

USDA Forest Service
Fiscal Year (FY) 2022 Annual Report for the Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act of 2002

Introduction

This No FEAR Act Report provides the US Department of Agriculture's (USDA) Forest Service (additional identifiers may be used FS or Agency) Fiscal Year (FY) 2022 efforts implemented and/or planned to fulfill the Notification and Federal Employee Anti-discrimination and Retaliation (No FEAR) Act of 2002. For ease of reading, we divide this document into sections that follow 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 2022 data first, followed by comparative data for FY 2021.

I. Number of Complaints Filed

Trends—In FY 2022, the USDA Forest Service's number of complaints *per capita* rate was lower than the US Department of Agriculture's complaints *per capita* rate. The USDA Forest Service FY 2022 complaints *per capita* rate was 0.16% compared to the US Department of Agriculture FY 2022 complaints *per capita* rate of 0.24%. The USDA Forest Service incurred a notable decrease in formal complaint activity in FY 2022. We believe the decrease in formal complaints is attributed to the success of the many programs and trainings the Forest Service has implemented to eradicate discriminatory practices and patterns in the workplace. In FY 2022, a total of 59 formal complaints were filed, comparative to FY 2021 when a total of 71 formal complaints were filed.

Causal Analysis

In FY 2022, 59 formal complaints were filed.

In FY 2021, 71 formal complaints were filed.

Knowledge Gained—In FY 2022, the USDA Forest Service experienced a 16.90% decrease in the number of formal complaints filed compared to FY 2021. In FY 2022, there were 59 formal complaints filed comparative to the 71 formal complaints filed in FY 2021. The data continues to show that the USDA Forest Service's efforts to address disparate impact and disparate treatment discrimination in the work environment and improve the Equal Employment Opportunity (EEO) pre-complaint process have been successful in lowering complaint activity.

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 Forest Service 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 implemented or will be conducted throughout the USDA Forest Service:

The Mixing Bowl (MB) Series—The USDA Forest Service provides multi-regional, Mixing Bowl (MB) Series that connects colleagues by sharing and celebrating cultural experiences, encouraging respect of people and their

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culture by opening minds and welcoming colleagues' perspectives and ideas. The Mixing Bowl Series was launched in FY 2021 as a program for Forest Service employees to share stories centered on the Culture Wheel to promote cultural understanding and awareness, connect with colleagues as we continued to work in a virtual environment, and raise morale within the Agency. The series continued in FY 2022 with nine (9) sessions reaching 786 employees. Topics of each episode centered on the Culture Wheel and included: Food & Drink; Values; Greater Community; Knowledge & Stories; Language; Traditions & Rituals; Techniques & Skills; Tools & Objectives; and the Arts.

Correcting Our Deficiencies Identified by the EEOC—The USDA Forest Service Office of Civil Rights took part in preparing the US Forest Service Compliance Report, which detailed plans and progress the Agency has made towards correcting the deficiencies identified in the Equal Employment Opportunity Commission (EEOC), Office of Federal Operations (OFO) letter, dated November 14, 2021.

Addressing the Government Accountability Office (GAO) Mandate—The USDA Forest Service, Office of Civil Rights' Reporting Team quickly jumped into action to respond to the Government Accountability Office (GAO) engagement on the USDA Civil Rights Mandate—code 104716. Within three week's time, the Team produced a detailed report of Agency efforts to prevent discrimination and increase effectiveness in processing and resolving civil rights complaints. A written account of civil rights training, resources, employee engagements, reporting, evaluation, and coordination, and comparison with other USDA agencies was provided to GAO.

EEO Complaint Process Electronic Standard Operating Procedures (eSOP)—The Office of Civil Rights updated their EEO Complaint Process Electronic Standard Operating Procedures (eSOP) Tool that was created in or about 2020. The eSOP is reviewed and updated annually to incorporate changes and improvements needed for the EEO Complaint Process. The eSOP is a tool used to assist new and current employees in navigating through the complaint process.

Compliance Review Team Electronic Standard Operating Procedures (eSOP)—The Compliance Review Team developed an electronic standard operating procedure (E-Guide) for conducting reviews on our Regions, Stations, and Institutes. The Team's overarching document on SharePoint contains an activity timeline with hyperlinks to all forms and templates used throughout the review process. This E-Guide will not only assist Civil Rights Staff in carrying out consistent and timely reviews year after year, but will help all Forest Service personnel understand the review process and know what to expect when their work site has been chosen for a review. The Office of the Assistant Secretary acknowledged the E-Guide as a "best practice" and looks to potentially duplicate it throughout USDA.

National Compliance Review E-Guide In addition, and complementary to the SOP, an animated training video was created to reside on this same site page. [Program Complaints Site Page with Video](#).

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An Example of a Hiring Initiative in the Agency—During the month of December 2021, the USDA Forest Service, Procurement and Property Services (PPS) took part in a hiring initiative through the expedited hiring process, targeting a significant number of new employees for the PPS organization nationwide. Upwards of 150 new PPS personnel are being hired through this process. As a part of this effort, outreach was conducted with diversity organizations such as the National Association for the Advancement of Colored People (NAACP), the League of United Latin American Citizens (LULAC), and the National Contracts Management Association (NCMA). We did this with the goal of increasing our diversity in hiring and across our workforce to more ably represent the public we serve. Outreach occurred through direct contact with these organizations and a informative flyer is distributed to members.

