

**Forest Service Manual
National Headquarters (WO)
Washington, DC**

Forest Service Manual 1700 – Civil Rights

Zero Code

Amendment: 1700-2000-2

Effective date: March 03, 2000

Duration: This amendment is effective until superseded or removed.

Superseded Directive: FSM 1700 Zero Code, Amendment 1700-90-1

Approved by: Mike Dombeck, Chief

Date approved:

Responsible Staff:

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

POSTING NOTICE. Amendments are numbered consecutively by Title and calendar year. Post by document name. Remove entire document and replace with this amendment. Retain this transmittal as the first page of this document. The last amendment to this Title was Amendment 1700-2000-1 to FSM 1700 Zero Code Contents.

1702: Changes the terms used in describing the bases for discrimination from "creed" to "religion" and from "handicap" to "disability."

1703: Changes the term from "affirmative action" to "affirmative employment and recruitment."

1704.11 - 1704.21: Incorporates direction on responsibilities of officials in the Washington Office and field units, formerly issued in interim directive (ID) 1700-97-1.

1704.2: Changes the responsibility of the Deputy Equal Opportunity Officer for the agency from the Deputy Chief for Administration (now Operations) to the Director, Civil Rights Staff, Washington Office.

1704.21: Clarifies the responsibilities for the Director, Civil Rights Staff, Washington Office.

1705: Moves definitions formerly in FSM 1705 to FSH 1709.11, section 05.

1707: Adds a new section for information on the role of the Department of Agriculture in agency civil rights programs.

Table of Contents

1701 - Authority	4
1702 - Objective	5
1703 - Policy.....	5
1704 - Responsibility	6
1704.1 - Washington Office.....	6
1704.11 - Chief.....	6
1704.12 - Director, Civil Rights Staff, Washington Office	6
1704.2 - Field Units	6
1704.21 - Regional Foresters, Station Directors, Area Director, and Institute Director	6
1705 - Definitions	6
1706 - References	7
1707 - Role of Department of Agriculture, Office of Civil Rights, In Agency Civil Rights Programs.....	7
1709 - Handbooks.....	7
1709.1 - Internal Service-wide Handbooks.....	7
1709.11 - Civil Rights Handbook	7

For detailed direction and procedures for carrying out civil rights programs, see FSH 1709.11, Civil Rights Handbook.

1701 - Authority

(FSH 1709.11, sec .01). The broad, basic authority for civil rights programs in the Forest Service is the Civil Rights Act of 1964, as amended. Related laws, Executive orders, regulations, and Departmental and agency directives set out further requirements.

Detailed descriptions of relevant authorities are included in the chapters of FSM 1700 and FSH 1709.11 dealing with various civil rights programs and activities and in FSH 1709.11, section 01, which contains a comprehensive authority listing.

1. Civil Rights Act of 1964, as amended. (Title 42, U.S.C., sections 1971, 1975a to 1975d, 2000a to 2000h-6 (42 U.S.C. 1971, 1975a - 1975d, 2000a - 2000h-6)).

a. Title VI (Federally Assisted and Direct Federal Programs). (42 U.S.C. 2000d - 2000d-6; FSM 1770 and 1780; FSH 1709.11, ch. 70 and 80). Title VI of the Civil Rights Act prohibits discrimination based on race, color, or national origin in Federally assisted or direct programs of the Federal Government.

b. Title VII (Employment). (42 U.S.C. 2000e - 2000e-17; FSM 1760; FSH 1709.11, ch. 60). Section 703 in Title VII of the Civil Rights Act (42 U.S.C. 2000e-2) prohibits discrimination in employment based on race, color, religion, sex, or national origin in actions affecting employees or applicants for employment. Section 717, added in 1972 by Public Law 92-261 (42 U.S.C. 2000e-16), covers employment by the Federal Government in the prohibition against discrimination. Section 704 of the act (42 U.S.C. 2000e-3) prohibits an employer from discriminating against an employee or applicant who makes a discrimination charge or testifies, assists, or participates in an investigation, proceeding, or hearing.

c. Other Bases for Discrimination.

(1) Age (FSH 1709.11, sec. 01, para. 7). Age Discrimination Act of 1975 (29 U.S.C. 621 et seq.).

(2) Disability. Rehabilitation Act of 1973, section 504 (29 U.S.C. 794) as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act Amendments of 1978 (Federal) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101).

(3) Marital Status and Sexual Orientation. These bases are addressed only under Departmental Regulation 4310; they are not covered under Title VI or Title VII of the Civil Rights Act nor are they addressed by EEOC.

2. Title 7, Code of Federal Regulations, Part 15. (7 CFR Part 15; FSM 1770 and 1780; FSH 1709.11, ch. 70 and 80). This part of the Code of Federal Regulations implements Title VI of the Civil Rights Act of 1964 and requires nondiscrimination in Federally assisted programs (7 CFR 15.1-15.12) and direct programs (7 CFR 15.50-15.52) of the Department of Agriculture. Appendixes to subparts A and B contain listings of Federally assisted and direct programs administered by USDA agencies, including the Forest Service (examples of Forest Service programs include Job Corps, Youth Conservation Corps, certain types of permits, and so on).

