

USDA Forest Service
Fiscal Year 2019 Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act Annual Report

Introduction

This No FEAR Act Report provides Fiscal Year (FY) 2019 efforts by the U.S. Department of Agriculture's (USDA) Forest Service (FS or 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 Annual Report guidelines. Each section addresses the Trends, Causal Analysis, Knowledge Gained, and Action Taken or Planned. Per each section, the information is organized with FY 2019 data first, followed by comparative data for FY 2018.

I. Number of Complaints Filed

A. Trends – In FY 2019, the USDA Forest Service's number of complaints *per capita* rate was lower than the U.S. Department of Agriculture's complaints *per capita* rate. The USDA Forest Service FY 2019 complaints *per capita* rate was 0.28% comparative to the U.S. Department of Agriculture FY 2019 complaints *per capita* rate of 0.48%. The USDA Forest Service has experience a consistent downward trend in formal complaint activity for the past three (3) years. In FY 2019 a total of 100 formal complaints were filed, comparative to FY 2018 when a total of 141 formal complaints were filed.

B. Causal Analysis:

- In FY 2019, 100 formal complaints were filed.
- In FY 2018, 141 formal complaints were filed.

C. Knowledge Gained – In FY 2019, the USDA Forest Service experienced a –29.08% decrease in the number of formal complaints filed compared to FY 2018. In FY 2019, there were 100 formal complaints filed comparative to the 141 formal complaints filed in FY 2018. The data shows that the USDA Forest Service's efforts to address the work environment and improve the Equal Employment Opportunity (EEO) pre-complaint process are beginning to positively impact the formal complaint activity.

D. Action Taken or Planned – The USDA Forest Service continually develops, conducts, monitors, and evaluates its Civil Rights programs, events, documentation, and trainings to ensure all employees and managers are knowledgeable of Civil Rights regulations, processes, policies, practices, procedures, and requirements. In addition, the USDA FS is actively placing greater emphasis on creating and sustaining a safe, resilient, and respectful working environment through its national Work Environment and Performance Office (WEPO) and progressive Civil Rights initiatives.

The following programs and activities have been or will be implemented and conducted throughout the USDA Forest Service:

- **Listen and Learn Sessions** – The objective of the Listen and Learn Sessions were to listen to our employees. All Managers and Supervisors, accompanied by a Civil Rights Specialist, held open forums on the USDA Forest Service work environment. All employees were given the opportunity to meet with their leadership to express their views, thoughts, concerns, and ideas concerning the work environment. They also address issues concerning harassment, bullying, and reprisal. Likewise,

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leadership had the opportunity to articulate the characteristics of a healthy work environment.

- **Stand-up for Each Other Sessions** – This initiative was designed for all USDA FS employees’ engagement. The one-day event encompassed four (4) modules: (1) First Safety Engagement and follow-up with build in return engagements; (2) Introduction of “This is Who We Are: Our Code and Commitments;” (3) Three (3)-hour Anti-Harassment training featuring a video by National Leadership Council; (4) Discussions on what employees and managers heard during the Listen and Learn Sessions.
- **Employee Advisory Group** – This 30-member board identifies proactive steps that support and empower employees. They advise the Chief and other senior leadership on steps needed to eliminate harassment and promote safe and respectful work environments.
- **Senior Advisor Created** – A Senior Advisor for work environment issues was created in the Immediate Office of the Chief.
- **Changing Cultural Norms** – The USDA Forest Service refocused annual learning requirements for all employees. The Agency developed and delivered anti-harassment training to all USDA FS employees. USDA exceeded its goal as 99% of employees were certified as completing USDA’s annual civil rights training requirements to ensure all employees have the skills to effectively address harassment.
- **Trailblazer in Improving the USDA Complaint Process** – The USDA Forest Service led the evaluation, development, and implementation of new processes and efficiencies to improve the quality and timeliness of USDA FS’ discrimination complaint processes. This included, the creation of new electronic standard operating procedures for aspects of the complaint process which create a lasting efficient process across the organization. These were developed so they could be utilized by all of USDA. Efforts to improve the pre-complaint processing resulted in a substantial reduction in Agency response time to EEO document requests, and counselor reports being completed within the Agency statutory timeframes.
- **Resolving Official Program** – The USDA Forest Service Resolving Official Program’s mission is to resolve disputes at the lowest possible level through the Alternative Dispute Resolution (ADR) process. Upon approval of a Settlement Agreement, the draft Agreement is finalized and forwarded to the RO Program Manager, Resolving Official, and Technical Advisor, on behalf of the Associate Deputy Chief for Business Operations, to ensure the Agreement is legally sufficient prior to obtaining signatures from all the required stakeholders. The RO Program Manager ensures each term in an Agreement is implemented within an adequate timeframe while ensuring the terms in the Agreement are sufficiently capable of being complied with supporting documentation once fully implemented.

