

USDA Forest Service
Fiscal Year (FY) 2023 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) 2023 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 2023 data first, followed by comparative data for FY 2022.

I. Number of Complaints Filed

- A. Trends**—USDA Forest Service (FS) increase the number of formal complaints filed in FY 2023 by 13.56%. In FY 2022, there were 59 formal complaints filed compared to 67 formal complaints filed in FY 2023.
- B. Causal Analysis**—The Forest Service had an increase of complaints filed in FY 2023, comparative to the complaints filed in FY 2022. The Forest Service attributed the increase to the workforce, physically migrating back to the workplace. The transition has increased the number of complaints because of employees requesting reasonable accommodations and alleging discrimination based on reprisal and disability.
- C. Knowledge Gained**—The Forest Service is taking the 13.56% increase of complaints filed in FY 2023, very seriously. The Forest Service is committed to taking proactive steps through training, Special Emphasis Programs, and Compliance Reviews. The Forest Service is elevating their efforts in educating employees and managers through various innovative programs, training, and employee interaction through one-on-one and group meetings to furnish knowledge and insight on EEO and Civil Rights policies and procedures and employees rights to participate in the EEO Complaint Process. Therefore, the Forest Service will continually remain active and committed to improving their programs by implementing best practices and products for reducing and eventually eliminating any discrimination in the workplace.
- D. Action Taken or Planned**—The USDA Forest Service is continually developing, conducting, monitoring, and evaluating 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:

- ☐ **Forest Service Diversity, Equity, Inclusion, and Accessibility (DEIA) Plan**—The Forest Service (FS) developed a DEIA program that aligns directly with the agency's organizational strategy, core values, and code and commitments. This entailed conducting a detailed assessment of the current DEIA programs and culture and conducting needs and gap analysis to compare the current state of DEIA at FS to Department-wide and Government-wide DEIA policies and guidance.

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The DEIA team led the development of the agency's first DEIA Action Plan (scheduled to be released Q1 of FY24) and associated Implementation Roadmap and reporting dashboard in PowerBI, ensuring alignment with the USDA's DEIA Strategic Plan as well as the Government-wide DEIA Strategic Plan.

Also designed, developed, and delivered the agency's DEIA Learning Curriculum, train-the-trainer course, and several high priority curriculum courses.

- **Developing an Agency's National Outreach and Recruitment Plan**—The Forest Service DEI Branch is leading the development of the Agency's National Strategic Outreach and Recruitment Plan (O&R Plan). The team worked with over 100 subject matter experts at 10 listening sessions to refine 200 action items that will be used in the development of the O&R Plan. The plan was finalized in late October.

- **Design and Development of the Forest Service's Deaf & Hard of Hearing Program**—The Forest Service Office of Civil Rights (OCR) is designing and developing the agency's Deaf & Hard of Hearing (DHH) Program which includes a national-level contract and program support for over 30,000 USDA Forest Service employees. By developing and implementing this program, we are ensuring accessible, inclusive, and equitable support for the employees, applicants, and the public who are part of the D/HH community. The development of this program has built an access point with critical information and how to request services. We are supporting the accessibility needs of this community, living up to our agency's values, and ensuring compliance with Federal government regulations and executive orders. The Forest Service DEI:
 - Provides leadership in communication, project management and Contracting Office Representative (COR) support to the DHH Program
 - Built an internal SharePoint site to ensure accessibility for requesting services in support of Forest Service employees, applicants, and the public
 - Manages the current interim contract while simultaneously building a national contract that addresses the needs of the Forest Service workforce
 - Developed and partnered with Procurement & Property Services (PPS) to ensure a 2nd interim D/HH services contract was implemented before the 1st interim contract expired in less than 30 days
 - Created two modifications with the current interim contract (Riding in Gov Vehicles & Field Site Work) which ensured better accessibility for Forest Service employees' mission critical support
 - Manage a workload of 45-60 DHH service requests per week

- **Forest Service Engagement Forum**—The Office of Civil Rights (OCR), Human Resources Management (HRM) Office, and Work Environment & Performance Office (WEPO) collaborated to create a unique virtual employee engagement forum that provided information and guidance on OCR, HRM, and WEPO services and

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offerings. The Forest Service Engagement Forum took place August 7-10, 2023, and was the first event of its kind to be provided by the agency to provide an opportunity for all employees to gain a full range understanding of the many resources available within the Forest Service. In addition to timely and successful completion of the Employee Engagement Forum, their contribution exceeded normal expectations by overcoming adverse obstacles, saving the agency time and money, increasing program effectiveness across multiple directorates, and displaying unusual creativity. The result was participation from 14.4% of the total agency permanent workforce.

