

# Despite prior sexual harassment probe, executive hired to senior federal job

The Office of Personnel Management hired a senior official in October who was found by a Louisiana state agency in an internal investigation to have sexually harassed two women in a previous job.



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The agency that sets personnel and hiring policy across the federal government hired a senior leader last year who was found in a previous job to have sexually harassed two women who were his subordinates.

Frederick Tombar III, hired in October as second-in-command in the Office of Personnel Management's retirement services division, resigned as executive director of the Louisiana Housing Corp. in 2015 amid an internal probe by a state agency that concluded he harassed the women, according to an investigation report obtained by The Washington Post. The state also paid \$89,500 to one of his accusers in a settlement after she sued, Louisiana state officials said.

After OPM employees raised concerns about Tombar's hiring, senior agency officials concluded that he should not meet alone with female colleagues, according to two people familiar with the decision who spoke on the condition of anonymity because they were not authorized to speak publicly about agency matters.

OPM declined to confirm whether that policy has been instituted or comment on Tombar's role. Communications Director Erikka Knuti said in a statement, "We will not comment at this time on individual personnel matters, but OPM is deeply committed to workplace safety and continuously reviews its hiring processes to identify opportunities for improvement — and is doing so now."

Tombar, 53, declined to comment. A spokeswoman for him denied the allegations at the time, calling the claims “unproven” and saying that he resigned from the Louisiana housing agency “in an attempt to protect his family from any public ridicule and manipulation, but it was not an admission of guilt in any regard.”

His appointment to a senior federal role raises new questions about the vetting process used by OPM, which is responsible for managing the 2.1 million-person civil service, coordinating recruiting and hiring, managing health insurance and issuing retirement benefits.

Knuti declined to say whether hiring officials were aware of the past investigation into Tombar’s conduct in Louisiana.

Union officials say staffers in Tombar’s division quickly learned of the harassment investigation by Googling him. “My members were sending me articles,” said Marlo Bryant-Cunningham, president of Local 32 of the American Federation of Government Employees. “I’m like, why would OPM hire a man with these allegations?”

Jeffrey Neal, a former personnel chief at the Department of Homeland Security, said a basic background check should have been enough for hiring officials to choose someone else for the position, which oversees hundreds of employees.

“It’s a pretty common practice when you’re about to hire someone to Google them and see what’s out there,” Neal said, adding that a reported finding of sexual harassment “is a disqualifying factor, particularly when you’re looking at someone for a managerial position.”

The government’s hiring rules do not directly prohibit hiring a candidate with past sexual harassment investigations; Neal and other personnel experts said the decision is a judgment call.

Tombar is the personnel agency’s second high-profile hire under the Biden administration with a substantiated record of misconduct. Last month, the Defense Department inspector general released an investigation finding that OPM Chief Financial Officer Douglas A. Glenn had engaged in a litany of racially and sexually offensive behaviors in his previous role as acting comptroller general at the Pentagon.

Glenn has since left his post at the personnel agency, which last week appointed a new acting chief financial officer, officials said. Knuti declined to say whether he is still on the payroll, on administrative leave or has resigned, citing personnel issues. Glenn did not respond to a request for comment.

The two men were hired to career civil service roles as OPM Director Kiran Ahuja and her staff are tasked with leading President Biden’s pledge in a 2021 executive order to advance equity in the federal government, in part by taking sexual misconduct seriously.

The agency’s senior leaders have now launched an internal review of the circumstances of Glenn’s and Tombar’s hiring, two people familiar with the inquiry said, speaking on the condition of anonymity to discuss sensitive matters. The review was prompted in Tombar’s case by questions from The Post, these people said.

On Wednesday, Ahuja pledged her commitment in a staff-wide email to a “safe and professional workforce for all employees.” She wrote that her agency was redesigning a more robust workplace safety and anti-harassment training for all managers.

Retirement services, where Tombar serves as principal deputy associate director, is the personnel agency’s largest division, with 1,000 employees who are divided between Washington and Boyers, Pa., where the system’s paper records are kept. Women make up 65 percent of the agency’s workforce, federal data shows. Employees in retirement services raised concerns internally soon after his hiring was announced, according to union officials and other employees. Tombar is on a year-long probation common to most new hires, according to experts familiar with government hiring practices.

