ADMINISTRATOR

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
WASHINGTON, D.C. 20005

January 7, 2016

MEMORANDUM FOR ALL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU EMPLOYEES

FROM: Administrator

SUBJECT: Anti-Harassment Policy and Procedures

The Alcohol and Tobacco Tax and Trade Bureau (TTB) is committed to sustaining a work environment that fosters mutual trust and respect, and to promote a workplace where employees are empowered to be fully engaged and to perform to their full potential free from discrimination, harassment, and retaliation. TTB prohibits any harassment, whether it is discriminatory from a legal equal employment opportunity (EEO) perspective, or general misconduct, such as workplace violence, bullying, or other disruptive behavior. Harassment can be detrimental to the morale, productivity, and efficiency of our Bureau. TTB has *Zero Tolerance* for discrimination, harassment, or retaliation.

Harassment

Harassment is hostile or abusive conduct and may be unlawful discrimination if it is based on an individual's race, age (40 or older), color, religion, national origin, physical or mental disability, sex (including pregnancy and gender identity), sexual orientation, parental status, marital or familial status, political beliefs, protected genetic information, prior participation in the equal employment opportunity process or opposition to any practice made unlawful under any of the Federal antidiscrimination laws.

Discriminatory (EEO-based) harassment includes, but is not limited to, any unwelcome conduct that adversely affects a term or condition of employment, unreasonably interferes with an individual's work performance, or creates an intimidating, offensive, or hostile work environment. Types of harassment include, but are not limited to, written, verbal, electronic communications, physical gestures or contact, images, or objects. Although a single act may not rise to a level that may be actionable under the law, it still has no place at TTB.

Other misconduct that may not necessarily be EEO-based, such as workplace violence or bullying, is also strictly prohibited. This type of behavior can range from threats and verbal abuse to physical assaults, and can occur on a peer-to-peer basis, as well as between a supervisor and employee. "Bullying" conduct includes, but is not limited to, threats, hate messages, and intent to inflict harm, or abusive, offensive, unprofessional,

intimidating, derogatory, or otherwise inappropriate or unacceptable language intended to humiliate or demean a particular individual or group of individuals.

Sexual Harassment

Sexual harassment is a form of prohibited harassment based on an individual's gender that is characterized by *unwelcome* sexual advances, requests for sexual favors, or other conduct of a sexual nature when: 1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of one's employment; 2) submission to or rejection of such conduct by an individual is used as a basis for career or employment decisions affecting that individual; or 3) such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment. Examples include, but are not limited to, sexually oriented jokes, stories, or discussions, sexually oriented photographs, pressure for dates or to engage in a more intimate relationship, or inappropriate touching or gestures.

Anti-Harassment Officer

I have designated the Director, Office of Equality, Diversity, and Inclusion (EDI) to serve as TTB's Anti-Harassment Officer, responsible for receiving and conducting prompt, thorough, and impartial inquiries into allegations of harassment. The EDI Director serves as both the EEO Director and the Champion for TTB's Early Conflict Prevention and Resolution (CPR) Program. The goal of the Early CPR Program is to assist employees in seeking fair and equitable solutions to work-related concerns through an informal and confidential process. This program is apart and separate from the EEO Complaint and Administrative Grievance processes.

The EDI Director can be reached at 202-453-2063. Reports of harassment may be made to the EDI Director in person, in writing (via email or otherwise), or over the phone. Reports can also be made anonymously, but this may limit the extent to which the harassment can be investigated.

Reporting Allegations of Harassment

Victim of Harassment. If you believe you have been or are being harassed:

- Clearly communicate to the offending person, if possible, that his or her conduct is unwelcome and must stop immediately. Such informal action may be enough to stop the behavior.
- Keep a record of the incident, date and place of the occurrence, names of parties involved, and all other pertinent facts.
- Report the conduct promptly to one of the following if direct communication is not possible or fails to stop the behavior:
  - your first or second-line supervisor
  - another management official
  - EDI Director

You also have a right to file an EEO complaint or administrative grievance on the alleged harassment. However, reporting an allegation of harassment under this policy **does not** satisfy the requirements for filing a complaint or grievance, and does not delay the time limits for initiating those procedures. If you choose to pursue these remedies, you must make an election as follows:

1. To file an EEO complaint, contact the EDI Office within 45 calendar days of the most recent incident of the alleged harassment, in accordance with 29 CFR § 1614.105(a)(1).
2. To file an administrative grievance, file a written grievance within 21 calendar days following the date of the event, in accordance with TTB Administrative Grievance System, TTB O 2770.1.