In FY 2019, the Civil Rights Office provided training to seven (7) senior managers that will be actively participate on the resolving official cadre. In FY 2018, training

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was provided to fifteen (15) senior managers. The Agency has successfully trained a total of sixty-three (63) senior managers to participate on the resolving official cadre.

The Agency's goal is to train ninety-five (95) percent of the USDA Forest Service senior managers on the ADR process so they can participate on the resolving official cadre, when required.

- **Agency Anti-Harassment Policy Expanded** – The USDA Forest Service updated and broadened the Agency Anti-Harassment Policy to focus on a commitment to eliminate harassment through personal responsibility and accountability.
- **Civil Rights and Human Resources Management Informational Packets/Booklets** – Over 700 packets/booklets were widely distributed this fiscal year. The packets/booklets are designed separately, one for employees and another for supervisors/managers. The packets/booklets have been well received by participants at training sessions because each packet/booklet contains a wealth of information. The information in the packet/booklet is comprised of current policies and a listing of contacts of Civil Rights staff, Forest Civil Rights Officers, and HRM/Employee Relations staff. Also included in the information packet are resources and processes that are available to employees such as the Conflict Management and Prevention Program (CMP), Reasonable Accommodation Process, and the Equal Employment Opportunity (EEO) Complaint Process.

II. Number of Filers

- A. Trends** – In FY 2019, the number of Complainants that filed complaints were 88, resulting in a significant decrease from the prior fiscal year. In FY 2018, the USDA Forest Service had a total of 130 Complainants that filed complaints.
- B. Causal Analysis:**
- In FY 2019, 88 number of Complainants
 - In FY 2018, 130 number of Complainants
- C. Knowledge Gained** – In FY 2019 the USDA Forest Service experienced a –32.31% decrease in the number of Complainants filing formal complaints comparative to FY 2018. In FY 2019, there were 88 individuals that filed formal complaints comparative to 130 individuals that filed formal complaints in FY 2018.
- D. Action Taken or Planned** – The USDA Forest Service continually develops, conducts, monitors, and evaluates its Civil Rights programs, events, documentation, and trainings to ensure all employees and managers are knowledgeable of Civil Rights, EEO, and Anti-Harassment regulations, processes, policies, practices, procedures, and requirements. In an effort to continue to reduce the number of Complainants filing complaints in the USDA Forest Service and improving work environments; the USDA FS has created the following programs to further identify, inform, and assist USDA FS employees and managers in obtaining an atmosphere that is conducive to all USDA FS employees:
- **Anti-Harassment Improved Protocol** – Ensures the following issues are addressed: (1) employees' complaints filed through the anti-harassment hotline are handled in a prompt and fair manner; (2) employees clearly understand the anti-harassment

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process, and where to reach out; (3) ensures unit leaders are aware of and take action on work unit issues; and (4) all parties are kept informed throughout the harassment assessment process, including investigation results and final disposition of cases.

- **Victim Advocacy Support** – The USDA Forest Service established a support structure for victims, by revising the anti-harassment policy and providing training to all necessary stakeholders on a victim-centered and trauma-informed approach to anti-harassment. The training also included Civil Rights and Employee Relations staff, as well as, Investigators. Additionally, the organization assisted with developing proactive trainings and initiatives, including bystander intervention and being an ally.
- **Harassment Reporting Center (HRC)** – The USDA Forest Service launched a new service for employees that provides a single, dedicated resource for reporting all forms of harassment. Employees can reach a HRC Representative seven days a week. The Center is operated by skilled and extensively trained contracted individuals.
- **Sexual Misconduct Investigators** – The USDA Forest Service expanded use of contract and other Federal Investigators for sexual misconduct investigations in response to a recent USDA Office of Inspector General recommendation. This initiative was originally implemented in Region 5 (West Coast), but is now used nationally.

