



United States
Department of
Agriculture

Forest Service

Pacific Southwest
Region

July 2003



Semi-Annual Report Number 3

Women's Settlement Agreement (Donnelly vs. Veneman)

Submitted to:

Women's Settlement Agreement Monitoring Council
July 7, 2003

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**USDA FS REGION 5 WOMEN'S SETTLEMENT AGREEMENT
SEMI-ANNUAL REPORT TO THE MONITORING COUNCIL (JULY 2003)**

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Subject: Third Semi-Annual Report – January 1, 2003 through June 30, 2003
Women’s Settlement Agreement

To: Judith Rosenberg, Monitoring Council Chair

Enclosed is the third Semi-Annual Report of Region 5’s progress implementing the relief provisions of the Women’s Settlement Agreement. We have made some major improvements in the organization and quality of our report. Our hope is that these changes will provide the Council with significantly improved information that is better organized, easier to read, and results-oriented, presenting a clearer picture of our progress.

We recognize the region had a slower start this reporting period due to personnel changes in the Regional Forester’s office. However, we have taken major steps and invested enormous energy during the 3rd reporting period to demonstrate our commitment to the Settlement Agreement. We seriously considered the conclusions in the Monitoring Council Report of March 2003 and took to heart your advice to “take over active compliance, problem-solving and planning to ensure that the purposes of the Settlement Agreement are met.” We acknowledge we are not completely there yet, but believe the steps we have taken will significantly improve our procedures and results and have set us on the right path.

We have taken major steps and invested enormous energy during the 3rd reporting period to demonstrate our commitment to the Settlement Agreement. We seriously considered the conclusions in the Monitoring Council Report of March 2003 and took to heart your advice to “take over active compliance, problem-solving and planning to ensure that the purposes of the Settlement Agreement are met.” We believe this is a work-in-progress and the steps we have taken will significantly improve our procedures and results, setting us on the right path.

We have identified record-keeping deficiencies, and in cooperation and collaboration with the Council, are developing new tracking tools and automated systems to overcome those shortcomings.

We are modeling a positive attitude and working to improve our relationship with the Council and have encouraged regional program managers to develop a positive work relationship.



We are developing a new staff to more aggressively implement the Settlement Agreement led by a Director, who will report to the Regional Forester's Office. We expect to implement this reorganization within the next few months.

This Semi-Annual Report reflects our renewed commitment to implement the Settlement Agreement. Our goal is to implement, evaluate, and assess our program effectiveness and communicate those results to the Monitoring Council.

We believe our success is your success and with your assistance, we can accomplish the goals within the spirit and intent the Settlement Agreement was designed. Thank you for your hard work in behalf of Region Five.

JACK A. BLACKWELL
Regional Forester

VICKI A. JACKSON
Associate Regional Forester



**USDA FS REGION 5 WOMEN'S SETTLEMENT AGREEMENT
SEMI-ANNUAL REPORT TO THE MONITORING COUNCIL (JULY 2003)**

1.0 EXECUTIVE SUMMARY

THE PURPOSE

The purpose of the Women's Settlement Agreement Semi-Annual Report is to provide the Monitoring Council with a summary and an evaluation of the Forest Services' (FS') progress and effectiveness in its implementation of the Women's Settlement Agreement. The provisions of the Settlement Agreement are designed to assist the Forest Service in establishing a work environment free of sexual harassment and retaliation, and that promotes fair and equitable opportunities and treatment for R5 employees.

THE REPORT

This report was designed to comply with the terms of the Settlement Agreement and to respond to feedback from the March 2003 Monitoring Council Report. The Region expects that this report will serve as a baseline for the development of future reports, with continued enhancements based on feedback from report users. This report, which consists of five sections and one appendix, was developed collaboratively by a team of Regional Program Managers, the R5 Complaint Center Service Staff, the Washington Office (WO) EEO Program Managers, the WO Civil Rights Director, selected members of Agency leadership, and an external consulting firm, JJA CONSULTANTS. As part of the Settlement Agreement the Region reports progress semi-annually in each of eight provisional areas, however, Region 5 has chosen to provide status reports on seven additional areas that we also closely monitor, far exceeding the requirements of the Agreement. This report covers the following required reporting areas: Early Intervention Program; Performance Evaluation; Exit Interviews; Misconduct Investigation Procedures; Prevention of Sexual Harassment Training; The Informal Equal Employment Opportunity Process; Mentoring Program; Scholarships; and Positive Incentives and Civil Rights Performance. Additional areas include: Adverse Action Digest; Women's Conference; Advance Publicity of Work Details; Record Keeping and Reports; Federal Women's Program; and Individual Relief for Class Complaints.

THE TEAM

Successful implementation of this Settlement Agreement requires a coordinated effort from the Regional Forester; the Associate Regional Forester, who leads implementation on behalf of the Agency; the Administrator for Workplace Relations; Washington Office (WO) Civil Rights; a team of program managers and executives from Human Resources, Civil Rights, and the Early Intervention Programs. The Region also works closely with the court-appointed Monitoring Council. The Forest Service is engaging the Monitoring Council in both formal and informal dialogue about agency plans and activities that contribute to or directly carry out the provisions of the Agreement.

THE SCORECARD

This report is to be used by the Region, the WO, and the Monitoring Council as a tool for continuous improvement of the FS Region Five workplace environment and culture in areas related to Sexual and Gender Harassment. To this end, the report contains a performance scorecard. The scorecard assists with tracking performance and monitoring of the status of accomplishments against each of the injunctive relief provisions in the Settlement Agreement. The scorecard utilizes a stop-light approach and provides a visual performance-based report card for executives, management, and the Monitoring Council. The scorecard will be used track performance based on the execution of the key PADER® components of effective program management which are: Plan, Approach, Deployment, Evaluation, and Results for each provisional area. A high-level roll-up of the scorecard for each provision is provided in Table 1.0-1. The final column depicts our assessment of our performance at the end of the 3rd reporting period, compared to our expected performance at this point in the Agreement implementation timeframe.

Table 1.0-1: Performance Scorecard for Each Provision Area

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Early Intervention Program Overall Performance	●	●	●	●	●	●
Performance Evaluation Overall Performance	●	●	●	●	●	●
Exit Interview Overall Performance	●	●	●	●	●	●
Misconduct Investigation Procedures Overall Performance	●	●	●	●	●	●
Prevention of Sexual Harassment Training Overall Performance	●	●	●	●	●	●
The Informal EEO Process Overall Performance	●	●	●	●	●	●
Mentoring Program Overall Performance	●	●	●	●	●	●
Scholarships Overall Performance	●	●	●	●	●	●
Adverse Action Digest Overall Performance	●	●	●	●	●	●
Women's Conference Overall Performance	●	●	●	●	●	●
Advance Publicity of Work Details Overall Performance	●	●	●	●	●	●
Positive Incentives and Civil Rights Performance Overall Performance	●	●	●	●	●	●
Record-Keeping and Reports Overall Performance	●	●	●	●	●	●
Federal Women's Program Manager Overall Performance	●	●	●	●	●	●

While the scorecard and this Report effectively highlight and target key areas where work is required, the Region considers its performance to be on track in 13 of the 15 provisional areas, given the current stage of implementation of the Settlement Agreement. The two provisional areas that the Region will devote significantly increased attention to during the next performance period are Exit Interviews and Positive Incentives and Civil Rights Performance.

THE ACCOMPLISHMENTS

This report summarizes the Region's performance focusing on key accomplishments, issues and mitigation strategies planned and undertaken in each of these provisional areas during this performance period. It is important to note that the report does not provide a cumulative listing of all accomplishments and issues over the life of the agreement. While the FS has significant work ahead in the implementation of the aggressive programs and responsibilities in each of the provisional areas, selected key accomplishments that are further described in this Report are highlighted below:

Demonstrated Leadership Commitment – Washington Office

The Washington Office Deputy Chief for Business Operations demonstrates active involvement in the Settlement Agreement implementation in R5. He works directly with the Regional Forester's Office to support implementation activities, organizational needs, and litigation issues. He was instrumental in supporting the Chief's approval to establish a R5 Settlement Agreements staff organization. The Deputy Chief assigned national resources to help R5 assess progress for the third Semi-Annual Report. He committed high-level program oversight support for the Settlement Agreement through the WO Civil Rights Director, who is personally involved in the implementation of the Informal EEO process relief provision, as well as overall program oversight of the implementation of the Settlement Agreement.

Demonstrated Leadership Commitment – Regional Office

The Regional Forester continues to demonstrate an outstanding level of commitment and support for the Settlement Agreement and serves as a role model leading the Region toward full and active support of all provisions within the agreement. He has focused on providing direction, resources, policy, accountability, involvement, and solutions as follows:

Direction: Provided top-level guidance to his Regional Leadership Forum indicating that compliance with the Settlement Agreement is the Region's "number one priority" and continually reiterated this commitment in various Regional messages.

Resources: Approved the creation of a new Regional Settlement Agreements Staff to focus full time Regional resources on the implementation of the relief provisions.

Policy: Created a policy for reporting and managing allegations in all units and the Wildland Firefighter Apprentice Academy.

Accountability: Held the Regional Leadership Forum accountable for results during mid-year performance feedback discussions with each Forum member, sharing specific Monitoring Council feedback, as well as his own observations.

Relationships: Meets regularly and consistently with the Monitoring Council to ensure open dialogue and improve relationships.

Solutions: Personally responds to allegations of Sexual Harassment on a continual basis, and appropriately reviews all allegations and actions. Directed and implemented "Sensing Sessions" on all Forests and in the Regional Office with attendance of over 3,300 employees and managers to gather unit-level feedback on issues relating to organizational culture.

Management Willingness to Mediate: Departmental direction regarding the use of ADR (alternative dispute resolution), and how to handle requests for mediation was clarified and reiterated to the Regional Leadership Forum in April, sent to all Forest Supervisors and Directors in May, and relayed to all employees in June, to ensure that requests for mediation would not be improperly denied. During the last reporting period only one of 15 requests to mediate EEO complaints was accepted. During this period, 21 of 22 new EEO referrals were accepted.

Early Intervention Program (EIP) Publicity and Marketing: The EIP was highly publicized to the majority of the workforce during the reporting period, including being discussed in detail at all-employee "Sensing" sessions and presented to all employees who attended Region 5's Prevention of Sexual Harassment (POSH) training sessions beginning May 22, 2003. An update of the EIP brochure was completed on June 5, 2003 and is being distributed, and the EIP intranet web site was also updated.

Performance Standards: The Region notified all supervisors and employees who were not covered by the Master Labor Agreement about the new performance elements and standards that are designed to improve the Region's ability to hold employees accountable for appropriate workplace conduct and preventing sexual harassment. R5 has also begun a partial implementation of this provision for employees and supervisors covered by the Master Labor Agreement, and discussions continue with the Union to complete full implementation of the new elements and standards. As part of the mid-year discussions, the Regional Forester utilized the new standards and elements to provide feedback for Regional Leadership Forum members.

Prevention of Sexual Harassment (POSH) Training: A new curriculum was designed for the POSH training and a qualified vendor was selected for delivery of the training. As a result employees throughout the Region have begun to receive a consistent training course with a standardized package of regional materials. Feedback from participants in this training has been very positive.

Expanded Mediation for Informal EEO Process: The R5 resolution rate for informal complaints increased to 37 percent. In an effort to increase the use of ADR, the Regional Forester directed the Regional Leadership Forum members to offer ADR to all Complainants, with only four conditions under which management can decline ADR. In conjunction with the policy, beginning June 2003, Complainants are advised that ADR/mediation will be automatically selected for their complaint unless they specifically elect traditional counseling. This change should result in even more cases processed

through ADR earlier in the informal process and before the end of the 90 days counseling period.

Complaint Resolution: The Region increased the informal resolution rate from 22% at the beginning of this reporting period (December 2002) to 37% within five months (May 2003). The agency-wide resolution rate is 49% and the resolution rate for the Region is also 49% at the informal stage.

Mentoring Program: The Region is proceeding with the implementation of the proposed Mentoring Program. A contract has been awarded to a qualified vendor in support of the program, and an aggressive implementation timeline has been developed for implementation to begin by the fourth quarter of 2003.

Scholarships: A total of 152 applications (including group proposals) were received for the 2004 Scholarship Program, which represents a 62% increase over last year. 72% of the individual applications received were from female employees, representing an increase of over 60% in female applicants. The Regional Forester also agreed to extend the funding for the Scholarship Program through fiscal year 2005.

Adverse Action Digest (AAD): The AAD for FY03, October – March, was published on May 8, 2003. All disciplinary actions, letters of reprimand, suspensions, last chance agreements, termination of temporary promotions, denials of rehire eligibility, terminations taken against employees, and resignations taken after a proposed disciplinary or adverse action in R5 are included in the AAD. The Region has noted a high level of interest in the AAD as a tool to reinforce the Region's commitment to holding managers and employees accountable for their actions.

2003 Women's Conference Plans: Plans for the 2003 Women's Conference are well under way and are on schedule. The Region plans to sponsor a "fair" during the Conference, where all employee resource groups will be invited to host a display/information-sharing table to communicate successes and provide additional information. The Regional Leadership Forum will be meeting concurrently in the in the same location.

Selection of Women for Details: Women are being selected for details and temporary promotions at or above their representation in the permanent workforce, showing that the organizational culture in the Region develops and values its female employees.

THE ISSUES

The Region is committed to continuous analysis of progress, identification of issues and implementation of mitigation strategies to ensure that the ultimate goals of each provision are met. To this end, this report also contains issues and mitigation strategies, several of which are highlighted below:

Early Intervention Program Mediation Backlog: Because of the changes in program implementation policy described above, there has been a sudden increase in the EIP caseload during the reporting period. Several requests for mediation for EEO complaints have been made, but have not been scheduled. The temporary backlog of requests for EEO mediations will be addressed through additional temporary staffing. All of the requests will be reviewed and scheduled no later than August 2003. Better and more consistent program management will prevent this problem from occurring in the future.

Complaint Resolution: R5 continues to have a lower rate of complaint resolution (37%) as compared to that of the rest of the Forest Service (49%). Further analysis is underway to identify patterns and trends, prioritize opportunities for improvement, and design strategies for improving timeliness and increasing resolution rates. Improved analysis of complaint activity by Forest during this period led the Region to hire a neutral fact-finding consultant to address specific issues on the Los Padres National Forest.

Misconduct Investigations: Lack of sufficient resources prevents comprehensive review and analysis of the misconduct inquiries and investigative reports, and attention to proper tracking and reporting. As a result, cases are often not closed in a timely manner. In response to this issue, the Region intends to dedicate a full-time Program Manager to the Misconduct Program, who will conduct a comprehensive review of each investigative report to determine sufficiency, monitor timeframes between key phases of the investigative process from the initial inquiry phase through receipt of the investigative report, ensure proper record keeping, and identify and implement necessary process improvements.

Exit Interview Program Lack of Analysis: The Exit Interview Program has not yet been effectively implemented and data collection is incomplete. Limited analysis has been conducted on the exit interviews that have been returned. Procedures are still being developed that will increase consistency and rates of return for Exit Interview forms by employees. The resulting improved data will facilitate meaningful analysis of issues and trends. In the interim, the Region will contract for analysis of data for the life of the agreement.

Positive Incentives and Civil Rights Performance: There needs to be more aggressive consideration for the development of a joint employee incentive program that compliments existing awards program formats and recognizes positive contributions to Civil Rights goals. There is also presently no system that will evaluate and track Civil Rights performance for the general workforce. Work towards the design and implementation of this program will be a focus for the next performance period.

Timing of POSH Training: The targeted timeframe to deliver the training to a workforce consisting of approximately 8,000 permanent, temporary, seasonal students, Student Career Employment Program, and volunteers was May, June, and July. Many units were unable to schedule training sessions prior to the fire season to include new employees. Since this is a new course, vendors needed to be previewed before they were selected. The Request For Proposal was issued too late to allow previewing, selection,

and scheduling for a sufficient number of early sessions. This resulted in most units having to accept later dates for the training. Next year vendors will be scheduled earlier to ensure the process can be completed and all new employees can be scheduled for training before the fire season begins.

