



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Anthony Reardon
National President
The National Treasury Employees Union
1750 H Street, NW
Washington, DC 20006

NOV 15 2016

Dear Mr. Reardon:

We are writing in response to your letter dated September 23, 2016; the October 3, 2016 letter to us from Ana Peña-Wallace and Wanda Brown, NTEU Chapter 204 Representatives; and the October 14, 2016 letter from Ms. Peña-Wallace and Ms. Brown to Edward Holder, the Commission's Acting Deputy Staff Director. All three letters raise understandable concerns about the disclosure of Federal Election Commission (FEC) employees' responses to a survey conducted by Job Performance Systems, Inc. (JPS), the contractor who completed the "Root Causes of Low Employee Morale Study" (the "Morale Study") at the FEC. The two letters from Ms. Peña-Wallace and Ms. Brown further note the Union's decision to withdraw from the Commission's Labor Management Forum (LMF).

As you know, the morale study was conducted by JPS at the behest of the FEC's Office of Inspector General (OIG) pursuant to OIG's independent authority under the Inspector General Act of 1978. Neither the Commission nor any FEC management official played a role in conducting the study or had access to the raw survey results being compiled by JPS. In fact, many Commissioners, Senior Leaders, and other FEC managers participated in the study by taking part in interviews conducted by JPS and/or submitting survey responses online.

Let us emphasize at the outset that we, on behalf of the entire Commission, take very seriously the concerns raised in your letter. We immediately sought to identify which management officials received this information and to ensure that all electronic or tangible copies were either destroyed or returned to the OIG without further dissemination, and we believe this has been successfully accomplished.

A number of the relevant facts which we believe to be undisputed are as follows: At the request of Chief Compliance Officer Patricia Orrock, OIG provided Ms. Orrock with a redacted copy of the written comments ("redacted comments") submitted as part of employees' responses to the online Morale Study survey. It has been represented to us that, due to the confidential nature of the survey, any employee names, position titles, or similar information were not associated with any of the comments. Ms. Orrock shared the redacted survey comments with three other management officials: Staff Director Alec Palmer, Acting Deputy Staff Director Edward Holder, and Human Resources Director Derrick Allen. The IG then subsequently provided a copy of the same redacted information to Ms. Peña-Wallace and Ms. Brown. The IG

also provided redacted copies to the both of us, as the Chairman and Vice Chairman, though we made the decision not to read or review any portion of the comments.

Upon receipt of your letter, Chairman Petersen asked our Acting General Counsel, Lisa Stevenson, to confirm that the managers who received the redacted comments had not further disseminated the information to any other persons. Ms. Stevenson instructed the four FEC managers who received the redacted comments to delete any electronic files containing the information and to return any hard copies of the materials to her in a sealed envelope; she then returned them unopened to OIG. The four managers involved have all provided written assurances that they have (1) deleted any electronic copies of the comments; (2) returned any hard copies of the information in their possession to OIG; and (3) not further disseminated the file to any other individual.

We have been informed by Ms. Stevenson that she has personally advised each of the managers who received the survey comments that an employee's participation in the Morale Study and any responses the employee provided during the study shall not be used as the basis for proposing or taking any adverse action against the employee. We will continue to monitor the situation closely. Rest assured that if we become aware of any acts or threats, however subtle, of retaliation resulting from the information disclosed in the survey comments, or any protected activity in which an employee engages, we will ensure that appropriate measures are taken.

We regret that the information at issue was disseminated to certain senior staff without the advance knowledge or consent of Ms. Peña-Wallace or any other Union official, and consider this a serious mistake that negatively impacted the morale of our staff. We also sincerely regret that the disclosure has resulted in an erosion of trust between FEC management and staff as described in the October 3 letter and the Union's decision to withdraw from the Labor Management Forum.

As Chairman and Vice Chairman, we are discussing ways to ensure that the negative consequences that have resulted from this unfortunate incident will be fully addressed, and we will attempt to rectify, to the extent possible, any ill will that has been generated. We will consider all options for achieving this objective. In that regard, we intend to personally meet as a team with our staff on each floor in an attempt to ameliorate the effect of this event on the morale of our staff.

Please feel free to contact us at any time to discuss this unfortunate incident.

Sincerely,



Matthew S. Petersen
Chairman



Steven T. Walther
Vice Chairman

cc: Ana Peña-Wallace, President, NTEU Chapter 204
Wanda Brown, Vice President, NTEU Chapter 204