

U.S. Department of Agriculture, Forest Service
Fiscal Year 2017 Notification and Federal Employee Antidiscrimination and
Retaliation (No FEAR) Act Annual Report

Introduction

This report looks at fiscal year (FY) 2017 efforts by the U.S. Department of Agriculture's (USDA), Forest Service (Agency) to fulfill the intent of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act). For ease of reading, this document is divided into sections that follows the No Fear Act report guidelines. Each section addresses the Trends, Causal Analysis, Knowledge, and Action Taken or Planned. Per each section, the information is organized with 2017 data first, followed by comparison figures for FY 2016 marked with bullets.

I. Number of Complaints Filed

A. Trends – In FY 2017, the Agency's number of complaints *per capita* is proportional to USDA. The U.S. Forest Service FY 2017 complaints *per capita* rate is 0.39 percent compared to the USDA *per capita* of ~0.59 percent. The USDA, Forest Service had 143 formal complaints filed in FY 2017. This is a 9 percent decrease in complaints filed from FY 2016, when 158 total formal complaints were filed.

B. Causal Analysis:

- In FY 2017, 143 formal complaints were filed.
- In FY 2016, 158 formal complaints were filed.

C. Knowledge Gained:

- **Improvements in the Workplace Pays-Off** – The Forest Service experienced a 9 percent decrease in the number of formal complaint filed as compared to FY 2016. In FY 2017, there were 143 formal complaints filed as compared to 158 in FY 2016. This also represents the lowest number of formal complaints filed over the last five years.

- **Mandatory Civil Rights Training Perpetuates a Decrease in Complaints** – The Forest Service continually monitors completion rates of all Civil Rights (CR) training. The Forest Service has found that knowledge of the CR process, policies, and practices is a vital resource to our employees and managers, alike. Therefore, the Forest Service works hard to ensure our employees and managers a fully trained in laws, regulations, and practices relative to CR. The following information provides a breakdown by region of the Forest Service achievements to administer CR training in FY 2017:
Southwestern Region – Emphasied civil rights training, which resulted in a 28 percent decrease in complaints filed comparative to complaints in FY 2016. One example, is a mandatory face-to-face training conducted by the region's CR staff on Program Complaints (Title VI), Employment Complaints (Title VII), Reasonable Accommodation (RA), and Conflict Management Program (CMP). A total of 87 percent of regional employees attended the training in FY 2017. The training gave the employees a forum to engage in open dialogue and ask questions to seek clarity on the Equal Employment Opportunity (EEO) Complaints process.

Intermountain Region – Provided the Civil Treatment Training that focused on establishing expectations around conduct and behavior. The training provide skills for addressing inappropriate behavior among regional employees. Prevention of Sexual Harassment (POSH) and EEO training conducted simultaneously in two (2) hours training sessions employees and managers. Additionally, the Intermountain Region ensures the POSH training is conducted annually and participation is mandatory for all regional employees (permanent, temporary, seasonal, Pathways participants, detailers, and contractors) to ensure all employees and managers clearly understand what the appropriate behavior and communication is in the workplace. The EEO training addressed the following topics: EEO Laws and Provisions, Identify Types of Discrimination in Employment Practices (i.e., selections, promotions, training, and discipline).

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Pacific Southwest Region – Ensured that 99 percent of regional employees participated in mandatory CR training, which resulted in a 30 percent decrease in complaints filed comparative to complaints in FY 2016. One example, is “4R” Partnership between CR, Human Resources Management (HRM), Employee Relations (ER), and Labor Relations (LR). The CR staff provided training to regional employees and managers on Conflict Management and Prevention Center (CMPC), the Reasonable Accommodation Process, and the EEO Complaint Process. In addition to the Pacific Southwest Region’s decrease in complaints, the Pacific Southwest Research Center had a significant decrease in complaints filed in FY 2017, comparative to FY 2016.

Pacific Northwest Region – Made an emphasis on training and saw a significant increase in training. One example, are the series of trainings that addressed the Rights, Roles, and Responsibilities in the EEO Complaints Process, Outreaching to Diverse Communities, Understanding Title VI Programs, Conflict Management and Prevention Overview, and Understanding the Anti-Harassment Policy. The skills gained from the training were shared with the Civil Rights staff and was a useful application in making improvements to the Civil Rights Program across the Pacific Northwest Region.

Southern Region – Ensured that 97 percent of regional employees participated in mandatory Civil Rights training, resulted in a 1 percent decrease in complaints filed comparative to complaints in FY 2016. One example of this decrease is the Civil Treatment training that focused on establishing expectations concerning conduct and behavior and providing skills for addressing inappropriate behavior. A total of

2,500 supervisory and non-supervisory employees have received Civil Treatment training.