THE CONCLUSIONS

Region Five is committed to the full implementation of the Women's Settlement Agreement as evidenced by the dedicated leadership from the Washington Office and within the Region, as well as through a significant number of key accomplishments in each of the provisional areas. With this Report, Region 5 has achieved a renewed level of focus on and commitment to improving the effectiveness of program deployment in each provisional area. This Report clearly defines the Region's understanding of each provisional area and its role in implementation. Future implementation actions have been clearly defined for each provisional area. Through participation in this effort, program managers, functional area managers and Regional and national leadership have taken ownership and will be held accountable for oversight and successful implementation of the Agreement. The Regional Forester has unequivocally stated that "this Agreement is the Region's number one priority". Each future report will provide enhanced visibility of the accomplishments, issues and mitigation strategies, as well as an updated action plan. Each report will provide a performance scorecard that reiterates our emphasis and progress toward data-driven program management, deployment and evaluation. The Region looks forward to continuous improvement and accomplishment of the ultimate objective of this Agreement, which is to establish a work environment for all employees that is free of sexual harassment and retaliation, and that promotes fair and equitable opportunities and treatment for R5 employees.



2.0 INTRODUCTION

The purpose of the Women's Settlement Agreement Semi-Annual Report is to provide the Monitoring Council with a summary of Region Five's (Region 5's or R5's) progress on program plans and an evaluation of the Region's effectiveness in its implementation of the Women's Settlement Agreement. The report is organized into five sections and is accompanied by an Appendix. Section One provides an executive-level summary of the report highlighting the key accomplishments, issues and mitigation strategies. Sections Two through Four provide an overview of the Region's performance-based approach to developing this report. Section Five is broken into fifteen subsections, each providing an effectiveness report for each provisional area of the Settlement Agreement. The Settlement Agreement dictates that the Region report progress semi-annually in each of eight provisional areas as following: EIP Program; Exit Interviews; Misconduct Investigations; Prevention of Sexual Harassment (POSH) Training; Informal EEO Process; Mentoring Program; Scholarships; and Positive Incentives and Civil Rights Performance. However, Region 5 has elected in this Semi-Annual Report to provide status reports on seven additional areas that we also closely monitor, far exceeding the requirements of the Agreement. The additional seven areas covered in this report are: Performance Evaluations; Adverse Action Digest; Women's Conference; Advance Publicity of Work Details; Record Keeping and Reports; Federal Women's Program; and Individual Relief for Class Complaints. For each of these areas an overview of the purpose of the provision and the Region's approach to the provision are discussed, followed by a summary of key activities, accomplishments and issues for the performance period. A performance scorecard for each of the provisional areas is also included.

This report is significantly different from the prior Semi-Annual Reports. Care has been taken to consider feedback from the March 2003 Monitoring Council Report in the design and content of this. The Region expects that this report will serve as a baseline for the development of future reports, with continued enhancements based on feedback from report users.

The Region has significantly enhanced its efforts following the issuance of the Council's Report to demonstrate our commitment to both the spirit and intent of the Settlement Agreement. An action plan has been developed and is being implemented to address immediate actions designed to strengthen the Region's implementation of the relief provisions. The action plan is included in the Appendix.

A team of Regional Program Managers, selected members of Agency leadership, and an external consulting firm, JJA CONSULTANTS, developed this report collaboratively. This team was formed to establish a comprehensive, consistent design and process for Semi-Annual Reporting. Each Program Manager had the responsibility for input and analysis of the effectiveness of his or her programs, and each will update the analysis and report progress in future Semi-Annual Reports. Regional leadership has reviewed the report and provided oversight for its structure and development. Continued oversight will be key to assessing and ensuring acceptable progress on the injunctive relief provisions covered in the Settlement Agreement.

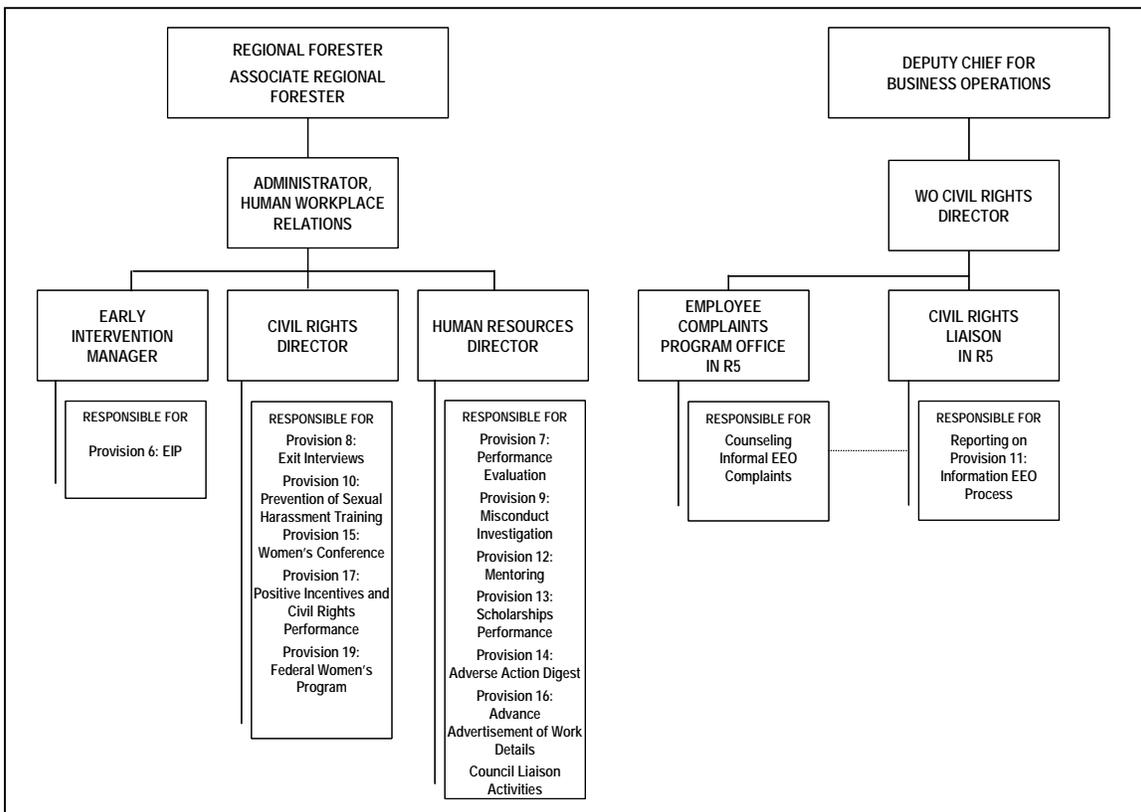


3.0 LEADERSHIP, MANAGEMENT, AND EVALUATION

3.1 RELEVANT PERSONNEL

The roles and responsibilities assigned to various parties in implementing and monitoring the Region 5's (R5) Women's Settlement Agreement were outlined at the inception of the Agreement and are summarized in Figure 3.1-1. The Regional Forester sets overall expectations for adherence to the provisions of the Settlement Agreement. In addition, he personally initiates actions that he believes are necessary related to high-level issues that are brought to his attention and he responds to major media inquiries in person or through his spokesperson. The Regional Forester, through the Associate Regional Forester, leads implementation overall and is the focal point for communications on all non-litigation issues on behalf of the Agency. The Administrator for Workplace Relations provides oversight to the Human Resources, Civil Rights, and Early Intervention Program functions, and reports directly to the Associate Regional Forester. The Human Resources Director is responsible, through regional program managers, for implementation of the following relief provisions: performance evaluations, misconduct investigation procedures, mentoring, scholarships, adverse action digest, advance publicity of work details, and record-keeping and reports. The Civil Rights Director is responsible, through regional program managers, for implementation of the following relief provisions: exit interviews, Prevention of Sexual Harassment Training, Women's Conference, and positive incentives and Civil Rights performance.

Figure 3.1-1: Current Organizational Structure for Management of the Women's Settlement Agreement



The Early Intervention Program Manager is responsible for the early intervention program relief provision. The Region 5 Council Liaison, who reports to the Human Resources Director, coordinates information requests and recommendations between the Council and the Regional Forester's Office, regional staff directors and program managers, Forest Supervisors, and the Washington Office (WO) Litigation Advisor.

The WO Civil Rights Director is the lead for agency program oversight of the Settlement Agreement. The WO Deputy Chief for Business Operations is responsible for overall agency oversight of Region 5's implementation of the Settlement Agreement. The WO Litigation Advisor coordinates official agency responses on all issues between the WO Forest Service and Region 5 Forest Service. The Washington Office Civil Rights Liaison, who reports to the Washington Office Civil Rights Director, is responsible for implementing the Informal EEO relief provision for Region 5.

The Regional Forester's Office conducts daily coordination meetings with a core team of management officials responsible for implementation of relief provisions. These meetings include the Administrator for Workplace Relations, Human Resources Director, Acting Civil Rights Director, and Acting Early Intervention Program (EIP) Manager. The purpose of these brief morning meetings is to communicate work priorities for the day, check work status and discuss issues between functional areas. These meetings promote teamwork and help implement relief provisions. A weekly meeting is conducted to discuss Settlement Agreement accomplishments in depth.

The Administrator for Workplace Relations meets almost weekly with Human Resources and Civil Rights Directors, program managers, WO Civil Rights Liaison, and the EIP Manager to manage and maintain the Settlement Agreement Implementation Plan, track assignments and accomplishments and follow up on issues.

The WO Deputy Chief for Business Operations, WO Civil Rights Director, WO Litigation Advisor, WO Office of the General Council (OGC), Region 5 OGC, the Region 5 Regional Forester's Office and core team meet monthly by teleconference to discuss Settlement Agreement progress and issues.

3.2 PLAN FOR INTERACTION WITH COUNCIL

Over the entire life of the Agreement, it is the Forest Service's intent to engage the Monitoring Council in both formal and informal dialog about agency plans and activities that contribute to or directly carry out the provisions of the Agreement. A formal process is in place to catalog and respond to Monitoring Council requests for information and recommendations or requests for modifications. The Regional Forester and Associate Regional Forester meet formally with the Council on a quarterly basis to review the status of compliance and pending formal recommendations. These meetings occur regularly with frank interchanges, which are perceived to be highly beneficial to the Agency.

The Associate Regional Forester meets almost weekly with the Monitoring Council to discuss implementation issues. The Regional Forester occasionally meets alone with the Monitoring Council chair. These meetings are informal and intended to discuss

information requests, recommendations, and other topics. Other impromptu meetings with Council members are frequent. The Council has direct access to the Regional Forester and Associate Regional Forester whenever necessary.

The relationship between Council members and the Regional Forester and Associate Regional Forester have been very positive. The Council has worked hard to bring Settlement Agreement issues to the Region's attention, which is greatly appreciated. In addition to the formal communications, we believe that early and continuous consultations have the greatest potential to provide for successful implementation of the Agreement. To that end, informal consultation has also been established as a norm for Staff Directors and their Program Leaders who have specific responsibilities for the individual provisions in the Agreement.

Council members are involved in the Regional Leadership Forum (RLF) meetings and agenda topics include Settlement Agreement relief provisions status. The Regional Leadership Forum members include the Regional Forester's Office, Forest Supervisors, and regional staff Directors. Council members have direct access to all Forest Supervisors and Directors and are invited to attend forest employee meetings, New Employee Orientation Training, Supervisor Training, Province Board of Director meetings, staff meetings, Forest Leadership Team Meetings, and other regional meetings and also participate in functional activities. The participation of the Council members has resulted in a more comprehensive understanding of the relief provisions at the field level, as well as establishing Council credibility.

When Agreement implementation plans involve changes to employee working conditions for which the National Federation of Federal Employees (NFFE) is the exclusive representative, a working relationship that includes consultations among Forest Service program managers, the Monitoring Council and NFFE is desirable. The Agency will continue to facilitate such interactions whenever appropriate.

The WO Litigation Advisor met with the Council in San Diego in May to address Settlement Agreement implementation issues. The WO Deputy Chief for Business Operations and the WO Civil Rights Director met with the Council in Vallejo in May. Both meetings were productive, not only to establish a relationship with Forest Service and USDA management officials responsible for agency and departmental oversight, but also to discuss Region 5's progress face-to-face.

3.3 LEADERSHIP REVIEW AND EVALUATION PROCESS

The Settlement Agreement requires the region to provide Semi-Annual Reports on the status of compliance and effectiveness of some of the Injunctive Relief Provisions, which is then evaluated by the Council in their next Ninth Month Report. This report was prepared under the direction and oversight of the Associate Regional Forester and will be given to the Monitoring Council. The Regional Forester and his entire leadership team will receive this report and are responsible for ensuring that the provisions of the Settlement Agreement are implemented throughout all units in the Region. The WO Deputy Chief for Business Operations and the WO Civil Rights Director will receive this

report and will be responsible for overall agency oversight of the Settlement Agreement in Region 5.

The Regional Forester's Office, Administrator of Workplace Relations, Director of Human Resources, Acting Director of Civil Rights, Acting Early Intervention Program Manager, and the WO Civil Rights Director have reviewed this Semi-Annual Report and the progress of the Program Managers in carrying out implementation plans. This group will continue to serve as an oversight team with the responsibility of reviewing the Semi-Annual Reports prior to issuance, and are to follow up to ensure acceptable progress on each injunctive relief provision. A performance scorecard has been added to the report to provide an easy analysis of performance at the executive level.

4.0 PERFORMANCE SCORECARD

4.1 STRUCTURE AND USE OF PERFORMANCE SCORECARD

The Region worked with JJA CONSULTANTS, a firm that specializes in Civil Rights performance assessment and evaluation, to develop a performance scorecard to assist with evaluating, monitoring and tracking progress on the implementation of the Region 5's Women's Settlement Agreement. The scorecard accomplishes the following:

- Tracks performance against each of the injunctive relief provisions in the Settlement Agreement.
- Monitors the status of accomplishments and performance based on the following PADER® components:
 - Plan - An effective, comprehensive **plan** for implementation of the provision
 - Approach - A sound, comprehensive, results-oriented **approach**
 - Deployment - Consistent **deployment** of the approach across the regional units
 - Evaluation - Ongoing documented **evaluation** of the provision's effectiveness,
 - Result - Achievement of positive **results**
- Utilizes a stop-light (*Red = Not in place / Not effective; Yellow = Partial work / Incomplete work / Not Totally Effective; Green = Completely Accomplished / Effective*) approach to provide a visual performance-based report card for executives, management, and the Monitoring Council. This approach is used to track performance based on the execution of the key PADER® components of planning, approach, deployment, evaluation and results within each provisional area.
- Provides three levels of scoring including a performance rating (Red, Yellow or Green) for each element of the injunctive relief provision for the current period, the PADER® component level breakdown that addresses the Region's performance in each provision area over the life of the Agreement, and an overall PADER® component level performance rating for the entire injunctive relief provision.

The initial scorecard design and evaluation was completed in collaboration with JJA CONSULTANTS to provide an objective performance baseline. The scorecard will be updated for each reporting period by the Forest Service (FS) program managers who have ownership and accountability for the implementation of the Settlement Agreement provisions. The scorecard will be reviewed by the USDA FS Washington Office, the Regional Leadership Forum, and the Civil Rights and Human Resources teams twice annually to ensure that acceptable progress is being made. The leadership will seek to ensure that plans are being developed and consistently deployed, that all programs are properly evaluated and results achieved. While achieving a "green light" in deployment and results may be somewhat dependent on the timeframe for implementation, all programs will be expected to achieve a green light in their planning, approach, and evaluation. When appropriate progress is not shown, the leadership will request and review the program manager's explanation in a timely manner, and provide required assistance to address barriers, incentives, resources, feedback and offer support to improve performance and expedite results.

4.2 JANUARY 2002 – JULY 2003 PERFORMANCE SCORECARD

The current performance scorecard is shown in Tables 4.2-1a-e:

Table 4.2-1a: Injunctive Relief Provision Areas' Performance Scorecard

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Early Intervention Program						
Overall Performance Scorecard						
Operate a Conflict Resolution Program That Reduces Conflict, Requests Are Expedited, Resolution at Lowest Levels, Provides Alternative to EEO But Not Replace, Root Causes, and Reduce Complaints						
Publicize and Implement EIP						
21 Day Notice to Council of Changes to EIP						
Performance Evaluation						
Implement Standards Developed by Task Force Related to Sexual Harassment Subject to Master Labor Agreement Within 30 Days of Final Approval						
Exit Interview						
Overall Performance Evaluation						
Offer Written or Oral Exit Interview to All Employees Leaving a Region Five Unit						
Unit's CR Officer Review of All Interviews						
Where Appropriate, the CR Officer Refers the Information to the Appropriate Line Officer, Regional CR Director, Regional HR Director, and the WO CR Officer						
Conduct a Trend Analysis for Patterns of Conduct Resulting in Attrition						
Regional HR Director Determines if Corrective Action is Required						
Prepare a Semi-Annual Report Evaluating the Effectiveness of the Exit Interview Process and Summarizing Information from the Interviews						

Table 4.2-1b: Injunctive Relief Provision Areas' Performance Scorecard Cont.