III. **Number of Repeat Filers**

A. Trends – In FY 2019 the number of Repeat Filers were 10, which was a minimum increase from FY 2018. In FY 2018 the USDA Forest Service had a total of 9 Repeat Filers.

B. Causal Analysis:

- In FY 2019, 10 number of Repeat Filers
- In FY 2018, 9 number of Repeat Filers

C. Knowledge Gained – In FY 2019, the USDA Forest Service experienced an 11.11% increase in repeat filings of formal complaints as compared to FY 2018. In FY 2019, there were 10 repeat filings comparatively to the 9 repeat filings in FY 2018. The minimum increase is still low comparatively to some prior years of repeat filing in the last five (5) years.

D. Action Taken or Planned – The USDA Forest Service worked hard to develop, conduct, monitor, and evaluate its Civil Rights programs, events, documentation, and trainings to eliminate barriers in the workplace. The USDA FS goal is to ensure all employees and managers are knowledgeable of Civil Rights, EEO, and Anti-Harassment regulations, processes, policies, practices, procedures, and requirements. In an effort to reduce the number of repeat filers of complaints in our Agency. The USDA FS has created and maintained the following programs within the past few years:

- **Workplace Environment Assessment** – An independent contractor was acquired to complete a workplace environment assessment of Region/Station/Area employees. The study was undertaken with a specific intent of collecting data about the work

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environment for women, putting a special emphasis on women within the fire organization.

- **Conflict Management & Prevention Center (CMPC)** – In spite of the Fiscal Year 2019 Federal Government Furlough, the Agency’s Non-EEO Alternative Dispute Resolution (ADR) Program (Conflict Management and Prevention Center) resulted in the delivery of 3,024 service-wide ADR activities. Included in the ADR activities is the delivery of 136 training sessions throughout the USDA FS reaching 6,754 USDA Forest Service employees (1,538 supervisors and 5,216 non-supervisory employees).
- **Supervisors’ Performance Metric** – The USDA Forest Service implemented new performance management metric on the work environment for supervisors.

IV. Number of Bases Alleged in Complaints

A. Trends – In FY 2019, a total of 100 formal complaints were filed, comparative to the 141 formal complaints filed in FY 2018. The analysis below provides the number of bases alleged in formal complaints and the percentage to the 100 cases filed in FY 2019 and 141 cases filed in FY 2018. Additionally, the differential shows either a comparative increase or decrease, by number and percentage, for each bases alleged in FY 2019 and FY 2018.

B. Causal Analysis – In FY 2019, 100 formal complaints were filed and the most frequently cited bases alleged in complaints, are as follows:

○ Reprisal:	61 bases	61.00%
○ Disability:	40 bases	40.00%
○ Sex	33 bases	33.00%
○ Age	30 bases	30.00%
○ Race	29 bases	29.00%

In FY 2018, 141 formal complaints were filed and the most frequently cited bases alleged in complaints, are as follows:

○ Reprisal:	86 bases	60.99%
○ Disability:	58 bases	41.13%
○ Sex	58 bases	41.13%
○ Age	42 bases	29.79%
○ Race	33bases	23.40%

In FY 2019, alleged Bases increased or decreased comparative to FY 2018, as follows:

- Complaints based on Reprisal **decreased** by –17.73%.
- Complaints based on Disability **decreased** by –12.77%.
- Complaints based on Sex **decreased** by –17.73%.
- Complaints based on Age **decreased** by –8.51%.
- Complaints based on Race **decreased** by –2.84%.