Eastern Region – Ensured that regional employees participated in mandatory Civil Rights training, which resulted in a decrease in complaints filed in FY 2017, comparative to complaints in FY 2016. Leadership recognized the need to educate employees and managers in the area of Reasonable Accommodation, Diversity, Inclusion, Effective Communication and Conflict Management. As a result, numerous complimentary training sessions and other tools were offered to employees and managers over the past year to corporately raise the level of Civil Rights competencies and awareness, the training included: 1) Women’s Day of Training; 2) All Cultures Week Training and Awareness Program; 3) LEP Training; 4) Women’s Equality Day of Training; 5) Special Emphasis Program Managers (SEPM) Newsletter; 6) Strengthening Service Survey; 7) Sexual Harassment Cards and Posters; and 8) Civil Rights Guidance on Age Discrimination.

National Forest Systems – Ensured 100 percent of their employees participated in mandatory CR training.

State and Private Forestry – Ensured their employees participated in mandatory Civil Rights training. The employees participated in Reasonable Accommodation, EEO Complaints Process and Alternative Dispute Resolution (ADR) Process Refresher training. Additionally, all State and Private Forestry supervisors were required to take mandatory AgLearn training related to the EEO process and Reasonable Accommodation procedures to effectively manage and supervise a diverse workforce.

Business Operations – Provided continuous training to Business Operations employees, supervisors, and managers. The employees, supervisors, managers are encouraged to participate in the mandatory Civil Rights training.

Chief Financial Officer (CFO) – Verified the completion of all CFO mandatory Civil Rights training for FY 2017, to include the No FEAR Act Refresher and Workplace Harassment.

Job Corps (JC) – Ensured their employees participated in mandatory CR training, resulting in a 4 percent decrease of complaints filed, comparative to complaints in FY 2016.

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Law Enforcement and Investigations (LEI) – Ensured employees completed mandatory Civil Rights training. LEI provided Reasonable Accommodations, Targeted Disability, EEO Complaint Process, and ADR Process Refresher training to all supervisors and employees, which resulted in a 1 percent decrease of complaints filed, comparative to complaint in FY 2016. The LEI employees and supervisors received training on the Anti-Harassment Policy, reporting responsibilities, bullying in the workplace, and the EEO process. Other examples of trainings provided covers Equal Employment Opportunity; 21st Century Policing; LGBT Non-Discrimination in the Federal Workplace; Alternative Dispute Resolution; Resolving Official Training; Civil Treatment for Employees/Supervisors; No FEAR Act; and CR discussions at Employee Engagement sessions, etc.

Research and Development (R&D) – Provided continuous training to Research and Development employees, supervisors, managers. The employees, supervisors, managers are encouraged to participate in the mandatory CR training.

D. Action Taken or Planned:

- **Working Together to Strengthen the Anti-Harassment Policy** – In the fall of 2016, the Agency issued a revised and strengthened anti-harassment policy which includes all forms of harassment, including EEO and non-EEO-based, as well as sexual and non-sexual harassment and bullying – this exceeds the breadth and scope of any other anti-harassment policy and Federal program government-wide. The policy requires that all instances of harassment be reported, and that an inquiry or investigation be conducted, safety precautions and steps to improve the situation, regardless of whether misconduct was substantiated or not, be taken in every instance. In order to supplement the policy and ensure its effectiveness, the Agency has invested a significant amount of time and resources to the policy and program, including training all CR and ER staff and drafted standard operating procedures. Further, the Agency has established a 24-hour reporting center, a training and awareness campaign, and an electronic tracking database. This policy and program goes above and beyond what the Equal Employment Opportunity Commission (EEOC) suggests and what other Federal agencies have in place. The Forest Service is assisting several Federal agencies, including USDA sub-agencies, in developing similar anti-harassment programs. This policy and program applies to all Agency employees, including contractors, and protects all employees, visitors or individuals that come in contact with Agency employees or visit the Agency’s land or property. Since the inception of the new policy, there have been over 65 incidents substantiated, leading to disciplinary actions, including removals and suspensions. Further, there has been a decrease of approximately 30 percent in EEO complaints. The Agency’s commitment to improving the work environment is evidenced by the amount of time and resources invested in this policy and program that has been recognized in Cyberfeds as a model program.
- **Providing Training to New Employees** – The Forest Service Rocky Mountain Region delivered CR Training as part of the Fire Cache 1039-Orientation to new employees. The training included information on the Forest Service Anti-Harassment Policy. In addition to annual preventative training provided to regional employees, the CR Staff also assist with the Anti-Harassment Training in the Shoshone National Forest to alleviate any current and/or future claims of harassment.
- **Integrating Civil Rights in Our Daily Work Routine** – The Forest Service Rocky Mountain Region CR Director provides the *Six Minutes for Civil Rights Series*, an informational message and /or tools that help to integrate Civil Rights in all that the regional staff do. The objective of the series is to empower, equip, and develop leadership’s skills so they have the ability to integrate CR policies and practices throughout the region. The following trainings were provided during FY 2017: Civil Rights Impact Analysis, Holiday Etiquette-Inclusion, Civil Rights Mandatory Training Requirements, Limited English Proficiency, EEO Executive

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Orders, Written Document Translation Services, Self-Identification Form, SF-265 (Identifying Disabilities), LGBT Inclusion in the Federal Workplace, Facility and Site Accessibility, Vicarious Liability, and Reprisal/Retaliation.