- **Conducting Vital Disability Awareness Training**—The Forest Service Job Corps conducted disability training for Job Corps Centers on August 14, 2023. The training covered the basics of disability accommodation, how to make a referral to a center’s disability coordinator, common disabilities, common accommodations in residential living, service and assistance animals, and disability program website resources.
- **Employee Morale Survey**—In September 2023, the Forest Service conducted a survey to assess the current morale of all of its Job Corps employees. Over 34% of employees responded to the survey. The information they received from the surveys will help the Forest Service and Job Corps leadership gain a more precise understanding of existing morale issues in the workplace.
- **The Mixing Bowl Series**—The Forest Service “Mixing Bowl Series” was launched in FY 2021 as a program for Forest Service employees to share stories centered around 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 2023 with 12 episodes, plus a special session aired during the first annual *Celebrating USDA* event, reaching 1,687 employees across the agency and department. 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.
- **Crosstalk Conversations with Leadership**—The Forest Service regional Civil Rights Directors and Deputy Directors participated in crosstalk conversations with regional leadership to discuss 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 regional leadership with an overview of personnel activity, emerging issues, and complaint and conflict trends.
- **The Selma Ride**—The Forest Service hosted a 1965 Civil Rights staff ride in Montgomery, Alabama. This experiential learning opportunity focused on increasing cultural competence through the study of the 1965 march from Selma to Montgomery; connecting information and events to current society, organization, and lives; apply lessons from history to personal leadership values, challenges, and

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successes; and creating a network of committed learners. A total of 40 Forest Service employees participated in the ride from Selma to Montgomery.

- **Collaboration to Improve the Under-Representation in the Agency**—Forest Service regions collaborates with various office to include Outreach Recruitment and Workforce Diversity (ORWD), Human Resources Management (HRM), the Pacific Southwest Research Station (PSWRS), Diversity, Equity, Inclusion, and Accessibility (DEIA) to develop an outreach and recruitment plan to increase under-representation in the agency. The collaboration will continue with internal/external stakeholders to promote Civil Rights Awareness, engage in community outreach, and foster diversity, equity, and inclusion in the workplace.
- **Partnering with the National Limited English Proficiency Program**—Forest Service regions regularly 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.

II. Number of Filers

- A. Trends**—In FY 2023, the number of Complainants that filed complaints were 63, resulting in an increase from the prior fiscal year. In FY 2022, the USDA Forest Service had a total of 56 Complainants that filed complaints.
- B. Causal Analysis**—In FY 2023, the USDA Forest Service experienced a 12.50% increase in the number of Complainants filing formal complaints comparative to FY 2022. The increase in Complainants filing complaints was attributed to the workforce, physically migrating back to the workplace. The transition has increased the number of Complainants because of employees requesting reasonable accommodations and alleging discrimination based on reprisal and disability.
- C. Knowledge Gained**—The Forest Service has adopted and continually implements several innovative initiatives to address workplace challenges and issues through the Work Environment and Performance Office (WEPO) and the Office of Civil Rights (OCR). The constructive feedback we received from employees and supervisors has also been a vital asset to leadership and the Office of Civil Right (OCR) to address and improve workplace adversities at the earliest stages. The Forest Service Leadership’s proactive stance in education, knowledge sharing, and providing Civil Rights and EEO training to employees, supervisors, and managers is vital and will ensure the workforce is well-educated and eventually lower complaints alleging discrimination.
- 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 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:
- **Young STEM Scholars: Camp Renaissance 2023**—The Forest Service hosted twenty-nine (29) students from Leland and Greenville, Mississippi on a visit to the

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Center for Bottomland Hardwoods Research Unit in Stoneville, Mississippi. The students were in the 7th thru 9th grades. In addition to a tour of the facility, the students and their counselors were given knowledge of the different items we use every day that come from national forests. The students were also given information on the useful tools and products we are able to enjoy from forests and natural resources. One of the Forest Service presenters demonstrated how Foresters use mathematical relationships like a circle to measure the diameter of a tree. While the other Forest Service presenter instructed students on photosynthesis and how it relates to tree-planting efforts designed to help mitigate climate change. The trip was part of a summer program of continued learning sponsored by Greenville Renaissance Scholars.