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Misconduct Investigation Procedures						
Overall Performance Scorecard	●	●	●	●	●	●
Maintain an Investigation Procedure	●	●	●	●	●	●
Conduct Investigations in a Timely and Effective Manner	●	●	●	●	●	●
Ensure Staffing for Investigations is Sufficient to Accomplish Objectives	●	●	●	●	●	●
Ensure Investigators are Properly Trained to Conduct Investigations	●	●	●	●	●	●
Ensure Appropriate Disciplinary Actions Taken	●	●	●	●	●	●
Ensure Effective Deterrent Activities	●	●	●	●	●	●
Documentation of Intake, Processing and Outcome of Allegations of Sexual Harassment	●	●	●	●	●	●
Regional Director of HR Administers Misconduct Investigation Procedures	●	●	●	●	●	●
Prevention of Sexual Harassment Training						
Overall Performance Evaluation	●	●	●	●	●	●
Provide Annual Mandatory Training to All Employees to Assist Them in Recognizing, Addressing, and Correcting Sexual Harassment and Retaliation	●	●	●	●	●	●
Provide Annual Letter to Employees Regarding Agreement	●	●	●	●	●	●
Provide Specialized Training to Employees Who Were Found to Have Engaged in Sexual Harassment or Retaliation	●	●	●	●	●	●
The Informal EEO Process						
Overall Performance Scorecard	●	●	●	●	●	●
Provide Training to All EEO Counselors	●	●	●	●	●	●
Design and Conduct A Voluntary Survey of Participants in the EEO Process	●	●	●	●	●	●

Table 4.2-1c: Injunctive Relief Provision Areas' Performance Scorecard Cont.

Injunctive Relief Provision Area	Overall (1st, 2nd, and 3rd Reporting Periods)					3rd Semi - Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
The Informal EEO Process Cont.						
Conduct an Annual Analysis of Completed Survey Forms to Determine Whether the Informal EEO Process is Functioning Effectively and Appropriately	●	●	●	●	●	●
Acknowledge that EEO Counselors May Not Withdraw Any Class Member's Informal Complaint Without the Employee's Written Permission	●	●	●	●	●	●
Create and Maintain a Process For Tracking Complaints By Type of Discrimination, Responding Officials, and Location To Determine Patterns of Conduct	●	●	●	●	●	●
Maintain an ADR process that will be Available to a Complainant Within the First 90 Days After an Initial Complaint is Filed	●	●	●	●	●	●
Mentoring Program						
Review Mentoring Program and Provide Proposal to Ensure That Class Members are Provided Appropriate Mentoring, Including Assistance with Respect to Issues Relating to Sexual Harassment	●	●	●	●	●	●
Scholarships						
Overall Performance Scorecard	●	●	●	●	●	●
Set Aside at Least \$100,000 Per Year For Scholarships	●	●	●	●	●	●
Review Scholarship Program to Ensure That Women Are Not Denied Opportunities	●	●	●	●	●	●
Adverse Action Digest						
Overall Performance Scorecard	●	●	●	●	●	●
Region 5 Shall Publish A Semi-Annual Adverse Action Digest Of Disciplinary Actions Of One-Day Suspension Or More Taken Against Employees In R5.	●	●	●	●	●	●
Summarize Adverse Actions By Forest Or Regional Office, Supervisory Or Non-Supervisory Position, And Gender Of The Person Against Whom Adverse Action Was Taken, Describe The Nature Of The Offense And Describe The Disciplinary Action Taken	●	●	●	●	●	●

Table 4.2-1d: Injunctive Relief Provision Areas' Performance Scorecard Cont.

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Women's Conference						
Overall Performance Scorecard	●	●	●	●	●	●
Sponsor an Annual (2002) Women's Conference, Open to Female Employees of the Region, Regardless of Supervisory Capacity	●	●	●	●	●	●
Sponsor an Annual (2003) Women's Conference, Open to Female Employees of the Region, Regardless of Supervisory Capacity	●	●	●	●	●	●
Advance Publicity of Work Details						
Overall Performance Scorecard	●	●	●	●	●	●
Advertise All Work Details of More Than 90 Days	●	●	●	●	●	●
Maintain Records of All Details Advertised Under This Section	●	●	●	●	●	●
Positive Incentives and Civil Rights Performance						
Overall Performance Scorecard	●	●	●	●	●	●
Establish a Task Force to Consider Ways in Which the Region May Provide Positive Incentives to Employees Who Perform Exceptionally in the CR Components of Their Duties	●	●	●	●	●	●
Task Force Should Take Into Consideration the CR Records of Employees Who Seek Promotion or Advancement	●	●	●	●	●	●
Record-Keeping and Reports						
Overall Performance Scorecard	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of EIP	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Exit Interviews	●	●	●	●	●	●

Table 4.2-1e: Injunctive Relief Provision Areas' Performance Scorecard Cont.

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	RESULTS	
Record-Keeping and Reports Cont.						
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Misconduct Investigation Procedures	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the POSH Training Programs	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Informal EEO Process	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Mentoring Program	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Scholarship Program	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Positive Incentives and CR Performance Program	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Advanced Advertising of Details	●	●	●	●	●	●
Federal Women's Program Manager						
Overall Performance Evaluation	●	●	●	●	●	●
Region Five Shall Establish A Full-Time Federal Women's Program Manager Position.	●	●	●	●	●	●
The Federal Women's Program Manager May Be Assigned Additional Duties As Deemed Appropriate In The Discretion Of Defendant; Provided, However, That The Federal Women's Program Duties Shall Be Predominant.	●	●	●	●	●	●

4.3 SCORECARD RESULTS

Each injunctive relief area is discussed in detail in this report in Section 5.0. The overall scorecard reveals that the Adverse Action Digest, Women's Conference, Advance Publicity of Details, Scholarships, Early Intervention Program, and Informal EEO Process are among the highest performing provisional areas. The injunctive relief areas demonstrating the most successful performance during this performance period were Performance Evaluation, Informal EEO, Mentoring Program, Scholarship Program, Adverse Action Digest, and Women's Conference. The scorecard also indicates that there is much work to be done in its lowest scoring area, Positive Incentives and Civil Rights Performance. While the scorecard and this Report effectively highlight and target key areas where work is required, the Region considers its performance to be on track in 13 of the 15 provisional areas, given the current stage of implementation of the Settlement Agreement. The two provisional areas that the Region will devote significantly increased attention to during the next performance period are Exit Interviews and Positive Incentives and Civil Rights Performance.

In general R5 has responded to the Agreement by creating effective program plans that are based on sound approaches, however consistent deployment across the Region has been a challenge, and personnel issues have contributed significantly to a lack of evaluation of program effectiveness and an inability to track and identify specific impacts and results.

While several of the provisional areas are in the early stages of design and development, others are well on their way to achieving desired results. The Region is committed to dedicating the resources required to successfully implement the provisions of the Settlement Agreement. With this scorecard, its team of leaders and program managers, and the plans defined and presented in this Semi-Annual Report, the Region is positioned to achieve the goals of this Agreement.



5.0 INJUNCTIVE RELIEF PROVISIONS' EFFECTIVENESS REPORTS

5.1 EARLY INTERVENTION PROGRAM

OVERVIEW

The Early Intervention Program (EIP) is a vital part of the Region Five (R5) Women's Settlement Agreement. The program's primary purpose is to assist parties experiencing conflict in the workplace to resolve the conflict at the lowest possible level with the fastest possible quality response to the issue, before a formal complaint or grievance is filed. This purpose of the EIP is directly in line with the purposes of the Settlement Agreement which are outlined in Section 2.1 of the Agreement entitled, "Purposes of Agreement". Items 1, 4 and 5 under Section 2.1 of the Settlement Agreement state the following purposes: "To ensure that issues regarding sexual [gender] harassment are addressed and resolved in a timely and effective manner," "To eliminate sexual harassment and hostile environments against females," and "To eliminate reprisal against those who exercise their rights to complain about sexual harassment." Thus, if the EIP is functioning optimally, issues of sexual harassment, hostile work environment, and reprisal may be addressed early on before they become issues in an Equal Employment Opportunity (EEO) complaint. In addition, the EIP serves as the alternative dispute resolution (ADR) resource for mediation of EEO complaints at both the informal and formal stages and, as such, can assist in addressing Item 6 under Section 2.1: "To provide finality to the resolution of all claims asserted in this action."

The implementation of the EIP in R5 occurs at three levels: (1) true early (non-EEO) intervention to assist in resolving workplace disputes before they become complaints or grievances; (2) ADR services, primarily mediation, to assist in resolving EEO complaints at the informal stage, and (3) ADR services at the EEO formal complaint stage. Intervention services are provided primarily through external (non-Forest Service) contract mediators, and through the Region's Creative Conflict Resolution Enterprise Team. The true early intervention (workplace dispute) portion of the Program and the coordination of all contracted mediators are managed by the Enterprise Team. The EIP Program Manager position coordinates all other aspects of the Program.

Aggressive steps have been put in place during this reporting period to ensure that the program is functioning optimally. The Program will be continuously evaluated and improved as necessary for continued success in meeting its goals and objectives, which parallel those of the R5 Women's Settlement Agreement.

The Region's strategy for implementing this Settlement Agreement Injunctive Relief Provision focuses on continuing to:

- Improve the implementation and effectiveness of the existing EIP
- Publicize the Program to all R5 employees
- Keep employees abreast of key changes in the Program, and
- Work with the Monitoring Council to ensure that common goals are met.

ANALYSIS OF PROVISIONS

Provision 6.1: Region 5 shall operate a conflict resolution program, known as the Early Intervention Program ("EIP"). Among the purposes of the Early Intervention Program shall be:

- (a) Reducing conflict within the workforce;***
- (b) Addressing employee requests for intervention on an expedited basis;***
- (c) Resolving conflicts at the lowest possible level;***
- (d) Providing an additional and alternative process to filing an informal or formal EEO complaint;***
- (e) Focusing resolution efforts at the root cause of the conflict;***
- (f) Reducing EEO complaint filings; and***
- (g) Affirming that EIP does not replace the EEO administrative process.***

Provision 6.2: Region 5 shall publicize and implement the EIP according to its implementation plan which is attached hereto as Exhibit C.

Provision 6.3: Region 5 may, consistent with the above stated purposes, make changes in the EIP. At least 21 days prior to making any changes to the EIP, Region 5 shall notify the Council in writing, which shall include its rationale for the proposed changes.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

The EIP Program Manager position has not been filled on a permanent basis during the reporting period. This has resulted in some inconsistency in program implementation and management. However, the Creative Conflict Resolution Enterprise Team Leader, who filled an 89-day detail during the period, is providing continuity until a permanent EIP Manager is appointed. She is currently managing the non-EEO portion of the Early Intervention Program while retaining her role as Contracting Officer's Representative for all EIP contract mediators. She is providing corporate history and assistance in scheduling EEO mediations and maintaining the integrity of the Program until the Program Manager position is filled.

Implementation of the non-EEO portion of the Early Intervention Program during the reporting period was successful. Implementation of the EEO portion of the Program during the reporting period was not as successful as was hoped, despite the majority of the Acting Program Managers' time being devoted to these cases. The success of mediations conducted in attempts to resolve EEO cases is typically lower than that of non-EEO mediations, and that was true in the reporting period as demonstrated in Table 5.1-1 and described below:

Non-EEO Disputes - All phone requests for early intervention were initially responded to within 2 business days of the contact. There were 37 active cases during the period. Seventeen cases were sent to mediation or group facilitation, and 17 agreements were

reached. An additional 11 cases were resolved without additional third-party intervention. The other 9 cases remain open. (See Page 1.1-1.2 of Appendix)

Table 5-1.1: Early Intervention Program Case Activity for the Period January 1 through June 30, 2003

Status	Non-EEO	Informal EEO ¹	Formal EEO	Total
New Cases	31	14	8	53
Continuing Cases With Activity	6	3	1	10
Total Cases With Activity	37	17	9	63
Mediations/Facilitations Conducted	17	8	1	26
Resolutions Through Mediation/Facilitation	17	4	0	21
Other Resolutions	11	0	0	11
Total Resolutions	28	4	0	32
Closed with no Resolution	0	3	1	4
Cases Remaining Open	9	10	8	27

Detailed records of activity on all non-EEO cases during the reporting period have been kept by the Acting EIP Manager. (See Pages 1.3-1.4 of Appendix) Statistics on non-EEO case activity during previous reporting periods were not fully included in previous Semi-Annual Reports; those statistics are now available. (See Page 1.5) of Appendix for a summary of these results.)

Informal EEO Complaints - Fourteen new informal cases were referred to the program. Three previously opened and 5 new cases were sent to mediation. Four of these cases were resolved. (See Pages 1.3-1.4 of Appendix)

Formal EEO Complaints - All high profile open cases were reviewed and all but one case were referred for mediation. Two formal EEO cases were mediated during the reporting period and were not resolved. (See Pages 1.3-1.4 of Appendix)

Other - One grievance was mediated but not resolved. A first attempt at using the Early Intervention Program to mediate a Title VI dispute occurred during the reporting period. It was not resolved. (See Pages 1.3-1.4 of Appendix)

KEY ACCOMPLISHMENTS

Staffing: The permanent EIP Manager position was advertised under both the merit promotion plan (internal) and demo (external) announcements. A two-week extension of the recruitment period was granted to ensure a quality and diverse applicant pool. The demo vacancy closed 6/20/03 and the merit promotion vacancy closed 6/27/03. Selection of a new EIP Manager is a high priority to the region and is expected this summer.

Mediator Qualifications Evaluation: Efforts were begun to evaluate the more than 50 contract mediators used in the Program. The qualifications and experience of all

¹ The numbers reported here include ONLY those cases with activity during the reporting period. They do not include cases which were opened in EIP prior to the reporting period for which there were no mediations scheduled during the reporting period.

∥

mediators available through the Program's four contracts are currently being reviewed. In the interim, mediators with known positive track records are being assigned to cases. Action is taken when a mediator's performance is deemed unacceptable. One mediator observed conducting a mediation will not be used for EEO cases in the future.

Management Willingness to Mediate: A key accomplishment in terms of program management during the reporting period was implementation of Departmental direction regarding the use of Alternative Dispute Resolution (ADR) in the Forest Service as clarified in an August 30, 2002 letter from the Deputy Chief for Business Operations. This policy was communicated to the Regional Leadership Forum at their meeting on April 30, 2003, shared with all Forest Supervisors and Directors in a letter dated May 6, 2003, and relayed to all employees through a letter sent June 12, 2003. (See page 1.6-1.7 of Appendix.) This communication addressed issues identified early in the reporting period, regarding requests for mediation that were denied due to reasons other than those outlined in Departmental policy. This no longer occurs.

Policy Enhancement: There was a major policy revision articulated by the Regional Forester's Office on April 28, 2003, at a Civil Rights coordination meeting, whereby mediation will now be offered to every complainant at both the informal and formal stages. EIP is now processing requests for mediation from such sources as complainant's representative, Employment Compliance Program, Human Resources, Civil Rights, Regional Forester, and the Washington Office.

Program Publicity and Marketing: The Early Intervention Program was highly publicized to the majority of the workforce during the reporting period. The Acting Program Manager discussed the program in detail at all-employee "Organizational Sensing" sessions conducted at every forest in Region Five between February and April 2003. The EIP process was explained at all of these sessions and EIP brochures were provided to employees. Information about EIP and brochures were also presented to employees who attended Region 5's Prevention of Sexual Harassment (POSH) training sessions beginning May 22, 2003. An update of the EIP brochure was completed on June 5, 2003 and this updated brochure is now being provided at all POSH training sessions. The EIP intranet web site also has been reviewed and updated for format and accuracy of content.