- **Hosting Boot Camps to Strengthen Diversity in the Forest Service** – The Forest Service continues to focus on outreach for women in careers in Fire by hosting several “Boot Camps”. The objective of the Boot Camps are to increase the capacity of women in wildfire management. All participants are provided the basic Wildland Fire Training Courses, tested in fire shelter deployment, fitness for duty pre, and Fire-Line Equipment introduction, such as, Pulaski, Drip Torch, and Personal Protective Equipment (PPE). The intent of the Boot Camp is to provide women the knowledge, skills, and minimum training courses required to qualify for the Wildland Firefighters II Red Card.
- **Creating and Maintaining an Inclusive Work Environment** – The Forest Service Pacific Southwest Region, created and conduct Growth, Respect, Opportunity Workshop (GROW) in FY 2017 to catapulted the region’s effort to develop and maintain an inclusive workplace that culminate a commitment to personal accountability. GROW promotes networking and integration across the region, while providing common learning among employees and managers. The topics presented at GROW included unconscious bias in the workplace-its causes, symptoms, effects, and cures. The focus of the workshop was created to address opportunities identified in a workplace environment assessment report by an independent contractor.

The workshop gave employees at all levels of Pacific Southwest Region organization the opportunity to take part in shaping the new direction of the organization by sharing personal experiences, getting different perspectives and strategizing around the steps needed to achieve the organization’s goals.

- **Improving Outreach and Diversity** – The Forest Service developed the Workforce Management Dashboard to be used by senior leaders in the Agency. The dashboard allowed leaders to monitor the diversity of their current workforce, as well as, new hires and separations. The Chief Information Officer (CIO) developed and implemented a Diversity Action Plan for FY 2016-2020, signed by the CIO. The USDA CR priorities and obligations were included in the CIO FY 2016-2020 Diversity Action Plan. All Assistant Directors, Branch Chiefs, and hiring managers were encouraged to use the Diversity Action Plan as a tool to inform and guide their decisions in hiring, retention, and career development actions. The Diversity Action Plan defined the current state of the CIO with respect to diversity and inclusion.
- **Working to Develop and Maintain Proactive Partnerships** – The Forest Service Law Enforcement and Investigations developed and maintained proactive, collaborative partnerships with CR advisors to ensure that the Forest Service Civil Rights Strategic Plan is fully supported and implemented. Further, the Washington Office LEI Leadership was provided EEO complaint data weekly. In addition, LEI worked with CR and HR to ensure outreach and diversity efforts were aligned with the Agency.

II. Number of Filers

- A. Trends** – In FY 2017 the number of Complainants that filed complaints are 126 which is a considerable decrease from prior fiscal years. In FY 2016 the U.S. Forest Service had a total of 143 Filers.
- B. Causal Analysis:**
 - In FY 2017, 126 number of Complainants.
 - In FY 2016, 143 number of Complainants.

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C. Knowledge Gained:

- **Improvements in the Workplace Pays-Off** – The Forest Service experienced an 9 percent decrease in the number of formal complaints filed as compared to FY 2016. In FY 2017, there were 143 formal complaints filed as compared to 158 in FY 2016. This also represents the lowest number of formal complaint filed over the last five years.
- **Mandatory Civil Rights Training Perpetuates a Decrease in Complaints** – The Forest Service Southwestern Region emphasised Civil Rights training, which resulted in a 28 percent decrease in complaints filed comparative to complaints in FY 2016. One example is a mandatory face-to-face training conducted by the region’s CR staff on Program Complaints (Title VI), Employment Complaints (Title VII), Reasonable Accommodation, and CMP. The training gave the employees a forum to engage in open dialogue and ask questions to seek clarity on the EEO Complaints Program.

D. Action Taken or Planned:

- **Administering Civil Rights at the Start of a Career with the Forest Service** – The Forest Service delivers CR Training at the regions’ New Employee Orientation (NEO). The training focus on policies and practices encompassing prohibited discrimination, sexual harassment, and identify unacceptable behavior. Additionally, an information packet containing an overview of the CR Program, EEO policies and practices, and the EEO Complaints Process was provided to each participate.
- **Integration of Civil Rights into the Agency’s Strategic Mission** – The Forest Service Rocky Mountain Region and Rocky Mountain Research Station’s Special Emphasis Programs assist in the integration of EEO into the Agency’s Strategic Mission, and educate the region’s workforce in cultural competencies. Currently, the Rocky Mountain Region has sixty-two (62) collateral duty SEPM. The Rocky Mountain Region offered nine cultural competency training/education opportunities to serve as a vehicle to highlight specific groups while promoting inclusiveness. The training provided are: 1) **Hispanic American History Month** (Embracing, Enriching, and Enabling); 2) **Hispanic Heritage Month** (Shaping the Bright Future of America); 3) **Black American History Month** (School of Life’s Education – The Fools Hill Dilemma); 4) **Asian American Pacific Islander Heritage Month** (Hmong Experience in Colorado); 5) **LGBT Pride Month** (Gender Identity 101); 6) **Women’s Equality Day** (Inspiring Women Programs and Awards); 7) **Women’s History Month** (Personal Awareness and Self Protection); 8) **Veteran’s Day Program** (Pearl Harbor Memorial/Anniversary); 9) **Native America History Month** (Peacemaking as a Form of Dispute Resolution). The Rocky Mountain Research Station offered five (5) cultural competency training/education opportunities to serve as a vehicle to highlight specific groups while promoting inclusiveness. The training provided are: 1) **Hispanic Heritage Month** (Shaping the Bright Future of America); 2) **Black American History Month** (School of Life’s Education – The Fools Hill Dilemma); 3) **Asian American Pacific Islander Heritage Month** (Hmong Experience in Colorado); 4) **LGBT Pride Month** (Gender Identity 101); 5) **Women’s Equality Day** (Inspiring Women Programs and Awards).
- **Holding Managers and Supervisors Accountable** – In FY 2017, Law Enforcement and Investigations Leadership Team consistently held managers, supervisors and other LEI employees accountable and committed to USDA’s and Forest Service’s civil rights goals and obligations. LEI communicated civil rights goals to employees during annual and mid-year performance assessment; ensured all supervisory personnel had a minimum of 40 hours of leadership training; developed future leaders through upward mobility; improved methods to increase diversity of applicant pool for supervisory and managerial positions; offered detail and temporary promotional opportunities to diverse candidates across the

