

**Forest Service Manual  
National Headquarters – Washington Office  
Washington, DC**

**Forest Service Manual 6100 – Personnel Management  
Chapter 6170 – Personnel Relations**

**Amendment:** 6100-1997-2

**Effective date:** January 17, 1997

**Duration:** This amendment is effective until superseded or removed.

**Approved by:** Mike Dombeck, Chief

**Last Change:** Amendment 6100-1997-1 to FSM 6170 Contents

**Superseded Document(s):** 6170, Amendment 6100-90-1

**Digest:** Following is an explanation of the changes throughout the directive by section.

Throughout the chapter, makes minor editorial and style changes; revises cross-references to the obsolete Federal Personnel Manual (former FSH 6109.41 – FPM); and revises Washington Office Staff Unit titles.

**6171 -6171.04c:** Removes obsolete direction and reserves code for FSM 6171, Labor-Management Relations, in the table of contents.

**6172.03:** Clarifies policy on disciplinary action in paragraphs 1 and 2.

**6172.11 :** Adds grade levels GM/GS-14 and -15 to administrative investigations that may be conducted by experienced Personnel Misconduct Investigators. Also adds new requirements for criminal investigations by the Law Enforcement and Investigations Staff.

**6173.03 :** Clarifies policy in paragraph 1 regarding resolution of grievances and removes redundant direction in paragraph 4.

**6173.1:** Revises cross-references to the location of procedures regarding the grievance system.

**6174.04b:** Adds the responsibility of the Chief to make final determinations of conflicts of interest on financial disclosure statements as required.

**6174.04c :** Adds responsibilities of field unit officials and the Washington Office Personnel Management Staff Director to review and adjudicate OGE-450, Confidential Financial Disclosure

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Reports. Adds a cross-reference to 5 CFR 2634.904 for definitions of criteria to determine positions required to file the Confidential Financial Disclosure Reports.

**6174.04d:** Adds a requirement for employees to comply with the Standards of Ethical Conduct for Employees of the Executive Branch.

**6174.06:** Adds a Reference section containing information on the publication, Standards of Ethical Conduct for Employees of the Executive Branch.

**6174.11:** Removes the previous exception for financial statements from determinations of conflict of interest.

**6174.12 – 6174.13:** Incorporates direction on Outside Employment and Ownership of Lands previously issued in expired interim directive 6170-95-2.

**6175 – 6175.1:** Removes obsolete direction and reserves code for FSM 6175, Complaints of Discrimination in Employment, in the table of contents.

**6173.1:** Revises cross-references to the location of procedures regarding the grievance system.

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## **6171 – Labor-Management Relations [Reserved]**

## **6172 – Discipline, Adverse Actions, and Performance-Based Actions**

### **6172.03 – Policy**

1. Disciplinary action is imposed for the purpose of correcting improper conduct. It must be supported by preponderant evidence and must reflect the principle of progressive discipline-selection of more serious penalties for repeated offenses.
2. Officials shall consider using alternative discipline where applicable. Other nondisciplinary measures, such as counseling, rehabilitation, special training, special assignments, and changes in assignment may be used as an alternative to or in conjunction with disciplinary measures.
3. An employee receiving a notice of proposed adverse action has the right to a reasonable amount of official time to review the evidence supporting the proposal and to prepare a reply. This time must be approved in advance.

### **6172.1 – Employee Misconduct**

#### **6172.11 – Investigations**

1. Regional Special Agents-in-Charge or Special Agents shall conduct:
  - a. Any investigation regarding a hotline/whistleblower complaint or internally generated complaint involving allegations of illegal acts committed by an employee that are normally accepted by the Department of Justice for prosecution; or
  - b. Any sensitive investigations which may have an adverse impact on the agency (FSM 5304.21, para. 3b).
2. Experienced Personnel Misconduct Investigators who have delegated authority to administer oaths to witnesses may investigate employee misconduct allegations when:
  - a. There is little or no likelihood of prosecution;
  - b. The subjects are employees GM/GS-15 and below; and
  - c. The full range of skills of a criminal investigator is not required.