Recruiting the Next Generation of Leaders—The USDA Forest Service held a partners' meeting to discuss recruiting the next generation of leaders. The USDA Forest Service and representatives from twelve (12) universities from all over the southeast met to discuss career opportunities for students. As the result of the meeting, the Forest Service will inform university career services professionals about upcoming job opportunities because navigating the federal hiring process can be difficult, thus posing a potential barrier to employment. The university staff will help students create a resume in USAJOBS.

Engage and Train Students from Under-Represented Groups—The USDA Forest Service is collaborating with Arkansas State University on a two-million-dollar program to engage and train students from under-represented groups. The program is funded by the National Science Foundation. The program is called Understanding Invasion and Disease Ecology and Evolution through Computational Data Education. It will involve recruiting over 80 graduate and undergraduate students from under-represented groups. Agency employees plan to develop an interdisciplinary and comprehensive graduate education program that will prepare students to be science leaders and communicators who can use advanced data science to address the challenges of non-native plants, insects, and diseases.

Cross-Talk Conversations with Leadership—Some USDA Forest Service Civil Rights Zone Directors and Deputy Directors took part in regular cross-talk conversations with Regional Leadership to discuss issues on the following program areas: Civil Rights, Employee Relations, Conflict Management and Prevention Center, Labor Relations, Human Resources, and the Anti-Harassment Program. These monthly briefings and discussions provide Region and Station leadership with an overview of personnel activity, emerging issues, and complaint and conflict trends.

This is Who We Are (TIWWA) Ambassador Training—In FY 2022, the USDA Forest Service continued to support TIWWA engagements across the agency. The Agency conducted 97 sessions, reaching approximately 3,755 employees. The sessions focus on integrating the Agency's core values into daily activities and continue the culture shift towards a values-based, purpose-

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driven, relationship-focused work environment. In the engagement sessions participants discussed our agency's mission, purpose, and value; our agency's values; and our code and commitments. These employees now have the knowledge and tools necessary to actively shape their experience as the agency leans further into cultivating a values-based, purpose-driven and relationship-focused culture.

The TIWWA National Engagement Team has been instrumental in growing a USDA Forest Service culture that is values-based, purpose-driven, and relationship focused. A network of unit coordinators worked with 300 Forest Service volunteer ambassadors who reached over 14,000 employees to share the conceptual framework for bringing our core values to life.

This Is Who We Are (TIWWA) Booklet—The availability of the “This Is Who We Are” booklet was announced via email dated May 07, 2019. The informative booklet was made available through a USDA Forest Service web hyperlink. Three hundred (300) copies of the TIWWA Booklet were distributed to employees during a bi-annual Growth, Respect, & Opportunity Workshop (GROW) in FY 2022. In addition to the distribution of the TIWWA Booklet, discussions are continually being held with employees pertaining to the Agency's core values in “This is Who we Are” training sessions.

National Leadership Forum on Advancing Equity – The National Talent and Acquisition, Assistant Director, was instrumental in planning and developing the National Leadership Forum on Advancing Equity focusing on the Diversity Gaps. The forum was hosted in September 2022 and included opportunities to hear specifically from several line and non-line employees about their experience with equity and racism. Furthermore, those efforts resulted in more than 400+ leaders across the service engaging on this topic in both large and small groups to develop a strategy for implementation and moving forward into the future.

The forum is helping the Agency's leaders take an equity-centered approach to all decisions. Equity-centered leadership discussions began with a Leadership Forum comprised of 700 of the Agency's most senior leaders in the first of a three-part series reflecting on gaps in diversity, the need for reconciliation, and a framework to address systemic biases in existing policies and practices. Future engagements will address internal diversity and the need to broaden engagement and partnerships with Tribes and historically underserved communities.

Other Trainings Conducted Providing Positive Change — The USDA Forest Service is continually reassessing and tailoring its training objectives to meet and/or exceed the needs of our employees to ensure they possess the tools to understand, prevent, and correct discrimination in our work

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environment. The trainings below were provided to the USDA Forest Service employee in FY 2022 to uphold compliance, enforcement, and prohibited discrimination.

R/S/A Training with Field CR Partners—EEO Pre-Complaint Counselors partnered with the Field Civil Rights staff to provide training to agency supervisors and employees in FY 2022. The training provided an overview of various agency resources, as well as the EEO complaint process. This training initiative will continue in FY 2023, with remaining R/S/A leaders and employees who did not receive this training in FY 2022.

Human Resources (HR) Staff Training—EEO Pre-Complaints Counselors partnered with the EEO Formal Complaints Branch to conduct comprehensive EEO complaint process training to Reasonable Accommodation Specialists and some Employee Relations employees. The training was provided to enhance HR practitioners' knowledge of EEO laws, regulations, and processing requirements. This training initiative will continue in FY 2023, with the target audience being all Employee Relations and Labor Relations staff employees.

EEO Refresher Training—In FY 2022, 26 civil rights practitioners completed the 32-hour Investigator Certification course, and 11 attended the eight-hour EEO Refresher Training. Both pieces of training were provided by the Federal Employment Training Group (FELTG) and met the eight-hour EEO refresher requirements. Course Topics included EEOC statutory authority, EEO claims, and elements of EEO cases; agency defenses and liability; interview techniques and skills; types of witnesses; writing the investigative report.

