when I did not swing my feet to the floor in the morning at least once and weep that I had to go to work to face it again. The female Holding Facility Supervisor (lead jailer), female Law Enforcement Specialist, and I bore the brunt of it, along with three men who were long-time friends and treated just as badly by the core group of hostile actors.

By Fall 2012, within one year of winning the top honor given to any NPS Ranger, I had drafted my resignation letter twice. One of the men who was also bullied regularly stated to me, “you don’t make friends in Yosemite...you collect allies.”

Sadly, the supervisors who were responsible for this misery have scattered outside Yosemite like bad seeds sown elsewhere. My deepest concern as I watched the hearings last week was the appearance that all of the attention at the moment focused on the Superintendent, Don Neubacher. I almost never spoke to him, and I suppose it is easiest to make someone the scapegoat for ALL of it. But the most crushing piece of the abuse I endured was the fact that the Chief Ranger, [REDACTED] who had specifically recruited me from a place where I was successful and happy, was entirely complicit. I went to him several times over the course of that four years to ask for help. His reactions, reported below, led me to believe that no formal complaint would ever be supported. I should point out that he was also the direct supervisor of Kelly Martin, the Fire Management Officer. Of the women who worked for him, I was the only one he had actually hired himself, yet he regularly fed us all to the wolves.

After my first few months at Yosemite, the sitting Chief Ranger, [REDACTED] left for a job at WASO. [REDACTED] then the Deputy Chief, was made Acting Chief Ranger and later promoted permanently into the position. He was quickly overwhelmed, and day to day supervision of the Protection Division went leaderless for over 2 years as the quagmire of our hiring process bumbled along. The field supervisors in the Valley District boldly asserted their brand of leadership into the void, pushing aside and belittling anyone they did not deem worthy of their interest. In daily briefings, sexual innuendo, mockery of homosexuals, and hostile behavior towards women were commonplace. The men who spoke up and were not part of the accepted group were shot down, ridiculed and given lesser assignments. If I spoke or made a suggestion, or even asked a question to better understand the operation, I was belittled and told that, while my position was that of a Type I law enforcement officer, my skills were not sufficient to warrant any consideration. I was told I was not qualified to patrol the Valley solo – a ridiculous notion as I was often the longest serving officer in the room, and a field training officer.

█████ appointed the female Law Enforcement Specialist to the Deputy Chief position temporarily to ease his own workload, which made her more of a target. She will have to give you her own statement, but she was crucified by the Valley patrol supervisors. When she tried to get us all in the same room to work out our issues – the patrol supervisors, me, and the female Holding Facility Supervisor – I arrived mildly nauseous, but willing. The Holding Facility Supervisor began the meeting asking for help with a subordinate jailer who wished to apply to the local sheriff's department, and she believed he needed more time in the field with patrol to be competitive. She asked for help scheduling him outside the jail more often to support her officer. One Valley supervisor at the time, now the Deputy Chief at Glacier, laid into her in a completely irrational rant, telling her she was losing him because she was a terrible supervisor, and her jailer's desire to leave was her fault. The tirade was so vehement and hostile I actually walked out. The Holding Facility Supervisor, I should mention, is a nationally recognized ranger. She helped author the latest draft of our national law enforcement policy, and is known nationwide for leading our Officer Involved Shooting support programs. She is beloved by her staff. This incident was lunacy, and was reported to █████ who in turn, did nothing. Not once, in the four years I was there did he ever gather this group of key leaders together himself for any reason, much less to correct the bullying.

On another occasion, as I worked to update the Helicopter Rescue Team's protocols, one of the team members, now the supervisory ranger for Jenny Lake at Grand Teton, cornered me to tell me he had met "privately" with the other Valley supervisors, and two other members of the Team and they had decided I was not qualified to run the program. When pressed as to why that was, he said I did not listen to their concerns as I was making the changes in the operation necessary to bring it into compliance with policy. I asked him for specific examples of concerns they had raised I had not addressed but he could not give me any, simply repeating that they had decided I was unfit. It was apparent he had decided to bludgeon me repeatedly with this judgment, rather than express concern to my supervisor, so I immediately reported the incident to █████ myself, as he was responsible for my evaluations. I wished to determine its validity in his eyes. █████ shook his head, and stated, "this makes me so angry", as he was well aware this hostility was going on, and stated that I was "obviously" the most qualified person to run the program. I asked him if he would speak to them, and he sighed heavily and stated he did not have time to "deal with it." Over the next year and a half, my efforts to lead the team were constantly undermined by the shift supervisors, and what should have been one of the most fun pieces of my job became one that caused me to lose sleep, and feel miserably anxious because the missions were inherently dangerous, and the team was not focused.

As I worked to build the PSAR program by mandate from █████, I employed a model similar to Grand Canyon's award winning program, incorporating the work of many volunteers, eager to participate in Yosemite's world renowned rescue program. The Valley supervisors and many working under them, saw the program as a threat because, "they will take work away from us", and "no one wants to see the SAR load go down – that's where we have all of our fun!". They literally wanted to see the injury rate to the visiting public remain the same for the sake of their egos, their pay, and the opportunity to enjoy their rescue missions. In effort to undermine the PSAR program, they set out bullying the volunteers. The volunteers were frequently, rudely

hurried out of the SAR cache, which was their only work space, to make space for the shift to work an incident. The summer volunteers hired by Valley Shift, known as the SAR site, were told that the PSAR program was a threat to their existence, and advised that the program was working against them because if the SAR load went down, they'd have no jobs. In response, this group of highly skilled rescuers shunned the PSAR volunteers working beside them. They spread rumors about them throughout the small Valley community, casting them as "wannabe's" and we lost several volunteers because they were outright badgered, or made to feel like social pariahs. I was told by the Valley supervisors the volunteers should not get to wear the SAR uniform t-shirts, even though they were working on SAR missions, because they were not worthy of it, or did not "project the right image" because they were not yet as skilled as the veteran paid rescuers. My two lead volunteers were a couple who have served the NPS in 5 other National Parks since their retirement. They were the 2012 Yosemite Volunteers of the Year, and the winners of the Pacific West Region Hartzog Award – the highest award offered in the NPS to volunteers. They were treated so badly at Yosemite, however, they eventually left, stating they had never seen anything like this level of bullying. I received daily complaints and harassment from the shift supervisors about my efforts to manage the program, the "incompetence" of my volunteers, and their "concerns" about how the volunteers were representing the park. Meanwhile, in 2014, the PSAR program was voted the top volunteer program in the park, and the Yosemite Volunteer of the Year Award again went to another of our staff. By 2013 the visitor injury rate was down 20% and that statistic has maintained the last three years running. We had no trouble representing the park, and those volunteers saved many more lives through prevention than those who responded after the visitors were in trouble.

I went to [REDACTED] as my volunteers were being tormented, and asked him to simply sit down with the Valley shift and tell them that this program was one he had specifically asked me to build, and that I had his support. My hope was that they would listen to him and stop working to undermine it. His response was, "I have talked to those guys before", "this will take care of itself over time" and "I don't have time to deal with it". He told me that his own career was obviously going very well, and he would not let them get very far. However, as I mentioned, both were promoted out.

While these are specific examples, within the day to day SAR and EMS realm, I was bullied relentlessly in more subtle ways. I was told by seasonal staff working for Valley shift that they had been counseled by the shift supervisors not to listen to me when I was leading missions because I was unqualified. Fortunately, many of them knew better, as this kind of advice jeopardizes the safety of the personnel in the field. I was pushed out of missions in the Valley and told I did not know enough to manage them, and then, sometimes *the next day*, the same types of missions were dumped on me to command when the shift supervisors preferred to go into the field for the more glamorous roles. I was blocked from opportunities to advance my skills, and belittled in front of other personnel on a regular basis. My confidence was slowly eroded, as I got no support from my chain of command. Meanwhile, there were life threatening, high risk missions I was either in charge of directly, or was responding to as a rescuer. The culture was dangerous. Many of us caught ourselves focused more on the

harassment I would receive for my decisions, than the consequences those decisions might have.

I finally came to [REDACTED] in summer 2014 in tears because the stress of trying to do what he had asked, and being daily berated and maligned for it was too much. I was suffering health effects, loss of sleep, anxiety, weight loss, and chronic pain. I asked him to at least stop going around me to my subordinate staff to convey changes he wished to see in the operation, as that behavior was undermining me further. He apologized at that time and said, "sometimes I just go direct with whomever I need to because I don't have time and I forget to include everyone." However, the undermining behavior did not stop. The misery continued until the Fall of 2014 when both Valley supervisors, and three of the worst of their subordinates all left Yosemite for promotions throughout the agency.

Beginning in 2015, those of us who were left began to change the culture. It took several months to begin, as we had conversations about how we were *still* coming to work apprehensive and tense, "waiting for the shoe to drop", but realizing half way through each day the tormentors were gone. We likened it to PTSD, looking over our shoulders, jumpy, and self-protective. But we worked through it, and by the time I left in July this year, things had improved dramatically. PSAR was working well with the Valley shift, the SAR plan was updated, the EMS plan was drafted, and the Helicopter Rescue Team, with the support of Yosemite Helitack, was finally truly a team of safe, thoughtful professionals.

The management, however, has not changed, and the potential to perpetuate the problem of harassment and bullying – noted by male and female rangers alike who have worked there over the last 30 years – persists. Over those four years from March 2012 to May 2016, of the five GS 12 Operations Branch managers that worked directly for [REDACTED] two had suffered vascular accidents, one had stopped drinking socially stating he feared he was drinking too much from the stress, and one had checked out entirely for nearly a year to tend to family. The only one remaining seemingly unscathed was the Valley District Ranger. No one reported because we knew [REDACTED] was "too busy" to help us and we would be ignored.