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nation; and, ensured required civil rights publications and notifications were prominently displayed in the workplace(s).

III. Number of Repeat Filers

A. Trends – In FY 2017, the number of Repeat Filers are 14, which is a minimal increase from FY 2016. In FY 2016, the U.S. Forest Service had a total of 11 Repeat Filers.

B. Causal Analysis:

- In FY 2017, 14 number of Repeat Filers.
- In FY 2016, 11 number of Repeat Filers.

C. Knowledge Gained:

- **Determine the Cause and Address the Bases** – The Forest Service experienced a 27 percent increase in the number of Repeat Filers, comparative FY 2016. In FY 2017, there were 14 formal complaints filed as compared to 11 in FY 2016. The Forest Service will continually assess the causes of claims in the workplace and work to proactively resolve incidents in the workplace before they escalate into complaints of discrimination.
- **Open Dialogue Fosters Stronger Work Environments** – The Forest Service Rocky Mountain Region participated in Life-Work Dialogues in FY 2017. The series is based on the well-being of and success of regional employees that builds trust in the workplace, eliminate unnecessary exposure to unhealthy and hazardous conditions and learning from each other.
- **Visiting Employees in the Forest to Obtain Feedback** – The Forest Service Pacific Northwest Region’s CR Staff visited employees in the National Forest continually to engage direct feedback on how things are going in the workplace and provide information on the EEO Process. Open dialogue and interactive engagement are strongly encouraged during the sessions. The CR Director has found the sessions to be instrumental and enthusiastically received by employees in the National Forest.

D. Action Taken or Planned:

- **Making Improvements through Workforce and Succession Planning** – The Forest Service CFO’s Workforce Plan identified the current workforce and provided projections for the future. The plan also identified specific hiring, diversity, and competency needs for FY 2017 and future needs. The data provided in the Workforce Planning Template was used to identify workforce gaps and guide recruitment strategies, training, Cultural Transformation initiatives, work and organizational change, succession planning and knowledge transfer within the CFO. The Chief Financial Officer Executive Leadership was directly involved in all employment selection decisions, and ensure CR, HRM, and CFO policies were followed to mitigate barriers. Executive leadership was actively involved in employment selection decisions, which included goals to increase diversity representation within senior management. The CFO also has an active developmental training/detail program.
- **Collaboration to Diminish Allegations of Discrimination** – The Forest Service is committed to identifying, administering, and maintaining programs (i.e. Prevention of Sexual Harassment, Program Complaints (Title VI), Employment Complaints (Title VII, Reasonable Accommodation, Alternative Dispute Resolution, and Conflict Management and Prevention) to prevent and/or diminish discriminatory barriers. The Forest Service collaborates with the Office of the Assistant Secretary for Civil Rights (OASCR), EEOC, Complainants, and the Complainant’s Representation to resolve issues that may lead to misunderstandings or allegations of discrimination.
- **Working to Improve the Workplace** – The Forest Service Job Corps have accomplished several initiatives to improve the workplace environment and diminish claims of

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discrimination. The following achievements are just a few of the achievements they have accomplished in FY 2017: 1) The 26 Job Corps Civilian Conservation Centers (JCCCCs) continuously sponsored and participated in hundreds of events each month that encouraged student and staff development. Events included fire guard schools for students and staff, diversity programs, and graduation ceremonies, all of which support USDA's cultural transformation initiative focused on leadership accountability, outreach and partnership, recruitment and hiring, retention and promotion, diversity training and awareness, and employee development and recognition to make the agency an inclusive, high-performance organization; 2) The JC National Office conducted Outcome Measurement System training at Pine Ridge, Centennial, Mingo, and Blackwell Job Corps Centers to train staff on how a Job Corps Center ranks among the 125 Centers nationwide. This training helped staff understand how different aspects of the program work together to impact a Center's performance on a month-to-month basis and helped staff implement best practices across all departments; 3) Job Corps conducted targeted agency assessments and monitoring trips at Angell, Anaconda, and Oconaluftee Job Corps Centers. The assessments were designed to deliver services to Job Corps students that operate in compliance with Job Corps program policy, achieve quality indicators, ensure safety, and assure the integrity of program operations; 4) Nine Job Corps Centers were honored for excelling as "top 50" Job Corps Centers, based on the annual Department of Labor Center performance report which ranks 125 Centers nationwide: Angell, Centennial, Flatwoods, Fort Simcoe, Harpers Ferry, Pine Ridge, Schenck, Trapper Creek, and Wolf Creek JCCCCs.