Part 15 contains the requirements prohibiting discrimination (which includes sexual harassment) in Federally assisted programs (7 CFR 15.1 - 15.12) and direct programs (7 CFR 15.50 - 15.52). Section 15.7 prohibits intimidating or retaliatory acts against any individual who has made a complaint or has testified or participated in an investigation, hearing, or proceeding; this section also requires that the identity of complainants be kept confidential, except as necessary for a hearing or judicial proceeding.

1702 - Objective

To ensure that no person is denied participation in or benefits of Forest Service programs or employment because of race, color, sex (including sexual harassment), religion, age (if over 40), national origin, disability, marital status, or sexual orientation.

1703 - Policy

1. Forest Service employees shall conduct official business so that:

- a. The Forest Service eradicates all forms of discrimination from agency programs, services, activities, and employment.
- b. All levels of the organization are supportive of affirmative employment and recruitment.
- c. There are no economic or social barriers limiting program participation.
- d. Programs and services are equally available to all persons, without exception.

2. The policy of the Forest Service is to build a highly skilled, multicultural workforce to compete globally and to provide quality service to all Americans through a workforce that reflects the constituencies served by the agency. In order to meet the challenges of the 21st century, the Forest Service shall implement the recommendations of the Toward a Multicultural Organization strategic plan (FSM 1706 and FSH 1709.11, sec. 06) and the Human Resources Dimensions of the Natural Resources Agenda strategic plan. Results in achieving Forest Service multicultural goals shall be measured using workforce statistics, and workplace progress shall be evaluated using the Continuous Improvement Program (CIP) survey.

1704 - Responsibility

Line officers and primary staff at all organizational levels are responsible for implementing a comprehensive civil rights program that includes civil rights in all agency programs.

1704.1 - Washington Office

1704.11 - Chief

The Chief is the Equal Opportunity Officer for the Forest Service for both employment and nonemployment programs.

1704.12 - Director, Civil Rights Staff, Washington Office

The Director of Civil Rights, Washington Office, is the Deputy Equal Opportunity Officer for the agency, responsible for Servicewide civil rights compliance and program implementation. The Director reports directly to the Chief and is responsible for:

1. Serving as principal advisor and counsel to the Chief on the effects of policy and operations relative to civil rights laws, regulations, and USDA and agency requirements.
2. Acting as civil rights liaison for the Chief with governmental, community, minority, and grassroots organizations and/or groups.
3. Carrying out civil rights program responsibilities in the areas of: Program development, coordination, and implementation; equal employment opportunity (EEO) and affirmative employment and recruitment program (AERP) guidance, maintenance, and monitoring; civil rights training; EEO/civil rights reporting; civil rights impacts; public notification; Title VI/Section 504 program assurances; compliance reviews and complaints; program administration and reporting systems; equal opportunity housing; socioeconomic programs; and Historically Black Colleges and Universities/1890 Institutions' programs.

1704.2 - Field Units

1704.21 - Regional Foresters, Station Directors, Area Director, and Institute Director

Regional Foresters, Station Directors, the Area Director, and the Institute Director are designated by the Director, Civil Rights Staff, Washington Office as the Deputy Equal Opportunity Officers for their units and are responsible for ensuring the units have the organization and staff resources necessary to comply with civil rights requirements for both employment and nonemployment programs and program implementation.

1705 - Definitions

(FSH 1709.11, sec. 05).

1706 - References

Copies of the following references are maintained by the unit Civil Rights Staff. Further information on these references is in FSH 1709.11, section 06.

1. USDA Forest Service. 1991. Toward a Multicultural Organization: Report of the USDA Forest Service Task Force on Work Force Diversity. March 1991 30 p.
2. U.S. Department of Agriculture. 1997. Civil Rights at the Department of Agriculture: A Report by the Civil Rights Action Team. February 1997 121 p.

1707 - Role of Department of Agriculture, Office of Civil Rights, In Agency Civil Rights Programs

The role of USDA's Office of Civil Rights in agency-level civil rights programs is to:

1. Oversee and provide guidance to all USDA agencies on matters related to civil rights programs and activities.
2. Ensure civil rights and equal opportunity to all customers, employees, and program beneficiaries.

1709 - Handbooks

1709.1 - Internal Service-wide Handbooks

1709.11 - Civil Rights Handbook

This Handbook contains procedures used to carry out civil rights program responsibilities in the areas of: Program development, coordination, and implementation; equal employment opportunity (EEO) and affirmative employment and recruitment program (AERP) guidance, maintenance, and monitoring; civil rights training; EEO/civil rights reporting; civil rights impacts; public notification; Title VI/Section 504 program assurances; compliance reviews and complaints; program administration and reporting systems; equal opportunity housing; socioeconomic programs; and Historically Black Colleges and Universities/1890 Institutions program.