When I asked [REDACTED] in winter of 2016 for advice about applying for a national program manager position, he said, "You would be very good at that job, but you should stay with the plan to become a Chief Ranger because you are good leader and we need more good leaders." By his own admission, the problems were never a matter of my leadership. They were a matter of the insecurity of the supervisory staff working below him and his failure to address it. By allowing that behavior to continue, those attitudes were allowed to grow. The failure to address the issues has now allowed those bad actors to be promoted into higher management and supervisory roles in other parks where they can continue to bully other rangers. *THIS* is how this culture has spread: One unit has a rampant problem, and the leadership fails to address it, and the seeds are spread across the country. I hope you will go beyond Neubacher and investigate those who were culpable below him. [REDACTED] was never the actual perpetrator, but he was the leader who failed to lead. Perhaps he was afraid of Neubacher and did not want to rock the boat himself, but such cowardice is shameful for a person in the role of Chief Ranger

of Yosemite. As a Chief Ranger myself, I cannot *imagine* allowing my rangers to suffer the way we did.

Within the Tiers of a Hostile Work Environment, the definition includes “perpetuating a culture” that leads to a hostile environment. This is where █████ falls through failure to act, and this is how this culture persists in spite of Congressional hearings, media attention, and pledges to change. In fairness, it should be noted that █████ constant refrain of “I’m too busy” should be taken seriously. In that four year span, I watched him go from friend who I was thrilled to come work for to angry, overworked, and miserable man I avoided talking to. The hiring process for the NPS has become dysfunctional on a level I cannot describe, and going without a Deputy Chief for as long as he did, while working for Neubacher, I am sure his plight deserves credence. While it is no excuse for not prioritizing the welfare of his staff, and managing his time effectively to care for them, I am quite sure █████ was suffering a great deal too.

In closing, I want to assure you I am back to being so very happy with my job. I have a whole troop of young, excited rangers under me, and I have a solid leadership team dedicated to training them to be the professionals our National Parks deserve. The culture at █████ is the culture I had always known in the NPS – one of absolute dedication to the mission of the Service and success of the team mates around us. Yosemite was a dark anomaly for me. █████ is soul restoring.

Thank you for your attention to the issues we have faced. You have my commitment that every ranger coming up from my programs will be a positive agent of change. We are counting on you all to weed out those who are not, and devise a means to teach those who manage them to do so effectively. When you have listened to the others, and those wiser than I have decided upon a course, let me know and I will help lead us there.

Respectfully,

█████

Statement of Robert Hester
Before The House Committee on Oversight & Government Reform
September 22, 2016

My name is Robert L. Hester. I work in Yellowstone National Park. I was hired in July, 2010, as a seasonal truck driver. I worked from May to November as a seasonal employee. From 2010 to 2012 I worked in the Special Projects Division. Since 2012 I have been working in a permanent position at Yellowstone as engineering equipment operator.

From the date I started to work at the park, I was shocked and amazed at what I saw and heard in regard to the talk and acceptance of sexual exploitation of female workers in the Special Projects Division. It was like a men's only club. They spoke openly about a certain female employee with Special Projects, a laborer who never did any work. This laborer was kept drunk by our supervisor and they were involved in a relationship, which was common knowledge throughout Yellowstone Park. The Special Projects Chief of Maintenance, [REDACTED] was well aware of his supervisor's involvement with the female employee. He did nothing to remedy the situation and he allowed it to continue.

[REDACTED] has been heard making inappropriate comments in regard to the time that [REDACTED] the supervisor, was spending with the much younger female employee. The female laborer was drunk, and it is believed that she had a nervous breakdown at work in 2012, as a result of the way she had been treated. She was terminated shortly after she quite possibly suffered a breakdown.

In addition to this behavior, I have witnessed open sexual groping. This was done in front of several people by Chief of Maintenance, [REDACTED]. Further, the Chief of Maintenance is alleged to have only hired a certain female employee because she is attractive and he felt that she seemed vulnerable. This young lady was allegedly terminated because she refused the sexual advancements of Baum, as he fired her approximately one week after she refused his advances.

Both of these female employees were spoken of and treated like whores. Men talked about them behind their backs saying they are being used for the only things they are good for. This was acceptable behavior with some of the crew, the supervisor, and the Chief of Maintenance engaged.

It is also alleged that financial misconduct takes place in Yellowstone Park. Another employee and I were instructed by [REDACTED] to violate federal credit card rules and regulations in regard to the purchase of repair parts and maintenance. This type of credit card violation is very serious and can lead to incarceration. I asked a supervisor, why is it that if employees are stealing items from the park service, no one ever gets caught. That supervisor responded, if they catch you stealing, someone higher up has to take the responsibility.

This non-accountability and failure to impose serious consequences for severe misconduct is what I came to expect from certain supervisors and at the highest levels in Yellowstone National Park's administration. No, firings, no resignations, no consequences, after humiliation, abuse, discrimination, reprisals, and harassment are imposed upon decent, hardworking, and honest people.

-Robert L. Hester

Statement for House Oversight Committee

Chairman Chaffetz, Ranking Member Cummings, and other distinguished members of the committee, thank you for the opportunity to submit my written testimony.

My name is Jude Larkin former High Voltage Electrician for the National Park Service. This statement addresses Maintenance Supervisor misconduct at Grand Canyon National Park's North Rim.

I started working for the National Park Service as a WG-10 High Voltage Electrician on the North Rim of the Grand Canyon in October 2011. A few weeks after I started working for the Park Service, the Maintenance Supervisor that hired me, [REDACTED], transferred to another position in the Park Service. He was quickly replaced by [REDACTED], a maintenance worker from Grand Canyon's South Rim.

[REDACTED] was a hostile Supervisor on arrival at the North Rim. Temper tantrums and threats to fire people happened regularly. [REDACTED] used racially derogatory language at work and frequently used government vehicles for personal use. I was wary of reporting [REDACTED] misconduct for fear of being retaliated against.

In August 2012 I sent an anonymous letter to Grand Canyon Chief of Maintenance, [REDACTED]. The letter outlined issues I had with [REDACTED] conduct. That letter follows:

Chief of Maintenance, [REDACTED]:

This is an anonymous letter that concerns the conduct of [REDACTED] North Rim Maintenance Supervisor. I am sending you this letter anonymously because I don't want to get involved in any drama but think you should know what is going on in the North Rim maintenance department.

The following is an outline of conduct that I believe to be problematic.

[REDACTED] seems to be using frequent "supply runs" to St. George as an excuse to do personal business in St George with a park vehicle.

I believe [REDACTED] has been misusing his purchasing power. [REDACTED] purchased three trash cans at the same time he purchased materials for the hand dryer project. Shortly after the trash cans were purchased they disappeared. I believe [REDACTED] purchased the trash cans for personal use with Park Service funds, probably funds for the hand dryer project. I believe [REDACTED] has done this with other materials. A close audit of [REDACTED] purchases, particularly purchases for projects will likely reveal irregularities.

[REDACTED] uses offensive language. An example, on August 21st during the maintenance crew morning meeting [REDACTED] used the term "some type of towel heads" to describe a group of visitors.

[REDACTED] has occasionally thrown temper tantrums at work because projects were not progressing the way he thought they should.

████ frequently disappears out of radio contact for long periods of time during hours of operation, sometimes for most of a day. This happens particularly often when he seems to be having a bad day. █████ has on occasion left the park entirely during hours of operation without telling anyone.

████ seems to have a very limited knowledge of workplace safety and doesn't seem to take much interest in the subject.

████ seems to only care about projects and has spoken negatively about people that have requested legitimate work to be done in their quarters or work centers. █████ comments included, "they must think they are special" and "they have stirred up all kinds of shit about this". █████ has delayed work because he has a personal grudge against a person or department that has requested the work.

Based on █████ overall lack of knowledge, I believe he has greatly exaggerated his previous construction and supervisory experience.

████ isn't a bad person but lacks knowledge and seems to have some personal issues that prevents him from being an effective leader and administrator. I understand the difficult position this latter puts you in. Please proceed with caution. Bringing these issues up to █████ without first verifying them and without a plan to correct the issues will likely make █████ attitude and conduct worse. The intention of this letter is not to induce immediate action but to make you aware of situation that could escalate.

Thank you for your time.

████ conduct worsened after I sent the letter. Hostility and racist language became more frequent.

In the fall of 2012 █████ announced to the North Rim Maintenance Crew there would be a Contracting Officer's Representative training available. I saw the training as an opportunity to advance my career. When I asked █████ about the training he said there was too much work to allow me to go to training. I believe not allowing me to go to the training that had been offered to the entire crew was retaliation.

In March of 2013 I contacted █████ Supervisor █████ for permission to apply for a temporary detail at White Sands National Monument. I believed the detail would offer me an opportunity to advance my career. I didn't go to █████ for permission because I believed my request would be rejected out of retaliation. When █████ found out I had contacted █████ he threatened to write me up for going over his head. After the incident I sent █████ an email that said the following.

Today, March 25, 2013 █████ approached me about going over his head. He was very angry. He asked me if I understood protocol. He said that I had gone over his head twice and if it happened again he was going to write me up. We had a little bit of an argument where I explained to him that I had a hard time trusting him because I felt he had lied to me about the COR training. I also mentioned his frequent use of

racial slurs. [REDACTED] hen said (a little off subject) that he had gotten reports that I was on the computer all the time. He also said that I stand around "bullshitting" all the time.