- **Honoring Black History Month**—The Forest Service hosted a panel to discuss “*Black Health and Wellness*” in honor of Black History Month. Participants learned 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.
- **Under-Utilized Minority Business**—In FY 2023, several offices in the Forest Service collaborated together and met with a diverse group of general contractors in Atlanta, Georgia. The goal of the meeting was to increase opportunities for under-utilized minority business concerns, as well as generate diversified competition for Forest Service requirements. Forest Service staff shared information on upcoming contracting and partnership opportunities while also providing advice for doing business with the Forest Service. These types of meetings are “win-win” helping the vendors to make themselves competitive for government contracts and benefit the government with new sources to compete for contracts driving competition for improved service and reduced costs.
- **Broadening Our Reach for Candidates**—The Forest Service met with Tennessee State University (TSU) College of Agriculture leadership, faculty, staff, and students at Tennessee State University in Nashville, Tennessee in FY 2023 to continue a dialogue to broaden SRS programs with Historically Black Colleges and Universities. The Forest Service’s Southern Research Station (SRS) and TSU leaders shared information about their respective programs and discussed the best ways to align programs to connect SRS scientists with TSU faculty and students. TSU graduate students presented their research findings and ideas for continued collaboration in the areas of research, education, and outreach.
- **Tribal Forestry Summit**—The Forest Service hosted the first state and private Tribal Forestry summit was celebrated on August 21-25, 2023, with the participation of collaborators and partners from the US Virgin Islands and Puerto Rico with community representatives (Puerto Rico). One of the main goals of the event was to provide Program Coordinators in Puerto Rico and the US Virgin Islands a platform for connection and interaction to open communication channels and discuss common opportunities and activity planning initiatives that can be implemented broadly in the

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region. The Forest Service provided various training and updates on Federal programs, and funding instruments. A speaker from Law initiatives for the Forest Legacy Program gave a presentation on the program and how these competition funds assist state forestry agencies to conserve to perpetuity important forest lands. Río Hondo Community Forest members also participated in the event.

- **Welcome to the Forest Service Onboarding Webinar** - The Forest Service is creating a Culture of Respect Module that takes a good, hard look at the agency's culture to determine what elements align with our values, help us be good stewards of the land and people, and what elements get in the way of this goal. A blend of research, real-life examples, and scenarios are shared to understand how to lessen harm and increase respect in the workplace. This training helps new employees in identifying obstacles, learning how to use our power to make change, and redefining the rules for ending harassment and discrimination to make a positive difference. More than 2,500 new employees were reached in Creating a Culture of Respect sessions in FY 2023.

III. Number of Repeat Filers

- A. Trends**—In FY 2023, the number of Repeat Filers was four (4), which was an increase from FY 2022. In FY 2022, the USDA Forest Service had a total of three (3) Repeat Filers.
- B. Causal Analysis**—The Forest Service had a minor increase of repeat filers in FY 2023, comparative to repeat filers in FY 2022. The Forest Service attributed the increase to the workforce, physically migrating back to the workplace. The transition has increased the number of repeat filers because of employees requesting reasonable accommodations and alleging discrimination based on reprisal and disability.
- C. Knowledge Gained**—In FY 2023, the USDA Forest Service experienced a 33.33% increase in repeat filers of formal complaints as compared to FY 2022. In FY 2023, there were four (4) repeat filers comparatively to three (3) repeat filers in FY 2022. The Forest Service is working with our leadership and employees to review and improve our programs, policies, procedures, and processes in the workplace to ensure all employees are treated fairly and with respect.
- D. 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:
 - **Sexual Violence and Harassment Awareness Pocket Card**—The Forest Service created and continually distributes the Sexual Violence and Harassment Awareness Pocket Card to its employees. The pocket card includes Forest Service resources, such as the Harassment Reporting Center, Civil Rights contact information, and Employee Assistance Program (EAP) contact information. National resources, such as Rape, Abuse, and Incest National Network (RAINN), and the National Domestic

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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 initially given to employees during the Listen and Learn Sessions, and were also handed out to seasonal/temporary employees during orientations.

- **Strengthening Outreach, Diversity, and Inclusion & Training Activities and Work Environment Improvement Efforts**—In support of two (2) Executive Orders signed by President Biden, the Forest Service Chief Information Officer (CIO) began outreaching all positions in CIO in FY 2023. The purpose of the Executive Orders was to advance equity, civil rights, radical and social justice, and equal opportunity for all people. Outreach and recruitment are key objectives for increasing diversity and inclusion for the CIO for FYs 2021-2025. Targeted outreach and recruitment strategies are a critical element for attracting a diverse applicant pool to ensure Forest Service employees represent local communities in which we serve. As a Federal agency, we have an obligation to eliminate barriers that prevent access to candidates from under-represented groups. The CIO recognizes that this effort begins with effectively planning and executing outreach and recruitment prior to filling vacancies.
- **Work Environment Survey (Pulse Check on the LEI Environment)**—The Forest Service sent out an anonymous and optional pulse check survey to all law enforcement and investigations employees in an effort to improve the working environment. The survey was conducted in August 2023 and received a 38% response rate. According to the Work Environment and Performance Office (WEPO), the average rate of return for past work environment surveys averages around a 24-28% response rate. Some of the questions presented to the workforce were the following: (1) if the leadership in the region was visible, accessible, and transparent; (2) if leadership contributed to a positive work culture; (3) does your co-workers give each other respect; (4) are you allowed opportunities to learn and develop new skills; and (5) what leadership can do to make your job better. Overall, the answers were overwhelmingly positive. The Forest Service plans to continue these surveys for employees to anonymously provide input on the day-to-day work environment.