A "Handbook of Terms and Techniques Used in Region 5's Early Intervention Program" was completed on June 5, 2003 and sent electronically to all employees on June 12, 2003 (See Pages 1.8-1.23 of Appendix.) The Handbook includes the purpose and objectives of the Early Intervention Program; how the program is used to address EEO and non-EEO conflicts, alternative dispute resolution techniques commonly used by the program; and the Region's current philosophy regarding and definitions of "resolving issues" versus "settling complaints." The Handbook, which has been posted on the EIP Website, will also be distributed in hard copy to all units by July 15, 2003. .

Non-EEO Dispute Resolution – In the non-EEO portion of the EIP, 17 of the 37 active cases during the period were sent to mediation or group facilitation, and 17 agreements were reached.

ISSUES AND MITIGATION STRATEGIES

Staffing: The permanent EIP Program Manager position remains unfilled. The use of various detailers in the position has contributed to a lack of consistency in program management. The services of highly trained and skilled individuals have been retained; however, this has not provided the continuity we desire in this critical program. Management's plan is to expedite the selection for the permanent program manager and have a qualified individual in this position by the end of September. Once this individual is in place, Region 5 will be able to accelerate progress in creating a balanced and solid Early Intervention Program. We also believe this will solve the timeliness and scheduling issues for mediations that have been a problem in the past.

Tracking System: An area of concern is the tracking system for the EIP. The previous Semi-Annual Reports neglected to address the two primary tracking systems that were in place during those reporting periods. The Region needs to look at the tracking of informal and formal cases as time elapses so that disposition at the informal stage is accurately recorded. These tracking systems remain in place for the current reporting period, but were not used fully. The Region is currently working to revise the tracking systems to more fully meet the needs of EIP, WO and Department reporting requirements, and Monitoring Council requests. While revisions are underway, data entry into the national EIP tracking system has been suspended and records are being kept manually by the Acting EIP Manager. The revised system will be in place as soon as programming issues are resolved and the data produced is tested.

Workload: Because of the changes in program implementation policy described above, there has been a sudden, tremendous increase in the EIP caseload during the reporting period. This caseload, the extensive program management responsibilities, and the complexity of managing this program in Region 5 has led to decreased timeliness in processing cases. Several requests for mediation for EEO complaints have been made, but the mediations have not been scheduled. This is due to the increased workload in EIP and the fact that the EIP Manager position has not been filled permanently. The temporary backlog of requests for EEO mediations will be addressed through additional temporary staffing. All currently backlogged requests for mediation will be reviewed and mediators will be scheduled not later than August 2003. Better and more consistent program management will prevent this problem from occurring in the future.

There have been no substantive changes to the overall EIP program structure during the reporting period.

ELEMENT SCORECARD

The element scorecard for the Early Intervention Program relief provisional area follows. The scorecard indicates that this provisional area is on track to accomplish its objectives. Continued effort and improvement is required to ensure that the program is evaluated for effectiveness and for its ultimate impact on resolving issues at the lowest level and reducing the number of complaints.

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Early Intervention Program						
Overall Performance Scorecard						
Operate a Conflict Resolution Program That Reduces Conflict, Requests Are Expedited, Resolution at Lowest Levels, Provides Alternative to EEO But Not Replace, Root Causes, and Reduce Complaints						
Publicize and Implement EIP						
21 Day Notice to Council of Changes to EIP						

ACTION PLAN FOR NEXT PERFORMANCE PERIOD

Aggressive steps have been put in place during this reporting period to ensure that the Program is functioning optimally. The Program will be continuously evaluated and improved as necessary for continued success in meeting its goals and objectives, which parallel those of the R5 Women's Settlement Agreement.

No.	Action	Responsible Official	Date
1	Region 5 ADR Handbook of Terms and Techniques will be distributed to employees in hard copy form.	Acting EIP Mgr	July 15, 2003
2	EIP will schedule backlog of mediations previously requested.	Acting EIP Mgr	Aug 30, 2003
3	EIP and IT will work together on database that will produce better program effectiveness information.	Acting EIP Mgr	September 1, 2003
4	Region 5 Management will expedite filling the EIP Manager position.	Daina Apple	September 30, 2003
5	Complete review of Contract Mediators.	Acting EIP Mgr	December 31, 2003

5.2 PERFORMANCE EVALUATION

OVERVIEW

This Injunctive Relief Provision focuses on the implementation of clear, effective performance standards as part of the performance appraisal process for all employees in the Region. It was included in the Settlement Agreement (SA) to provide a methodology and tool for management to hold employees accountable for their performance, as it relates to sexual harassment, reprisal and hostile work environments. This provision emphasizes the importance of appropriate work place behaviors. The Region established a Performance Evaluation Task Force that developed a comprehensive set of performance evaluation clarifications and supplemental performance evaluation standards. These elements and standards that were developed are found in Exhibit D of the SA.

It remains the Region's goal to evaluate all Region Five (R5) employees under the above referenced standards by personal observation of first and second level supervisors, and to utilize input from the Monitoring Council (MC) for Regional Leadership Forum members and others as part of the appraisal process for managers and executives. Employees and managers whose performance is deemed unacceptable will be placed on a Performance Improvement Plan. Employees and managers who are deemed exceptional in their performance under elements and standards, #3 and #4, referenced in Ex. D, will be nominated for the appropriate positive recognition as determined by the line supervisor or manager in accordance with any incentive program established by R5 (See Section 5.12 of this report, Positive Incentives and Civil Rights Performance).

In response to this provision the Region notified all supervisors and employees that were not covered by the Master Labor Agreement about the new elements and standards via three letters that were mailed to all supervisors. (See Pages 2.1-2.29 of Appendix) In accordance with this provision, R5 has also begun a partial implementation of this provision for employees and supervisors covered by the Master Labor Agreement, and continues discussions with the Union to complete full implementation of this provision.

ANALYSIS OF PROVISION

Provision 7.1: Pursuant to an Interim Agreement executed December 15, 1998, the Agency established a Performance Evaluation Task Force that developed performance evaluation clarifications and supplemental performance evaluation standards, attached hereto as Exhibit D. Region 5 shall implement the standards developed by the Task Force insofar as they relate to sexual harassment, subject to its obligations to meet and confer under the Master Labor Agreement, within 30 days of Final Approval; provided, however, that if Final Approval occurs during the last 90 days of a fiscal year, the standards shall be implemented at the beginning of the next fiscal year.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

There were no official year-end performance evaluations/ratings of record conducted for the period covered by this report. Since this provision is primarily applicable to official year-end activity, no formal analysis of the use of the elements and standards was

conducted for this period. However, mid-year progress review discussions were conducted during this reporting period and the elements and standards were deployed. This provided the Region with the opportunity to pilot test the use of the provisions. However, since there is limited documentation during mid-year review discussions, there was little opportunity to review the effectiveness or consistency of use of the elements and standards.

KEY ACCOMPLISHMENTS, ISSUES AND MITIGATION STRATEGIES

Employee Mid-Year Progress Review Discussions: Supervisors in the Region conducted mid-year progress review discussions with their employees. The supervisors used their personal observations, and the observations of the employees' second level supervisor to provide feedback on the employees' performance in areas related to elements #3 and #4, and based on the appropriate standards for those elements and employees.

Employees Covered Under MLA: The Region conducted extensive negotiations with the previous Union leadership (see Appendix B, Exhibit 4) related to employees who are covered by the MLA regarding apparent conflicts between the SA and the MLA. The resulting agreement segmented employees covered by the MLA into three groups to be handled as follows:

- *Group #1: Employees whose position descriptions do not include duties and responsibilities related to the new performance standards will not have elements and standards # 3 and # 4 in their performance evaluation. But they will discuss the topics of sexual harassment with their supervisors, who will use 'talking points' to emphasize the importance of no-sexual harassment in the workplace.*
- *Group #2: Employees who are 'work leaders' will have the appropriate elements and standards added to their performance evaluations. The supervisors of these employees will also have 'talking points' to discuss with these employees.*
- *Group #3: For employees who have EEO-related duties, the supervisors will make the appropriate changes to performance evaluations to reflect their EEO related duties relative to elements and standards for # 3 and # 4. The supervisors of these employees will also have 'talking points' to discuss with these employees.*

There has been criticism raised by the MC regarding the Region's MOU with the National Federation of Federal Employees (NFFE) concerning how elements and standards # 3 and # 4 were implemented for employees covered by the MLA (Master Labor Agreement). Unfortunately, the Region did not communicate effectively with the Union regarding the actions occurring under this provision.

The Region has re-entered discussions with the Union regarding the treatment and application of performance elements #3 and # 4 to all employees covered by the Master Labor Agreement (MLA). A meeting was held with the Union's newly-elected leadership on 6/25/03 about re-opening discussions regarding implementing performance elements # 3 and # 4, as stated in Ex. D of the SA, for all employees covered by the MLA. The Region also discussed with the new Union leadership, on 6/25/03, the

possibility of all parties (Regional management, MC, union leadership) meeting together to discuss additional provisions of Section 7 as described in Section 30.1 of the SA. The union was amenable to that idea.

Other Employees Not Covered by MLA: On June 24, 2003, we issued further direction to the Forests and Staff Directors so that the standards and clarifications will be properly applied to all non-bargaining unit employees (See page ___ of the Appendix.)

Leadership Team Mid-Year Progress Review Discussions: As part of the mid-year discussions, the Regional Forester (RF) initially independently documented performance indicators for Regional Leadership Forum (RLF) members. The Regional Forester's office then solicited feedback from the Monitoring Council (MC) for use during the supplemental feedback sessions with the RLF. The MC provided the information to the RF. The RF verbally conveyed the MC information to the appropriate RLF members. The information the MC provided was also placed in the performance file of the affected RLF members.

Additional Monitoring of Performance: The Region continues to monitor Reports of Investigation (ROI) to ascertain if there are substantiated incidents of sexual harassment, reprisal and/or hostile work environments that should be considered in rating performance under the standards.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Performance Evaluation						
Implement Standards Developed by Task Force Related to Sexual Harassment Subject to Master Labor Agreement Within 30 Days of Final Approval						

The element scorecard for the Performance Evaluation relief provision indicates that this provisional area has been partially implemented. The Region's assessment is that the provision is on track overall, and proceeding as planned with a focused attempt to implement the new standards and elements for all employees subject to the MLA.

ACTION PLAN FOR NEXT REPORTING PERIOD

No.	Action	Responsible Official	Date
1	Utilize new standards and elements to evaluate and reflect performance accomplishments and issues in the annual performance evaluations of RLF members	RF	October 30, 2003
2	Request input from MC prior to finalizing annual performance evaluations/ratings for RLF members	Janice Gauthier	October 1, 2003
3	Complete negotiations with NFFE to expand implementation of the new elements and standards	Wolff Coulombe	October 1, 2003
4	Evaluate effectiveness and impact of use of new elements and standards	Program Mgr. Performance Management (PMPM) R5 SA Staff	February 28, 2004
5	Keep MC informed and abreast of actions related to performance evaluations	SA Liaison	December 31, 2003
6	Develop a SA checklist for the RLF year-end rating of record evaluations	PMPM R5 SA Staff	September 1, 2003
7	Compile data on the RLF for evaluation by the RF for year-end rating of record evaluations	SA Liaison	October 12, 2003

5.3 EXIT INTERVIEWS

OVERVIEW

The purpose of the Region's Exit Interview Program is to provide each departing employee with the opportunity to express concerns and raise issues that the Agency can use as a tool to address sexual harassment, reprisal, and hostile work environments that otherwise were not reported. The Exit Interview Program is a management tool designed to assist in identifying cultural and behavioral issues in the workplace in Region 5. It is designed to track patterns of behavior by managers and co-workers that may cause workplace conflicts. Managers are encouraged to use Exit Interview information to correct workplace issues and to prevent future problems.

Over the past eighteen months, the Region has taken actions, committed resources and provided direction to the field to initiate and fully comply with the provisions outlined in Section 8 of the Women's Settlement Agreement.

The Region continues to evaluate the effectiveness of this program and has identified areas that will be the focus of continued improvement efforts. Further monitoring from the Regional level and improved communication with field units and the workforce on the expectations will be required to fully implement the Exit Interview Program. Improvement plans including a new automated data capturing system have been developed. Efforts to improve the quality of data received and its tracking and analysis are continuing. Monitoring of program success and effectiveness will continue through feedback from the Equal Opportunity Managers (EOMs), the Monitoring Council, and Forest Service management teams. Ultimately the Region recognizes the benefit of an effective Exit Interview Program as a means to address workplace issues through analysis of trends, which can provide valuable data for improving recruitment and retention while minimizing adverse employee issues.

ANALYSIS OF PROVISION

Provision 8.1: Region 5 shall ensure that an Exit Interview is offered to all employees leaving a Region 5 unit, including the following specific actions:

- (a) Region 5 shall include a notation on its property form requiring the departing employee to indicate by signature whether he or she wishes to have an Exit Interview.***
- (b) A departing employee who wishes to have an Exit Interview shall have the option of a written and/or oral Exit Interview. The Agency shall maintain a pool of interviewers to conduct oral Exit Interviews in each province. A departing employee may choose to be interviewed by a person from outside his or her Forest or unit.***
- (c) Oral interviews may be conducted in-person or over the telephone.***

Provision 8.2: *Each completed Exit Interview shall be reviewed by the civil rights officer who services the departing employee's unit.*

Provision 8.3: *If an Exit Interview raises possible allegations of sexual harassment, hostile environment or retaliation for EEO activity, the civil rights officer who reviews the Exit Interview shall refer the allegations to the appropriate line officer, the Regional Civil Rights Director, the Regional Human Resources Director, and the Washington Office Civil Rights Officer.*

Provision 8.4: *The Regional Civil Rights Director shall periodically conduct a trend analysis of all Exit Interviews received under paragraph 8.2. The trend analysis shall examine Exit Interviews for patterns of conduct or inaction.*

Provision 8.5: *The Regional Human Resources Director shall consider whether corrective action is required with respect to Exit Interviews received under paragraph 8.3.*

Provision 8.6: *Region 5 shall prepare a Semi-Annual Report evaluating the effectiveness of the Exit Interview process and summarizing significant information gleaned from Exit Interviews. The Region may, in its discretion, procure a contractor to prepare the report required by the preceding sentence. The Regional Civil Rights Director shall discuss the reports annually with the Regional Leadership Team.*

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

During this reporting period, 17 of 19 R5 organizational units reported 1,890 separations (some units did not submit complete data). Based on the submitted data 149 (7.9%) were temporary employees. A total of 1,030 (54.5%) completed AD-139 forms. Exit interviews were declined by 524 (27.7%) departing employees, while 613 Exit Interviews were completed and returned. The use of Exit Interviews has increased considerably over the last 18 months, as shown in Table 5.3-1.

Table 5.3-1: Exit Interview Completion Statistics

Reporting Period	EI Completed	EI Declined	AD-139 Completed
1 st (10/01/01 – 3/31-02)	20	*	*
2 nd (4/1/02 – 9/30/02)	420	*	*
3 rd (10/01/02 – 03/31/03)	613	524	1032 (54.5%)
* Data Not Previously Tracked			

Review of the Region's workforce unit data reveals that individual Forest Supervisors who have taken personal initiatives to encourage participation have higher response rates than those who did not exhibit strong personal commitment to the Exit Interview Program.

KEY ACCOMPLISHMENTS

Property Form Issued: The Civil Rights (CR) Staff and Unit Equal Opportunity Managers (EOMs) on Forests have issued the “property form” required by the R5 Settlement Agreement. The process requires employees to sign the USDA AD-139, Final Salary Payment Report, which was modified to include an area in the “Remarks Block” where departing employees validate whether they were asked if they wished to have an exit interview. During this reporting period, three of the units had 100% return of the AD-139 from departing employees. The EOMs continue to address obstacles at the local level that impede the success of the program.

Use of CR Web Page: To ensure access to the appropriate versions of the Exit Interview Program, documents can now be filled out on line or as printed hard copies, thereby improving better access to these forms.

Reporting on Participation Rate: The Region’s CR staff continues to analyze field data and improve the information collection process. The analysis identifies data by unit, provides an at-a-glance view of the entire Region, and is shared with all EOM’s. These efforts are expected to further improve individual employee participation and response rates.

Automated Exit Interview Program Awaiting Approval: The automated Exit Interview Program has been developed and forwarded to the Human Resources staff (Labor Relations) and the Union for approval to implement. This effort is expected to provide automated tracking and monitoring capabilities not currently available in the system.