IV. Number of Bases Alleged in Complaints

- A. Trends** – In FY 2017, a total of 143 formal complaints were filed, comparative to the 158 formal complaints filed in FY 2016. The analysis below provides the number of bases alleged in complaints and the percentage to the 143 cases filed in FY 2017 and 158 cases filed in FY 2016. Additionally, the differential showing the comparative increase or decrease, by percentage, in bases alleged in FY 2017 and FY 2016.
- B. Causal Analysis** – In FY 2017, 143 formal complaints were filed and the most frequently cited bases alleged in complaints with the percentage to the total cases filed.
- Reprisal: 92 bases (64 percent)
 - Disability: 55 bases (38 percent)
 - Age 49 bases (34 percent)
 - Sex 48 bases (34 percent)
 - Race 34 bases (24 percent)

In FY 2016, 158 formal complaints were filed and the most frequently cited bases alleged in complaints with the percentage to the total cases filed.

- Reprisal: 91 bases (58 percent)
- Disability: 53 bases (34 percent)
- Age 59 bases (37 percent)
- Sex 48 bases (30 percent)
- Race 34 bases (22 percent)

In FY 2017, alleged Bases increased or decreased comparative to FY 2016 as follows:

- Complaints based on Reprisal went down by 6 percent.
- Complaints based on Disability went down by 4 percent.
- Complaints based on Age went up by 3 percent.

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- Complaints based on Sex went up by 4 percent.
- Complaints based on Race went up by 2 percent.

B. Knowledge Gained:

- **Determine the Cause and Address the Bases** – The most frequently raised bases within the Forest Service are reprisal (92), followed by disability (55), age (49), sex (48), and race (34). The numbers are consistent with prior years with the exception of age based claims decreased notably from FY 2016 (59). The Forest Service will continually assess the causes of claims in the workplace and work to proactively resolve incidents before they escalate into complaints of discrimination.
- **Being Proactive in Identifying and Preventing Discrimination** – The Forest Service Pacific Northwest Region’s leadership met weekly with CR Staff, to discuss cases on the docket and identify possibilities for resolution of open complaints and brainstorm ways how to avoid and/correct issues that could lead to future complaints.
- **Monitoring Civil Rights Training to Increase Participation** – The Forest Service Northern Region monitored all training required by regional Forest Service employees. The monitoring of employees’ training increased the participation level by 40 percent, compared to prior years.

C. Action Taken or Planned

- **Collaboration to Tell a Story** – The Forest Service Pacific Southwest Region and the Asian Pacific American (APA) organizations has moved forward with an APA Heritage Project that highlights early contributions of Asian pioneers in building of the America West. A website “Explore APA Heritage.com” was launched featuring APA worksites on what is now Forest Service and surrounding lands and will include pictures, history of the site(s), and why they are important. The project and FS careers were showcased to youth and members at the August 2017 Organization of Chinese Americans Convention in Sacramento, California. Phase 2 of the APA Heritage Project is underway that includes continued collaboration in conducting a tour of the sites.
- **Outreach and Diversity** – The Forest Service Research and Development collaborated with CR to ensure outreach and diversity efforts were aligned with the Agency. R&D utilized the Resource Assistants Program, Minorities in Agriculture, Natural Resources, and Related Sciences, and the HACU program to fill internship positions. Research and Development also created a Diversity Action Plan to develop the future desired state for diversity in the R&D and met on an as needed basis to discuss the current and desired state regarding diversity in R&D. R&D continued to work with diverse academic cooperators and others to provide targeted outreach opportunities, as well as provide student development by partnering with institutions that supported higher education and internships. R&D continued to monitor workforce diversity to increase representation, and took affirmative steps to increase representation in underrepresented groups such as Black/African American, Asian, and Native Hawaiian/Other Pacific Islander.

V. Number of Issues Alleged Complaints

- A. Trends** – In FY 2017, a total of 143 formal complaints were filed, comparative to the 158 formal complaints filed in FY 2016. The analysis below provides the number of issues alleged in complaints and the percentage to the 143 cases filed in FY 2017 and 158 cases filed in FY 2016. Additionally, the differential showing the comparative increase or decrease, by percentage, in issues alleged in FY 2017 and FY 2016.

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B. Causal Analysis – In FY 2017, 143 formal complaints were filed and the most frequently cited issues alleged in complaints with the percentage to the total cases filed.