If you think that it might be true that I spent too much time on the computer then I encourage you to have IT pull my browser history. While you are at it, it might be worth your time to also pull [REDACTED] history. As for standing around "bullshitting" all the time, I don't think that is true. I think I do good work for this park. I think my accomplishments should speak for themselves. I also think if you were to ask around you would find a lot of people that are happy with my work.

This is an explanation of why I went to you instead of [REDACTED] o enquire about the detail at White Sands. The short explanation is trust. I don't trust [REDACTED] It is my opinion that [REDACTED] bases his decision making on self interest and not on the interests of the Park Service or advancement opportunities for subordinates.

Following are incidents lead to my distrust of [REDACTED]

I believe [REDACTED] has intentionally prevented me from attending Contracting Officer's Representative training. In fall of 2012 [REDACTED] offered the training to all of the maintenance crew. When I enquired about the training [REDACTED] said that we didn't have time but there would be another one in the spring that I could attend. I now know that to be a lie.

[REDACTED] frequently talks about the Mormon religion at morning meetings. [REDACTED] has asked me what religion I am at a morning meeting in front of the crew. Perhaps if I had answered Mormon I could have attended Contracting Officer's Representative training?

On March 19, 2013 during a morning meeting, referring to [REDACTED] said "[REDACTED] can be a real b--ch sometimes". I have recently heard [REDACTED] speak negatively about [REDACTED] and [REDACTED] He has referred to them as "those old ladies" and has called [REDACTED] a drama queen.

On February 27, 2013 During a morning meeting [REDACTED] said "when I went to Vietnam they said the g--k girls had sideways p---ies to match their slanted eyes".

On December 11, 2012 during a morning meeting [REDACTED] referred to some Vietnamese money I had been showing [REDACTED] as "g--k money".

On November 27, 2012 during a morning meeting in response to [REDACTED] saying that his Brother-in-law had run over a vehicle with a tank during the Vietnam War, [REDACTED] said "hopefully it was full of g--ks". Then he said "that wasn't correct" and laughed. During the same morning meeting [REDACTED] accused me of going on vacation to Vietnam to "chase after those little g--k girls".

On October 11, 2012 during a morning meeting in reference to a dirty portable toilet [REDACTED] said "Someone probably stood on the seat and squatted like the g--ks do." then he said "That wasn't correct was it?" After the statement he laughed.

[REDACTED] has used the word g--k at least a dozen other times in my presents.

On August 21, 2012 during a morning meeting [REDACTED] described a group of visitors as "some type of towel heads".

I think it was in June of last year, during a morning meeting, while [REDACTED] was at the meeting [REDACTED] compared [REDACTED] hospitalized wife to a horse with colic. He went into some detail about how the vet "cut the horses belly open and puss came out". Then he said "there was nothing that could be done but

shoot the horse". [REDACTED] responded by saying "that is a pretty f--ked up comparison if you ask me". [REDACTED] responded "colic is colic".

For over a year [REDACTED] has been using the garage of unoccupied house 1503 to store two personal ATVs and a trailer.

[REDACTED] has pulled his own personal trailer between the North Rim and Saint George with a Park Service vehicle.

On March 20, 2013 [REDACTED] left on a "supply run" at around 10:00 am and returned to the North Rim (the next day) on March 21 at around 2:00 pm.

On November 29, 2012 [REDACTED] took a Park Service vehicle overnight St. George on a "supply run". I believe [REDACTED] is using these overnight supply runs as an excuse to spend time at his home in St. George on Park Service time with a Park Service vehicle.

Last summer [REDACTED] had me help pump vault toilets knowing that I do not have a hepatitis vaccination, after I suggested everyone that works with human waste get a vaccination. With [REDACTED] attitude pushing an issue like this will only lead to conflict.

These are quantifiable examples of hostility and poor judgment. What is difficult to quantify is [REDACTED] attitude, his tone and lack of supervisory skill.

To give you some background on me my Brother's wife is Thai and my Father's wife is Thai. I have a Step Brother and Step Sister that are Thai. I have traveled to Thailand once and Vietnam twice. My most recent trip to Vietnam was in November 2012. I have a number of friends in both countries. When [REDACTED] uses racist terms and hate language against Asian people I feel like he is directing it at me. I would like for my Step Sister to come to the Grand Canyon and work for Forever Resorts for a summer but I am hesitant for her to come here for a number of reasons concerning [REDACTED] racism.

This isn't the way I wanted to tell you but I have been watching USA Jobs and I have applied for a couple jobs. I was hoping to move on to another position in the Park Service before things escalated to this level.

I would like to speak to you about this. My personal cell number is (XXX) XXX-XXXX or I can call you.

[REDACTED] responded to my email with an email stating she would "council" [REDACTED] the next time she traveled to the North Rim, a date six weeks in the future. She wouldn't answer her phone when I tried to call her about it and never returned my calls.

Over the summer of 2013 [REDACTED] openly used government vehicles for personal use and exchanged cash for Park recycling. By December 2013 it seemed clear to me that Park Management was not interested in taking any effective action in response to [REDACTED] misconduct. I sent a complaint to the Office of the Inspector General. I requested that my complaint be kept confidential because I feared further retaliation. The following is what I reported to the Office of the Inspector General.

Who committed the alleged misconduct/wrongdoing? (What is the title/position held by the alleged wrongdoer? Please include names, addresses and telephone numbers of victims and witnesses. If providing information concerning contractor or grantee fraud, please provide the name of the primary contractor or sub, type of contract, contract or grant numbers, the date of the award and name of agency official.)

Maintenance Supervisor, ██████████ Grand Canyon National Park, North Rim area.

What exactly did the individual(s) do that was wrong? (Please provide specific and relevant details concerning the alleged misconduct/wrongdoing.)

In short I believe ██████████ embezzled at least \$2,500 of revenue from recycling, embezzled an unknown value of materials purchased with Grand Canyon National Park project funds and misused government vehicles.

Last winter ██████████ had said that his supervisor ██████████ had approved him to keep the funds obtained from recycling for an employee party. Around August of this year ██████████ (North Rim Carpenter) announced during a meeting the weight and value of some scrap steel that he had hauled to The recycler for the Park. ██████████ told me that after the meeting ██████████ had approached him and told him "Don't go spreading around how much we are getting off this recycling". I suspected ██████████ had been keeping (embezzling) the money received from recycling. I wanted to confirm my suspicion before I reported it so I contacted ██████████ at Rocky Mountain Recycling in Saint George Utah. ██████████ told me that Grand Canyon National Park does not have an account with Rocky Mountain Recycling. He told me that our recycling transactions are done as "Door Trade". He said that "Door Trade" is an untypical way for a government agency to collect money for recycling and the other parks in the area have an account. After going through cash receipts ██████████ sent me a spreadsheet that had 16 payments between May 31st and October 23rd of this year totaling \$2,500.41. I believe ██████████ received all of those payments in cash and kept the money. If ██████████ were confronted about the recycling funds I expect he would claim that he had kept the money for the purpose of a future employee party approved by his supervisor ██████████.

I suspect ██████████ may have recycled some appliances (a couple dozen refrigerators and a dozen or so electric ranges) with another company. He may have embezzled the funds from that transaction as well.

I believe ██████████ has purchased materials for personal use or resale with park project funds alongside the actual materials for the project. The materials ██████████ purchases for personal use are likely to mostly be of the type used on the project to make the activity less obvious. I believe ██████████ drops these materials off at his property in Saint George, Utah or a storage unit before he returns to the North Rim.

By my estimate ██████████ averages about 25 percent of his work time on "supply runs" to Saint George, Utah. ██████████ often returns from "supply runs" very late at night. On occasion ██████████ goes on overnight "supply runs". I have once seen ██████████ go on a "supply run" for two nights. I suspect these trips are unauthorized. ██████████ owns property in Saint George that I suspect he visits while he is on these "supply runs".

On a number of occasions and as recent as last month I have seen ██████████ tow various personal trailers with government vehicles, usually when he is going to or from Saint George on a "supply run".

For transparency I would like to add that in March of this year I reported ██████████ to his Supervisor ██████████ for making Racist and inappropriate comments along with a few other items of misconduct. I do not know the result of that complaint.

██████ level of knowledge doesn't seem to match that required by his position. I suspect ██████ may have been hired without the required prerequisite experience, possibly with an inaccurate resume and employment history.

When did the misconduct/wrongdoing occur? (Please provide dates and times, if possible.)

I believe the embezzlement of recycling funds occurred between May 31st and October 23rd of this year. I believe ██████ may have been embezzling materials and misusing government vehicles since he became North Rim Maintenance Supervisor approximately two years ago.

Where did the misconduct/wrongdoing occur? (Please provide the bureau or office, city and state.)

National Park Service, Grand Canyon National Park, Maintenance Department, North Rim Area.

How was the misconduct/wrongdoing committed? (i.e. falsifying documents, etc.)

I believe ██████ has taken advantage of a lack of oversight to simply take funds and materials that belong to the Park Service.

Do you have first hand knowledge of the misconduct/wrongdoing?

Yes, I have seen it firsthand.

Where can we obtain additional information concerning this misconduct/wrongdoing? (i.e. documents, etc.)

Contact ██████████ at Rocky Mountain Recycling in Saint George Utah for receipts of transactions.