Civil Rights Officers Review: The EOMs continue to promptly address incidents identified in Exit Interviews and fully address and respond to the appropriate management official including the Region’s Civil Right Director. During this reporting period, there were 11 allegations raised in the Exit Interview Forms. The report summarizing action taken as a result of allegations is included on page 3.58 of the Appendix.

ISSUES AND MITIGATION STRATEGIES

Rates of Completion: During this reporting period Unit EOMs routinely reviewed Exit Interviews available to them. The rate of completion of the Exit Interview forms continues to vary from unit to unit with completion rates ranging from 0% to 100%. The EOMs are identifying obstacles at the local level. The communications between Civil Rights and Human Resources is improving but full integration and cooperation of the unit team’s access to data and information is not yet completed. One of the major issues is the EOM’s ability to access all available completed Exit Interview forms. Instructions for routing completed Exit Interview forms will be attached to or included on the form. Many of the units also continue to be inconsistent in validating that departing employees have had the opportunity to complete an Exit Interview form. Additionally, not all units are using the appropriate forms. Forms are often provided during the last few hours of

an employee's tour of duty, thus limiting the time available during the final day to complete the form and other paperwork. Employee response rates could be improved by having the units prepare all of the departing employee's paperwork ahead of time. The unit also may consider allowing departing employees to complete the Exit Interview forms before they separate, perhaps a day before departure. These strategies may improve the completion rates of Exit Interviews by allowing employees more time to carefully consider their responses, and would benefit the Agency by having higher quality information to conduct trend analysis.

Regional Direction and Communication: There is Regional direction to the field but the actual implementation at the field level is sporadic. Communications between Civil Rights and Human Resources staffs also need to be improved to fully integrate the EOMs at the field level. They need access to data and information as part of the Exit Interview Standard Operating Procedure, to allow assessment and monitoring of program compliance.

Lack of Consistency Within and Between Units: Multiple processes are sometimes used, even between district offices on one Forest. A consistent Exit Interview Process is needed that works across all units. The Unit EOMs have drafted and are finalizing a Field Exit Interview Standard Operating Procedure (SOP) for the Exit Interview Program. This will provide a "how to" step-by-step outline of actions needed locally to fully comply with this provision. The expected date for issuance is July 30, 2003. The Region also continues to improve data collection mechanisms that could result in improved information being available for assessment of issues impacting the workplace. Several revisions to the information capturing tools have been completed. The Region has invested considerable resources in staff and expanding the use of technology to improve data analysis capabilities.

Initiative by Leadership: It is apparent that not all Forest Supervisors have taken personal initiatives to encourage and inform subordinate managers and new employees of the Region's expectations for compliance with the Exit Interview Program. The SOP will contain best practices information and lessons learned from other units. Letters and memorandums issued by the Forest Supervisors will be shared and effective practices will be identified and implemented to improve local response rates.

Lack of Overall Analysis: The Exit Interview Program has not yet been effectively implemented and data collection is incomplete. No analysis has been done of the exit interviews that have been returned. Procedures are still being developed that will improve consistency and increase rates of return for Exit Interview forms by employees. The resulting higher quality data will facilitate meaningful analysis of issues and trends. In the interim, the Region will contract for analysis of data for the entire life of the agreement.

Availability of Information for Action: Information captured in the Exit Interview is not immediately available to the EOM. At times it may take weeks before the EOMs have access to the completed forms, making it difficult to address the incident in a timely manner. A regional standard operating procedure needs to be established.

Monitoring Council and Union Assistance: More communication with the Monitoring Council and the Union is needed to explore opportunities to improve the data capture capabilities in the Exit Interviews. Making existing technology more accessible to employees and modifying forms will provide more useful workforce information to management. This will enhance the reporting capability of the programs and improve the workforce analysis conducted on a semi-annual basis.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Exit Interview						
Overall Performance Evaluation						
Offer Written or Oral Exit Interview to All Employees Leaving a Region Five Unit						
Unit's CR Officer Review of All Interviews						
Where Appropriate, the CR Officer Refers the Information to the Appropriate Line Officer, Regional CR Director, Regional HR Director, and the WO CR Officer						
Conduct a Trend Analysis for Patterns of Conduct Resulting in Attrition						
Regional HR Director Determines if Corrective Action is Required						
Prepare a Semi-Annual Report Evaluating the Effectiveness of the Exit Interview Process and Summarizing Information from the Interviews						

The scorecard for the Exit Interview provisional area reveals a partial and implementation of the key elements. The Exit Interview plan, approach and deployment strategy will need to be revisited in the next performance period to ensure that the provision will be implemented effectively and yield the required results.

ACTION PLAN FOR NEXT REPORTING PERIOD

No.	Action	Responsible Official	Date
1	Provide direction to field regarding Exit Interviews (EIs) data collection, data limitations, analysis, and plan of action in response to issues.	Jose Briseno	July 30, 2003
2	Ensure 100% accounting and collection of departing employees' AD-139 forms and EIs completed on all units.	Jose Briseno	September 30, 2003
3	Develop SOP to include training module encouraging the use of EI Program for all permanent and temporary employees.	Jose Briseno	September 30, 2003
4	Develop and implement the Automated Exit Interview Program (A.E.I.P.) tracking system to capture multiple data fields necessary to evaluate and report on the effectiveness of the EI Program.	Jose Briseno	September 30, 2003
5	Assess information from Exit Interviews to determine issues affecting employee retention.	Jose Briseno	September 30, 2003
6	Contract for comprehensive analysis and report to the field on a semi-annual basis.	Jose Briseno	November 30, 2003
7	Brief RLF on the results of the annual EI analysis.	Director of CR	12/30/03

5.4 MISCONDUCT INVESTIGATION PROCEDURES

OVERVIEW

The Agency had a misconduct investigation program in place prior to the implementation of the Region 5 Women's Settlement Agreement. This provision was included to focus attention on the quality and timeliness of fact-finding and reporting relative to sexual harassment and retaliation, and to ensure that substantiated misconduct in those areas is appropriately addressed. The objective also includes ensuring that appropriate steps are taken to deter recurring misconduct actions. The Region's plan is to review, monitor, and evaluate the program on a semi-annual basis and to utilize the information and knowledge gained to continuously increase the quality and effectiveness of the program.

ANALYSIS OF PROVISION

Provision 9.1: Region 5 shall maintain an investigation procedure relating to employee misconduct. Allegations of sexual harassment or retaliation may be processed as misconduct.

Provision 9.2: In handling misconduct investigations, Region 5 shall ensure that:

- (a) Such investigations are conducted in a timely and effective manner***
- (b) Staffing for such investigations is sufficient to accomplish its objectives:***
- (c) Investigators are properly trained to conduct such investigations:***
- (d) Individuals who have been determined to have engaged in misconduct are appropriately and effectively disciplined, up to and including termination:***
- (e) Individuals who have engaged in acts of misconduct are effectively deterred from engaging in future misconduct:***
- (f) The intake, processing and outcome of allegations of sexual harassment or retaliation are documented***

Provision 9.3: The Regional Director or Human Resources shall be responsible for administering the misconduct investigation procedures.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

It is the Region's goal to periodically review the misconduct investigations program to assess the quality, timeliness, and effectiveness of investigations. Investigations are used when the allegations include serious misconduct and may warrant disciplinary actions. Investigations involve taking formal statements from relevant parties and witnesses., generation of formal findings and analysis of those findings. Inquiries are informal contacts and discussions with people to clarify the reported allegations and to see if further investigation is warranted. Sometimes inquiries result in enough information to quickly and informally resolve the situation. In order to assess the effectiveness of misconduct investigations under this provision, the process, issues, trends, actions and outcomes are reviewed and analyzed with emphasis on allegations of sexual harassment and related behaviors. The Region is in the process of developing a review and reporting

template for this provision. Information pertinent to program operations is located in the appendix to this section on pages 4.1-4.8 of the Appendix.

Misconduct Investigations for the Period: During this period there has only been one formal misconduct investigation initiated and that investigation is still being conducted. The investigation involves an allegation of sexual harassment. The Region's analysis of past misconduct investigations is underway however, progress is hampered due to lack of information. There were no misconduct investigations closed during this period. There has been a significant decline in the number of formal misconduct investigations initiated between this reporting period and the last. In the last reporting period there were ten investigations initiated whereas this year there has only been one. (See Pages 4.9-4.10 of Appendix). Of the ten formal misconduct investigations that were initiated last reporting period, all have been closed. Six of the investigations involved allegations of sexual harassment (five of which were substantiated) and none involved allegations of retaliation. The disposition of those cases is provided in the summary of misconduct investigations closed since the last reporting period. (See Page 4.9-4.10 of Appendix)

Staffing: Since December 2000, the Region has used only contract investigators to conduct formal misconduct investigations. There are a sufficient number of investigators available to respond to agency requests for investigations. However, there is a concern that inadequate internal staffing (i.e., the lack of staff to administer the misconduct investigation program exclusively) is an obstacle to analysis of the investigations that are done.

Training of Investigators: The agency believes the investigators used to date are properly trained and it has no information to the contrary. However, in an effort to be aware of the exact training background of the investigations, the agency has taken steps to request biographical sketches.

Discipline for Misconduct: The agency takes disciplinary actions against employees who are found to have committed substantiated misconduct. The agency documents all reported allegations of sexual harassment and the resulting inquiries, formal investigations, and disciplinary actions taken due to substantiated misconduct. The agency publicizes disciplinary and adverse actions taken in response to substantiated misconduct in the adverse action digest. This, along with the disciplinary actions themselves, assists in the deterrence of misconduct. Additionally, the agency uses progressive discipline to deter misconduct.

Misconduct Inquiries: There were 20 misconduct inquiries initiated during this reporting period. Of those inquiries, 10 contained allegations of sexual harassment and 8 of those remain open. There were two misconduct inquiries closed during the period: one which involved allegations of sexual harassment and resulted in the termination of the offender; and another that also involved an allegation of sexual harassment and was elevated to a formal misconduct investigation. The high volume of inquiries regarding sexual harassment is being analyzed to isolate specific issues and trends based on location or responding official.

Inquiry Reporting: A recent review and analysis of agency logs that document inquiries covered by the misconduct investigation program has identified issues regarding consistency in updating and management. This is primarily due to workload and turnover in staff. It was noted that the current inquiry logs contain cases in numerical sequence and only identify open cases. Closed cases are not maintained in current logs. This method of recording makes tracking difficult because cases are omitted between one log and the next without explanation

KEY ACCOMPLISHMENTS

Direction Issued: By letter dated May 20, 2003, the Region issued direction on Reporting and Managing Allegations of Sexual Harassment (See Pages 4.11-4.18 of Appendix). By letter dated May 9, 2003, the Region issued direction on Reporting and Managing Allegations of Sexual Harassment/Misconduct at the Wildland Firefighter Apprentice Academy dated May 9, 2003. This process was developed as part of a collaborative effort between the Human Resource Office, Civil Rights Office, and the Fire Management Organization. This correspondence was published to assist in clarifying roles and responsibilities and to identify a clear process for handling employee misconduct while at training and away from their home units. (See Pages 4.19-4.25 of Appendix)

Leadership Commitment: The Regional Forester had demonstrated his personal commitment to address sexual harassment allegations. He has repeatedly reiterated his instruction to the Regional Leadership Forum (that he originally issued in his November 21, 2002 letter) to report all allegations of sexual harassment to the Regional Forester's office in addition to the other required Civil Rights and Human Resource points of contact. (See Page 4.26 of Appendix)

Draft Standard Operating Procedure: The Regional Office has drafted a Standard Operating Procedure (SOP) on handling allegations of sexual harassment. In the SOP there is guidance for conducting preliminary fact-finding inquiries and to ensure consistency in handling allegations throughout the Region. The draft identifies who should conduct the inquiry and what kind of information should be obtained through the inquiry process. The draft will be circulated to the Monitoring Council next reporting period for their comments. The Region is using a recently modified letter authorizing misconduct investigations which tightens timeframes for production of final investigative reports and requests a biographical sketch of the investigators background. (See Pages 4.27-4.28 of Appendix).

ISSUES AND MITIGATING STRATEGIES

Training: Some managers, human resource staff, and equal opportunity managers may not be properly trained to conduct preliminary fact-findings that are thorough and informative. In response to this issues, R5 plans to provide additional training for those who conduct preliminary fact finding to improve the quality of initial inquiries and provide better information for use in formal misconduct investigation.

Program Management: Lack of sufficient staff prevents comprehensive review and analysis of the misconduct inquiries and investigative reports, and attention to proper reporting and record keeping. Staffing shortages also hinder the review of disciplinary and corrective actions initiated in response to substantiated misconduct related to allegations of sexual harassment or retaliation. In response to this issue, the Region intends to dedicate a full-time Program Manager to the Misconduct Program, who will review each investigative report to determine sufficiency, monitor timeframes between key phases of the investigative process from the initial inquiry phase through receipt of the investigative report, ensure proper record keeping, and identify and implement necessary process improvements. The Program Manager will also be responsible for reviewing the findings and disposition of open inquiries and investigations to ensure proper disciplinary action and specialized training occurred for substantiated allegations of sexual harassment and retaliation.

Program Quality and Timeliness: Program guidelines and standardization are required to ensure quality fact-finding inquiries take place in a timely manner. In response to this issue the Region will issue the Standard Operating Procedure (SOP) that has been drafted and use the guidelines it contains for conducting inquiries. The recommended timeframes will improve the quality of the initial fact finding and effect more timely closure of misconduct inquiries. Through the Program Manager, the Region will also audit inquiries that have been open for more than 45 days and provide advice and guidance to the field units to assist them in effecting appropriate disposition of those inquiries.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Misconduct Investigation Procedures						
Overall Performance Scorecard	●	●	●	●	●	●
Maintain an Investigation Procedure	●	●	●	●	●	●
Conduct Investigations in a Timely and Effective Manner	●	●	●	●	●	●
Ensure Staffing for Investigations is Sufficient to Accomplish Objectives	●	●	●	●	●	●
Ensure Investigators are Properly Trained to Conduct Investigations	●	●	●	●	●	●
Ensure Appropriate Disciplinary Actions Taken	●	●	●	●	●	●
Ensure Effective Deterrent Activities	●	●	●	●	●	●
Documentation of Intake, Processing and Outcome of Allegations of Sexual Harassment	●	●	●	●	●	●
Regional Director of HR Administers Misconduct Investigation Procedures	●	●	●	●	●	●

Overall this injunctive relief provision area is progressing well toward its goals and is on track to achieve results in a timely manner. The performance scorecard indicates that more focused action will be necessary in planning, approach, documentation, deployment and evaluation in order to implement effective program monitoring and realize significant results.

ACTION PLAN FOR NEXT REPORTING PERIOD

No.	Action	Responsible Official	Date
1	Record dates for each phase of the investigative process from request for investigation to receipt of the investigative report in order to monitor each timeframe of the process from the date of request.	Markette Drone	August 30, 2003
2	The Region will coordinate formal training for Forest Supervisors, Deputy Forest Supervisors, Human Resource Officers, Employee Relations Specialist and Equal Opportunity Managers in the area of how to conduct a fact-finding.	Markette Drone	September 30, 2003
3	Once SOP on handling allegations of sexual harassment is finalized and approved, the Region will distribute to the field and implement provisions.	Markette Drone	September 30, 2003
4	Dedicate position to the Misconduct Investigation program to allow for review of investigative reports for sufficiency	Margaret Pasholk	October 30, 2003
5	Review the credentials of every investigator that is proposed for assignment during each period prior to confirmation of assignment to ensure qualified staffing	Margaret Pasholk	Beginning Immediately and Ongoing

5.5 PREVENTION OF SEXUAL HARASSMENT (POSH) TRAINING

OVERVIEW

The purpose of this provision is to ensure that appropriate communication and training is provided to all employees of Region Five (Region 5 or R5). The Region's goal is to avoid creating a hostile work environment for employees by preventing incidents of sexual harassment and the recurrence of behavior that constitutes sexual harassment and retaliation.

In response to this provision, the Region has implemented a strategy for the design of a Prevention of Sexual Harassment (POSH) curriculum, and the delivery of annual training to all employees in the Region. The strategy also involves review and assessment of the quality and effectiveness of the training and the delivery strategy to ensure continuous improvement. In calendar year 2002 the Equal Opportunity Manager (EOM) in the Regional Office, and the EOM on each unit delivered the POSH training to the workforce. This initial strategy has been reviewed and revised for the 2003 training year to allow delivery of the training by outside contractors. The goal of this revision in the strategy is to enhance consistency and quality of delivery of training and more completely respond to the intent of this provision. This training is designed to: a) help managers and employees understand and define the inappropriate behavior that constitutes sexual harassment, b) provide managers and employees with tools to identify and prevent sexual harassment, and c) ensure managers and employees understand their roles and responsibilities for reporting and correcting incidents of sexual harassment and retaliation.