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- C. Knowledge Gained** – In FY 2019, the USDA Forest Service experienced a considerable amount of decreases in a number of bases filed in formal complaints as compared to FY 2018. An analysis of the most alleged bases have been provided in the aforementioned casual analysis.
- D. Action Taken or Planned:** The USDA Forest Service continually develops, conducts, monitors, and evaluates its Civil Rights programs, events, documentation, and trainings to ensure all employees and managers are knowledgeable of Civil Rights, EEO, and Anti-Harassment regulations, processes, policies, practices, procedures, and requirements. In an effort to reduce the number of complaints’ filed in our Agency, the USDA Forest Service has created the following programs in FY 2019 and/or will continue in FY 2020:
- **Our Code and Commitments** – These core values are given to all employees to reinforce and supplement the USDA’s Employee Responsibilities and Conduct Policy and the USDA Forest Service’s Anti- Harassment Policy.
 - **Follow-up Actions on Complaints** – The USDA Forest Service developed a protocol to ensure follow-up on actions after a complaint is filed, and to take remedial actions, if required.
 - **Agency-Wide Work Environment Assessment/Survey** – During the summer of 2019, the USDA Forest Service conducted an agency-wide work environment survey on employees’ experiences with harassment, hostility, incivility and other workplace experiences. The survey results will be used to inform activities that improve the workplace environment.
 - **Mandatory Trainings** – The USDA Forest Service continually provides routine and mandatory Civil Rights, EEO, and Anti-Harassment training to all of its employees and leadership, which has resulted in fewer filings of EEO complaints. The training we provide, annually and/or as needed, affirms the Agency’s firm stance on EEO laws, policies, practices, processes, and procedures to promote a fair and respectful work environment.
 - **Increasing Employee Awareness** – The USDA Forest Service developed web-based tools as part of a SharePoint portal to improve acumen and skills of the USDA FS workforce involving Civil Rights and the work environment to include: 1) a new outreach site and playbook for hiring manager, 2) a new work environment, inclusion pilot portal with a newly developed Special Emphasis Program Handbook, 3) a revised program discrimination site to include five new training modules, 4) new telework guidance for the Reasonable Accommodation process distributed to the USDA FS workforce, 5) an updated Conflict Management & Prevention Center website, 6) developed three accessibility training modules: Color Blindness; Effective and Accessible Communications; and Service Animals were also added to the menu of work environment modules. These tools help support the USDA FS’ goals in creating a safe, respectful, and resilient work environment.

V. **Number of Issues Alleged Complaints**

- A. Trends** – In FY 2019, a total of 100 formal complaints were filed, comparative to the 141 formal

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complaints filed in FY 2018. The analysis below shows the number of issues alleged in formal complaints and their percentage for FY 2019 and FY 2018. Additionally, the differential shows either a comparative increase or decrease, by number and percentage, for each issue alleged in FY 2019 and FY 2018.

B. Causal Analysis – In FY 2019, 100 formal complaints were filed and the most frequently cited issues were alleged in formal complaints, are as follows:

○ Harassment Non-Sexual	53 issues	53.00%
○ Terms/Condition of Employment	39 issues	39.00%
○ Promotion/Non-Selection	22 issues	22.00%
○ Assignment of Duties	21 issues	21.00%
○ Perf. Eval./Appraisal	17 issues	17.00%
○ Time and Attendance	14 issues	14.00%

In FY 2018, 141 formal complaints were filed and the most frequently cited issues alleged in complaints, are as follows:

○ Harassment Non-Sexual	96 issues	68.09%
○ Terms/Condition of Employment	34 issues	24.11%
○ Promotion/Non-Selection	18 issues	12.77%
○ Assignment of Duties	28 issues	19.86%
○ Perf. Eval./Appraisal	17 issues	12.06%
○ Time and Attendance	23 issues	16.31%

In FY 2019, alleged issues increased or decreased comparatively to FY 2018, are as follows:

- Complaints based on Harassment Non-Sexual **decreased** by –44.79%.
- Complaints based on Terms/Condition of Employment **increased** by 14.71%.
- Complaints based on Promotion/Non-Selection **increased** by 22.22%.
- Complaints based on Assignment of Duties **decreased** by –25.00%.
- Complaints based on Perf. Eval. /Appraisal remained the **same** by 0.00%.
- Complaints based on Time and Attendance **decreased** by –39.13%.

C. Knowledge Gained – In FY 2019, the USDA Forest Service experienced fluctuations in the number of issues filed in formal complaints as compared to FY 2018. An analysis by issue has been provided in the aforementioned casual analysis. The USDA Forest Service provides mandatory and routine Civil Rights, EEO, and Anti-Harassment training to employees and leadership that results in an increase awareness of their rights and responsibilities related to EEO matters. The USDA Forest Service has been successful in achieving progressive steps toward improving the work environment by opening up lines of communications between our employees and leadership.