IV. Number of Bases Alleged in Complaints

- A. Trends**—In FY 2023, a total of 67 formal complaints were filed, comparative to 59 formal complaints filed in FY 2022. The analysis below provides the number of bases alleged in formal complaints and the percentages of the 67 cases filed in FY 2023 and the 56 cases filed in FY 2022. Additionally, the differential shows comparative decreases or increases, by number and percentage, for each basis alleged in FY 2023 and FY 2022.

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B. Causal Analysis—In FY 2023, a total of 67 formal complaints were filed and the most frequently cited bases alleged in complaints, are as follows.

c Reprisal	40 bases	59.70%
c Disability	27 bases	40.30%
c Sex	25 bases	37.31%

In FY 2022, there were a total of 59 formal complaints filed. The data below provides the alleged bases in FY 2022, comparative to the most frequently cited bases alleged in FY 2023.

c Reprisal	25 bases	42.37%
c Disability	24 bases	40.68%
c Sex	12 bases	20.34%

In FY 2023, the most frequently cited bases alleged in complaints showing notable increases comparative to FY 2022 are:

- c Complaints based on Reprisal **increased** by 12.50%.
- c Complaints based on Disability **increased** by 12.50%.
- c Complaints based on Sex **increased** by 108.33%.

Knowledge Gained—For the past four (4) years, the Forest Service consciously worked to lower EEO complaint activity each year by inventing progressive programs, out-of-the-box trainings, and interactive meetings to ensure our employees feel valued, respected, and safe. The Forest Service objective is to eradicate any and all forms of discrimination from our agency and make the agency an environment where employees love to come to work. Unfortunately, in FY 2023, the USDA Forest Service’s number of EEO formal complaints increased to a total of 67, comparative to FY 2022 when the total was 59. The Forest Service attributed the increase to the workforce, physically migrating back to the workplace. The transition has increased the number of alleged bases because employees were requesting reasonable accommodations and alleging discrimination based on reprisal and disability. The Forest Service acknowledges the temporary setback, and we are taking on the challenge to reclaim our goal to lower complaint activity in the agency by collaborating partnerships with our employees to identify any shortcomings we may have overlooked to ensure all employees experience a workplace that is free of harassment and discrimination.

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 against the Agency, the USDA Forest Service conducted the following trainings and programs in FY 2023:

- **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

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the USDA Forest Service employee in FY 2023 to uphold compliance, enforcement, DEIA, and prohibited discrimination.

- **Design and Facilitate DEIA Training for Agency Leadership Development Programs and other National Trainings**—The Forest Service Office of Civil Rights (OCR) designed one-to-eight-hour training sessions to reach both virtual and in-person audiences. The length of these trainings varied in timeframes extending from multiple half-days to one-day sessions. The key objectives were to help leadership understand its role in giving focus and direction on DEIA at the unit-level. Their approach to facilitation assisted learners in better understanding the importance of DEIA, the tie to the agency mission, and outline why this is important to a changing organizational culture. This group successfully recommended, developed, and delivered/facilitated modules specific to DEIA at several national trainings to include:
 - Emerging Leader Program participants between GS-04 through GS-06
 - National New Leader Program participants between GS-07 through GS-10
 - Middle Leader Program participants between GS-11 and GS-12
 - Senior Leader Program participants between GS 13 to GS 14
 - Line Officer Academy Training sessions
 - National New Employee Orientation sessions
 - New Supervisor Training

The Forest Service facilitated/hosted/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 Equity Summit**—The Forest Service had its first Equity Summit. The Equity Summit provides training to Advance Equity and Uphold Tribal Sovereignty in collaboration with leadership from the Work Environment and Performance Office (WEPO) and the State & Private Forestry/Tribal Relations. The summit conducted a series of three-day learning events scheduled on November 14-16, 2023, in Albuquerque, New Mexico that focused on building and strengthening internal relationships, provided important knowledge, and increase effective implementation of three comprehensive Forest Service action plans designed to advance equity including the Equity Action Plan, the Tribal Action Plan the Diversity, Equity, Inclusion and Accessibility (DEIA) Strategic Plan. Attendees served essential links for dialogue and provided expedited information sharing with Forest Service personnel back at their home units and with members of the communities they serve.
- **Cross-Cultural Communication**—The Forest Service launched a much-needed initiative with Northern Region University (NRU) to improve the working environment by engaging with employees and promoting a better understanding