Rocky Mountain Recycling's Saint George Phone Number:

(XXX) XXX-XXXX

Rocky Mountain Recycling's Saint George Address:

██████████
██████████

Who else might be aware of this misconduct/wrongdoing? (Please provide names, addresses and telephone numbers) How would this individual know about this?

██████████ North Rim Carpenter (XXX) XXX-XXXX, ██████████ North Rim Plumber (XXX) XXX-XXXX (Tony Miller will soon be relocating to a new position at the South Rim area), ██████████ North Rim Roads and ██████████ North Rim Mechanic (XXX) XXX-XXXX. These are all North Rim maintenance personnel and residents of the North Rim. They likely have some knowledge of these issues because they have seen many of the same things I have seen.

██████████ is ██████████ wife and works in the office in the maintenance department on the South Rim. She may have knowledge of ██████████ activities because she is his wife.

Are you willing to be interviewed concerning this matter? If so please provide your name, address and telephone number, and the best time to contact you. You can provide contact information for us to follow-up with additional questions and still remain confidential.

(I am happy to help any way I can but I wish to remain confidential) My Name is Jude Larkin, I am the North Rim High Voltage Electrician. My cell Number is (XXX) XXX-XXXX. I generally work and am busy from 7:00am to 4:30pm Tuesday through Saturday MST although the days I work may change. If you leave a message I can call you back.

*My physical address is,
XXXXXXXXXXXXXXXXXX
North Rim, AZ 86052*

*My Mailing Address is,
XXXXXXXXXXXXXXXXXX
North Rim, AZ 86052*

*Your E-Mail address (optional)
XXXXXXXXXX@XXXXX.com*

If you wish to remain confidential, please select: (For a description of Confidentiality, please refer to the "[Your Rights](#)" page.)

Confidential:

Yes, I wish to remain confidential.

The following is an email response I received from the Office of the Inspector General on December 11, 2013.

*The Office of Inspector General received your complaint concerning [REDACTED]. Our office is charged with addressing allegations of fraud, waste, and mismanagement in the U.S. Department of the Interior (DOI) and its programs. However, allegations are sometimes referred to the responsible DOI bureau for review and appropriate action. Senior management officials for the Office of Investigations have determined your complaint would be better addressed by the Director's Office of the National Park Service; therefore, we will not initiate an investigation but will refer it for review and appropriate action. **We have noted your request for confidentiality; therefore, our referral will summarize your allegations and will not identify you as being the complainant.** We appreciate you communicating this matter to us. Your commitment in helping the DOI improve the effectiveness of its programs and operations benefits not only the Department but also the public we serve.*

*[REDACTED]
Hotline Coordinator*

Desk # [REDACTED]

*Fax # [REDACTED]
[REDACTED]*

I believe there may have been an investigation by the Park Service's Investigative Services Branch that resulted from my complaint to the Office of the Inspector General. I don't know any details of that investigation.

In or around March 2014 I sent an email to Grand Canyon Deputy Chief of Maintenance [REDACTED] outlining [REDACTED] continued hostility. He responded back to me stating he would turn the issue over to [REDACTED] Supervisor [REDACTED]. I didn't notice any change in [REDACTED] behavior as a result of my complaint.

I believe [REDACTED] was prosecuted on charges relating to embezzlement in June 2014. Shortly after being prosecuted [REDACTED] was transferred to the South Rim where I believe he is still employed.

Grand Canyon trails supervisor [REDACTED] was put on a temporary detail to replace [REDACTED] in June 2014. Shortly after being placed in the position [REDACTED] called a meeting with all North Rim Park Service maintenance personnel in attendance. He stated in the meeting "I have been sent to the North Rim to find a reason to fire each one of you".

An Equal Employment Opportunity complaint was made against [REDACTED] through the North Rim's designated Equal Employment Opportunity Officer [REDACTED]. When [REDACTED] supervisor [REDACTED] called him to inform him he had a complaint against him he had his phone in speaker mode and his office door open. [REDACTED] asked [REDACTED] who made the complaint against him. [REDACTED] told him [REDACTED] made the complaint. [REDACTED] responded by stating "I am going to kick her ass. I am going to hand her ass to her."

Shortly after that incident [REDACTED] was transferred back to the South Rim. I don't believe [REDACTED] has suffered any adverse consequences for his actions on the North Rim. I have heard he is currently being considered for a promotion from Trails Maintenance Supervisor to Maintenance Manager.

I left the National Park Service in January 2015.

Honorable Jason Chaffetz, Chairman, and Members
House Oversight & Government Reform Committee

September 20, 2016

I have been a Program Manager (GS-12) within the Science and Resource Management Division (SRM) of Grand Canyon National Park (GRCA) since 2009 and a federal government employee since 2002. I am writing primarily to support Brian Healy's testimony to the House of Representatives Oversight Committee scheduled for September 22, 2016. I have personally known Brian since 2009. He is highly regarded at GRCA, and I am confident that his testimony is trustworthy, accurate, and representative of views within the SRM Division.

The abuses brought to light by the Office of the Inspector General's "Investigative Report of Misconduct at the Grand Canyon River District" (January 12, 2016) are unfortunately symptomatic of a larger problem and culture of abuse, harassment, a hostile work environment, and intimidation that extend well beyond the GRCA River District and have been entrenched in management at Grand Canyon National Park since before I arrived here in 2009.

During my first week on the job at GRCA, several SRM staff warned me not to end up on the wrong side of the SRM Division Chief, who was characterized as resenting dissent and who, once crossed, would never let go of a grudge. I had the audacity, early on, to raise technical questions about some aspects of the SRM data management system. It's a long story, but the essence is that my direct supervisor, an SRM Deputy Chief, engaged in an agenda of hostility, threats, humiliation, lies, and retribution to discredit me professionally and personally in an attempt to have me fail or quit my job. My attempts to seek even a discussion of issues with my supervisor, the Division Chief, Human Resources and others were rebuffed. I was labelled an incompetent problem employee, and I was ultimately left with no option but to file an EEO complaint. Shortly after my EEO filing, the supervisor was promoted and became the Superintendent at another Park. This experience was the worst of my professional life, and it came at a great cost to me financially, professionally, physically, and personally. It took years to re-establish my professional standing. I learned, the hard way, not to question anything about the GRCA status quo. Abuses throughout the Park were well-known internally, long before the OIG River District report revelations. In more than seven years at GRCA, I have witnessed numerous top-notch technical and program managers who have chosen to leave Park employment, rather than continue to tolerate this environment. I have seriously considered it myself. Many others have been involuntarily terminated. The exodus continues to this day.

Hollow lip service from the (former) GRCA Superintendent and his deputies regularly spoke to the value of GRCA employees. We were often reminded that there would be no tolerance for sexual harassment or a hostile work environment. But the chilling reality and actions were loud and clear: "If you report misconduct, you will be punished! You will be retaliated against. You will lose your job." Complainants were stigmatized as problem employees. This pattern inevitably led to the termination of [REDACTED], a well-respected, committed, enthusiastic, and loved colleague who poured her heart and soul into the Park every single day for over ten years. Her treatment was an outrage, and it brought morale in the Park and the SRM Division to an all-time low, from which it has not recovered.

The appalling behavior of Deputy Superintendent Diane Chalfant is documented in the OIG report. Despite numerous pleas from SRM staff and leadership to thoroughly investigate repeated allegations of abuse on the River District and elsewhere, and Ms. Chalfant's promises to do so, she completely failed to follow through. Instead, in a total disregard for the potential consequences, Ms. Chalfant illegally released sensitive confidential information about sexual assault complaints that quickly found its way to the perpetrators of the abuse. This literally put the welfare of the victims in the hands of the abusers, and retaliation predictably followed. Ms. Chalfant's superficial "investigation" ultimately resulted in the wrongful dismissal of valued colleagues who dared to report abuse, victimized once again by Park leadership. Amazingly, eight months after the OIG report, Ms. Chalfant is unapologetic and still in a position of power at GRCA, exerting crucial influence that will affect the Grand Canyon long term, including the development of new

policies and codes of conduct, the hiring of a new SRM Division Chief, and the promotion of science positions that are not supported by GRCA Science staff.

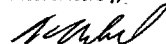
Another Deputy Superintendent, [REDACTED] also remains unapologetic and in a position of power. A highly-competent female SRM colleague confided that [REDACTED] refused to investigate her evidence of sexual harassment by a senior Trails Program Manager. Her Term appointment was subsequently terminated, but the Trails manager is still employed at GRCA. Multiple other SRM employees experienced problems with the Trails Program Manager and felt unsafe working with him, and it became an issue of discussion at an SRM senior staff meeting. SRM Division leadership advised staff to "avoid" the abusive Trails Program Manager if he made anyone "uncomfortable".

At an SRM senior staff meeting in March 2016, Mr. [REDACTED] intimated that (then) Superintendent Uberuaga expected to be held responsible for the River District sex abuse scandal but, in Mr. [REDACTED] view, SRM staff were ultimately complicit with the abusers and responsible for the attendant GRCA loss of public trust. In explaining actions the Park would be taking to "deal with" the scandal, he stated that he was "not interested in the details", but only that the Park "must show actions" with a good "title". Mr. [REDACTED] is currently in charge of making all "final" disciplinary decisions for the Park, and has promised that his office "will act on the information that we have." His past actions, however, indicate his reluctance to investigating allegations that might upset the status quo.