Witness of Harassment. If you witness harassment and/or become aware that another employee has been subjected to harassment, report the incident as soon as possible to your first or second-line supervisor, another management official, or the EDI Director.

Supervisors and Managers. It is TTB's duty to protect our employees from unlawful harassment, if there is a nexus with the workplace. This duty is unaffected by the location where harassment occurs, on or off the worksite, including the internet. The duty remains the same – supervisors and managers must intervene and take prompt and effective corrective action to end the harassment. If you are a supervisor or manager and receive a complaint about harassment, or believe that an individual is engaging in conduct that may be prohibited harassment, report it to the EDI Director as soon as possible. I hold supervisors and managers accountable for harassing conduct that occur in your divisions. Ignoring such conduct is not acceptable and you may be subject to disciplinary action, up to and including removal.

Inquiries into Allegations of Harassment

- The Anti-Harassment Officer will conduct inquiries into allegations of harassment, consisting of interviews with all individuals with relevant information, including the individual accused of the harassing conduct, and a review of any written or electronic information about the alleged harassment.
- Disclosures about allegations of harassment will be made only on a "need to know" basis, in order to determine the facts surrounding the allegation and to take appropriate action.
- Supervisors and managers must take appropriate action once they have been apprised of allegations of harassment, *even if the employee requests that no action be taken*.
- Supervisors and managers must ensure all individuals who report alleged harassment or who cooperate during an inquiry are protected from retaliation.
- Depending on the nature of the allegation, supervisors and managers may take appropriate steps during an inquiry to ensure that further harassment

does not occur. Such steps may include changing the work location of the victim or alleged harasser.

- If improper conduct is found, supervisors and managers will act promptly to stop the harassing conduct and ensure it does not reoccur. Appropriate disciplinary action, properly documented, will be taken in all cases where improper conduct is found to have occurred.
- If it is determined that discipline is warranted, the information from the inquiry that is the basis for the disciplinary action must be shared with those for whom disciplinary or adverse action has been proposed. Information from an inquiry will be provided to an EEO Investigator, if an EEO complaint is filed on the same or related matter.

Anonymity and Confidentiality

"Anonymity" means that the identity of the individual reporting harassment is not disclosed. An employee may choose to remain anonymous when reporting an incident of harassment. However, this may limit the ability of the Bureau to conduct an effective inquiry. If an employee files an EEO complaint on the alleged harassment, he or she has the right to remain anonymous during the EEO *informal* process. Anonymity **cannot** be maintained once a *formal* EEO complaint is filed.

"Confidentiality" means that the details of an allegation of harassment are disclosed to specific persons on a need-to-know basis. When an employee alleges harassment to a supervisor or manager, an inquiry must be conducted. Therefore, individuals with a need to know will be notified of the allegations. In this regard, allegations of harassment cannot remain confidential information between an employee and a supervisor or manager, although the employee may remain anonymous (i.e., his or her identity will not be disclosed) under the conditions described in the preceding paragraph.

TTB strictly prohibits retaliation against employees who report harassment, or who participate in the investigation of a complaint of harassment. All reports of harassment will be promptly, thoroughly, and fairly investigated. If an investigation confirms that harassment has occurred, TTB will promptly take corrective action. Any employee found to have engaged in harassment may be subject to disciplinary action, up to and including removal.

Responsibilities

Employees must:

- Act professionally, refrain from conduct considered harassment, and monitor their personal behavior regarding their words and actions.
- If harassed, clearly communicate to the offending person, if possible, that his or her conduct is unwelcome and must stop immediately, before the conduct becomes severe or pervasive.

- Report the conduct (as experienced or witnessed) promptly to your first or second-line supervisor, another management official, or the EDI Director.

Supervisors and managers must:

- Display appropriate behavior and cultivate and maintain a work environment that is free of harassment.
- Set the tone for a positive and professional work climate.
- Act promptly to prevent or cease reported or observed incidents of harassment.
- Be alert to signs of retaliation and, if any such sign exists, take prompt and effective corrective action.
- Document allegations of harassment and promptly report any incident of harassing conduct you have witnessed, or are made aware of, to the EDI Director.
- Take prompt, appropriate, and corrective action, possibly including disciplinary action – up to and including removal – against employees who have engaged in harassment, or have knowingly made a false statement relating to harassment, or who have not carried out their responsibilities as established in this policy.

All TTB employees, supervisors, and managers are accountable for their conduct in the workplace and are expected to uphold this policy. Violations of this policy, regardless of whether an actual law has been violated, will not be tolerated.