The training will be considered effective if the following occurs: First, managers and employees follow the regional direction to report and manage allegations and incidents of sexual harassment and reprisal. Secondly, managers and employees actively utilize the tools provided in the POSH training to prevent and eliminate sexually harassing behavior. Finally, managers and employees have a better understanding of the impact on the person who is harassed, their personal liability, and the potential liability for the agency. The Region recognizes that the focused POSH training may result in an increase in the number of reports of sexual harassment because employees will be better informed about what constitutes sexual harassment, or alternatively, reports may decrease because employees will have increased competency and tools for addressing and controlling sexually harassing behavior before it occurs. The Human Resources and Civil Rights Staffs will monitor the response and impact of the training, and continue to evaluate its effectiveness in preventing and eliminating sexual harassment.

ANALYSIS OF PROVISION

Provision 10.1: Region 5 shall provide annual, mandatory training to its employees designed to assist them in recognizing, addressing, and correcting sexual harassment and retaliation.

Provision 10.4: Region 5 may, in its discretion, use outside contractors to provide the training required by this section.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

The Region re-designed its strategy to ensure delivery of more consistent POSH training in 2003. At the Regional Leadership Forum meeting conducted in November 2002, Regional Forester Jack Blackwell announced that the annual mandatory training on the prevention of sexual harassment would be contracted out and managed by R5 Civil Rights Staff. The Regional Forester also personally invited the USDA Office of General Counsel's Civil Rights Division, as well as the Monitoring Council, to recommend qualified vendors to support this effort.

During this analysis period R5 worked with the Monitoring Council to revise the design of the training and to implement the provision for 2003. Vendors submitted proposals to provide the POSH training for calendar year 2003. The proposals were evaluated, a vendor was selected, and POSH training for calendar year 2003 has begun within the Region. The training will be completed by December 31, 2003.

In order to improve the reporting and management of this year's deployment, each training session is using Certification Forms and Sign-in Sheets to document training participants, training material provided, and information on the instructor. Each course is also being evaluated by participants. Unit EOMs are expected to submit Certification Forms, copies of Sign-in Sheets, and evaluations to the R5 Federal Women's Program Manager semi-annually. The R5 Federal Women's Program Manager will compile the unit reports, assess training compliance, and provide reports to the Regional Forester semi-annually for use in responding to the Monitoring Council.

In addition to the training, the Regional Forester also directed that a Region-wide work environment sensing be conducted by the Director of Fire and Aviation Management, and the Director of R5 Civil Rights. They partnered successfully with NFFE's Vice President, the Early Intervention Program Manager, and the Monitoring Council to deliver a comprehensive R5 Sensing briefing, and conducted interviews and distributed surveys on the seventeen units in the Region between February and May. The purpose of the sensing was to gain information about organizational climate on each forest in R5 and identify organizational issues that might contribute to creating a hostile work environment.

Approximately 3,300 employees attended the sessions throughout the Region. All data from the completed R5 Sensing Survey forms has been entered into a database and sent to the Pacific Southwest Research Station where analysis will be completed. Unit analysis will be returned to each unit for review and action planning based on the results. Regional results will be reviewed and, where necessary, action plans will be developed to address work environment issues.

KEY ACCOMPLISHMENTS

Selection of Qualified Vendor: A comprehensive process including preview sessions was conducted to select a qualified vendor for delivery of the POSH training. In addition the Monitoring Council was invited to help evaluate bidders and recommend the contractor for selection. Eleven vendors were assessed through information provided including the type of training available, the estimated cost, vendor availability, content of training, references, and the skill level of the trainers.

Training Underway: Employees throughout the Region are receiving a consistent training course with a standardized package of regional materials, and are certifying receipt of the training and a package of instructional materials. These materials were previously provided to the Monitoring Council. Feedback from participants in this training has been very positive.

Organizational Sensing Sessions Conducted: The organizational sensing sessions included distribution of questionnaires to participants on each unit. The survey forms are being professionally analyzed by statisticians at the Pacific Southwest Research Station and feedback will be provided to the Regional Forester on the organizational climate in each unit and the Region as a whole. Feedback will identify problems and suggestions by employees for improving the workplace environment. The sessions afforded employees the opportunity to voice concerns regarding workplace issues and to discuss possible solutions with the representatives from the Regional Forester staff.

ISSUES AND MITIGATION STRATEGIES

Timing of Training: The targeted timeframe to deliver the training to a workforce consisting of approximately 8,000 permanent, temporary, seasonal students, Student Career Experience Program, and volunteers was May, June, and July. Many units were unable to schedule training sessions sufficiently early in the fire season to include new employees. Since this is a new course, vendors needed to be previewed before they were selected. The Request For Proposal was issued too late to allow previewing, selection, and scheduling for a sufficient number of early sessions. This resulted in most units having to accept later dates for the training. Next year vendors will be selected earlier to ensure the process can be completed and all new employees can be scheduled for training before the fire season begins. The Region will develop a mitigation strategy for this season that will ensure that some level of POSH training is provided to the temporary workforce within their first 30 days of employment. The Region will direct units to take such action.

Continuous Evaluation and Performance Improvement: The staff is already reviewing the 2003 implementation strategy for improvements and has identified modifications for FY2004. The training content for managers and supervisors will incorporate reinforcement of their special responsibilities for preventing, identifying, reporting, and dealing appropriately with incidents of sexual harassment and retaliation.

Provision 10.2: Region 5 shall provide an annual letter to its employees with respect to the requirements of this Agreement. The first such letter shall be issued within sixty days of the Final Approval Date and shall be posted on Region 5's website. Class Counsel shall be provided with an opportunity to review and comment on the first annual letter thirty days in advance of its issuance. The letter required by this paragraph shall be designed and intended to prevent retaliation against Class Members as a result of this Agreement.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

The second annual letter to all R5 employees was issued on February 24, 2003. (See Pages 5.1-5.2 of Appendix). The Region has also issued guidance on managing and reporting allegations or incidents of sexual harassment. The information is also posted on the R5 website.

Provision 10.3: The Region shall provide specialized sexual harassment prevention training to supervisors or employees who are found, through Defendant's administrative process, to have engaged in sexual harassment or retaliation.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

During this period R5 has been working with the Monitoring Council to discuss the design of training to implement this provision. The Monitoring Council has verbally agreed that the specialized training should be tailored to address each specific incident and should include minimum requirements regarding length of training, location and if group training is acceptable. The protocol, based on the verbal agreement with the Monitoring Council, is being drafted and is expected to be completed by July 31, 2003. Proposals from vendors for the development and delivery of specialized training have been solicited and are being received and reviewed.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Prevention of Sexual Harassment Training						
Overall Performance Evaluation						
Provide Annual Mandatory Training to All Employees to Assist Them in Recognizing, Addressing, and Correcting Sexual Harassment and Retaliation						
Provide Annual Letter to Employees Regarding Agreement						
Provide Specialized Training to Employees Who Were Found to Have Engaged in Sexual Harassment or Retaliation						

Overall, this provisional area is considered on track. The Region remains committed to improving the POSH training each year and has demonstrated that commitment by revising its strategy for the 2003 training. The focus for the next reporting period will be effective deployment and evaluation of the 2003 POSH training.

ACTION PLAN FOR NEXT REPORTING PERIOD

No.	Action	Responsible Official	Date
1	Develop specialized training protocol for employees determined to have committed sexual harassment	Gwen Bryant	December 31, 2003
2	Develop strategy to implement findings/results from sensing questionnaire.	Alice Fragoza/CR Director	December 31, 2003
3	Implement and evaluate annual POSH training for all units	Gwen Bryant	January 30, 2004
4	Develop and implement plan to incorporate content changes and schedule for conduct of next year's POSH training	Gwen Bryant	February 15, 2004
5	Provide additional training to temporary workforce within 50 days of entering on board	Gwen Bryant	July 18, 2003

5.6 INFORMAL EEO PROCESS

OVERVIEW

This Injunctive Relief Provision focuses on the effective use of an informal Equal Employment Opportunity (EEO) process to address and resolve informal complaints. The Forest Service's Informal EEO process supports the purpose of the Agreement by ensuring that issues regarding sexual harassment, gender harassment or reprisal are addressed and resolved in a timely and effective manner. The goal is for any employee or non-employee who files an informal EEO complaint to be assured that their concerns will be heard and addressed, and that persons committing or contributing to sexual or gender harassment or reprisal will be held accountable for their actions. The Informal EEO process is implemented through the Employment Complaint Program (ECP). The ECP is administered by the WO; however there is a detached unit located in Region Five (R5) with three full-time EEO Counselors located in the Regional Office, Vallejo. It is the responsibility of the Vallejo ECP Center Manager to assist complainants and managers in addressing and resolving issues and complaints as quickly as possible, and to provide excellent customer service. ECP also provides a service for R5 managers by maintaining an accurate database for analysis of complaint activity and trends.

Since January 2000, the Equal Employment Opportunities Commission (EEOC) has required agencies to make Alternative Dispute Resolution (ADR) available in the informal complaint process. 29 CFR 1614.102(b)(2) required agencies to make ADR available in the informal counseling process. If ADR is elected by the Complainant, 29 CFR 1614.105(f) extends the counseling period for a period from 30 days to 90 days. The form of ADR offered by the Forest Service is mediation which is made available through its Early Intervention Program (EIP).

The Informal EEO process, and particularly the implementation of the related Settlement Agreement (SA) provisions, are evaluated on a quarterly basis by the Washington Office onsite Civil Rights (CR) liaison and the Vallejo ECP Center Manager. Complaint activity reports are generated by the WO and the analyses of these reports is completed by the WO onsite CR liaison. Effectiveness of the program is evaluated based on analysis of these reports and review of participant surveys.

ANALYSIS OF PROVISIONS

Provision 11.1: The Agency shall provide training to all EEO counselors involved in the Informal EEO process in Region 5. The training shall cover, among other things, the need for accuracy and timeliness and the proper role of EEO counselors in the informal process.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

All counselors completed an eight-hour training course conducted by the Equal Employment Opportunities Commission (EEOC) in July 2001 and July 2002. The next refresher training session is scheduled for July 2003. Copies of the previous training

manuals were provided to the Monitoring Council. In each of the training sessions, special workshops were conducted on counseling harassment and retaliation complaints. This course meets the mandatory continuing counselor training as required by EEOC. Discussion sessions covered the counselors' responsibility for meeting timelines as prescribed by EEO guidelines, and accuracy of reports prepared by the counselor, with emphasis on capturing the bases and issues. Throughout the training session, the trainer provided site-specific roles and responsibilities of the EEO counselor as it related to the overall informal process.

KEY ACCOMPLISHMENTS, ISSUES AND MITIGATION STRATEGIES

EEO Counselors participated in a variety of developmental opportunities throughout the performance period including the following:

- In July 2002, all Region 5 Counselors attended an 8-hour continuing EEO Counselor Training Course designed specifically for EEO Counselors.
- All Counselors updated their knowledge and skills by attending ADR training in February 2003, an EEO update seminar in April 2003, and a Prevention of Sexual Harassment training, all sponsored by the San Francisco Bay Area Federal Executive Board.
- All Counselors attended a 4-hour course on the Prevention of Sexual Harassment that was contracted by the Regional Civil Rights Office.
- In June 2003 all counselors attended a 3-day workshop sponsored by the Forest Service National Civil Rights Office. The USDA-Office of Civil Rights, attorneys from the EEOC, and a contractor provided the training. Training included an update on EEO case law and resolution, expectations for EEO Counselors, and training and discussion on how to develop a Counselor's report that meets the minimum requirement to determine case acceptability.

All Counselors continuously update their knowledge by researching the "PERSONNET" database to review updated EEO case laws and decisions.

Provision 11.2: To assess the effectiveness of the Informal EEO process, the Agency shall design and conduct a voluntary survey of participants in the Informal EEO process in Region 5. The survey shall be provided to each complainant and responding official in the Informal EEO process at the conclusion of the informal process.

Provision 11.3: The Agency shall conduct an annual analysis of completed survey forms to determine whether the Informal EEO process is functioning effectively and appropriately as to Region 5.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

While this report covers the period from January 2003 – June 2003, the Washington Office (WO) ECP functions on a fiscal year reporting cycle. This report provides

analysis on the informal complaint activity data that was available for the first half of Fiscal Year 2003 which is October 1, 2002 to March 31, 2003.

Beginning April, 2001, informal complainants and Responding Officials were asked to complete surveys on their experiences in the informal process. This is a voluntary survey. As of mid-year 2003, the response rate of 20.21% (19 respondents) represents an increase of 5.3 percentage points over fiscal year 2002; however, a greater response rate would better ensure the validity of analysis of the survey data. The average rating for FY 03 response scores is 2.77; the overall average rating since April, 2001 is 2.75. This rating falls in the middle of the 5 part scoring grid, indicating neither a strong feeling of satisfaction or dissatisfaction with the EEO counseling services provided. Beginning in June, 2003, surveys were mailed by U.S. mail, in addition to e-mail. A further analysis of survey responses is in the Informal EEO process appendix on pages 6.1-6.7.

KEY ACCOMPLISHMENTS, ISSUES AND MITIGATION STRATEGIES

While the survey response rate has increased over FY 02, a greater response rate would positively impact the statistical significance of the survey results. The WO is working with a contractor to review the electronic survey system for enhancements that would ensure receipt of the survey by program participants, and enable the system to resend the survey after a stipulated period of time when no response has been received. As part of this effort, the survey content will also be reviewed for any revisions that would improve the quality of data collection. Counselors will verbally encourage parties to complete the surveys. While the survey is designed to be voluntary and should remain so for Complainants, the Region will direct responding officials to complete the surveys as a part of needed program evaluation. With the anticipated system enhancements, in addition to improvements in survey content and response rates, more meaningful analysis can be conducted and the results acted upon.

Provision 11.4: The Agency expressly acknowledges that an EEO counselor may not withdraw any class member's informal EEO complaint without the employee's written permission.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

There are no known incidences where an EEO Counselor has withdrawn any class member's EEO complaint without the employee's written permission. The Region continues to reinforce adherence to this provision by EEO Counselors. Copies of withdrawal confirmation letters for the time period January 2002 through May 2003, have been provided to the Monitoring Council. In May 2003, through an internal process improvement, nine (9) withdrawal letters were consolidated into one (1) letter for tracking and analysis purposes. (See Page 6.8 of Appendix)Beginning November 2003, copies of withdrawal letters will be provided to the Monitoring Council on a biannual basis.

KEY ACCOMPLISHMENTS, ISSUES AND MITIGATION STRATEGIES

Since May 30, 2003, the Employment Complaints Program has provided copies of class member's written withdrawal documentation with their confirmation in writing to the Monitoring Council. Implementation actions for this period have been completed and are ongoing whenever a Complainant withdraws their complaint in writing. EEO Counselors will send the Complainant a "second" withdrawal letter if written confirmation is not received within ten (10) calendar days. If written confirmation is not received within five (5) days of the "second" withdrawal letter, the Complainant will be issued a Notice of Right to File (NRF) a formal discrimination complaint.

Provision 11.5: The Agency shall create and maintain a process for tracking complaints in Region 5 by type of discrimination, responding officials, and location in order to determine whether any patterns of conduct are discernible.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

Since fiscal year 1998, the ECP program has maintained a database system which tracks complaints by type of discrimination, location, and type of case closure. Beginning October, 2001, the database was modified to track complaints by responding officials. An analysis of class complaints has been completed in order to determine if any patterns of conduct are discernible. (See Pages 6-10 of Appendix) By July 15, 2003, a similar analysis for all R5 informal complaints will be forwarded to the Monitoring Council.

Analysis By Type: The analysis indicated that no informal complaints were filed during the period on the issue of sexual harassment. It also showed that reprisal complaints are quite frequent. Ten cases involving gender harassment were filed. Of these 10 cases, 5 were filed by two individuals. Eight of the ten cases were filed on one unit and a review is currently underway on that unit.