The ethics of any organization are a reflection of the standards and examples of senior leadership. At Grand Canyon, bad behavior has been tolerated without consequence, rewarded with promotions or, at best, "resolved" with a transfer or a retirement that benefits the perpetrator. We have been promised changes by our Park and regional leadership—even by the NPS Chief himself. But the reality is that, with the exception of a new Superintendent, "actions" have been primarily cosmetic. Public relations dictated the designation of a new Superintendent, so Mr. Uberuaga was offered a transfer. He chose to retire instead. A new Superintendent is an essential start, and we are hopeful for change, but culpable and untrusted senior staff members remain in positions of power. In spite of lip service to the contrary, their actions consistently show that they have no interest in fundamental change. They are, in fact, part of the problem and barriers to progress.

An environment of mistrust remains. Park employees are among the most dedicated, bright, optimistic, and resilient that I have ever worked with. There are many good people who wish to be agents of change within the organization, but they remain afraid of reprisal if they speak up, and they are certainly unwilling to do so with leaders that they do not trust. I am fearful and risking retaliation with this testimony, but I feel strongly that I must speak out—for my colleagues, for my own integrity, and for that of Grand Canyon and the National Park Service. The longer this situation remains unresolved, the less trust people have in the organization, and cynicism grows that real change will never happen. GRCA continues to lose exceptional employees and, with them, years of institutional knowledge. Potential new hires express concern for whether the Grand Canyon is a safe and functional place to work. The negative impacts will be felt for years to come. We are at a crossroads where decisions made now will profoundly impact Grand Canyon and the National Park Service for years to come. A great trust has been broken. Moving forward in a productive way will require new leadership willing and able to re-establish that trust and make real change from the long-standing culture of intimidation.

Most sincerely,



Mark L. Nebel

Statement from Laura Williams
submitted to the Full House Committee on Oversight and Government Reform
regarding Misconduct and Mismanagement at the National Park Service

Chairman Chaffetz, Ranking Member Cummings, and other distinguished members of the committee, thank you for the opportunity to submit my written statement.

I worked for the National Park Service (NPS) at Grand Canyon National Park as a Trails Laborer in July and August 2012, and also in January through May of 2013. I worked for the Science and Resource Management Division at Grand Canyon, as an employee of the Grand Canyon Association, as the Night Skies Inventory Coordinator, from May of 2013 through December of 2014.

This past April (of 2016) I received a request, to which I agreed, from investigator [REDACTED] to voluntarily submit testimony to an investigation into incidents involving Trails employees occurring while I was an employee at the park. From what I understand, the investigation was initiated by the NPS Intermountain Region in Colorado, specifically by [REDACTED] who I believe is a Human Resources Officer. The investigation was conducted by the independent attorney [REDACTED] to whom I submitted my testimony.

I have not heard about any action taken at any level regarding this investigation. I have heard, but have not confirmed, that the Regional NPS Office has not yet reviewed the material they received as a result of this investigation.

I included reports of the following incidents in that testimony. I have added some explanatory material and redacted individual victim and witness names in this statement.

In 2012, I worked almost entirely in the field, in the canyon below the rim. I did not meet [REDACTED] Trail Crew Program Manager, more than briefly once or twice during that time.

Toward the beginning of my second period working for Trails, in January or February 2013, [REDACTED] in a work meeting where multiple Trails workers were present, used the phrase "pussification of America." More than one woman, including me, was present and more than one, including me, objected to the use of this phrase. [REDACTED] recanted and said that he really meant the "gentling" of America.

[REDACTED] in work meetings with the full Trail Crew at which I was present, regularly expressed displeasure with the necessity of adhering to "political correctness." By this, I understood him to mean that he resented being obliged, as a supervisor in the workplace, to refrain from using language demeaning to women or minorities.

Trails projects regularly required permission from or consultation with other divisions in the park, including the Compliance Division and Science and Resource Management Division. In work meetings with most of the Trail Crew present, including me, [REDACTED] called a specific employee from one of these divisions "crazy" on more than one occasion. In response to one Trails project which was not approved by the Compliance Division, [REDACTED] said in a work meeting, with most of the Trail Crew present, including me, that he wanted to dump a pile of rocks all across the driveway of the employee

responsible for not approving the project and tell this employee that the rocks could not be moved due to historical preservation, which apparently was the reason given by this employee in the Compliance Division for not approving this particular Trails project.

Most Trails workers have a regular 9 days on, 5 days off schedule each pay period, as did I. In April 2013, [REDACTED] changed my schedule for no clear reason. I disagreed, in part because I had made work and personal plans based on my schedule, and also because I believed the required work would be better accomplished if I remained on my existing schedule. When I objected, he told me to come into his office while [REDACTED] (the Deputy Chief of Maintenance at the time) was there, and told me that objecting to his change of my schedule was insubordination, and that, because I was a Seasonal employee, he could change my schedule at will and require that I work overtime at any time. I later determined that this was untrue. At this particular time, the only employee schedules in Trails that were changed were mine and another woman's. My experience in Trails was that [REDACTED] took opportunities to exercise his authority simply to demonstrate that he could, regardless of the necessity of his actions.

In regard to the previous point, I told [REDACTED] that one reason I had a problem with his change to my schedule was because I already had a personal backcountry permit at Grand Canyon for a specific time based on my existing work schedule. [REDACTED] said that he could change my personal backcountry permit to accommodate his change to my work schedule. I was sufficiently acquainted with Backcountry Office personnel and Backcountry Permit rules to know that personal Backcountry Permits cannot be changed by an employee's NPS work supervisor. Either this was a misrepresentation by [REDACTED] or [REDACTED] was permitted to unofficially change Backcountry Permits outside the legal rules for those permits.

I expressed my objections to being treated disrespectfully directly to [REDACTED] and additionally requested a separate meeting (on the same day as the events of the previous two paragraphs) with [REDACTED] (Deputy Chief of Maintenance at the time), who was also witness to the meeting. [REDACTED] said that his impression of the meeting was that "everything was resolved" and he didn't see any problem with it.

Sometime in spring of 2013, a Trails co-worker said to me that if I just went into [REDACTED] office sometimes for casual small talk, that maybe [REDACTED] and I would get along better. I asked this co-worker why I would want to make time in my day to make casual small talk with a bully like [REDACTED]. This employee replied that he wanted to keep his job, so he would do what he needed to keep things smooth with [REDACTED].

In the spring of 2013, another Trails co-worker had sustained a severe injury on the job and was unable to work. [REDACTED] in a work meeting with most of the Trail Crew present, told everyone that this employee was "depressed" and that he must have injured an "emotional" body part.

Several relatives of [REDACTED] were employed or contracted by the Trail Crew during 2012 and 2013 (and possibly longer) including a Trails employee related to [REDACTED] by marriage, and the mule shoer (a contractor), who was [REDACTED] brother-in-law.

The work I did on the Trail Crew was to maintain backcountry composting toilets. The Trail Crew workers who maintain backcountry composting toilets are, from my experience in the field, disproportionately women and non-white men. This may, or may not, be evident based on the jobs for which Trails workers are actually hired. While the Trails job postings flown on USA Jobs are sometimes specific to cleaning compost toilets, what I saw in the field (in 2012 and 2013) is that white

men, regardless of what job posting they were hired from, were more likely to be offered other (non-toilet) Trails work, and women or non-white men, regardless of what job posting they were hired from, were more likely to be asked to maintain toilets. Each employee in Trails is required to fill out an FMSS report, with codes to indicate the work they did that day. It may have been possible for someone with access to the FMSS system to document that women and non-white men were more likely to do work (not as work leaders) related to composting toilet maintenance than white men, regardless of the job posting under which those individuals were hired.

One morning in a work meeting in spring of 2013, ██████ told us that a Trails employee had been arrested and had been reported by the arresting officer as yelling, while being arrested, "I'm in Trails, you can't touch me, call ██████ or something to that effect. I believe this employee was arrested for drunk and disorderly conduct and/or assault. Apparently the Grand Canyon Law Enforcement Division has (or had) a video of this incident. ██████ did not reveal the identity of this employee; hearsay says it was an employee who had been a recovering alcoholic who ██████ re-hired after the employee had previously been fired for assault. I was not able to officially confirm this hearsay. In this particular work meeting, ██████ told the Trail Crew that he could not protect any of them against any crime and that he didn't want anyone to put him in the position of having to explain another video like that to Grand Canyon Law Enforcement. Despite ██████ objections in that meeting, I believe this incident overall illustrates the degree of power that employees perceived ██████ to have – the employee in this case was not alone in perceiving ██████ to have more power than he actually had. I believe ██████ for the most part encouraged the perception that he had a great deal of power.

Describing the unnecessary safety risks to which ██████ subjected his employees requires explaining some technical details. The manual for the composting toilets, and many commercially available instructions for composting toilets, give the instruction to allow human waste to compost for at least a year before being removed from the tank. Effectively, the top third of the tank of the composting toilet is raw waste, the middle third is being composted, and the bottom third has been composted sufficiently that it is no longer, for the most part, human waste. Bacteria and viruses that exist in human waste are made mostly inert through the composting process with sufficient time (at least a year), otherwise the material is still human waste and potentially substantially more dangerous for anyone coming in contact with it. This is why composting toilet instructions say clearly to empty only the bottom third of a tank. ██████ repeatedly insisted that the complete contents of all tanks be emptied. He never gave a good reason for this except the patently false statement that "cold bacteria eat warm bacteria." Beneficial bacteria do slow down their composting of viruses and other harmful bacteria during cold weather, which is rather a reason to leave the composting material in the tank for a *longer* period of time to allow the composting process to sufficiently break down human waste. Bacteria that thrive in cold conditions do not "eat" bacteria that thrive in warm conditions. Any microbiologist can confirm this. ██████ seriously jeopardized the safety of his workers with his orders, contrary to all other manuals or instructions, to handle raw human waste by emptying all contents of the compost tanks. Multiple employees objected to this practice.