Out-of-Region Personnel Misconduct Investigators or Special Agents may be used in cases where the issues are of a sensitive nature and the credibility of an internal investigation could be an issue. If there is any question as to whether or not the allegations should be referred to Office of Inspector General (OIG) in accordance with FSM 5320, the responsible specialist shall coordinate with the Washington Office, Director, Law Enforcement and Investigations before

beginning any investigative activities. Refer to FSH 6109.41 for Department of Agriculture (FSH 6109.41 – DPM 751, subchapter 3) and Forest Service (FSH 6109.41 – FSPM 751, subchapter 3) procedures regarding investigation of employee misconduct.

### **6172.12 – Disciplinary Measures**

1. Letter of Warning/Caution. This is an informal, nondisciplinary letter used to document a verbal warning or to caution an employee from engaging in a specific, undesirable behavior, the repetition of which could lead to formal disciplinary action. The work supervisor normally signs this type of letter and retains a copy. It is not filed in the employee's Official Personnel Folder.
2. Letter of Reprimand. This is the lowest level of formal discipline. Use letters of reprimand where a strong warning is considered necessary and it is consistent with the Department of Agriculture Table of Disciplinary Penalties (FSH 6109.41 – DPM 751, appendix A). A letter of reprimand may be issued by an official delegated authority to issue such letters (FSM 6104.1, ex. 01, Delegations of Personnel Authorities).
3. Suspension, Termination, and Reduction in Grade or Pay. (5 CFR part 752).

### **6172.2 – Substandard Performance**

Work supervisors shall handle situations involving unacceptable job performance in accordance with FSH 6109.41 – DPM 432 and 5 CFR part 432.

Cases involving marginal performance and withholding of within-grade-increases are covered by FSH 6109.41 – DPM 531 and 5 CFR part 531.

### **6172.3 – Medical Conditions**

For guidance on how to consider a medical condition in taking adverse actions, see 5 CFR part 752.

Work supervisors shall refer employees with drug or alcohol problems to the Employee Assistance Program.

### **6173 – Grievances**

#### **6173.02 – Objective**

The objective of the administrative grievance system is to provide redress of employee complaints and dissatisfaction in a manner that least disrupts work relationships.

### **6173.03 – Policy**

1. Whenever possible, disagreements shall be resolved in an informal manner at the lowest appropriate organizational level.
2. No reprisal, coercion, intimidation, or restraint shall be practiced against any employee for filing or considering filing a grievance.
3. No personnel action shall be taken against a supervisor because a subordinate filed a grievance.

### **6173.1 – System Coverage and Procedures**

Regulations and guidance for the administrative grievance system are in FSH 6109.41 – DPM 771 and 5 CFR part 771. Grievance procedures for employees covered by a collective bargaining agreement are located in the applicable agreement.

### **6174 – Employee Responsibilities and Conduct, Suitability, and Security**

#### **6174.04 – Responsibility**

##### **6174.04a – Managers and Supervisors**

All management officials are responsible for ensuring that employees are informed about acceptable conduct and for bringing apparent misconduct to the attention of responsible officials.

##### **6174.04b – Chief**

The Chief has the responsibility to make final determinations of conflicts of interest on Confidential Financial Disclosure Reports as required.

##### **6174.04c – Regional Foresters, Station Directors, Area Director, Institute Director, and Washington Office Personnel Management Staff Director**

Regional Foresters, Station Directors, Area Director, Institute Director, and Washington Office Personnel Management Staff Director have the responsibility to review and adjudicate completed Forms OGE-450, Confidential Financial Disclosure Reports. This authority may be further delegated to the Forest and Station Personnel Officers if it is determined the person in that position is trained and qualified to conduct reviews and make conflict of interest determinations.