The investigation into sexual harassment allegations against Tombar in Louisiana is outlined in a 19-page report, conducted by the Louisiana Division of Administration’s Office of Human Resources in 2015. The investigation was prompted by a request from the board of the housing agency, where Tombar began working in 2013, following complaints by the two women.

Investigators found “a pattern of sexual harassment and hostile work environment,” the report said — and in the case of one woman, “clear evidence of quid pro quo sexual harassment.”

Investigators found that Tombar harassed the two women over about five months in 2014 and 2015, asking them on numerous occasions to spend the night with him at hotel rooms where he was staying on business trips. Neither woman is identified, but their accounts are described and numerous exchanges in text messages and on Facebook are included in the report.

In one text message, Tombar texted the first woman, a contractor, a sexually suggestive phrase, investigators found. In his texts Tombar also urged the woman to be careful, the report found: “Discretion is key ... both at work and home. Agreed?” he wrote in a Facebook message.

The woman told investigators that “Mr. Tombar then called excessively to the point I had to block him,” leaving her young daughters to ask “who keeps calling.” On one occasion, according to the report, Tombar met the woman at a restaurant in Baton Rouge and gave her a key to his room. The woman said she did not show up at the hotel. Tombar continued to ask her to get drinks, the report said, but the woman said she made more excuses, afraid that a direct “no” would lead to retaliation and get her fired, the report said.

The second woman, on staff with the housing agency, said Tombar twice asked her to spend the night with him at his Baton Rouge hotel room before meetings of the housing board, according to the report. She declined.

Investigators noted that they were not able to interview Tombar because he resigned two days before the investigative report was completed. It was not issued publicly but was the subject of several news articles in Louisiana. The Post obtained a copy through a public records request.

Sakina Cole, an outside spokeswoman for Tombar as the probe was conducted, told the Advocate of Louisiana at the time, “It is highly negligent of the State of Louisiana to have released what was considered a completed internal investigation of unproven claims. Mr. Tombar maintains that he has not harassed anyone and that he definitely did not threaten anyone’s job.”

Dianah Hanson, the first woman cited in the report, sued Tombar in federal court in 2016, alleging that he sexually harassed her for five months. The state settled with her in June 2017, records show.

Hanson, 45, in an interview, described the incident as “one of the worst times in my life” and said she eventually left her job with the housing corporation for a role with a private disaster recovery company following a “whisper campaign” by her state colleagues. She said it was “disappointing” to hear of Tombar’s employment with the federal government.

“I think things like this get swept under the rug when people are looking to fill positions,” Hanson said.

Senior executive jobs at OPM require what is known as a “public trust” background check common for senior federal government roles. The required review is not as in-depth as the check for a security clearance, according to experts. In some cases, a candidate can be hired and start the job before the paperwork is completed. It is not clear how or if a background check was done in Tombar’s case.

OPM has scrambled to fill leadership positions after dozens of experienced officials left following President Donald Trump’s attempt to dismantle the agency and parcel out its functions and employees to other parts of the federal government. Ahuja has prioritized hiring former Obama administration officials, including Tombar, who was a senior adviser for disaster recovery at the Department of Housing and Urban Development from 2009 to 2013.

His current responsibilities include financial management, external affairs and strategic communications policy in the retirement division, which has a \$100 million annual budget, according to a job posting. He works remotely from his home in New Orleans and travels frequently to Washington, according to agency officials. Currently he has no staff reporting to him, according to three people familiar with his job duties — an unusual arrangement for a senior executive paid up to \$204,000. It is unclear whether this is as a result of the past allegations of sexual misconduct. Knuti declined to comment on why Tombar has no staff.

Union leaders say they have pushed OPM leadership to explain Tombar’s hiring, but have not received clear answers.

In November, Bryant-Cunningham said she sent concerns from her union’s members to Ahuja’s top staff and to Margaret Pearson, director of the retirement services division and Tombar’s supervisor.

The union leader said she was told by the front office that “they were aware of the allegations and would look into my concerns.” But they later responded that “they looked into these issues and we’re satisfied with the information we have,” Bryant-Cunningham said.

Two months later, she said, “I do not feel the agency is taking any of this seriously.”

“The Glenn incident has reprised everything,” she said, referring to the former chief financial officer. “What do I say to my members who have concerns? My hope is that the agency will do more due diligence and look into this situation.”

*Alice Crites contributed to this report.*