In either April or May of 2013, I reported all of these incidents to Grand Canyon's Deputy Superintendent Diane Chalfant, in a meeting in her office. I asked for her to keep this information confidential because I feared retaliation. In an attempt to follow up with her by phone a few weeks later, she told me that she had talked to ██████ (Chief of Maintenance at the time), and, based on that conversation, told me that I "must have been mistaken," in particular regarding my reporting of dis-proportionate assignment of women and non-white men to compost cleaning crews. I explained to

her that I understood exactly what was happening and that I was attempting to convey to her what was happening in the field. She dismissed my objections. In that same phone conversation, I attempted to tell her about some events that had occurred subsequent to my initial meeting with her, specifically regarding a Trails employee having reported verbal and physical threats from [REDACTED]. She stated that she "did not have time to respond to every incident" and ended the phone call. She never followed up with me after that, and none of these issues were, to my knowledge, redressed.

When I submitted this testimony to the investigator this past April, I implored the investigator to contact several other individuals who I knew were the victims of or witnesses to even more hostile experiences (in quantity and quality) than mine as Trails workers. My understanding is that the investigator also believed that additional time would be beneficial for this investigation, but that the NPS Regional Office had not allotted him sufficient time to continue this investigation.

At one point in Spring of 2013, I spoke to an EEO officer in the park. This officer was very helpful and informative in regard to explaining all steps of the EEO process to me. When I asked this officer what most people did in my situation, this officer reported the simple statistic to me that most individuals simply chose to leave their jobs rather than try to engage in a long drawn out EEO investigation. This officer was not recommending this action, but rather was responding to my question about the most frequent action taken by individuals in my specific situation.

I recently heard that [REDACTED] is currently under consideration for a promotion to Deputy Chief of the Maintenance Division at Grand Canyon.

Last week I wrote an email to [REDACTED] [REDACTED] at the NPS Intermountain Regional Office, in which I requested that this investigation into the Trails Division at Grand Canyon National Park be prioritized. I included the following motivation for this request:

"It is my opinion that retaining [REDACTED] in any supervisory role at Grand Canyon has a sufficiently strong negative impact throughout the park to warrant prioritizing, and extending if necessary, the investigation into the Trails Division that was begun in April.

While the primary responsibility for the hostile work environment at Grand Canyon lies with the park leaders who allowed the work environment to continue, in my opinion, [REDACTED] is personally responsible for a significant portion of the hostile work environment there, even considering the multiple investigations into the River District. I believe [REDACTED] is a skilled manipulator who has, throughout the park, sowed fear, mistrust, gender discrimination, defacto support of sexual harassment, and mis-management of the resource for many years. I believe that it is not possible to heal the work culture at Grand Canyon National Park while [REDACTED] still holds a supervisory role there.

His actions have a ripple effect across the park. He has created a work environment that condones sexual harassment by employees he supervises. His co-workers in multiple divisions must spend hours of work time to carry out their work in the face of [REDACTED] frequent tirades, tantrums, obfuscation, lies, and outright bullying. He is skilled at presenting himself differently to different people, depending on the degree of power he perceives other people to have. Some of his superiors have perceived him to be accommodating and competent, if only

because that's how he chooses to portray himself to them.

When I began working at the park in 2012, I was horrified by what I saw [REDACTED] doing both inside and outside that Trails Department. Throughout my time at the park, I approached supervisors and administrators with my concerns and complaints. One administrator who privately agreed with my assessment of [REDACTED] informally recommended that I not take my complaints any further because it simply wasn't possible to win when opposing [REDACTED]. All other park administrators dismissed or ignored my complaints. I documented my formal complaints in my testimony to Mr. [REDACTED] in the April investigation. The general tenor at Grand Canyon National Park is that [REDACTED] has to get his way, otherwise he'll make your work life or personal life hell.

I offer you this colloquial description and my strongly worded statements so you can have a clear impression about what I believe is happening on the ground at the park. I feel confident that my opinion is either already backed up by Mr. [REDACTED] investigation, or could be with time for him to investigate further. I personally supplied Mr. [REDACTED] with contact information for several additional individuals who were either subjects of or witnesses to [REDACTED] creation of a hostile workplace. If I understand correctly, Mr. [REDACTED] was given a limited amount of time to complete this particular investigation and may not have had the opportunity to contact those individuals. I spoke with additional individuals who chose not to submit testimony to this investigation based on their, in my opinion well-founded, fear of retaliation. Their fears have, thus far, been confirmed by the lack of action in this case."

I have not yet received a response to this email.

Multiple employees at Grand Canyon described [REDACTED] to me as "untouchable." "It's no use to complain," they said. "He'll always be here." Sadly, those employees have been correct, insofar as NPS management has refused to investigate or address his misconduct.

It is worth making the point that retaliation against employees is rarely carried out in such a way that it can be documented as such. Schedules are changed, employee's terms are allowed to expire, employee job duties are changed, etc., generally with a reason that can appear legitimate. I note that even the OIG could not conclude, either way, whether or not some disciplinary actions taken in regard to incidents occurring in the River District were retaliatory. It should be obvious that if an employee cannot effectively be protected against retaliation by even the highest investigative authority of the Department of the Interior, that deeply stifles the likelihood that government employees, particularly current employees for the NPS, will step forward with their complaints. They don't feel protected, and they feel that way for good reason.

In addition, at Grand Canyon National Park, most employees live within the small village inside the park boundaries. This means that you live with the same people you work with. The same supervisor who is creating a hostile work environment knows where you live, what car you drive, who your family is, and who your friends are, simply from the experience of living in the same small community.

Many of my co-workers in the Trails Division were capable, responsible, respectful human beings. Most of them love and take pride in the work they do for the National Park Service, and many of them created as healthy of a workplace as they could given the transgressions of their leadership. My non-

supervisory work leaders in particular treated me with respect and honesty despite any difficulties they may have had working for [REDACTED]. I did not personally experience sexual harassment or discrimination directly from my co-workers. That said, I have no doubt that some Trails employees, in other situations, could have acted in ways that followed [REDACTED] example of creating an abusive and hostile workplace.

Subsequent to working for the Trail Crew at Grand Canyon, I worked with the Grand Canyon Science and Resource Management division to design, build, and carry out the park-wide lighting inventory that made possible the park's Provisional Dark Sky Park designation. While the overall tenor of the department was not as directly hostile as working for [REDACTED], I experienced a different variety of hostile work environment, more specifically focussed on denigrating my work and isolating me from co-workers and collaborators.

I was in an unusual position of being officially employed by the Grand Canyon's fund-raising partner, the Grand Canyon Association (GCA), and yet otherwise entirely working for the NPS. My work location and all supplies were the property of the federal government, and my supervisor was an NPS supervisor.

In May of 2014, my supervisor and a project manager explicitly recommended that I not formally submit my concerns (to the PEPC system) about wilderness protection in regard to a large lighting project at the Visitor's Center at the park. They suggested that if this project didn't get approved, Grand Canyon would lose a large amount of future funding. Apparently, Grand Canyon administrators were not capable of planning and/or carrying out projects to use up allocated funding for the park, which was nonetheless needed for multiple outstanding projects. The large lighting project was intended to use up money that had not been used elsewhere, to give the appearance that the park continued to use and require its current level of funding, regardless of how well the project fulfilled the park's responsibilities of providing lighting where needed, while protecting nocturnal ecosystems and night sky visibility. In short, securing funding trumped the NPS mission of wilderness protection and visitor enjoyment.

I attempted to pursue this issue with my next-line supervisor, Deputy Chief of Science and Resource Management [REDACTED] and with the Division Chief, [REDACTED] (who has since retired). I discovered that both of them supported the position of my supervisor and the project manager. I also attempted to meet with the park Superintendent, Dave Ueberuaga, and was refused. I submitted my concerns about the project to the formal project record in PEPC. I later discovered that my supervisor asked an employee in the Compliance Division to remove my comments from the record, with the justification, in reference to me, that "she's new" and "doesn't know what she's doing." This employee I spoke with in the Compliance Division was very upset about being asked to remove my comments, in part because the whole point of the PEPC system is to create a forum for open comments on NPS projects. So far as I can tell, my comments were completely removed, or at minimum downgraded in importance, from the PEPC record for this project. I later learned from a co-worker that [REDACTED] "never forgave" me for what she perceived to be a serious transgression, and what I perceived to be integrity in the service of public trust.

Around this time, [REDACTED] and my existing supervisor, who since left the park, asked me explicitly, despite my being a GCA employee, to initiate no further contact with the GCA about the priorities and future of Night Skies protection at the park without first discussing it with [REDACTED]. In other

words, a government employee (■■■■■) supervising a project on which I was working asked me explicitly to refuse, unless she gave her approval, to communicate about that project with anyone in the organization at which I was employed and from which I was paid to complete that project. There were, to be clear, no national security interests at risk here, though from the request for secrecy one could be forgiven for wondering if there were.

At some point before these events, I had been interviewed, with the approval of the park's Public Affairs office, by a reporter from the Arizona Republic, about the night skies protection program at the park. In this interview, the reporter asked, among other things, about funding for the project and I reported the accurate information that the project was not significantly funded past December 2014. The reporter chose to highlight this information, with the intention of supporting the program and opening an opportunity for additional fund-raising.