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of cross-cultural communication. The Forest Service Office Civil Rights hosted nine (9) workshops during the NRU sessions with three (3) presentations covering Equal Opportunity (EO) Title VI (Program Complaints), Equal Employment Opportunity (EEO) Title VII (Employment Complaints), Anti-Harassment, and Anti-Retaliation. The training was presented to a total of 89 employees. In FY 2024, the Forest Service goal is committed to conducting additional NRU workshops that will be delivered to more Forest Service employees (both supervisors and non-supervisory) using a hybrid format of virtual and in-person workshops.

- **Team Building and Awareness/Work Environment**—The Forest Service provided training on the DiSC on May 9, 2023. DiSC (which stands for (D)ominance, (i)nfluence, (S)teadiness and (C)onscientiousness) training was designed to assist participants in understanding their own DiSC style and that of others. The goal was to understand how different styles affect communication, working together in teams, and handling conflict. Employees were provided individual reports analysis as well as Group Culture reports/Branch analysis for each participant taking the training.
- **Tribal Training**—The Forest Service sponsored employees to attend tribal training through Seventh Sovereign in FY 2023. The courses provided to our employees included negotiating with Tribes, Tribal Consultation, Tribal engagement 101, Cultural Awareness, and Land Acknowledgement. The Tribal workshops are interactive courses with two distinct parts. The first part are lectures that deliver approach to each subject mixed with focused reflection, research, and individualized assessment. The second part are scenarios that are real-world scenarios to apply and adapt proven approaches in our own way in either collaborative or solo role-play situations.
- **Transgender Awareness and Sensitivity Training**—The Forest Service conducted a formal Transgender Awareness Training for supervisors which was used to educate staffing specialists and equip them with the knowledge necessary to mitigate unintentionally creating a barrier to employment or threatening environment in the hiring process for Transgender applicants. The training was implemented in response to an uncommon situation in April/May 2023, where an applicant born female identified as male and did not have an obligation to register for the Selective Service or obtain a waiver to Selective Service Registration. During the hiring process, the applicant was contacted and asked why they did not register for Selective Service, which unintentionally made them feel unsafe and threatened. Ultimately, the situation was resolved, and steps taken to educate our staffing personnel on this emerging and sensitive hiring issue. Due to the potential for Service wide impact, it was also mentioned to the Office of Civil Rights (OCR) as a possible new training requirement for the future.
- **Equal Employment Opportunity Training**—The Forest Service Office of Civil Rights provided virtual training sessions to over 400 employees/supervisors

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during FY 2023. The training included an overview of EEO laws and policies, workplace harassment, employees with disabilities, Reasonable Accommodations, the complaints process, and MD-715.

- **Law Enforcement Leadership Development Training**—The Forest Service conducted a Law Enforcement & Investigations (LEI) Developmental Leadership Training in FY 2023. A total of sixty (60) Law Enforcement employees attended the training. The employees learned how to identify and apply successful leadership characteristics; effectively communicate at all levels of the organization; learned about individual leadership styles and how to apply them in the workplace; leverage strengths to be a more effective leader in support of the LEI and Forest Service mission(s); present ideas positively and persuasively; learned to understand the role of the leader that provides vision, visibility and momentum to create a self-motivating culture that leads to employees engagement; identified personal conflict management styles, how styles can help or hinder effective resolution of conflicts, and tools for effectively managing conflict in the workplace.

V. Number of Issues Alleged Complaints

- A. Trends**—In FY 2023, a total of 67 formal complaints were filed, comparative to the 59 formal complaints filed in FY 2022. The analysis below shows the number of the most frequently cited issues alleged in formal complaints and their percentage for FY 2023. Additionally, the differential shows either a comparative increase or decrease, by number and percentage, for each issue alleged in FY 2023 and FY 2022.
- B. Causal Analysis**—In FY 2023, 67 formal complaints were filed, and the most frequently cited issues were alleged in formal complaints, are as follows:

c Harassment (Non-Sexual)	48 issues	71.64%
c Other Terms/Conditions of Employment	27 issues	40.30%
c Reasonable Accommodation Disability	13 issues	19.40%

In FY 2022, there were a total of 59 formal complaints filed. The data below provides the cited alleged issues in FY 2022, comparative to the most frequently cited issues alleged in FY 2023:

c Harassment (Non-Sexual)	35 issues	59.32%
c Other Terms/Conditions of Employment	23 issues	38.98%
c Reasonable Accommodation Disability	09 issues	15.25%

In FY 2023, the most frequently cited issues alleged showing increases and decreases comparative to FY 2022 are:

- c Complaints based on Harassment (Non-Sexual) **increased** by 37.14%.
- c Complaints based on Other Terms/Conditions of Employment **increased** by 17.39%.
- c Complaints based on Reasonable Accommodation Disability **increased** by 14.44%.