- Harassment Non-Sexual: 92 issues (64 percent)
- Terms/Condition of Employment: 31 issues (22 percent)
- Promotion/Non-Selection: 24 issues (17 percent)
- Reasonable Accommodations Disability 23 issues (16 percent)
- Assignment of Duties 19 issues (13 percent)

In FY 2016, 158 formal complaints were filed and the most frequently cited issues alleged in complaints with the percentage to the total cases filed.

- Harassment Non-Sexual: 103 issues (65 percent)
- Terms/Condition of Employment: 28 issues (18 percent)
- Promotion/Non-Selection: 32 issues (20 percent)
- Reasonable Accommodations Disability 26 issues (16 percent)
- Assignment of Duties 27 issues (17 percent)

In FY 2017, alleged issues increased or decreased comparative to FY 2016, is as follows:

- Complaints based on Harassment Non-Sexual went down by 1 percent.
- Complaints based on Terms/Condition of employment went up by 4 percent.
- Complaints based on Promotion/Non-Selection went down by 3 percent.
- Complaints based on Reasonable Accommodations Disability went down by 0 percent.
- Complaints based on Assignment of Duties went down by 4 percent.

C. Knowledge Gained:

- **Identifying the Issues to Combat the Problem** – The most frequent reported issues were: Non-Sexual Harassment (92), Terms and Conditions (31), Promotion-Non-Selections (24), and Reasonable Accommodations (23), and Assignment of Duties (19). The most frequent issues decreased from FY 2016, with the exception of Terms/Condition of Employment that increased by 4% from the prior FY 2016. Non-Sexual Harassment issues decreased by 1% from the prior FY 2016. Additionally, Non-Sexual Harassment claims are at their lowest levels in FY 2017 as compared to the last five years for the Forest Service and the Pacific Southwest Region.
- **Conducting Functional Assistance Trips (FATs) to Access the Workplace** – The Forest Service Southern Region’s CR Staff conducts FATs in the Forest with the Region Office Staff. The CR team met with each individual unit’s leadership and staff directors to discuss the workplace climate and best approaches to gather non-biased information from employees and managers. A total of six FATs were conducted in the region. The training assisted the team in identifying early issues that could lead to barriers, an exchange of vital information, problem solving methods, and develop strategies to improve working relationship among staff members.

D. Action Taken or Planned

- **Communicating to Resolve Conflict** – The Forest Service Pacific Northwest Region’s CMP Manager implemented crucial meetings as a means to facilitate discussions to improve resolve conflict in the workplace. A cadre of trainers was created and certified to conduct training across the Pacific Northwest Region. More than 1,000 employees were trained in FY 2017.
- **Collaboration with Civil Rights** – The Forest Service CFO meets with the Washington Office Service Center CR Director on a monthly bases. The CFO placed emphasis on achieving and maintaining diversity that is reflective of society and the private sector workforce. The CFO emphasis on achieving and maintaining diversity that is reflective of

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society and the private sector workforce. The CFO established an outreach and recruitment team to work on a plan to reach the most diverse workforce and attract the best and most qualified into the Agency. Employees were briefed and educated on the importance of recruitment efforts and strategies, EEO process, ADR, special emphasis hiring opportunities, etc. The CFO communicated regularly to promote Civil Rights and provide managers with statistical information related to the diversity in the CFO.

- **Commitment to Civil Rights** – The Forest Service Washington Office leadership consistently held managers, supervisors and all other employees accountable and committed to USDA’s and Forest Service’s civil rights goals and obligations. The Forest Service Chief disseminated Civil Rights policy letters to all employees. In addition, a new Forest Service anti-harassment policy was finished and disseminate to employees. The new harassment policy ensures all allegations of harassment were reported and addressed in accordance with the timelines set forth in the policy.
- **Collaboration to Achieve and Maintain Diversity** – The Forest Service JC Program continued to concentrate its Civil Rights training efforts on leadership development, succession planning, Reasonable Accommodations, harassment prevention, and the EEO process. The goal has been to emphasize achieving and maintain diversity that is reflective of the American society and the private sector workforce. The JC had a central goal of creating an environment in which differences are valued and integrated into every part of the organization’s operations and leveraged to improve performance. The Job Corps’ leadership continued to examine barriers to employment and advancement to create an environment that welcomes all individuals, regardless of their protected status.

VI. Finding of Discrimination

- A. Trends** – In FY 2017, the USDA, OASCR issued 88 Final Agency Decisions for the Forest Service. Comparatively, in FY 2016, a total of 60 Final Agency Decisions were issued for the Forest Service.
- B. Causal Analysis** – In FY 2017, the USDA, OASCR issued 88 Final Agency Decisions for the Forest Service. The disposition is as follows:
 - There was one (1) finding of discrimination based on Race (American Indian) by Procedural Decision issued on May 18, 2017.
 - 35 complaints were procedurally dismissed.
 - 52 Final Agency Decisions (FAD) with no finding of discrimination.