D. Action Taken or Planned – The USDA Forest Service continually develops, conducts, monitors, and evaluates its Civil Rights programs, events, documentation, and trainings to ensure all employees and managers are knowledgeable of Civil Rights, EEO, and Anti-Harassment regulations, processes, policies, practices, procedures, and requirements. In an effort to reduce the number of Complainant’s filing complaints in our Agency. The USDA FS has created and/or

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maintained the following programs:

- **Improving the Work Environment** – The Pacific Southwest Region Civil Rights Service Center (CRSC) developed and presented a workshop titled “Communicating Across Differences (CAD)” to the Region’s leadership. Twenty-four (24) CAD workshops were conducted with a total of 720 attendees that were comprised of Regional and Forest Leadership, Deputy Forest Supervisors (DFS), District Rangers (DR), and supervisors or managers. Based on the positive feedback and support from the Region’s leadership, the workshop will also be conducted with non-supervisory employees in the near future.
- **Together We Learn Event** – The USDA Forest Service’s Office of Civil Rights held a two (2) day event on November 13-14, 2019, in Tucson, Arizona. Agency Specialists conducted a variety of workshops including: Civil Rights Impact Analysis; Compliance Reviews; Processing Program Discrimination Complaints; Agency Position Statements; and Civil Treatment Training. All Agency Equal Opportunity Specialists and Civil Rights Directors interested in learning more about the Equal Opportunity Program were invited to attend the event.
- **Limited English Proficiency Staff Training** – Three (3) USDA Forest Service Regions conducted LEP training for their personnel. The LEP Working Group developed a basic LEP training that units should use as a training for staff having the potential to interact or communicate with LEP individuals. This training provides the knowledge needed by the employee to access language assistance services.
- **New Exit Survey** – The USDA Forest Service plans to implement a new exit survey to monitor and measure how the work environment influence employees decisions to leave the Agency.
- **Sexual Violence and Harassment Awareness Pocket Card** – The USDA Forest Service created the Sexual Violence and Harassment Awareness Pocket Card. The pocket card includes USDA Forest Service resources, such as the Harassment Reporting Center, Civil Rights contact information, and Employee Assistance Program contact information. National resources, such as Rape, Abuse, and Incest National Network (RAINN), and the National Domestic Violence Hotline are also included on the pocket card. The card also defines what consent is, and is not, and outlines what to do if unwanted sexual contact, assault, or violence occurs. The Sexual Violence and Harassment Awareness Pocket Cards were given to employees during the Listen and Learn Sessions, and they were also handed out to seasonal/temporary employees during orientations.
- **Work Environment and Performance Office (WEPO)** – The Work Environment and Performance Office was established in the fall of FY 2018, the office focus its efforts on improving and sustaining a culture in which all employees feel safe, secure, valued, respected, and supported as they deliver the priority work of the Agency. The WEPO seeks to diagnose and address the root causes and cultural

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barriers to emotional and physical safety, security, diversity, and inclusion in the work environment.

- **Respectful Workplace and Sexual Misconduct and Response Training** – The Civil Rights Office presented Respectful Workplace and Sexual Misconduct and Response Training (SMART) to employees in the region. Respectful Workplace was a face to face training about both the policy and law based training on harassment and discrimination, creating a respectful workplace to avoid complaints.

Sexual Misconduct and Response Training (SMART) – SMART has a strong focus on education and awareness of the prevention of sexual misconduct. The training session centers on the identification and scope of the prevention of sexual misconduct, bystander intervention, victim support, and the role alcohol plays in sexual misconduct, as well as, local and regional community resources.

VI. Finding of Discrimination

A. Trends – In FY 2019, the USDA, Office of the Assistant Secretary for Civil Rights (OASCR) issued 126 Final Agency Actions for the USDA Forest Service. Comparatively, to FY 2018, a total of 129¹ Final Agency Actions were issued to the USDA Forest Service.