EEO Mediation Refresher Training - In FY 2022, 61 civil rights employees from the FS and USDA participated in the annual EEO Mediation Refresher Training. The training covered EEO, MSPB, and writing settlement agreements.

Contributing to Courtesy and Respect in the Workplace – The USDA Forest Service coordinated and hosted a training session on the topic of Courtesy and Respect in the Workplace. The session was conducted by the Work Environment and Performance Office (WEPO). Topics included recognizing the importance of courteous and respectful workplace behavior, identifying and recognizing the cost and causes of discourteous behavior, and addressing how to cultivate a climate of respect. The session included 479 employees in attendance and following the session was a question-and-answer period for employees to address questions on the presented topic or other topics to leadership. The session was conducted as part of a quarterly all-hands meeting for Procurement and Property Service (PPS) employees.

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The USDA Forest Service continually partnered with their Office of Civil Rights to provide ongoing EEO training which included Title VII Training for Supervisors and Title VII Training for Non-Supervisors.

II. Number of Filers

Trends—In FY 2022, the number of Complainants that filed complaints were 56, resulting in a significant decrease from the prior fiscal year. In FY 2021, the USDA Forest Service had a total of 65 Complainants that filed complaints.

Causal Analysis

In FY 2022, 56 number of Complainants

In FY 2021, 65 number of Complainants

Knowledge Gained—In FY 2022, the USDA Forest Service experienced a 13.85% decrease in the number of Complainants filing formal complaints comparative to FY 2021. In FY 2022, there were 56 individuals who filed formal complaints, comparative to 65 individuals who filed formal complaints in FY 2021.

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 improve our work environments; the Agency has created the following programs to further identify, inform, and assist employees and managers in obtaining an atmosphere that is conducive to everyone:

Mental Health and Wellbeing – The Forest Service’s annual Employee Wellbeing Week offered employees an opportunity to learn about resources available to them to help with stress reduction, workload management, work-life balance, physical exercise, and general wellness. A new Agency-wide contract for an Employee Assistance Program provides expanded services aligned with OPM guidance, including both contracted and direct-delivery methods. Services include life coaching, health coaching, mindfulness-based stress reduction, management consultations, and crisis intervention counseling. The contract provides for 24/7 access to learn about services via telephone, chat, and online, and it provides professional clinical care and critical care support immediately, when needed. It also offers an online resource center and mobile app for easy access to services, trainings, tools, and resources.

Support for Wildland Firefighters – The USDA Forest Service is collaborating with Department of Interior to develop a single, joint Wildland Firefighter Mental Health and Employee Wellbeing Program that will serve all Federal wildland firefighters. This program will focus on the special mental-health needs of wildland firefighters in the extended and extreme fire

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seasons that have been experienced throughout the country. The USDA Forest Service has also developed an initiative to better understand the culture specific to wildland firefighting and to develop appropriate resources to address issues of harassment, discrimination, and other unacceptable behaviors in the workforce.

Addressing EEO and Disability Program Deficiencies Identified by EEOC - The EEOC Response Team did some heavy lifting after an EEOC's technical assistance visit resulted in the identification of seven (7) EEO and Disability Program Deficiencies. The USDA Forest Service quickly assembled a response team that produced an action plan to address the deficiencies. The plan was submitted to the EEOC within the 30-day timeframe. The team provided the correction for two (2) deficiencies and made sure the Agency was on a fast track to correct the remaining five (5). Out of the recent progress, exit survey questions were developed intending to gain departing employee responses regarding potential disability barriers causing them to separate; and a disability barrier analysis workgroup was formed, bringing Civil Rights, Human Resources, Diversity, Equity and Inclusion (DEI), and Work Environment Performance Office (WEPO) into a partnership to eliminate disability barriers that may exist in the Agency's recruitment, hiring, advancement, and retention policies, practices, or procedures.

Sexual Harassment and Fire Culture Team – The USDA Forest Service is diligently working to improve workplace experiences for wildland firefighters by improving their work environment. The team's products included leadership messages, briefing materials, conversation guides for discussing workplace issues, and a "community of practice" on the SharePoint site.

Women of Color (WOC) at a STEM Conference – The USDA Forest Service participated in the Women of Color (WOC) in STEM (Science, Technology, Engineering, and Mathematics) Digital Conference that was held in October 2022. The conference targets WOC and encourage them to pursue STEM careers while offering unique opportunities for pre-professional and professional development, networking, recruiting, and visibility for the Agency. The Forest Service also uses the platform to recognize outstanding WOC STEM accomplishments within the Agency.

Partnering with the National Limited English Proficiency – The USDA Forest Service partnered with the National Limited English Proficiency Program to translate materials for dissemination to the public in the following languages: Spanish, Vietnamese, Mandarin/Chinese, Tagalog, Korean, Hmong, Russian, Ukrainian.

Advancing Leaders Through Collaboration - In honor of Asian American and Pacific Islander (AAPI) Month, the USDA Forest Service hosted a panel

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discussion entitled “*Advancing Leaders Through Collaboration.*” Approximately 150 participants gathered on Microsoft Teams platform centered on collaborative approaches to leading, empowering others, and building a more inclusive work environment. Interactive discussion with a panel of three outstanding AAPI leaders who responded to the Region employees surrounding this topic.