Immediately after this article appeared in the Arizona Republic in September 2014, ■■■■■ (who had become my direct supervisor because my previous supervisor had left the park) told me explicitly to either refer all public inquiries to the park's public affairs office or instead communicate to any media the impression that the project was in the process of being funded, despite simultaneously acknowledging that she knew that was not accurate. I chose to agree to refer media inquiries because I was not willing to agree to publicly distribute false or misleading information. ■■■■■ also said to me that the article "hurts your cause with the GCA." I replied that night sky protection was not "my" cause, and that I wasn't promoting a "cause" with the GCA (who was my employer) but rather that night sky protection was responsibility of the park leadership. I never did get a rational nor respectful reply to my questions about why this was a problem.

In November of 2014, I wrote an email to all members of my supervisory chain at the National Park Service and to my employers at the Grand Canyon Association, outlining these and other failures of leadership on the part of the park service and drawing attention to the disparity between the park's public support of night skies protection and internal obstruction of the same. In this email I also documented the voluminous amount of support, appreciation, and accolades I'd received elsewhere (in essence, everywhere outside my direct NPS supervisory chain) for my work at Grand Canyon.

I asked that my official supervisor of record no longer be ■■■■■ of the NPS and instead that I be assigned a supervisor at the Grand Canyon Association, from whom I received my paychecks. I had become aware that my irregular situation possibly violated more than one NPS policy, and I was additionally concerned that my ambiguous supervisory chain left me without formal protection or any formal grievance process were the situation to continue and/or escalate.

The response from ■■■■■ Chief of Science and Resource Management for the NPS dismissed all my complaints and concluded her reply to me as follows:

'■■■■■ will remain as the supervisor of this project and she is committed to working closely with you and to provide guidance as you complete your tasks. If this does not work for you, please tell me. It would be a shame, but we may need to end this portion of the program and shift emphasis to the implementation phase.'

In other words, her reply was that I must continue to accept ■■■■■ as my supervisor, or lose my job.

In my reply to [REDACTED] I asked:

"I would like to make sure that I understand last paragraph of your email. If I do not agree to continuing with [REDACTED] as my supervisor, would the park choose to end this project early, without completing the work plan we are currently discussing, and recommend to the GCA that they terminate my employment in this position? Did I understand that correctly?"

She replied to me, "Just to be clear, my statement refers to the NPS project. I was not speaking about your employment status with GCA."

I continued to request that my official supervisor be someone at the GCA. The GCA supported my request, and [REDACTED] eventually agreed, and my official supervisor for the remainder of the project was Ted Gwinn at the GCA.

I copied all of this email exchange to Superintendent Uberuaga and Deputy Superintendent Diane Chalfant. I received no reply from either of them. I requested meetings on at least one occasion with the superintendent's office and was refused.

I completed the tasks that were assigned to me and left when the position when funding ended on December 31, 2014.

I have given a great deal of thought to trying to understand how this state of affairs came to be in the park service. I was recently re-acquainted with organizational theory, in particular a book titled "Essence of Decision," which examines how decisions were made in the U.S. Government at the time of the Cuban Missile Crisis. As I'm sure some members of the committee are aware, this book explores specifically how organizations often make decisions based not on rationality, but rather on established, unspoken organizational routines.

It is my opinion that the organizational routines of the National Park Service management have evolved to prioritize making everything look good, at all costs. Fear of appearing mismanaged, fear of losing funding, or fear of simply looking bad guide most decision-making at higher management levels. Significant problems are swept under the rug, or simply tolerated, in the service of maintaining positive appearances. Ironically, this practice has led to such gross mismanagement that the NPS looks and is far worse than if administrators had simply acknowledged existing problems and worked to resolve them.

I no longer work for the National Park Service, nor any other government agency, nor do I plan on seeking out employment in the near future with the National Park Service given my experience working at Grand Canyon National Park. I sincerely hope that this statement will contribute toward understanding the existing work culture and creating a new work culture at the National Park Service.

This concludes my written statement. Thank you again to the committee for the opportunity to submit this statement.

To: Chairman Chaffetz, Ranking Member Cummings and other distinguished members of the committee.
 RE: Examining Misconduct and Mismanagement at the National Park Service

Thank you for the opportunity to testify about the ongoing and pervasive environment of sexual harassment within the River District of Grand Canyon National Park (hereafter GRCA) and the mismanagement by Park Service supervisors. My life and National Park Service (hereafter NPS) career were drastically impaired by these events. I believe many lessons can be learned by what occurred at the Grand Canyon and the NPS has a long way to go before we can put this behind us.

I have worked for the NPS since 2004 and became a permanent, law enforcement ranger in the River District of GRCA in January 2013. With much excitement, I packed up all of my belongings and moved across the country to begin what I hoped would be a long-term position. I was looking forward to sharing the knowledge I had amassed over the prior 9 years in the fields of search and rescue, emergency services, law enforcement and general "rangering." I was also looking forward to learning a new set of skills, from the river district boatmen, presumably the best in the world at what they do. Had I known then what I know now about the river district, I would never have accepted the position. I would have been willing to forego a permanent career with the NPS rather than suffer for 2.5 years at the hands of NPS employees.

From February 2013 through May 2014, several of my male coworkers within the river district subjected me to ongoing discrimination, harassment, and disparate treatment based upon my sex. On my second time ever down the Colorado within GRCA, my immediate supervisor (identified as Supervisor 1 in the January 2016 DOI OIG report and hereafter Supervisor 1) and the River District Ranger (hereafter DR) sent me on a 3-person, 2-boat, 9 day trip. On this February–March 2013 trip, I was alone with two male river district employees – one of whom (identified as Boatman 1 in the OIG report) sexually harassed me and the other (identified as Boatman 3 in the OIG report) subjected me to such a sexually hostile work environment that I had nightmares about being alone with him on a boat. The DR was well aware of Boatman 3's attitude towards and treatment of me but Boatman 3 continued to torment me for 1.5 years. I reported the incidents of sexual harassment to the DR and to my knowledge, the only "disciplinary action" Boatman 1 received was an offer of a job in maintenance instead of the river district. Not until May 2014, after I filed my first EEO complaint, did I realize that Supervisor 1, the District Ranger, Deputy Chief Ranger, and Chief Ranger were all well aware of Boatman 1's history of sexually harassing women. Despite this knowledge, I was placed in an environment without cell service, access to a radio, and was completely cut off from the outside world with a known sexual harasser.

In May 2014, after almost 1.5 years of intolerable treatment within the River District, I filed my first EEO complaint. Upon hearing that I had filed a complaint, the Chief Ranger of GRCA (at the time) called me into a meeting with the DR, and the deputy Chief Ranger. In this meeting, I was met with anger that I was not letting the park deal with the issue "in house" and I was coerced to drop my complaint. After filing my formal complaint, I was forced by the deputy Chief Ranger into a highly stressful, hostile work environment in another work district in GRCA. As a result of the sexual harassment and ongoing hostile work environment, I suffered from depression, insomnia, lack of appetite, and despondency. At no time did any supervisor at GRCA or in the regional office demonstrate concern or empathy over what I was experiencing, nor did anyone ever assist me in improving the situation. I loved being a park ranger, being challenged by the myriad of situations one encountered on a routine basis. Whether I was hiking a backcountry trail, floating down a river, administering medical aid to a distressed visitor, or investigating a crime, I foresaw myself having a long career with the NPS as a ranger. Unfortunately, this was not to be.

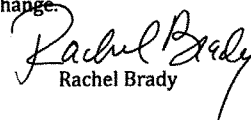
In April of 2015, after nearly 2.5 years of constant, and at times, debilitating, stress, I resigned my law enforcement commission. I realized, after experiencing retaliation for simply asking the NPS to enforce its own policy of zero tolerance of sexual harassment, that this agency does not stand behind its employees, and especially not its female employees. This can be a very disconcerting feeling when you put your life on the line everyday as a law enforcement ranger. No longer did I wish to gamble with my life for an agency that did not support me. So I resigned my commission, but still hoped to continue my career with the NPS. Despite everything I have experienced, I truly believe in the mission of the NPS and feel honored to work in some of America's best places.

When I resigned my commission, the Deputy Chief Ranger immediately offered me the opportunity to be placed in a temporary detail that would help me gain new skills in another chosen career path within the NPS. For the next two months, I had to fight the Deputy Chief Ranger, Deputy Superintendent Diane Chalfant, and Superintendent Dave Uberuaga to be placed in this detail that I was promised. Ms. Chalfant, during a phone call in April 2015, stated that they could not simply "create a job for me" even though I was asking to be detailed into a division that had an open job announcement. During this time, I woke up everyday not knowing if I had a job or if the NPS would evict me from my government owned park housing. Requests to transfer my housing agreement to my fiancé, another Grand Canyon employee, were denied by the Superintendent's office. Ms. Chalfant shared my personal information and declaration to Secretary Jewell with those same perpetrators I had named. My professional reputation was tarnished and my peers referred to me as a "bull in a china shop." I suffered from so much stress that I was placed on doctor-approved sick leave. Finally, after I could no longer take the continued retaliation and stress, I left my career and Grand Canyon in August 2015.