B. Causal Analysis – In FY 2019, the USDA, Office of the Assistant Secretary for Civil Rights (OASCR) issued 126 Final Agency Decisions to the USDA Forest Service. The USDA FS records indicates the following:

- There were two (2) findings of discrimination the bases/issues are as follows:
 - Reasonable Accommodation/Disability/Harassment (Non-Sexual), rendered by the EEOC during an Administrative Hearing
 - Reasonable Accommodation/Disability/Terms/Conditions of Employment/Harassment (Non-Sexual), rendered by the EEOC during an Administrative Hearing
- 12 complaints were procedurally dismissed
- 66 Final Agency Decisions (FAD) with no finding of discrimination
- 49 Final Agency Actions with and Administrative Judge Decision

In FY 2018, the USDA, Office of the Assistant Secretary for Civil Rights (OASCR) issued 129¹ Final Agency Actions to the USDA Forest Service. The USDA FS records indicates the following:

- There was one (1) findings of discrimination based on Sex (Equal Pay Act), rendered by the EEOC during a Hearing

¹ The USDA Forest Service did not include an EEOC dismissal of a Final Agency Actions in the FY 2018 No FEAR Act Report, which brought the total to 129 instead of the 128 Final Agency Actions reported.

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- 24² complaints were procedurally dismissed
- 60 Final Agency Decisions (FAD) with no finding of discrimination
- 46³ Final Agency Actions with an Administrative Judge Decision

C. Knowledge Gained – In FY 2019, there was minor increase with regards to the number of findings of discrimination, as compared to FY 2018. The USDA Forest Service received two (2) findings of discrimination that were issued by the Equal Employment Opportunity Commission, Office of Federal Operations (OFO) in FY 2019.

D. Actions Taken or Planned – The USDA Forest Service continually develops, conducts, monitors, and evaluates its Civil Rights programs, events, documentation, and trainings to ensure all employees and managers are knowledgeable of Civil Rights, EEO, and Anti-Harassment regulations, processes, policies, practices, procedures, and requirements. In an effort to reduce the number of findings of discrimination in our Agency, the USDA FS is working hard to create and/or maintain the following programs:

- **Bystander Intervention** – The USDA Forest Service provided bystander intervention training to employees throughout the Agency, educating employees on how to safely intervene when they witness unacceptable behaviors. Over 7,000 employees were trained. Courses on preventing bullying and violence, handling conflict, and taking action to empower employees are also available to all USDA FS employees through webinars and in-person sessions.
- **Reasonable Accommodation Efficiencies** – The USDA Forest Service focused on timeliness rates of reasonable accommodation processing in order to meet the Equal Employment Opportunity Commission (EEOC)’s requirements to ensure all cases are processed within 90% of prescribed timeframes. Efforts have been made to enhance the efficiency of the Reasonable Accommodation process, with filling the Reasonable Accommodation Branch Chief position with a detailed employee who is leading the effort. The processing overall rate for FY 2019 was 78.5% timely. There has been an increased focus on making the Reasonable Accommodation process more efficient and in compliance with processing timelines.
- **Victim-Centered, Trauma Informed Approach to Harassment:**
Support: In April 2019, Case Managers were hired and put in place to oversee all anti-harassment reports and ensure that all cases are processed in a timely manner, and that managers and supervisors understand their roles and responsibilities, including taking preventative measures and ensuring safety. In September 2019, Case Management Liaisons were added to assist all affected individuals in understanding the process and timelines and the other resources available to them. They personally contact each affected individual when a report is initially made and

² The USDA Forest Service did not include an EEOC dismissal in the FY 2018 No FEAR Act Report, which changed the total to 24 dismissed complaints.

³ After further research, the Agency had a total of 46 Final Agency Actions with an Administration Judge Decision instead of the 44 reported in the FY No FEAR Act Report. There were 42 no findings, 1 finding, 1 dismissal and 2 cases were not fully implemented. There were a total of 3 findings rendered by the EEOC, but the Agency appealed 2 of the 3 Findings. Therefore, the cases were not counted as findings, instead not fully implemented cases.

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when it is ready for closure. This has helped to ensure we implement a victim-centered, trauma-informed approach to harassment.

Training: In September 2019, the National Organization for Victim Assistance provided training to all Case Managers and Case Manger Liaisons on ensuring that they approach each situation with care, and not harm, or re-trigger affected individuals. The training revolved around the human biological and psychological impact and of trauma and harm, and how that may affect how individuals respond, especially during investigations. The training also provided an overview of the type of support and care victims need. This effort has made the anti-harassment program much more responsive to employee's needs.