Collaboration and Partnership with WEPO - DEI Specialists represented the Office of Civil Rights in collaborating and partnering with the Work Environment Performance Office (WEPO) to design, plan, and deliver DEIA related material at several national level training initiatives, to include:

- New Supervisor Training
- Experienced Supervisor Training
- National New Employee Orientation
- Line Officer Academy
- New Employee Experience
- Serve as mentors in support of the USDA/FS Mentorship Program

Biodiversity Conservation and Sustainable Tourism Development—The USDA Forest Service, International Institute of Tropical Forestry (IITF) assisted Dominican Republic tourism clusters with biodiversity conservation and sustainable tourism development, through on-the-ground technical assistance and training programs. The following activities were undertaken: Provided technical assistance to underserved, disadvantaged Hispanic local communities and non-governmental organizations to encourage economic benefits by helping to establish eco-businesses in protected areas and their buffer zones in La Caleta Marine National Park, Laguna Bávaro Wildlife Refuge, Samaná Bay, and local communities in Jarabacoa (Sonido de Yaque) and Constanza (Salto Aguas Blancas).

Designed environmentally friendly souvenir products to promote biodiversity conservation and to encourage economic benefits for local underserved Hispanic communities and non-governmental organizations to sell in gift shops and at major hotels. More than 25 products were designed, including logos, keychain fobs, posters, post cards, t-shirts, caps, coffee mugs, and bird guides.

III. Number of Repeat Filers

Trends—In FY 2022, the number of Repeat Filers was three (3), which was a decrease from FY 2021. In FY 2021, the USDA Forest Service had a total of five (5) Repeat Filers.

Causal Analysis

In FY 2022, 3 number of Repeat Filers

In FY 2021, 5 number of Repeat Filers

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Knowledge Gained—In FY 2022, the USDA Forest Service experienced a 40.00% decrease in repeat filers of formal complaints as compared to FY 2021. In FY 2022, there were three (3) repeat filers comparatively to the five (5) repeat filers in FY 2021.

Action Taken or Planned—The USDA Forest Service works hard to develop, conduct, monitor, and evaluate its Civil Rights programs, events, documentation, and trainings to eliminate barriers in the workplace. The USDA Forest Service 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, the USDA Forest Service has created and maintained the following trainings and programs:

National Recruitment Plan – The USDA Forest Service Diversity, Equity, and Inclusion (DEI) collaborates with Human Resource Management (HRM) as a member of the National Talent Acquisition Network attending monthly meeting with Region Station Area (RSA) outreach coordinators and recruiters and contribute to the development and implementation of national recruitment plan.

Diversity Student Programs – The USDA Forest Service has a Representative that serves on several USDA Office Partnership & Public Engagement and Office of the Assistant Secretary of Civil Rights initiatives related to diversity student programs:

USDA (OASCR-Office of Partnership and Public Engagement (OPPE)) Joint Task Force on Historically Black Colleges and Universities (HBCUs)

USDA-Hispanic Association for Colleges and Universities (HACU)

Leadership Group

USDA 1994 Leadership Group

USDA 1890 Leadership Group

Women's+ Crew Makes a Big Difference on the Croatan National Forest and Beyond

—Women's+ Advanced Fire and Fuels crew from Conservation Corps North Carolina (CCNC) completed their 5-months term of service. The team cleared trails, supported prescribed burns, and improved recreation areas throughout North Carolina's coastal national forests and parks. On the Croatan National Forest, the seven-person team worked from January to March to remove over 300 hazard trees, improve over 2.5 miles of trails and recreation areas, as well as mark and map an improved reroute for the Neusiock Trail, clearing the way for future surveys and inspections that will move the project forward.

CCNC engages motivated young adults, ages 16-30 and Veterans up to 35, to complete challenging and impactful conservation service projects including trail construction & maintenance, habitat improvement, hazard fuel reduction, and ecological restoration. Meeting local communities' needs through conservation service, CCNC crews expand, maintain or restore access to conserved lands so that more families can connect with the outdoors. In return, members receive a Public Land Certificate that gives them advantages in Federal hiring processes because of a partnership between CCNC,

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Conservation Legacy Public Land Corps, and public land managers from the National Park Service and National Forests in North Carolina.

Offering Training to Advert Conflict and Discrimination—The USDA Forest Service continually offered routine Civil Rights, EEO, and Anti-Harassment (AH) training to all of its employees and leadership, which has been successful in resolving many conflicts and personnel issues before they escalate into EEO and Anti-Harassment complaints. The training offered, either annually and/or as needed, continually affirms the Agency’s firm stance on EEO laws, policies, practices, processes, and procedures to promote a fair and respectful work environment. The following trainings were encouraged and/or conducted in FY 2022.

The Anti-Harassment Program Coordinator conducted training on Anti-Harassment (AH) Website Familiarization and answered any specific questions related to the AH Program Area. The training included approximately 80 employees to provide information related to the AH Program and how to navigate and find AH information on the Intranet, WEPO webpage, and the public facing AH Policy website. The training was provided during the National New Employee Orientation (NNEO) – Onboarding Open House.