In FY 2016, the USDA, OASCR issued 60 Final Agency Decisions for the Forest Service. The dispositions were as follows:

- There were zero findings of discrimination by the EEOC. However, there were two cases won on appeal from the Office of Federal Operations.
 - 16 complaints were procedurally dismissed.
 - 44 Final Agency Decisions (FAD) with no finding of discrimination.
- C. Practical Knowledge Gained:**
- **Final Agency Decisions** – The OASCR issued 88 FADs in FY 2017, including one finding of discrimination. The finding of discrimination increased from the previous FY 2016. The Forest Service will continually assess the causes of claims in the workplace and work to proactively resolve incidents before they escalate into complaints of discrimination.
 - **Strengthen Our Commitments to a Quick and Timely Response** – The Forest Service Northern Region is committed to taking actions immediately, and responding to any allegations/incidents of sexual harassment, sexual misconduct, and any reprisal related to sexual harassment, along with ensuring that a corrective action is quickly administered.

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- **Open Dialogue Fosters Stronger Work Environments** - The Forest Service Rocky Mountain Region participated in Life-Work Dialogues in FY 2017. The series is based on the well-being of and success of regional employees that builds trust in the workplace, eliminate unnecessary exposure to unhealthy and hazardous conditions and learning from each other.
- **Strengthen Our Commitments to a Quick and Timely Response** – The Forest Service Northern Region is committed to taking actions immediately, and responding to any allegations/incidents of sexual harassment, sexual misconduct, and any reprisal related to sexual harassment, along with ensuring that a corrective action is quickly administered.

D. Actions Taken or Planned

- **Developing Best Practices** – The Forest Service R&D’s leadership ensured employee performance plans and individual development plans were in place for 100 percent of employees. Supervisors identified specific leadership, technical, and specialty training needed to address individual employee career plans. R&D Executive Team continued to develop best practices in an effort to improve clarity around employees’ concerns and action plans designed to improve communications, internal and external networking, and telework management. R&D strived to promote a workplace free of reprisal and harassment. R&D continued to improve on-boarding process to retain new hires. A new employees’ guide was made available to all Washington Office R&D employees. The updated guide, posted on the Forest Service intranet, is a tool that aids in the on-boarding process of new employees, as well as provide useful information for current employees.
- **Civil Rights Engage with Leadership to Disseminate Information** – The Forest Service Washington Office’s Civil Rights Director was actively engaged with leaders within the Washington Office. Leaders and employees were provided with regular updates on revisions to the anti-harassment policy, and ensured that every new employee was provided contact information for the Service Center’s staff. The DC Service Center Civil Rights Director attends every Washington Office Directors Group meeting to ensure important Civil Rights information is disseminated in a timely manner.

- VII. **Average Length of Time to Complete Each Stage of the Complaint Process** – Once a formal complaint is filed, OASCR is responsible for accepting or dismissing the action and conducting and completing the investigation. EEO regulations provide that this process must be completed within 180 days. In FY 2017, the average number of days in the investigation stage was 149 days. Comparatively, in FY 2016, the average number of days in the investigation stage was 202 days.

The USDA’s role is to ensure that the hearing request is processed within 15 days of receipt of election from either the Complainant or EEOC. In FY 2017, the average number of days a complaint was in the hearing process was 876 days. In comparison to FY 2016, the average number of days a complaint was in the hearing process was 925 days. Of all of the stages of the complaint process, the final agency actions stage took the greatest number of days. In FY 2017, the average number days for processing final agency actions was 616 days.

- VIII. **Pending Complaints Filed in Previous Fiscal Year by Status** – In FY 2017, there were a total of 297 pending complaints, a decrease from the 315 pending complaints in FY 2016.

A contributing factor for the carryover of complaints for FY 2017 was the decertification of Class Action Complaints (Sedillo and Bush). The *Sedillo Class*, still requires updates to the complaint database for proper disposition. Additionally, many of the pending complaints are due too long delays due to Complainants receiving EEOC Hearings, delays in the issuance of FADs, and the Agency’s inability to locate Complainants to resolve issues and close-out complaints.

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IX. **Complaints Exceeding Investigation Timeframes** – The OASCR Employment Investigation Division (EID) has complete responsibility for the management of the investigation process. Under a renewable Service Level Agreement (SLA), the Department’s EID is responsible for compiling all reports of investigations (ROIs), and the Agency is responsible for providing a point of contact to EID and assisting EID in obtaining relevant documents and assisting EID in ensuring cooperation from witnesses.

X. **No FEAR Reporting Requirements** – The Forest Service transmitted the FY 2016 No Fear Report to the USDA, Office of Compliance, Policy, and Training Branch on time and received a score of 3 points within the Goal Indicator. The FY 2017 No FEAR Data is provided below in Appendixes A and B.

Posting of No Fear Statistical Data – In support for adhering to the provisions of the No FEAR Act, the Agency has linked our quarterly No FEAR statistical data to the USDA’s public website at: <http://www.usda.gov/nofear/agencies.html>

Under the No FEAR Act, in addition to quarterly data postings, all Federal Agencies are required to post summary statistical EEO complaint data for the last five fiscal years. The Agency continues its focus on addressing workplace issues by verifying the distribution of quarterly statistical data trends for public record. Quarterly summary statistical data is posted as links on both the Agency public website (<http://fswb.wo.fs.fed.us/cr/reports.html>) as it pertains to EEO complaints filed as well as on the USDA public website <https://www.usda.gov/nofear/fs/indexfs.html>. This quarterly data is reported via a direct feed from reports generated from MicroPact iComplaints.