- **Communicating Across Differences (CAD) Workshop** – In a continuing effort to improve the working environment, a new workshop titled “*Communicating Across Differences (CAD)*” was developed and launched in the region by the Pacific Southwest Region Civil Rights Service Center for the purpose of engaging with employees and promoting a better understanding of cross-cultural communication. Thirteen (13) workshops were presented to a total of 231 employees, with full participation. Although the completion of an evaluation form was optional, 186 (81%) evaluation forms were completed by the employees and feedback was overwhelmingly positive. Consequently, based on the positive feedback received and successful participation, the Regional Leadership is supporting additional deliveries of the workshop. In FY 2020, the Agency’s goal is to engage additional CAD workshops in the field (18 National Forest) to be delivered to employees (non-supervisory) only.
- **Dignity & Respect Challenge** – The USDA Forest Service continually challenge its employees to be respectful and kinder to each other. The objective of the challenge is to help employees understand that words do matter and how we interact and engage with each other sets the tone for the work environment.
- **Public Information Officer (PIO) Pocket Card** – The USDA Forest Service created and distributed the 2018 Public Information Officer (PIO) Pocket Card, which includes positive language to build a better workplace. The card states: “We will not tolerate behavior that makes our colleagues or the people in the communities we serve unsafe in any way, including harassment, bullying, assault or retaliation.” The pocket card is still being distributed to USDA FS employees.
- **Work Environment Performance Office** – The Work Environment and Performance Office (WEPO) was established the fall of FY 2018. The WEPO focus its efforts to improve and sustain a culture in which all employee feel safe, secure, valued, respected, and supported for delivering the priority work of the Agency. The WEPO seeks to diagnose and address the root causes and cultural barriers to emotional and physical safety, security, diversity, and inclusion in the work environment. The following events were accomplished in FY 2019:
 - The USDA Forest Service offered bystander training throughout the Agency

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- The USDA Forest Service conducted a “Recognize and Stop Retaliation” training
- The USDA Forest Service executed an Agency-wide climate assessment
- The USDA Forest Service reviewed and improved the Anti-Harassment Policy
- The USDA Forest Service is also continually implementing work environment performance measurements for supervisors and employees
- **Written Language Translation** – The USDA Forest Service Limited English Proficiency (LEP) Program facilitated written translation of approximately 230 documents into languages other than English. This enabled limited English proficient individuals and communities to have meaningful access to Agency conducted programs, services, and activities. Translated documents included special use permits, signs, Forest Plan, maps, video script, and news releases. The top three requested language translations were Spanish, Russian, and Hmong.
- **Oral Interpretation Telephonic Calls** – A total of 23 telephonic oral interpreter requests were made to assist Agency staff with interpretative services. By providing language services over the phone, oral interpreters allow the USDA Forest Service personnel to interact with members of the public who may have limited or no English speaking ability. More than 240 languages and dialects are available.
- **Partnerships** – The USDA FS supported an ongoing partnership with Corazón Latino, AFCA Agreement. The program engages Hispanic and diverse audience outreach with important conservation messages and actions on the topics of sustainable urban and rural forest management, citizen science, pollinator conservation/habitat restoration, nature viewing and ecotourism, engagement in urban and rural forest restoration, ecosystem management, youth leadership, and career development opportunities in natural resource conservation and management. This program also plays a significant role in supporting USDA Forest Service endeavors to reach Limited English Proficiency (LEP) audiences by implementing grassroots and strategic communications projects and campaigns at local, national, and international levels. In collaboration with the LEP Program, Corazón Latino will create and conduct a minimum of three (3) webinar trainings for USDA FS personnel and partners on topics, tools, and resources available to reach diverse communities.

VII. **Average Length of Time to Complete Each Stage of the Complaint Process** – Once a formal complaint is filed, the Office of the Assistant Secretary for Civil Rights is responsible for accepting or dismissing the complaint and conducting and completing an investigation. EEO regulations specifies that this process must be completed within a 180 days. According to the Employment Investigation Division data, in FY 2019, the average number of days in the investigation stage was 146 days. In comparison to FY 2018, the average number of days in the investigation stage was 143⁴ days.

⁴ The average number days data, for FY 2018 and FY 2019, was obtained from the Employment Investigation Division (EID) in OASCR.