The Agency hosted a two-day comprehensive training in Title VII Civil Rights Act of 1964 for managers and supervisors. The training covered the overview of laws and policies related to discrimination, harassment, retaliation, protected classifications, what is unlawful discrimination, types of unlawful harassment, duties of a supervisor, and addressing unlawful discrimination, and retaliation in the workplace.

IV. **Number of Bases Alleged in Complaints**

Trends—In FY 2022, a total of 59 formal complaints were filed, comparative to 71 formal complaints filed in FY 2021. The analysis below provides the number of bases alleged in formal complaints and the percentages of the 59 cases filed in FY 2022 and the 71 cases filed in FY 2021. Additionally, the differential shows comparative decreases or increases, by number and percentage, for each bases alleged in FY 2022 and FY 2021.

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Causal Analysis—In FY 2022, a total of 59 formal complaints were filed and the most frequently cited bases alleged in complaints, are as follows.

Reprisal	25 bases	42.37%
Disability	24 bases	40.68%
Race	13 bases	22.03%
Age	13 bases	22.03%
Sex	12 bases	20.34%

In FY 2021, there were a total of 71 formal complaints filed. The data below provides the alleged bases in FY 2021, comparative to the most frequently cited bases alleged in FY 2022.

Reprisal	33 bases	46.48%
Disability	20 bases	28.17%
Race	21 bases	29.58%
Age	15 bases	21.13%
Sex	19 bases	26.76%

In FY 2022, the most frequently cited bases alleged showing notable increases and decreases comparative to FY 2021 are:

Complaints based on Reprisal **decreased** by 24.24%.
Complaints based on Disability **increased** by 20.00%.
Complaints based on Race **decreased** by 38.10%.
Complaints based on Age **decreased** by 13.33%.
Complaints based on Sex **decreased** by 36.84%.

Knowledge Gained—In FY 2022, the USDA Forest Service maintained a significant amount of decreases in the number of the most frequently cited bases filed in formal complaints compared to FY 2021. We surmised the increases in the alleged basis of Disability were because of Federal COVID restrictions and the Agency’s requirements for some employees to begin transitioning from a remote work posture to returning to an office posture. Although the Agency has put forward what we proposed, the cause and effect was for increases in alleged basis of Disability; we fully intend to further research, identify, and take measures to eradicate any barriers that may have attributed to the influx of complaint activity. The notable amount of decreases in the frequently cited bases shows that the USDA Forest Service programs and initiatives have been successful in improving the work environment for all employees, partners, and customers.

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 against the Agency, the USDA Forest Service conducted the following trainings and programs in FY 2022:

Black History Month—In honor of Black History Month, the USDA Forest Service hosted a panel discussion titled “*Black Health and Wellness.*” Approximately 250 participants gathered together on a Microsoft Teams

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virtual platform to examine how inequalities in healthcare have a disproportionate impact on people of color. Three distinguished panelists from the healthcare community facilitated the rich discussion and shared their perspectives surrounding the topic.

DEIA Needs and Gap Analysis – The USDA Forest Service has delegated a lead representative to serve on the development of the Forest Service Diversity, Equity, Inclusion & Accessibility Strategic Plan. In FY 2022, the lead representative worked closely with Federal Management Partners (FMP), the Diversity & Inclusion Consultant contractor hired to assist the Agency to develop our DEIA Strategic Plan to complete the FS DEIA Needs and Gap Analysis that will be used in the develop the Agency’s operational plan.

HERstories – The objective of the HERstories campaign is to collaborate with a FS historian to capture the stories of female employees throughout the Forest Service – both current and retired. Collaborating with the Washington Office (WO), Office of Communication, the team shared interviews, sounds bites and short bios of FS women who share their career experiences in *Inside the FS*. These women’s stories reveal, highlight, and honor their legacy. In FY 2022, four (4) HERstories were featured in *Inside the FS*.

Other Trainings that Provide Positive Change — The USDA Forest Service is continually reassessing and tailoring its training objectives to meet and/or exceed the needs of our employees to ensure they possess the tools to understand, prevent, and correct discrimination in our work environment. The trainings below were provided to the USDA Forest Service employee in FY 2022 to uphold compliance, enforcement, and prohibited discrimination.

Strengthening Outreach, Diversity, and Inclusion – The USDA Forest Service sent an LEI Program Assistant to a two-month long introductory American Sign Language course to support the inclusion of Deaf and Hard of Hearing participants in conservation corps and outdoor programs. At the conclusion of the course, the LEI Program Assistant met with the Vermont Youth Conservation Corp (VYCC) to answer questions about administrative opportunities within the USDA Forest Service. VYCC leadership reported, “Forest Service staff showed a truly impressive investment in fostering an unforgettable and life changing experience for these crews, helping to forge the pathway for a next generation of environmental stewardship.”

Special Emphasis Program Training—In FY 2022, the Office of Civil Rights completed the development of Eliminating Barrier with Special Emphasis Programs. This training is for Special Emphasis Program Managers. Topics include Understanding Special Emphasis Programs, Collateral Duty Special Emphasis Program Managers (Roles and Responsibilities), and Getting Started. The training is five hours long and will

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introduce employees to the MD-715 and barrier analysis, and provide clear guidance on starting a program in their respective areas.