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Knowledge Gained—Forest Service has consciously worked to lower EEO complaint activity each year by inventing progressive programs, out-of-the-box trainings, and interactive meetings to ensure our employees feel valued, respected, and safe. The Forest Service objective is to eradicate all forms of discrimination from our agency and make the agency an environment where employees love to come to work. In FY 2023, the USDA Forest Service’s number of EEO formal complaints increased to a total of 67, comparative to FY 2022 when the total was 59. The increase is attributed to the workforce migration back to work. The transition has increased the number of complaints because employees were requesting reasonable accommodations and alleging discrimination based on reprisal and disability.

D. 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:

- **Blacks in Government Training Institute**—On August 28-31, 2023, The Forest Service sent 14 senior leaders and supervisors to the Blacks in Government (BIG) National Training Institute in Maryland. The team participated in training sessions around the theme *Accept the Challenge, Exceed the Standard Through Professional Development*. The participants learned that addressing diversity and inclusion within an organization is essential for promoting a healthy workplace culture and ensuring equal opportunities for all employees. Attending the training at the Blacks in Government Training Institute has benefitted both the individual attendees, as well as the Forest Service, with the information and strategic approach attendees bring back to their teams. Their training has acquitted them with the resources needed to lead by example of improved problem-solving skills, strategic thinking, and demonstrating a commitment to the development of underrepresented employees.
- **Grants & Agreements in Support of the Forest Service DEIA Initiative:**
 - Animo Partnership: \$100,000 to engage with Native American and Hispanic Youth (High School & College) in a virtual camp that exposes these students to careers in natural resources.
 - Hispanic Association of Colleges & Universities (HACU): \$6,500 funds to support an OneUSDA Sponsorship to the October 2023 HACU Conference.
 - Society for the Advancement of Chicanos and Native Americans in Science (SACNAS): \$20,000 to support an OneUSDA Sponsorship to the October 2023 SACNAS Conference.
 - Corazon Latino Partnership: \$80,000 to develop “*The Intersections of Identity in Caring for the Land and Serving People*” a leadership and learning program to support the Agency’s training related to Diversity, Equity, Inclusion, Accessibility (DEIA), and Justice.

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- Society of American Foresters: \$49,999 to support the Diversity Ambassador Mentor Program.
 - Greening Youth Foundation: \$240,000 to develop and deliver Targeted Outreach and High-Touch Onboarding training.
 - Southern University: \$100,000 to develop and deliver a student project related to Climate Smart, Environmental Justice and Leadership Building.
- **Contracts Funded and Administered by the Forest Service for the DEIA Initiative:**
- Funding and administer two (2) Limited English Proficiency language translation contracts to Schreiber and eLanguage Bank in the amount of \$85,000 each.
 - Funding and administer one DH/H ASL Sign Language Interpreting Services contract to Deaf Services Unlimited in the amount of \$1,450,000.
 - Funding and administer on DEIA Consultant contract to Federal Management Partners in the amount of \$494,910.56.
- **Employee Listening Sessions - Workplace Environment**—The Forest Service National Talent Acquisition (NTA) conducted three separate non-supervisory employee listening sessions, the week of September 12 thru September 14, in FY 2023. A total of 105 employees participated in the sessions. The sessions directly asked questions related to workplace environment, awards/recognition, what can we change. The feedback obtained was honest and truthful. Employees indicated that the environment was safe and positive, and focused on collaboration with HRM organizations to make work easier, limit errors, and provide greater employee growth and development opportunities. Additionally, the sessions highlighted employee's desire and willingness to participate in offerings for non-paid self- development activities such as workshops and Lunch and Learn options. Lastly, the engagement sessions made the participates feel valued and appreciated and contributed to overall trust in NTA Leadership.
- **Aspiring Leader Program**—In the Spring of 2023, forty (40) Human Resources Management employees completed an 8-day course that provided participants with ideas, techniques, experiential exercises, and contemplative reflections to apply those competencies directly to the challenges they face in the workplace. Learners were challenged to grow their thinking capacity from a technical foundation to a more adaptive perspective as they seek to inspire and connect with others. The program was for those leaders who were looking to take on a larger role to enhance their leadership abilities and hone their capacity to create diverse, equitable, inclusive, and accessible environments. One component of the training incorporated "*What it takes to play a leadership role in organizations today, including coalition building, encouraging diversity and inclusion, agility, resilience, and a customer focus*". As part of the cohort experience, learners constructed a safe, supportive, and collaborative learning community.