Analysis By Quantity: As of mid-year FY 03, the number of complaints filed by Class members appeared to be declining, compared with FY 02. However, historical trends indicate that more complaints are generally filed after May of each fiscal year due to the seasonal hiring shift during fire season. Therefore it is premature to conclude that the number of complaints is declining.

Analysis by Location and RMO: The analysis indicated that the Cleveland and Los Padres Forests, and the R5 Regional Office had the greatest number of class complaints in fiscal year 2002, and also the highest number of frequently named Responding Management Officials (RMOs). As of mid-fiscal year 2003, the Los Padres National Forest continues the trend of frequent complaint activity, while the Cleveland Forest and Regional Office are showing a decline.

Analysis of Resolution Rates: The following table shows overall resolution rate for the Region as compared with resolution rates for the R5 Women's Class Members and the entire FS.

Table 5.6-1: Informal EEO Process Resolution Rates

GROUP	FY 03 (Through 5/31/03)	FY 02
Region 5	37%	29%
R5 Women's Class	21%	25%
FS-Wide	49%	54%

The above table indicates that Region Five has a significantly lower resolution rate than other Regions in the Forest Service. In FY 02, the Women's Class resolution rate was fairly close to the Region Five resolution rate. As of mid-year, 2003, the gap between the Women's class resolution rate and the Region Five rate was widening. Further analysis is in process to isolate unique factors and barriers to resolution within the Region.

KEY ACCOMPLISHMENTS, ISSUES AND MITIGATION STRATEGIES

Complaint-Free Units: It is notable that 15 units had no informal Class Member EEO Complaints as of mid-fiscal year 2003 including Eldorado, Inyo, Klamath, Tahoe Basin, Lassen, Mendocino, Modoc, Plumas, San Bernadino, Sequoia, Shasta Trinity, Sierra, Six Rivers, Stanislaus, and Tahoe. Six of these units –Klamath, Tahoe Basin, Modoc, Sequoia, Six Rivers and Tahoe – also had no informal complaints during fiscal year 2002.

Program Improvements: The Informal EEO process in Region Five has made significant improvements in the last 18 months. These new initiatives have resulted in improved analysis of complaint activity and trends, which ultimately will continue to provide the best customer service for all who have a need to use the informal process. Further, through revisions to the ADR election process and greater collaborative efforts between the ECP and EIP staffs, the resolution rate should continue to improve.

Analysis of Results: The Region continues to analyze informal complaint data in order to identify discernible patterns of conduct and to develop and implement action plans to address issues. Issues identified and being addressed as a result of this reporting period's analysis are as follows:

- There is frequent complaint activity on the Los Padres National Forest. In response to the frequent complaint activity and to other related issues on that Forest, the Regional Forester's Office alerted the WO, and the WO has contracted with a consultant to complete a neutral fact-finding beginning 6/30/03. The objective of the fact-finding will be to assess the state of the work environment related to sexual harassment and management's response to that environment. An action plan will be developed by the Region based on the outcomes of the fact-finding activity.
- At the May RLF, the Regional Forester personally directed his Forest Supervisors and Directors to make mediation available to all Complainants except for unusual circumstances agreed upon by the Region.
- R5 continues to have a relatively low rate of resolutions as compared to the rest of the Forest Service. Further analysis is underway to identify issues and strategies for increasing resolution rates. The Region's leadership is continuing to emphasize the

necessity of entering into mediations with complainants in order to encourage a higher resolution rate. However, we recognize that resolutions require both managers and employees to be willing to resolve issues. (See also the next section about use of ADR in resolving EEO complaints.)

- The analysis of data from the informal complaints tracking system does not include sufficient information to evaluate patterns and trends, however additional analysis is now being performed to allow enhanced evaluation for identification of discernible patterns. This analysis will continue to be enhanced by the Region.

Provision 11.6: Region 5 shall maintain an alternative dispute resolution process that will be made available to a complainant within the first 90 days after an initial informal complaint is filed. Defendant's obligation under this paragraph may be met by offering the complainant the opportunity to participate in the Early Intervention Process or mediation.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

Since January 2000, the Equal Employment Opportunity Commission (EEOC) has required agencies to make ADR available in the informal process. The use of ADR in the informal complaint process encourages face-to-face meetings that may improve the overall environment and communications generally. The Forest Service has consistently made ADR available through its Early Intervention Program (EIP). While this provision has been effectively implemented, the FS has continued to seek opportunities to increase the visibility and use of ADR by Complainants as an avenue for face-to-face mediation and resolution.

Complainants are advised of their right to elect ADR at three stages: (1) during the intake interview with the EEO Assistant, (2) at the initial interview with the assigned EEO Counselor, and (3) by letter advising them of the Notice of Rights and Responsibilities. Prior to May 2003, Complainants were required to elect ADR in writing; otherwise the complaint would be handled through the traditional EEO Counseling process. The default selection is now ADR. As of mid-2003, 40.8% of all closed informal cases were processed through ADR, compared with 10.5% in fiscal year 2002.

KEY ACCOMPLISHMENTS, ISSUES AND MITIGATION STRATEGIES

Expanded Mediation: In an effort to increase the use of ADR, Region Five issued a May 6, 2003 letter (Subject: Implementation of USDA Policy on Using Alternative Dispute Resolution) directing Regional Leadership Forum members to offer ADR to all Complainants, with only four conditions under which management can decline ADR. In conjunction with the policy, beginning June 2003, Region Five and the California Service Center modified and implemented the ADR selection procedures during the informal complaint process. Complainants are advised that ADR/mediation would be automatically set up for their complaint unless they decline and select traditional counseling, and that management can decline ADR under the four conditions stated in the ADR election letter to the Complainant. This change should result in more cases

processed through ADR earlier in the informal process and before the end of the 90 days counseling period.

Timely Mediation: Section IIID1 of Chapter 3 (Alternative Dispute Resolution) of EEO MD110 states that the “Counselor should have no further involvement in resolving the matter until he or she is advised of the outcome of the ADR process” However, the Region’s EEO Counselors ensure timely processing of ADR by following up on the status of the ADR elections with the EIP Coordinator at the 30th, 60th and 85th days of the counseling period and advising the Complainant of the status of their complaint. While mediation is the primary method of ADR, other ADR techniques are being considered.

Provision 11.7: The Council may recommend modifications or revisions to the Informal EEO process. The Agency shall consider the recommendations of the Council and, if the Agency decides not to implement the proposed modifications or revisions, it shall provide the Council with a written statement of its reasons within 21 days. The Agency’s decision with respect to a Council recommendation as to the Informal EEO process shall not be subject to the dispute resolution procedures set out in section 5.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

Concerns from the Monitoring Council regarding the effectiveness of the Informal EEO process in R5 were received as part of the March 2003 Monitoring Council Report (MCR). Some of the concerns involved OGC, USDA, and the Washington Office (WO), which has authority over the informal process. Although the Regional Forester does not have authority over the informal process, he worked with the Washington Office Civil Rights Director and the EIP Director to address many of the concerns of the Monitoring Council. This included:

1. We recognized that we needed a more aggressive stance with “Good Faith” efforts to reach resolution. As previously mentioned, we have continued to promote an intensive initiative to go to mediation in good faith for all cases in R5 unless they fall under written criteria of the WO memo of August 2002, e.g., criminal activity, violence, or a formal complaint subsumed by a class action.
2. Failure to reach resolution is not necessarily always a case of management not willing to resolve. There are two parties in every mediation. Employees sometimes may not be reasonable in their resolution requests.
3. There are no instances where the \$5,000 limit in regional authority has ever been an obstacle to resolution. Washington Office, similar to many federal agencies, has several reasons for this limitation. First, it serves as a single point of contact in an agency of eight regions and several research stations for consistency and centralization of important decisions. Second, cases settling for large amounts are taken seriously, often with follow-on discipline, and the Washington Office requires justifications from the regions.
4. R5 is using the WO Chief’s Cadre of resolving officials in highly complex or contentious cases involving R5 Complainants.

Plans are also underway to implement the following in response to the MC concerns:

1. *Publish additional information for managers.* (Ref. p.60 of MCR 3/03). Data is being compiled including:
 - (1) the number of settlements relative to the number of complaints filed,
 - (2) the length of time complaints take to be resolved
 - (3) the types of resolutions reached when the complaints are settled.
2. *Improve the complainant understanding of the use of the Traditional EEO Counseling Process and the EIP Process.* We will review and update written handouts given to Complainants and ensure Counselors have talking points to explain the differences. (Ref. p. 60 of MCR 3/03)
3. *Improve analysis.* The R5 Settlement Agreement Implementation Plan is being modified to incorporate a plan for the Region to analyze the effectiveness of its Informal EEO process. The Monitoring Council Report 3/03, specifically Section 11.7, was used as a baseline for developing this plan. (Ref. p. 61, MCR 3/03)
4. *Analyze decisions about Settlements in R5.* We are reviewing data available on settlements and will work on creating a report. MCR 3/03 suggests that information about the number of EEO complaints filed and the range of settlements, the length of time it takes employees to resolve cases, and the actual number of settlements which occur should be reviewed. (Ref. page 61 and page 63 of MCR 3/03).
5. *Provide evidence that steps have been taken to address concerns that were raised by employees or managers in the agency's "first report."* On July 3, 2002, accomplishments were provided on EEO Counselor training (Section 11.1), the Complaint Process Surveys (Sections 11.2 and 11.3) and the Responding Official tracking system (Section 11.5). These items are being continually reviewed and improved and documented as part of the Settlement Agreement Implementation Plan and in this Report, as appropriate. (Ref. p. 61 of MCR 3/03).
6. *Address timeliness of Informal EEO process.* Discussions with EIP in R5 will be planned to address timeliness in the informal process and in the early stages of a complaint. EEO Counselors have been detailed to EIP to assist with the cases awaiting mediation. EEO Counselors and EIP specialists have worked together to enhance communications and to assist employees who wish referrals to the EIP process. (Ref. p. 61-62 of MCR 3/03).
7. *Notify Responding Officials of complaints.* Letters to responding officials informing them if a complaint is filed against them have been initiated. Letters will be modified to incorporate reminders against reprisal. R5 leadership incorporated their concern regarding reprisal in a memo to all employees. (Ref. p. 62 of MCR 3/03).

KEY ACCOMPLISHMENTS

Expanding Flexibility and Increasing Opportunities for Mediation: A joint Washington Office/Regional Civil Rights/EIP/Human Resources Project, as noted in other sections, has been continuing since April 2003, ensuring EIP is offered to all complainants except in limited circumstances. This has resulted a decision to offer

mediation in 15 to 20 prior cases where mediation was previously denied. New written guidance on handling global settlement issues related to class complaints has been issued by the Washington Office Civil Rights Director. This guidance further expands opportunities to mediate complaints. (Ref. p. 60 of MCR of 3/03). FS Leadership has talked to National Leadership Team and new Chief's Cadre of resolving officials on the topic of going to the table in good faith and resolving complaints at the earliest stage. R5 is now offering ADR to all complainants. This occurs on the first intake interview of filing an informal complaint and it is documented.

Analysis: An analysis to increase response rates of survey questionnaires on the use of the informal EEO complaints process has been completed. Changes in the process and analyses will be continuing until participation rates have increased from 20 percent. (Covered under Sections 11.2 and 11.3). Trend analysis now includes statistical information about responding official. (Ref. p. 61 of MCR 3/03).

Confidentiality: New standard operating procedures for EEO Counselors, particularly relating to confidentiality issues, have been drafted to address concerns of employees who are reluctant to file informal EEO complaints.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
The Informal EEO Process						
Overall Performance Scorecard	●	●	●	●	●	●
Provide Training to All EEO Counselors	●	●	●	●	●	●
Design and Conduct A Voluntary Survey of Participants in the EEO Process	●	●	●	●	●	●
Conduct an Annual Analysis of Completed Survey Forms to Determine Whether the Informal EEO Process is Functioning Effectively and Appropriately	●	●	●	●	●	●
Acknowledge that EEO Counselors May Not Withdraw Any Class Member's Informal Complaint Without the Employee's Written Permission	●	●	●	●	●	●
Create and Maintain a Process For Tracking Complaints By Type of Discrimination, Responding Officials, and Location To Determine Patterns of Conduct	●	●	●	●	●	●
Maintain an ADR process that will be Available to a Complainant Within the First 90 Days After an Initial Complaint is Filed	●	●	●	●	●	●

ACTION PLAN FOR THE NEXT PERFORMANCE PERIOD

No.	Action	Responsible Party	Timeframe
1	Provide to the Monitoring Council copies of the EEO Counselor training course manuals for training completed in July 2003 and all subsequent years.	J. Benevide	Every August
2	Contract with consultant to review the survey data electronic response system so that follow up surveys can be automatically sent to the same person after no response in 2 weeks.	P. Blount	By July 30, 2003
3	Continue to explore other options for increasing survey response rates.	P. Blount and T. Cordova	Ongoing
4	Analyze surveys to improve the EEO informal process and monitor participation rate	T. Cordova	Quarterly
5	Send memo instructing managers in R5 of their obligation to respond to Survey	V. Jackson	Dec. 2003
6	Provide copies of all withdrawal confirmation letters on a biannual basis to the Monitoring Council.	P. Blount	By Nov. 30, 2003
7	Revise data tracked to the Monitoring Council on a bi-annual basis to address additional information, e.g., EOM/HR Advisor on each case.	M. Coley	July 15, 2003
8	Provide copies of all ADR election responses to the Monitoring Council beginning with those dated October 1, 2002..	P. Blount and A. Flores	July 31, 2003
9	Begin to track, report and analyze data on the following: <ul style="list-style-type: none"> ▪ R5 resolution rate and average time for traditional EEO counseling processing ▪ R5 resolution rate and average time for EIP processing ▪ Percentage of cases that do not go to requested mediation within 90 days ▪ Settlement statistics including length of time to settle, amounts, settlement rate, etc. 	T. Cordova, M. Coley	Semi Annually
10	Improve the complainant understanding of the use of the traditional EEO counseling process and the EIP process by revising handouts to Complainants & preparing talking points for Counselors	A. Flores, WO Specialist	Npv. 2003
11	Conduct discussions to address timeliness in the informal process with EIP	N. Tousley, D. Gentry, T. Cordova	Oct 2003
12	Revise letter to responding officials reminding them to be mindful of reprisal.	P. Blount, WO EEO Specialist	Oct 2003
13	Stress confidentiality in the informal complaints process. Retain a documentation trail on information released by EEO Counselor.	P. Blount, T. Cordova, N. Tousley	Sept 2003

5.7 MENTORING PROGRAM

OVERVIEW

The establishment of a Mentoring Program is the focus of this provision. In developing the Mentoring Program, this Region's approach has been to avoid targeting any particular group of employees, and to implement a comprehensive program that will ultimately provide a developmental benefit that is open to all employees. The main objectives of the program are to increase understanding of the culture and organization of the Forest Service within Region 5 and nationally; to help employees identify career goals and potential for achieving those goals; and to improve interpersonal communications skills and increase self-confidence. With regard to assisting in the elimination of sexual harassment and hostile work environment, the Region will provide both the mentor and mentee with guidance on regional policy related to these areas and general education on how to recognize, address and report sexual harassment issues.

The overall strategy for the Region was to commission a task force to develop a proposal for a Mentoring Program. The task force results and input from the Monitoring Council (MC) was used to form the basis for a Statement of Work for a solicitation to hire an external consultant. A Mentoring Program design team will work with the external consultant to develop and deploy the Mentoring Program. The Region will evaluate and track the outcome of the mentor / mentee experience and identify its ultimate impact on the careers of both parties.

ANALYSIS OF PROVISION

Provision 12.1: The Agency shall create a task force to examine the Region 5 mentoring program. The task force shall recommend to the Council proposals designed to assure that class members are provided appropriate mentoring, including assistance with respect to issues relating to sexual harassment.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

Task Force: Region Five (R5) commissioned a task force to develop a proposal for a Mentoring Program. An initial Mentoring Program outline was developed and forwarded to Washington Office Headquarters for review and comment in 2001. A copy of the proposed program components and task force review was forwarded to the Monitoring Council in January of 2002. The Region received a response from the Council in their "Monitoring Council Recommendation #03-0001" dated January 27, 2003, regarding the proposed Mentoring Program. The Council provided numerous recommendations to the Region for consideration related to the structure of the program. In a response dated March 24, 2003, the Region accepted the recommendation of hiring a consultant to assist a regional committee in designing and implementing the program. The Region will address the remaining Monitoring Council recommendations during the program design phase.