Since the publication of the OIG report in January 2016 and the subsequent media attention, the NPS has declared (again) that there is zero tolerance for sexual harassment and discrimination. They have shown their rededication to the existing policy in several ways, including increased sexual harassment trainings for all employees, first banning alcohol on all Grand Canyon river trips, and then abolishing the river district in its entirety. The right reaction (and the one that would have been immediate within the private sector) would be to hold those guilty River District boatmen and the supervisors at GRCA accountable. After all, disciplinary action was swift and severe for the two women who allegedly danced lewdly and waved a penis straw on that infamous night on the river. Yet somehow, the NPS has found it extremely difficult to apply disciplinary action upon anyone else involved in Grand Canyon's culture of mistreating women. To the best of my knowledge, here is where those involved in the events are now:

1. Boatman 3: reported to have been terminated as of August 2016.
2. Supervisor 1: retired in May 2015
3. River DR: Acting Chief Ranger of another park, reported to soon be employed as a Special Agent within the Investigative Service Branch (ISB).
4. Deputy Chief Ranger: still in same position
5. Chief Ranger: Promoted to Superintendent of another park
6. Deputy Superintendent Diane Chalfant: Still in current position at GRCA but said to be promoted in the near future to Superintendent of a park in Montana.
7. Superintendent Dave Uberuaga: was offered the option of a position in DC or allowed to retire. Elected retirement. He himself said this was not disciplinary action.

As one of the woman who submitted a declaration to Secretary Jewell in the hope that change would be implemented within the NPS, I am disappointed in the agencies continued lack of holding its employees accountable for their actions. I believe the agency finally responded to what they knew was ongoing for 15 years because of the scrutiny imposed by both the media and this Congressional Committee. I have yet to see real cultural change within the NPS. Sexual harassers will continue their behavior knowing full well that they will never suffer professional repercussions for it. The NPS has a history of promoting out or up many of its "problem" employees. Employees, male and female, are still afraid to speak out about injustices or wrongdoings they encounter. Many NPS staff feel routinely undervalued by their supervisors, resulting in dismally low employee satisfaction ratings in surveys. The Grand Canyon sexual harassment scandal was only the tip of the iceberg. I sincerely hope that this Committee can encourage the NPS to continue down the path of absolutely necessary cultural change.


Rachel Brady

Questions for Mr. Michael Reynolds
Deputy Director for Operations
National Park Service

Questions from Chairman Jason Chaffetz

September 22, 2016, Full Committee Hearing: *"Examining Misconduct and Mismanagement at the National Park Service"*

- 1. On August 24th of this year, park management announced it was implementing a new process for obtaining commercial Fiery Furnace permits at Arches National Park.**

- a) Can you explain the issue with the previous process for obtaining these permits?**

Response: The number of visitors allowed in "Fiery Furnace" each day is limited to 125. These 125 visitors are each issued a permit. This limit is in place in order to protect resources, retain natural conditions, and ensure a safe and high-quality visitor experience. Beginning in 2008, the National Park Service (NPS) began issuing Commercial Use Authorizations (CUAs) to allow commercial guides to lead day hikes in Arches (these CUAs cover Fiery Furnace, as well as 23 other trails throughout the park). While the total limit remained at 125, the park allocated 25 of these permits to commercial operators. The NPS cannot, however, limit the number of operators who are issued CUAs for guided hiking. With the park's increasing popularity, the number of guided-hiking CUA holders has quickly ballooned, from 7 in 2009 to 88 today. With 88 operators vying for only 25 Fiery Furnace hiker permits each day, the "first-come, first-served" model became untenable. The primary issue was a lack of fairness. CUA holders regularly complained about the process. Some CUA holders had begun illegally camping out overnight in the park, in efforts to be the first in the door each morning. And heated arguments ensued between CUA holders about their spots in line.

- b) Since the process that was announced on August 24th involved companies selecting "a number out of a hat/box/etc" to "determine the order in which permits will be issued to those companies present" as you describe in your email, do you see how that could create a problem for these small tour companies trying to plan accordingly for their customers?**

Response: Yes, while the lottery system that the park developed did increase the fairness of the allocation system, and did resolve the problems of fighting for spots in line and illegally camping out overnight, there remained a lack of predictability for operators, which impacted their ability to plan for this particular service offering in the long term. To some extent, this unpredictability is inherent in a situation where 88 operators are competing for 25 daily hiker slots. In an effort to afford some advanced planning, the

lottery system does allocate commercial hiker slots 7 days in advance of the scheduled hikes.

2. **On September 12, 2016, just two and a half weeks after announcing the new process for obtaining permits for Fiery Furnace in Arches National Park, the Superintendent of the Southeast Utah Group, Kate Cannon, announced the park would be terminating permits for Fiery Furnace as of January 2017. Then, on September 21st, this committee learned the park will “hit the pause button” on that decision.**

- a) **When was the decision made to terminate the Fiery Furnace area as part of the Commercial Use Authorizations? Was it before or after the decision to implement the new process announced at the end of August?**

Response: The decision to remove Fiery Furnace as a part of the Commercial Use Authorizations for guided hiking in Arches was made before the new lottery process was implemented. The decision was made as part of an overall strategy for better managing visitor use in Fiery Furnace. However, given that commercial use in Fiery Furnace was authorized through the life of the existing CUA agreements (until December 31, 2016), a process was still needed to improve the allocation of permits for the remainder of the year. Hence, the separate decision to develop the lottery system.

- b) **Why did park management only allow two weeks to test out their new permit process before terminating the program in its entirety?**

Response: See the response to 2a above. The new lottery process was still needed to improve the allocation of permits and address the issues outlined in the response to 1a during the three months when commercial guiding would continue under Commercial Use Authorizations in place for 2016.

- c) **In the announcement to terminate the program, Superintendent Cannon states the decision was made to better provide for the protection of park resources and values and to continue to provide a quality experience for park visitors. Can you please list some of the dangers to park resources brought about by the Fiery Furnace tour guide permit process?**

Response: The decision to no longer include Fiery Furnace in the CUAs for guided hiking in Arches was made as part of an integrated planning effort for better managing visitor use in Fiery Furnace. The NPS determined that the best way to provide for the protection of park resources and values, while continuing to provide a quality visitor experience, would be to mark the route, provide consistent pre-hike orientation, and reduce the size of hiking groups. In conjunction with those changes, the NPS determined that commercially guided hikes were no longer needed in order to protect resources and values and provide for a quality visitor experience in Fiery Furnace.

- d) **Can you explain how terminating a tour guide program where visitors could seek out services from a permitted tour guide will help improve the quality experience for park visitors?**

Response: The NPS determined that the new management practices outlined in the response to 2c above would better provide for the protection of park resources and values, while continuing to provide a quality experience for park visitors. In this decision, the NPS recognized that commercial tour guides provided quality visitor experiences, but determined that eliminating commercial tours would not adversely impact visitors' ability to have a quality experience. Park Ranger-led tours will continue to be offered to visitors seeking guidance and interpretation. And the implementation of route-marking and reduced group size can make unguided tours safer and more enjoyable. Moreover, reallocating the 25 commercial hiking slots to the general public will also make the Fiery Furnace more accessible to visitors with lower disposable incomes. While commercial guides typically charged upwards of \$80 per client, Ranger-led tours cost only \$16 per adult (\$8 per child) and individual permits cost only \$6 per adult (\$3 per child).

- e) **What type of community or park input was gathered before the unilateral decision to terminate the program was made?**

Response: The decision was made by an interdivisional team, with representatives across park management and front-line staff. The team also gathered input from prior park management and planning documents, and considered comments the park has received from visitors and CUA holders in recent years. CUA holders are regularly included in discussions on managing visitor use, through an annual meeting and informal phone and email communication. Many of these discussions with commercial operators highlighted the need for improved visitor use management in the Fiery Furnace.

- f) **Can you guarantee that the Park Service will gather and consider from all stakeholders that could be affected by this decision.**

Response: Yes, the NPS will continue to include public and stakeholder input as part of its management decision-making processes.

3. **According to the testimony of Brian Healy, Fisheries Program Manager at Grand Canyon National Park, harassment at Grand Canyon was not limited to the River District. In fact, he officially reported harassment and a hostile work environment faced by himself and his employees in other areas of the park.**

- a) **Has NPS initiated an investigation into a hostile work environment at Grand Canyon National Park?**

- b) **Who will be handling this investigation?**

Response: The NPS takes seriously allegations and reports of harassment and/or a hostile work environment. In response to concerns surfaced by Mr. Healy earlier this spring, the NPS initiated a third party investigation (by an independent contractor) of

specific circumstances on the North Rim of Grand Canyon National Park. The NPS is fully engaged in addressing the issues identified.

c) Are there additional investigations into harassment or hostile work environments at Grand Canyon National Park?

Response: There are several other allegations that surfaced this summer that are under investigation at Grand Canyon NP. Those investigations are being conducted by third party investigators who have no prior affiliation with the NPS. There may be additional investigations as the situation develops. The NPS is fully engaged in addressing the issues identified in all of the investigations thus far, in a comprehensive and timely manner.

d) Once this investigation is complete, will those who reported the hostile work environment or harassment be notified of its findings? What is the policy of NPS in sharing these findings with those who reported the incidents that initiated such an investigation?

Response: The NPS is committed to improving our communication and feedback with employees who bring forward reports of hostile work environment and/or harassment. Legal limitations set by the Privacy Act often prohibit the NPS from disclosing the investigations and any specific actions managers have taken to address employee misconduct. However, NPS management will follow up with the employees who reported hostile work environment and/or harassment and discuss the findings to the extent allowed by the Privacy Act. The NPS also follows the National Park Service Manager's/Supervisor's Guide to Understanding, Preventing, and Reporting Harassment when assessing the proper follow-up with those who reported the incidents.

e) If complete, please provide any final report or findings from any investigations into harassment or hostile work environment at Grand Canyon National Park.

Response: As administrative investigation reports are completed, the NPS will provide confidential and redacted copies of those reports to the Committee as requested.