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VI. Finding of Discrimination

- A. Trends**—In FY 2023, the USDA, Office of the Assistant Secretary for Civil Rights (OASCR) and the Equal Employment Opportunity Commission (EEOC), issued a combined total of 64 Final Agency Decisions/Actions (FADs/FAAs) to the USDA Forest Service. Comparatively, in FY 2022, a combined total of 81¹ FADs/FAAs were issued to the Agency, a decrease by 17 in FY 2023 (20.99% net change).
- B. Causal Analysis**—In FY 2023, the USDA, Office of the Assistant Secretary for Civil Rights (OASCR) and the Equal Employment Opportunity Commission (EEOC) issued a combined total of 64 Final Agency Actions/Decisions to the USDA Forest Service. The Agency’s records show the following.
- There were three (3) findings of discrimination issued to the USDA Forest Service in FY 2023. Below is additional information on the findings of discrimination with bases/issues as follows:
 - **(Job Corp) Wolf Creek Civilian Conservation Center**—Harassment (Non-Sexual), Promotion/Non-Selection, Terms/Condition of Employment (Retirement) based on Sexual Orientation, rendered by the USDA, Office of the Assistant Secretary for Civil Rights (OASCR)
 - **(Region 6) Siuslaw National Forest**—Disciplinary Action (Suspension) and Reasonable Accommodation based on Disability (Physical) and Reprisal, rendered by the USDA, Office of the Assistant Secretary for Civil Rights (OASCR)
 - **(Washington Office) Chief Financial Officer**—Other Terms/Conditions of Employment (Assignment of Duties) based on Age and Disability (Physical), rendered by the USDA, Office of the Assistant Secretary for Civil Rights (OASCR)
 - 13 Complaints were procedurally dismissed
 - 28 Final Agency Decisions (FADs) issued no finding of discrimination
 - 20 Final Agency Actions/Decision with an Administrative Judge (AJ) Decision

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 81 Final Agency Decisions/Actions were issued to the USDA Forest Service.

- There were three (3) findings of discrimination issued to the USDA Forest Service in FY 2022.
- 8 complaints were procedurally dismissed
- 26 Final Agency Decisions (FAD) with no finding of discrimination

¹ The total amount of FADs/FAAs was changed from 78 in FY 2022 to 81 in FY 2022 to include the 3 findings of discrimination.

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- 44 Final Agency Actions/Decisions with an Administrative Judge Decision

- C. Knowledge Gained**—The USDA Forest Service number of findings of discrimination remained the same in FY 2023, with three (3) finding of discrimination comparative to the three (3) received in FY 2022. The Forest Service is continually identifying ways think outside the box to prevent systematic and unwarranted discrimination that leads to findings of discrimination in our work environment. The Forest Service is learning how to be more cognizant of our employees’ needs and their valuable concerns about the workplace. Additionally, the Agency continually remains committed to educating managers, supervisors, and employees on EEO and Civil Rights laws to eliminate harassment and discriminatory practices in the workplace.
- D. Actions Taken or Planned**—In addition to the Forest Service leadership listening to our employees and getting their valuable feedback to make productive changes to the workplace, the Agency continually take initiatives to evaluate, develop, and monitor 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 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.

- **East Zone (EZ) Notes**—The Forest Service created and distributes a newsletter called “EZ Notes”. Equal Employment Opportunity information is featured in the newsletter. Besides EEO topics, EZ Notes also provide information on policy and program changes affecting Forest Service employees. EZ Notes covered several topics from the Work Environment and Performance Office (WEPO) programs and speakers in FY 2023. One such lecture highlighted in the newsletter was by Anton Treuer, author of the book *Everything You Wanted to Know About Indians But Were Afraid to Ask*. The newsletter also featured articles on Mindfulness, Resiliency and Conflict Resolution and Strengthening Outreach, Diversity, and Inclusion.

Additionally, EZ Notes provide links to podcasts from *The Diversity Gap*, which included conversations on race, leadership, and organizational change. Below are the topics of the Podcasts:

- How to Be the Change You Want to See at Work with Stephanie Ghoston Paul
 - How Our Neurology Impacts Our Diversity and Justice Work with Dr. Jerome Lubbe
 - Building Equity from The Ground Up with Dr. Darnisa Amante Jackson
 - Racism is the Problem: What Equity and Justice Require of Us with Tamice Spencer
 - Speaking Words of Conviction That Heal with Kathy Khang
- **Collaborating on an Employee Advisory Committee to Discuss Discrimination**—The Forest Service is openly collaborating on the employee advisory committee to review access and analyze thoughts, biases, and specific issues related to

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discrimination. Through this collective collaboration, the open dialogue is being used to address racism, conscious and unconscious-bias and approaches to engage, communicate, and prevent future incidences.