No FEAR Training to Agency Employees – The Agency is consistently providing bi-annual No FEAR Refresher training to all employees on a basis which is consistent with an employees No Fear Comprehensive completion date. In addition to the No Fear Refresher training, new employees also are assigned the No Fear Comprehensive training during their onboarding process. This 508 complaint training is available to all employees (permanent/seasonal/ temp/students) either electronically, via hardcopy or in person. Through this effort, the Agency is able to continually reinforce USDA’s commitment to the establishment of a workplace that is free from discrimination, harassment, and retaliation. Managers, supervisors, and employees are held accountable for their part in ensuring that all customers, employees, applicants, constituents, and stakeholders are treated in accordance with USDA CR policies and applicable legal requirements. The commitment and dedication of the Forest Service towards ensuring a workplace environment for all employees that is free of harassment and discrimination is evident among the positive trends that were demonstrated in the FY 2016 No FEAR Report and is also demonstrated in this report.

Agency’s Process for Providing the Annual No Fear Notice to its Employees – The Agency is consistently providing initial comprehensive No Fear training to new employees as well as bi-annual No FEAR Refresher training to all employees on a basis which is consistent with an employees No FEAR Comprehensive completion date. This 508c training is available to all employees either electronically through AgLearn, via hardcopy through their regional CR Office or online at the CR Intranet <http://fswb.wo.fs.fed.us/cr/training.html>. Additionally, the No FEAR Act information is posted in common areas of the Agency.

Monthly reports are sent to Agency leadership to show the status of their areas of responsibility. For FY 2017, the Agency had 10,706 people whom had been assigned No FEAR Comprehensive Status, and had a 79.9 percent completion rate (Appendix A). Regarding the No FEAR Refresher, the Agency had 24,030 employees whom had been assigned the training for FY 2017 and had a 99.1 percent completion rate (Appendix B). Through this effort, the Agency is able to continually reinforce

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USDA's commitment to the establishment of a workplace that is free from discrimination, harassment, and retaliation.

The Forest Service is committed to USDA's policies and goals; the Forest Service notifies its employees on an annual basis regarding EEO policies. This year EEO policies were distributed on June 13, 2017, and the annual Weingarten notification on June 1, 2017, to all employees regarding their rights and remedies concerning employment discrimination and whistleblower protection laws.

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APPENDIX A



USDA NoFEAR Comprehensive Status

Agency	Total Assigned	NoEAR Complete	NoFEAR	Percent
AMS	1224	436	788	35.6%
APHIS	1958	1394	564	71.2%
ARS	125	125	0	100.0%
CR	25	25	0	100.0%
DM	40	24	16	60.0%
ERS	81	74	7	91.4%
FAS	217	211	6	97.2%
FNS	249	243	6	97.6%
FS	10706	8552	2154	79.9%
FSA	606	583	23	96.2%
FSIS	1852	1283	569	69.3%
GIPSA	213	191	22	89.7%
NAD	7	7	0	100.0%
NASS	170	161	9	94.7%
NIFA	133	36	97	27.1%
NRCS	1761	1631	130	92.6%
OBPA	2	2	0	100.0%
OC	8	5	3	62.5%
OCE	5	5	0	100.0%
OCFO	181	170	11	93.9%
OCIO	66	56	10	84.8%
OES	2	2	0	100.0%
OGC	41	37	4	90.2%
OIG	27	27	0	100.0%
RD	660	642	18	97.3%
RMA	49	49	0	100.0%
SEC	38	15	23	39.5%
Total	20446	15986	4460	78.19%

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APPENDIX B



USDA No FEAR Refresher Status Report

Agency	Total Assigned	No FEAR Complete	No FEAR Incomplete	Percent Complete
AMS	1646	1641	5	99.7%
APHIS	5846	5681	165	97.2%
ARS	5261	5169	92	98.3%
CR	101	98	3	97.0%
DM	414	359	55	86.7%
ERS	265	263	2	99.2%
FAS	724	721	3	99.6%
FNS	1111	1111	0	100.0%
FS	24030	23807	223	99.1%
FSA	3687	3620	67	98.2%
FSIS	7516	6933	583	92.2%
GIPSA	584	581	3	99.5%
NAD	68	66	2	97.1%
NASS	797	797	0	100.0%
NIFA	480	274	206	57.1%
NRCS	9119	9017	102	98.9%
OBPA	37	37	0	100.0%
OC	49	49	0	100.0%
OCE	49	49	0	100.0%
OCFO	1223	1218	5	99.6%
OCIO	837	827	10	98.8%
OES	15	15	0	100.0%
OGC	234	228	6	97.4%
OIG	407	406	1	99.8%
RD	4087	3973	114	97.2%
RMA	396	396	0	100.0%
SEC	25	17	8	68.0%
Total	69008	67353	1655	97.6%

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