Determine if any conflict of interest can be resolved at the lowest level and do so. Refer unresolved conflicts of interest on Confidential Financial Disclosure Reports to the Director, Personnel Management Staff, Washington Office, for final determination by the Chief. Refer to 5 CFR 2634.904 for definitions of criteria to determine positions required to file the Confidential Financial Disclosure Report.

## **6174.04d – Employees**

Employees have the responsibility to comply with:

1. The Department's regulations as prescribed in Appendix 1 of the USDA Employee Responsibilities and Conduct Handbook, and
2. The Standards of Ethical Conduct for Employees of the Executive Branch (see FSM 6174.06 for further information on this reference).

## **6174.06 – Reference**

Standards of Ethical Conduct for Employees of the Executive Branch. This publication of the the U.S. Office of Government Ethics contains Part I of Executive Order 12674 and 5 CFR part 2635. It is available from Forest Service servicing Personnel Offices and the USDA Office of Operations.

## **6174.1 – Conduct**

### **6174.11 – Conflict of Interest**

A conflict of interest is deemed to exist when a Government official makes decisions and takes actions in which the best interests of the Government conflict, or appear to conflict, with that official's own interest in private economic or personal affairs. The following officials are responsible for all conflict of interest determinations:

1. Washington Office Administration Deputy Area. Deputy Chief and Associate Deputy Chiefs; Director and Assistant Directors, Personnel Management Staff; Program Manager, Employee Relations, EEO and Early Intervention, Personnel Management Staff; and Employment Program Manager, Personnel Management Staff.
2. Field Offices. Regional Foresters, Area Director, Station Directors, Institute Director, and their Personnel Management Staff Directors and designated Specialists; and Forest Supervisors and Forest Personnel Officers.

Employees seeking special-use permits, grazing permits, and awards of timber sales (activities governed by specific provisions) should obtain guidance from the appropriate official prior to taking action.

### **6174.12 – Outside Employment**

Employees must obtain approval in advance for outside employment from one of the officials listed in FSM 6174.11. A copy of the approval should be placed in the employee's Official Personnel Folder, and confidential filers must attach a copy of the approval to their Confidential Financial Disclosure Report, Form OGE-450.

### **6174.13 – Ownership of Lands**

1. Private Lands. All employees shall obtain written approval to retain or acquire title to any land within or adjacent to existing or proposed boundaries of a National Forest from officials listed under FSM 6174.11 and as delegated in FSM 6104.1, ex. 01. Attach a copy of the approval to the Confidential Financial Disclosure Report, Form OGE-450, by confidential filers.

2. Public Lands. No employee having a continuing appointment shall file or initiate a mining claim within or adjacent to the existing or proposed boundaries of a National Forest. No temporary employee shall file a claim within the National Forest in which employed.

An employee who has obtained a claim under any of the public land laws before appointment or before the inclusion of such lands within existing or proposed boundaries of the National Forests or through other legal means, such as inheritance or marriage, shall have the right to perfect the title, if the claim is in compliance with applicable requirements and if no conflict of interest exists.

### **6174.14 – Carrying Firearms or Other Weapons**

(FSH 6709.11, Health and Safety Code Handbook, sec. 7-4, and FSM 5310).

### **6174.2 – Complaints Against Employees**

The work supervisor or official receiving an allegation of misconduct shall promptly conduct or request an inquiry or investigation (FSM 1454). The official receiving the results of an inquiry or investigation shall take appropriate corrective action.

### **6174.3 – Suitability**

Requirements for suitability inquiries and investigations found in 5 CFR parts 731 and 736 do not apply to appointments to nonsensitive positions filled by appointments of less than one year. Preemployment inquiry procedures for these positions are found in section 1.21 of FSH 6109.14, Temporary Employment Handbook.

### **6174.4 – Security**

(5 CFR parts 732 and 736).

### **6175 – Complaints of Discrimination in Employment [Reserved]**