- **The Ombuds Program**—The Forest Service developed and piloted the Ombuds Program in FY 2023. The Ombuds Program does not report specific metrics or data for the No Fear Act Report or similar reports. Our program exists to support the Forest Service employees. The Ombuds Program also refers callers to any available program/resource, including EEO and Anti-Harassment. The Ombuds Program plans to expand in FY 2024.

VII. Average Length of Time to Complete Each Stage of the Complaint Process—

Category	FY2023 Complaints processed	Average No.Days
Investigation (*filed formal thru Investigation)	52	188 * including amendments
EEOC Hearing	20	1030
Final Agency Decisions - Merit	31	89

USDA, Office of the Assistant Secretary for Civil Rights (OASCR) has oversight for processing all formal complaints for the Forest Service.

OASCR has delegated the process for formal complaints that elect EEOC Hearing to be processed by FS.

USDA, Office of the Assistant Secretary for Civil

- VIII. Pending Complaints Filed in Previous Fiscal Year (FY)**—In **FY 2023**, there were a total of **94** complaints on-hand at the beginning of the reporting period, compared to **139** complaints on-hand at the beginning of the reporting period in **FY 2022**. We attributed the decrease in **FY 2023** to fewer complaints filed. In **FY 2023**, there were **13** settlement agreements executed, compared to **19** settlement agreements executed in **FY 2022**.

- 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 Forest Service is only responsible for assisting in providing a point of contacts, obtaining relevant documents, and ensuring the cooperation from witnesses.

In **FY 2023**, a total of **51** investigations were completed for the Forest Service. Of the **51** investigations completed, **47** were completed within the prescribed timeframe of 180 days or less, resulting in **92.16%** timely completion rate.

In **FY 2022**, a total of **48** investigations were completed for the 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.

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In FY 2023, the average processing days for the Agency’s responses to document requests for investigations were 9 days (based on 3 of 5 zones reporting), a decrease by 4 days from FY 2022. The 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://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>. The No FEAR Act quarterly data is reported via a direct feed from reports generated from MicroPact iComplaints.

No FEAR Training Requirements—All USDA Forest Service employees are given the No FEAR Act training during onboarding and must complete a refresher training every two years. The initial and refresher training is available electronically, in hard copy, or in person. In addition to the No FEAR Act training, the Office of Civil Rights provides Diversity, Equity, Inclusion, and Accessibility (DEIA), Unconscious Bias, and EEO training to all employees at varying career points. In FY 2023, the Office of Civil Rights developed and completed a comprehensive Special Emphasis Program (SEP) training. The training, designed for collateral duty Special Emphasis Program Managers (SEPM), includes topics on Understanding Special Emphasis Programs, Collateral Duty Special Emphasis Program Managers (Roles and Responsibilities), and Getting Started. The training is five hours long, introduces employees to the MD-715 and barrier analysis, and provides clear guidance on starting a program in their respective areas. The course is to train over 800 collateral duty SEPMs agency-wide. The training is a first for the Agency and includes “Train-the-Trainer” modules, and creates a legacy foundation for future SEPMs across the Forest Service. The USDA Forest Service is committed to building and maintaining a work environment free of harassment and discrimination.

Agency’s Process for Providing the Annual No FEAR Notice to its Employees—The USDA provides the No FEAR Act training certification for the Forest Service. All new employees are assigned the training in AgLearn and must complete it within 90 days of onboarding. Thereafter, a refresher training is issued every two (2) years. Although No FEAR training is administered through USDA, the Forest Service monitors the completion progress.

In FY 2023, 7,248 active employees were assigned either the No FEAR initial certification or bi-annual refresher. Of those given the training, 1409 employees did not complete the training by the end of FY 2023, resulting in a completion rate of 81 percent. However, the data is not 100 percent accurate due to inaccurate recording in AgLearn. Additionally, 386 employees were assigned the course in FY 2023, with a due date that falls in FY 2024; 12 employees were assigned in FY 2022 and are shown as incomplete in the training system.

Assigned in FY 2023	Count of Date Assigned
Incomplete & Overdue	1028

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Incomplete, Not Yet Due	386
Completed	5834
Total Assigned FY 2023	7248

Assigned & Overdue	Count of Date Assigned
Assigned in FY 2022	12
Assigned in FY 2023	1005
Assigned in FY 2023 & Due in FY 2024	23
Total Assigned FY 2023	1040

The Forest Service continues to reinforce USDA’s commitment to establishing a model EEO program and a workplace that is free from discrimination, harassment, and retaliation.