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The USDA's role is to ensure a Hearing Request is processed within fifteen (15) days of receipt of the election form from either the Complainant or the EEOC. In FY 2019, the average number of days a complaint was in the EEOC hearing process was 1158 days. In comparison to FY 2018, the average number of days a complaint was in the EEOC hearing process was 998⁵ days. Of all of the stages of the complaint process, the final agency actions stage took the greatest number of days. In FY 2019, the average number of days of the final agency actions was 1428 days. In comparison to FY 2018, the average number days of the final agency actions was 1349⁶ days.

- VIII. **Pending Complaints Filed in Previous Fiscal Year (FY)** – In FY 2019, there were a total of 267 pending complaints, a decrease from the 293⁷ pending complaints in FY 2018. There are a number of contributing factors for the carryover of complaints in FY 2019, decreases in the number of Complainants participating in Alternative Dispute Resolution (ADR) in the formal stage; and outstanding cases pending before the EEOC.
- IX. **Total Number of Pending Complaints where Investigations Exceed the Required Timeframes** – The USDA, OASCR, Employment Investigation Division (EID) has complete responsibility for the management of the investigation process. Under a renewable Service Level Agreement (SLA), the OASCR, EID is responsible for compiling all reports of investigations (ROIs). The USDA Forest Service is only responsible for assisting in providing point of contacts, obtaining relevant documents, and ensuring the cooperation from witnesses.
- In FY 2019, a total of 114 investigations were completed for the USDA Forest Service. Of the 114 investigations completed, 89 were completed within the prescribed timeframe of 180 days or less, resulting in 78.07% completion rate. In FY 2018 a total of 108 investigations were completed for the USDA Forest Service. Of the 108 investigations completed, 98 were completed within the prescribed timeframe of 180 days, resulting in 90.74% completion rate. The averaging processing days for the Agency's responses for document requests for investigations were 13 days. The USDA Forest Service's Service Level Agreement requires the Agency to respond within 15 days of receipt of a request.
- X. **Posting of No FEAR Statistical Data** – In support for adhering to the provisions of the No FEAR Act, the USDA Forest Service has linked its 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 (5) fiscal years. The USDA Forest Service continues its focus on addressing workplace issues by verifying the distribution of quarterly statistical data trends for the public record. Quarterly summary statistical data is posted as links on both the USDA Forest Service public website (<http://fsweb.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 employee's No FEAR

⁵ The average number days changed base on when the data was pulled from the 462 Report.

⁶ The average number days changed base on when the data was pulled from the 462 Report.

⁷ Remanded case, Agency Complaint No. FS-2015-00585, was closed during the reporting period and was not added on the FY 2018 No FEAR Act Report.

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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 compliant training is available to all employees (permanent/seasonal/temp/students) either electronically, via hardcopy or in person. Through this effort, the USDA Forest Service 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 Civil Rights policies and applicable legal requirements. The commitment and dedication of the USDA Forest Service towards ensuring their work environment is free of harassment and discrimination for all employees is evident among the positive trends that were demonstrated in the FY 2018 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 Civil Rights Office or online at the Civil Rights Intranet <http://fsweb.wo.fs.fed.us/cr/training.html>. Additionally, the No FEAR Act information is posted in common areas of the Agency.

In FY 2019 the USDA Forest Service updated its AgLearn system. For the duration of FY 2019 there have been periodic updates in which caches of historical training data, to include previously completed No FEAR Comprehensive training, have been brought over from the old AgLearn to NexGen AgLearn. For FY 2019, the USDA Forest Service had 2,621 employees completed the No FEAR Comprehensive training and 956 employees completed the No FEAR Refresher training. The NexGen AgLearn uploaded required No FEAR Refresher and Comprehensive training to employees accounts in October 2019. Due to this event, and the fact that all historical training has just been updated in NexGEN AgLearn, the Agency is unable to calculate a completion rate at this time. The USDA has extended the mandatory completion date for all No FEAR Refresher and Comprehensive training to January 20, 2020. The USDA Forest Service is committed to USDA's policies and goals; and continually notifies its employees on an annual basis regarding EEO policies. The USDA Forest Service continues to reinforce USDA's commitment to the establishment of a workplace that is free from discrimination, harassment, and retaliation.