FY 2023 Training Projects - In addition to ensuring all EEO counselors and mediators receive their annual refresher training, the Office of Civil Rights plans to deliver a minimum of five training sessions on the Special Emphasis Program. Additionally, we plan to develop a variety of DEIA training modules that will be available in FY 2024.

This is How We Do It – The USDA Forest Service facilitated, hosted, and delivered one hundred fifty-six (156) webinars, training sessions, events and meetings focused on DEIA that reached a cumulative total of thirty-three thousand eight hundred and fourteen (33,814) participants.

Forest Service Partners with Appalachian Conservation Corps—The USDA Forest Service recently partnered with the Appalachian Conservation Corps to lead a group of young women volunteers to complete a sign replacement project on the George Washington and Jefferson National Forests. The work highlighted opportunities for young people to work in environmental stewardship. The group travelled from the Roanoke Great Outdoors (GO) Fest with Appalachian Conservation Corps and Forest Service staff to the popular Dragon’s Tooth Trailhead and parking lot. They worked alongside staff to install a new entrance sign which improves visibility and recreation access. Through the day of project work, the group of young women were able to experience environmental stewardship and the work of a youth conservation crew firsthand. Funding for the sign replacement was provided through the Great American Outdoors Act. Additional information about the Forest Service implementation of this Act, visit:

<https://www.fs.usda.gov/managing-land/gaoa>

The USDA Forest Service announced a partnership with Appalachian Conservation Corps and the Virginia Environmental Endowment to employ local young women in the Roanoke, Virginia area in a summer conservation crew. Female focused crews, like the Roanoke Young Women's+ Crew, help diversify the conservation workforce and expand the traditional image of an environmental steward. The Virginia Environmental Endowment funds this crew and the event.

V. **Number of Issues Alleged Complaints**

Trends—In FY 2022, a total of 59 formal complaints were filed, comparative to the 71 formal complaints filed in FY 2021. The analysis below shows the number of the most frequently cited issues alleged in formal complaints and their percentage for FY 2022. Additionally, the differential shows either a comparative increase or decrease, by number and percentage, for each issue alleged in FY 2022 and FY 2021.

Causal Analysis—In FY 2022, 59 formal complaints were filed and the most frequently cited issues were alleged in formal complaints, are as follows:

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Harassment (Non-Sexual)	35 issues	59.32%
Other Terms/Conditions of Employment	23 issues	38.98%
Religious Accommodation	14 issues	23.73%
Promotion/Non-Selection	13 issues	22.03%
Reasonable Accommodation Disability	09 issues	15.25%
Termination	06 issues	10.17%
Harassment (Sexual)	06 issues	10.17%

In FY 2021, there was a total of 71 formal complaints filed. The data below provides the cited alleged issues in FY 2021, comparative to the most frequently cited issues alleged in FY 2022:

Harassment (Non-Sexual)	31 issues	43.66%
Other Terms/Conditions of Employment	00 issues	0.00%
Religious Accommodation	00 issues	0.00%
Promotion/Non-Selection	18 issues	25.35%
Reasonable Accommodation Disability	06 issues	8.45%
Termination	07 issues	9.86%
Harassment (Sexual)	00 issues	0.00%

In FY 2022, the most frequently cited issues alleged showing increases and decreases comparative to FY 2021 are:

- Complaints based on Harassment (Non-Sexual) **increased** by 12.90%.
- Complaints based on Other Terms/Conditions of Employment NA*.
- Complaints based on Religious Accommodation NA*.
- Complaints based on Promotion/Non-Selection **decreased** by 27.78%.
- Complaints based on Reasonable Accommodation Disability **increased** by 50.00%.
- Complaints based on Termination **decreased** by 14.29%.
- Complaints based on Harassment (Sexual) NA*.

*Denotes data not available as "00" issues were reported in the category during FY 2021.

Knowledge Gained—In FY 2022, the USDA Forest Service experienced increases in the number of most frequently cited issues filed in formal complaints as compared to FY 2021. We propose increases occurred in several frequently cited issues because of Federal COVID restrictions and the Agency's requirements for some employees to begin transitioning from a remote work posture to returning to an office posture. Although the Agency has put forward what we proposed, the cause and effect was for increases in the frequently cited issues; we fully intend to further research, identify, and take the appropriate measures to eradicate any barriers that may have attributed to the influx of complaint activity. The Agency will continually provide mandatory and routine training to employees and leadership to increase awareness of their rights and responsibilities related to EEO and personnel 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.

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Action Taken or Planned—The USDA Forest Service continually develops, conducts, monitors, and evaluates its Civil Rights programs, events, trainings, and documentation 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 Complainants filing complaints in the Agency, the USDA Forest Service has created and maintained the following trainings and programs:

Special Emphasis Program (SEP) Training – A Civil Rights Service Centers (CRSC) - wide SEP Workgroup was tasked with developing recommendations for the Core Team and Civil Rights Leadership Team (CRLT) regarding Special Emphasis Programs. For FY 2022, a sub-group of the SEP Workgroup, the CR Training Manager and the DEI Team developed a comprehensive training module for SEP, including the facilitators guide, participant guide and an SEP Handbook. Roll out of the training and resources is expected FY 23 Q1.

National Level Diversity Student Programs – The USDA Forest Service administered a National Level Diversity Student Program that includes a budget of approximately \$1,045,500 in support of the following programs:

USDA Scholarship/Internship Program
1890 Scholars Program
1994 Scholars Program
Hispanic Association of Colleges and Universities Internship Program
Thurgood Marshall College Fund Internship Program – PLC Agreement
Conference on Asian Pacific American Leaders (APAL) – Public Land Corp (PLC) Agreement

Targeting 1890 Colleges and Universities – The USDA Forest Service administered a national level Partnership, Outreach, and Capacity Building Program targeting key 1890 Colleges and Universities that includes a budget of approximately \$368,641. Working in collaboration with Southern Research Station, Forest Products Laboratory and the Southern Region Civil Rights funds are used in support of various partnership agreements focusing on exposing students at these universities to careers in Natural Resources and the Forest Service.

VI. **Finding of Discrimination**

Trends—In FY 2022, the USDA, Office of the Assistant Secretary for Civil Rights (OASCR) and the Equal Employment Opportunity Commission (EEOC), issued a combined total of 78 Final Agency Decisions/Actions (FADs/FAAs) to the USDA Forest Service. Comparatively, in FY 2021, a combined total of 81 FADs/FAAs were issued to the Agency, a decrease by 3 in FY2022 (-3.70% net change).

Causal Analysis—In FY 2022, the USDA, Office of the Assistant Secretary for Civil Rights (OASCR) and the Equal Employment Opportunity Commission (EEOC) issued a combined total

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of 78 Final Agency Actions/Decisions to the USDA Forest Service. The Agency's records show the following.

There were two (2) findings of discrimination issued to the USDA Forest Service in FY 2022. Below is additional information on the findings of discrimination with bases/issues as follows:

Pacific Southwest Region—Harassment based on Disability (physical and/or perceived), rendered by EEOC Administrative Judge (AJ)

Business Operations – Hostile Work Environment and Failure to Accommodate based on a Disability, rendered by the EEO Administrative Judge (AJ)

8 complaints were procedurally dismissed

26 Final Agency Decisions (FADs) issued no finding of discrimination

44 Final Agency Actions/Decision with an Administrative Judge (AJ) Decision

In FY 2021, the USDA, Office of the Assistant Secretary for Civil Rights (OASCR) and the Equal Employment Opportunity Commission (EEOC) issued a combined total of 81 Final Agency Decisions/Actions were issued to the USDA Forest Service.

There were no findings of discrimination issued to the USDA Forest Service in FY 2021.

5 complaints were procedurally dismissed

32 Final Agency Decisions (FAD) with no finding of discrimination

44 Final Agency Actions/Decisions with an Administrative Judge Decision

Knowledge Gained—The USDA Forest Service experienced an increase in FY 2022 in the number of findings of discrimination compared to FY 2021. In FY 2021, the USDA Forest Service had no findings of discrimination comparative to FY 2022—two (2) findings were rendered by the EEOC. The Agency was not issued any findings of discrimination from the Office of the Assistant Secretary for Civil Rights (OASCR) in FY 2022. The Agency remains committed to educating managers, supervisors, and employees on EEO and Civil Rights laws in order to eliminate harassment and discriminatory practices in the workplace.

Actions Taken or Planned—In addition to evaluating, developing, and monitoring our Civil Rights programs, events, trainings, and documentation to ensure all employees and managers are knowledgeable of Civil Rights, EEO, and Anti-Harassment regulations, processes, policies, practices, procedures, and requirements. The USDA Forest Service continually collaborates amongst its various offices to resolve deficiencies/barriers that plagued the Agency's progress internally and externally or could result in an allegation of discrimination. The Agency works tirelessly to create and maintain a cohesive work environment. The following accomplishment is an example of the Agency's effort to resolve our deficiencies/barriers.

Barrier Action Plan – The USDA Forest Service facilitated the implementation of year three (3) of a Barrier Action Plan focused on addressing a barrier identified during the FY 2019 MD 715 barrier analysis of

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Hispanic Women in the GS-301 series. The trigger data demonstrated a steady decline in population over the past several years. The 301 HW Cohort (70+ Hispanic Female FS employees) collaborated in the development of the action plan to support their career advancement. The plan consisted of quarterly virtual career enhancing meetings.

Employee Resource Groups (ERG) – The USDA Forest Service Diversity, Equity, and Inclusion (DEI) Team advised nine (9) Employee Resource Groups (ERGs). ERGs serve as a collective voice in promoting an inclusive and respectful workplace, shed light on specific issues and barriers that may adversely impact certain groups of employees, and provide agency leadership with advice, guidance, and recommendations.

Deaf and Hard of Hearing (D/HH) Project Working Group – DEI Specialists played an integral part in the agency's Deaf and Hard of Hearing (D/HH) Project Working Group. Discussions from this group revealed a general lack of knowledge regarding the various needs of the D/HH employees along with an absence of a standardized agency-wide process to obtain the SLIS services required to allow D/HH employees to fully participate in their official capacities. DEI Specialists have taken the lead on facilitating and delivering 20+ focus group discussions with the D/HH community to identify barriers to providing necessary resources. In preparation for the focus group discussions the DEI Specialists developed a survey for the D/HH community.

Resolved Deficiencies that Plagued the Agency – The USDA DEI Specialists were able to resolve several non-compliance or technical deficiencies that had plagued the agency for over 4 years. In collaboration with HRM, WEPO, Agency Social Scientists and EEOC POCs, DEI was able to resolve the technical deficiency related to the Agency's exit interview survey. The revised exit interview survey was vetted and confirmed as compliant by the EEOC. In collaboration with HRM and EEOC POCs, DEI was also able to remove deficiencies identified in the agency's Affirmation Action Plan. In collaboration with HRM, DEI developed a process for tracking Schedule A Hire conversions.

- 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 (OASCR) is responsible for accepting or dismissing formal complaints of discrimination. Accepted claims are investigated by contract investigators. EEO regulations specify that this process must be completed within 180 days.

In FY 2022, the average number of days a case was in the investigation stage was 130 days, compared to an average of 132 days in FY 2021, averaging 2 fewer days in FY 2022. The USDA Forest Service has been proactive in the timely completion of investigations by (1) ensuring that the documents

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requested by the investigator are received and submitted timely – monitoring from start to completion/submission; and (2) tracking the progress of the investigation, with a goal set for 120 days.

Furthermore, the investigation timeframe is extended up to 180 additional days when an original complaint is amended by the Complainant to include additional or update issues previously alleged.

On April 06, 2020, the EEOC issued a memorandum to the Federal agencies regarding the processing of Federal sector EEO complaints covered by 29 CFR Part 1614 in consideration of the National Emergency. The link to the aforementioned memorandum is <https://www.eeoc.gov/update-april-6-2020-memorandum-processing-information>.

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 2022, the average number of days a complaint was in the EEOC hearing process was 717 days. In comparison to FY 2021, the average number of days a complaint was in the EEOC hearing process was 991 days, a decrease by 274 days in FY 2022.

Of all the stages of the complaint process, the final agency actions stage took the greatest number of days. In FY 2022, the average number of days for final agency actions were 757 days. In comparison to FY 2021, the average number of days were 1048 days, a decrease by 291 days.

There is a significant difference in processing days between FY 2022 and FY 2021 for hearings and final agency actions. We attribute the decrease in the average number days for hearings and final agency actions in FY2022 to OASCR and the Forest Service working together to address the deficiencies. OASCR has added personnel and contractors. There has also been an increase in communications between OASCR and the Forest Service liaisons to address cases, and to improve data integrity. In addition, the staff has been trained on how to correctively enter information into iComplaints.

VIII. **Pending Complaints Filed in Previous Fiscal Year (FY)**—In FY 2022, there were a total of 139 complaints on-hand at the beginning of the reporting period, compared to 166 complaints on-hand at the beginning of the reporting period in FY 2021. We attributed the decrease in FY 2022 to fewer complaints filed and an increase in the number of settlement agreements executed for the year. In FY 2022, there were 19 settlement agreements executed, compared to 11 settlement agreements executed in FY 2021.

IX. **Total Number of Pending Complaints where Investigations Exceed the Required Timeframes**—The USDA, Office of the Assistant Secretary for Civil Rights (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 compiles all relevant information and creates 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 2022, a total of 48 investigations were completed for the USDA Forest Service. Of the 48 investigations completed, 47 were completed within the prescribed timeframe of 180 days or less, resulting in 97.92% timely completion rate.

In FY 2021, a total of 67 investigations were completed for the USDA Forest Service. Of the 67 investigations completed, 61 were completed within the prescribed timeframe of 180 days or less, resulting in 91.04% completion rate.

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In FY 2022, the average processing days for the Agency's responses to document requests for investigations were 13 days, an increase by 1 day from FY 2021. 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: <https://www.usda.gov/nofear>. 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://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>. The No FEAR Act quarterly data is reported via a direct feed from reports generated from MicroPact iComplaints.

No FEAR Training Requirements—The Agency is consistently providing bi-annual No FEAR Act Refresher training to all USDA Forest Service employees on a basis which is consistent with an employee's No FEAR Act Comprehensive completion date. In addition to the No FEAR Act Refresher training, new employees also are assigned the No FEAR Act Comprehensive training during their onboarding process. The No FEAR Act training (508c compliant) is available to all employees (permanent/seasonal/temp/students) either electronically, via hard copy 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 that all work environments are free of harassment and discrimination for all employees is evident among the positive trends that were demonstrated in the FY 2021 No FEAR Report and is also demonstrated in this report.

Agency's Process for Providing the Annual No FEAR Notice to its Employees – The US Department of Agriculture provides the No FEAR Act training certification to the Forest Service. All new employees are assigned training in AgLearn and must complete it within 90 days of onboarding; after that, a refresher training is issued every two years. Although No FEAR training is administered through USDA, the Forest Service monitors the completion progress.

In FY 2022, 33,038 active employees were assigned either the No FEAR initial certification or bi-annual refresher. Of those given the training, 1457 did not complete the training by the end of FY 2022, resulting in a 96 percent completion rate. However, the data is not 100 percent accurate.

The USDA Forest Service is committed to USDA's policies and goals and continually notifies its employees annually regarding EEO policies. The USDA Forest Service continues to reinforce USDA's commitment to establishing a workplace that is free from discrimination, harassment, and retaliation.