Contract Awarded: The solicitation for consulting service was released April 14th, 2003 and closed May 16, 2003. A copy of the solicitation is included in the Appendix of this report. (See Pages 7.1-7.38 of Appendix) The Region received 16 proposals from prospective consultants that were reviewed by a panel of three employees. The panel members were Maxie Hamilton, Program Manager, Mary Weiss, Group Leader, Human Investment Programs and Cathleen Thompson, Agency Representative for the Monitoring Council. The panel reviewed all of the candidates and submitted the name of the recommended vendor to Acquisition Management on June 16, 2003 and the contract was awarded June 24, 2003.

Design Team: Currently, the Region is establishing the Mentoring Program Design Team. The team will work with the consultant to develop the parameters for an effective, high-quality Mentoring Program. Depending on the outcome of the design meeting, negotiations with the Union may be required. The meeting of this group is scheduled for July 2003 in Sacramento, California. The Design Team will consist of the Program Manager, the Regional Training Officer, a member of the Monitoring Council, a Line Officer, a Union Member, an Equal Opportunity Manager, and one representative from each Province, (Province representatives may serve dual roles; for example, a Province representative could also be a Line Officer, a Union Representative or an Equal Opportunity Manager.) An attempt will be made to have the team reflect the diversity of the Region.

Program Implementation: The Region will initiate a pilot program this calendar year, review the results, and make necessary adjustments as appropriate. The pilot program will consist of 25 pairs of mentors/mentees. A one-year contract with two additional option years is in place for consulting services to support the program. This contract will facilitate the Region's goal to train at least 100 mentoring pairs during the life of the Settlement Agreement.

The Region is proceeding with the implementation of the proposed Mentoring Program. An aggressive implementation timeline has been developed for piloting the Mentoring Program by the fourth quarter of 2003. There are no ongoing issues.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Mentoring Program						
Review Mentoring Program and Provide Proposal to Ensure That Class Members are Provided Appropriate Mentoring, Including Assistance with Respect to Issues Relating to Sexual Harassment						

While the Mentoring program is in the early stages of implementation, overall the program is on track and progressing toward its objectives. As the design team begins its work, plans will be finalized, deployment and evaluation will begin and results will be forthcoming.

ACTION PLAN FOR NEXT REPORTING PERIOD

No.	Action	Responsible Official	Date
1	Design team meeting with vendor to develop program specifics	Maxie Hamilton	July, 2003
2	Issue program announcement and call letter mentors and mentees)	Maxie Hamilton	August, 2003
3	Determine size of mentoring training effort (including subsequent classes) based on employee response to call letter.	Maxie Hamilton	September, 2003
4	Match mentoring pairs.	Maxie Hamilton	September, 2003
5	Begin first mentoring class.	Maxie Hamilton	October, 2003
6	Arrange for additional classes as needed.	Maxie Hamilton	FY-04

5.8 SCHOLARSHIPS

OVERVIEW

The Region agreed to set aside \$100,000 annually for three years to assist employees with meeting personal educational/training needs and goals. The Region agreed with the Monitoring Council (MC) that the funds could be used to assist employees in career development, enhancement of their skill level for their current positions and, in some cases, help them to be more competitive for positions. The Region also saw this as a valuable opportunity to replenish knowledge and skills in the workforce that may have been lost due to retirement or employee transfers. This program strongly supports effort to eliminate sexual harassment and hostile work environment in the workplace by funding conflict resolution training and courses emphasizing interpersonal communication. Providing employees the tools to communicate effectively will lead to a more productive and collaborative workforce.

The Region dedicated one staff position to manage this program with responsibility for ensuring that the intent of the Settlement Agreement is accomplished. The Region will be evaluating the effectiveness of the program and its impact on employees by surveying funded recipients on their experience. The Region's approach to implementing this provision uses a panel of diverse employees to review and rate applications. The panel consists of an employee from each Province, a Civil Rights staff member, a Human Resources staff member. A union representative and a line officer have also been invited to participate on the panel. The program manager developed a communication plan to widely announce the opportunity and distribute applications. The MC recommended in their report that the Region should commit to funding the Scholarship Program one additional year. On May 21, 2003, the Regional Forester's Office agreed to extend the funding for the Scholarship Program through fiscal year 2005.

ANALYSIS OF PROVISION

Provision 13.1: Region 5 shall set aside at least \$100,000.00 per year for scholarships; provided, however, that Region 5 shall not be required to set aside more than \$100,000. The parties agree that funds will be set aside for scholarships under this paragraph only from Congressionally appropriated funds legally available for such purpose. Nothing in this paragraph shall be interpreted or construed as a commitment or requirement that Defendant obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other applicable provision of law.

Provision 13.2: The Council shall review Region 5's current scholarship program to assure that women are not denied opportunities as a result of sexual harassment and reprisal, and that scholarships are available to men and women equitably; provided, however, that nothing in this section shall be construed to authorize or require establishing quotas for the distribution of scholarship funds.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

FY 2004 Announcement: The call letter for the fiscal year 2004 Scholarship Program was issued April 28, 2003. Prior to its release, a draft of the letter was shared with the MC for review and feedback. The due date for submitting applications was June 6, 2003, allowing employees six weeks to apply. The Region took into consideration timing concerns raised last year. The letter was released when permanent seasonal employees were returning to work from tour status. Therefore, they had an opportunity to apply before fire season went into full swing.

Concerns were raised in the MC's report that employees may not have received an ample opportunity or notice to apply for the previous FY 2002/2003 program. A strong effort was made to publicize the program and provide as much advance notice as possible about the upcoming FY 2004 program and provide general information to the Region.

Application Results: The Region received 152 applications for scholarship funding consideration, which included 134 individual applications and 18 group proposals. An initial review of the individual applications reflected that approximately 72% were submitted by women. This is an increase over last year's application rate when 93 applications were received. An analysis of the group proposals is pending. The rating of the applications is scheduled for July 2003. Applications will be considered on a competitive basis and reviewed by a diverse panel. Once the applications are rated, letters will be sent to all funded and non-funded applicants to notify them of their award status.

FY 2003 Program Completion Status: As the time of this report, 31 scholarship recipients from the FY 2002/2003 program have completed all of their training. The Region is in the process of acquiring course completion information from the remaining recipients. The Program Manager has received positive comments from recipients regarding participation in the program. The Program Manager will conduct a formal survey to obtain participants' feedback.

Expenditure of Funds: The MC has raised the concern that all of the FY02 dollars were not used. A comprehensive review of the R5 records indicated that the total unused funds were \$20,131.87. A review of the documents submitted to the Program Manager and his personal discussions with employees revealed that employees generally over-estimated their funding needs. Other reasons why funds went unspent include the following:

- \$10,000 was charged to another job code after the FY02 books had been closed; funds could not be adjusted.
- One employee transferred to another agency after the end of FY 02.
- Courses that were identified and originally approved were canceled by the educational organization.
- A woman employee was given a 25% discount for signing up for two courses, which was not anticipated in her proposal.

The MC forwarded their concerns on the funding issue in an official recommendation correspondence (#03-0017) with a reply due on July 16, 2003. The Region will look at alternatives to ensure that the maximum amount of funding possible will be used and will address the funding concerns in its response to the recommendation letter.

Currently, the Program Manager monitors the recipients' activities quarterly with regard to course completion, funding expended and satisfaction level. To better monitor the expenditure of funds, the Program Manager has requested that a specific job code be established for the \$100,000, which will simplify the task of monitoring the amount of funding spent. Proactive methods are in process to continually improve record-keeping and program management including the addition of a request in the recipients' award letter for them to notify the Program Manager immediately of any changes in their employment or scholarship status.

Women's Access and Participation: The Scholarship Program's open period was April 25 through June 6, 2003, allowing for more time than last year for employees to prepare and submit an application. The Program was publicized to the Regional Leadership Forum and all Region Five employees. As was the case for the FY 2002 and 2003 scholarship period, employees were allowed to apply directly to the Region and were not required to go through their supervisors. It appears that the Region was successful in marketing the program, due to an increase in the number of applications received for the FY04 program. A total of 152 applications (including group proposals) were received which was 59 more than last year. This represents a 62% increase over last year. Ninety-seven or 72% of the individual applications received for FY2004 were from female employees, representing an increase of over 60% in female applicants. Each Forest requires individual analysis to determine if employees are participating in the Scholarship Program from each District. Table 5.8-1 summarizes the participation statistics for FY 2002/2003.

Figure 5.8-1: Participation Statistics For FY 2002/2003

Fiscal Year	Total No. of Applicants	Total No. of Applicants Funded	Women	Men	Groups	Total Allocated Dollars	No. of Recipients Completing Coursework
2002/2003	93	53	33	13	6	\$200,000	31 ²

KEY ACCOMPLISHMENTS, ISSUES AND MITIGATION STRATEGIES

Marketing of Program: Extensive outreach was performed to enhance employees' awareness of the Scholarship program. Three dedicated marketing efforts are outlined below. The appendix contains samples of efforts made.

² This number represents the recipients who have submitted documentation regarding completion of courses. In FY 2002 there were 2 recipients that did not obligate funds and one recipient that transferred to another agency.

- 01/16/03 A letter sent to Regional Leadership Forum (RLF) providing an update on the Scholarship Program Scholarship Program. (See Pages 8.1-8.3 of Appendix)
- 03/03 An Article was placed in the Regional Newslog (See Pages 8.4-8.5 of Appendix)
- 03/28/03 Included in annual mid-year performance rating letter to supervisors and managers is a statement requesting them to discuss ScholarshipProgram during mid-year reviews. (See Pages 8.6-8.7 of Appendix)

Report Formatting: The MC raised a concern regarding the reporting format in which the data was collected and given to them. On June 10, 2003, the Program Manager forwarded a proposed reporting format and evaluation questionnaire to the MC for review and feedback. As of this time there has not been a response from the MC.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Scholarships						
Overall Performance Scorecard						
Set Aside at Least \$100,000 Per Year For Scholarships						
Review Scholarship Program to Ensure That Women Are Not Denied Opportunities						

ACTION PLAN FOR NEXT PERFORMANCE PERIOD

No.	Action	Responsible Party	Timeframe
1	Agree on questionnaire data and use.	Maxie Hamilton	July, 2003
2	Collect and analyze data.	Maxie Hamilton	November, 2003
3	Use input from Management Council regarding reporting format to revise as needed, including any changes to database.	Maxie Hamilton	July, 2003
4	Improve financial tracking system to ensure funds are expended in a timely manner .	Maxie Hamilton	August, 2003
5	Select and notify FY 2004 scholarship recipients.	Maxie Hamilton	September, 2003

5.9 ADVERSE ACTION DIGEST

OVERVIEW

The purpose of the Adverse Action Digest (AAD) is to educate employees on the disciplinary action taken for unacceptable behavior in the workplace and to reinforce Region Five's (R5s) commitment to ensuring individual accountability for misconduct. The AAD contains the disciplinary and/or adverse actions issued to R5's permanent and temporary employees. The AAD is distributed semi-annually to all employees under a cover letter signed by the Regional Forester. Once the AAD is disseminated to all employees, the AAD is sent through the mailroom with a link to the Forest Service (FS) Intranet Website for all employees to review and is resident on FS' Intranet. The AAD helps management ensure a more consistent application of the Table of Penalties and aids in discouraging sexual harassment and reprisal by publicizing consequences for such actions. The Monitoring Council Liaison, through the Office of Human Resources, is responsible for the development and publication of the AAD.

ANALYSIS OF PROVISION

Provision 14.1: Region 5 shall publish a semi-annual adverse action digest of disciplinary actions of one-day suspension or more taken against employees in Region 5.

Provision 14. 2: The adverse action digest shall summarize adverse actions according to Forest or Regional Office, supervisory or non-supervisory position, and gender of the person against whom adverse action was taken, and shall describe the nature of the offense and the disciplinary action taken.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

Report Analysis Improved: First published in January 1999, the AAD currently is published semi-annually in accordance with the R5 Women's Settlement Agreement. In 2000, the data was summarized by Forest, Supervisor/Non Supervisory position, and gender. R5 improved the AAD summary for October 2002 – March 2003 to include distribution of actions by ethnicity, appointment type (i.e., permanent, temporary, and excepted) and breakout of type of actions. (See Pages 9.19-9.20 of Appendix)

Report Published: The AAD for FY03, October – March, went to the Monitoring Council and all employees on May 8, 2003. (See Pages 9.1-9.18 of Appendix) It included the new statistical summary. All seven AAD issued since 1999 remain on the internal Intranet Website. All disciplinary actions, letters of reprimand, suspensions, last chance agreements, termination of temporary promotions, denials of rehire eligibility, and terminations taken against employees in R5 are included in the AAD. We also include resignations taken after a proposed disciplinary or adverse action. The Region has noted a high level of interest in the AAD as a tool to reinforce the Region's commitment to holding employees accountable for their actions.

Report Publicized: The Region agreed with the Monitoring Council that the AAD should be more widely publicized. Managers will be encouraged to use it for training through written guidance and directives.

Report Results: For the last six-month period, there were a total of 66 adverse actions. Three actions pertained to sexual harassment issues. Two of the actions that related to sexual harassment were associated with inappropriate sexual language and resulted in letters of reprimand. The other action was for an employee viewing pornography on the computer at work and resulted in his termination. According to the data provided by responding officials, there were no actions based on reprisal submitted for this period.

Three Forests and the Regional Office had no adverse actions for the period. Two Forests had 10 and 11 actions, respectively, and the remaining Forests' numbers were low. Planned enhancements include further correlation analysis between misconduct investigations and adverse actions.

Enhanced Record-keeping: The AAD Program Manager established a record keeping system. All disciplinary adverse actions were logged in and assigned a number and statistical data was updated as the actions were received by the Program Manager from the Employee Relations Specialist and/or Human Resource Specialist at the field units. The actions received were transferred to the AAD. A reminder was sent to the field units before the final report was compiled to ensure that all actions are included. If an action was turned in after the reporting period, those actions were included in the next semi-annual AAD along with a note that they were from the prior period.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Adverse Action Digest						
Overall Performance Scorecard						
Region 5 Shall Publish A Semi-Annual Adverse Action Digest Of Disciplinary Actions Of One-Day Suspension Or More Taken Against Employees In R5.						
Summarize Adverse Actions By Forest Or Regional Office, Supervisory Or Non-Supervisory Position, And Gender Of The Person Against Whom Adverse Action Was Taken, Describe The Nature Of The Offense And Describe The Disciplinary Action Taken						

ACTION PLAN FOR NEXT PERFORMANCE PERIOD

No.	Action	Responsible Official	Date
1	Publicize Intranet Access on the Forest and Province Offices for employees' access as well as hard copies of AAD	Sadie Aragon	October 30, 2003
2	Develop the AAD to ensure it can be used as a training tool	Sadie Aragon	October 30, 2003
3	Issue correspondence to Forest Supervisor and Managers to refer to AAD at all training and orientations with employees	Sadie Aragon	October 30, 2003
4	Develop a methodology and questionnaire for measuring the effectiveness of the AAD	Sadie Aragon	October 30, 2003
5	Analyze ways to use the Digest to assure the level and frequency of disciplinary actions.	Sadie Aragon	October 30, 2003

5.10 WOMEN'S CONFERENCE

OVERVIEW

Region Five's (R5) goal for the 2003 Women's Conference is to provide a high quality event that is inclusive and offers an agenda with broad support and appeal. The theme from the 2002 Conference, "Building a Better Workplace for All" will be carried forward for 2003. There is excellent support for the Conference, based in part on the successes of 2002 and an energetic planning team. The 2003 Women's Conference will be held at the Hyatt Regency Hotel in downtown Sacramento on October 28 – 30, 2003. This venue will provide the most convenient and economical access for the greatest number of employees from around the Region. The Conference's responsible official is conferring frequently in an informal manner with the MC with the goal of meeting the MC's vision and expectations for the Conference and to keep them apprised of progress on Conference development.

A diverse Incident Command Team (Team) composed of individuals from the Regional Office, Forests, and Region 8 was established in January 2003, to plan and execute the Conference. The overall format and theme for the Conference was developed based on analysis of evaluations from last year's Conference and discussions with the MC, Employee Resource Groups (ERG) and the Team. The Conference will focus on work and family issues, the intersection between the two, and networking for professional development. The theme of the Conference will emphasize personal responsibility by creating individual courses for careers and personal lives.

It is currently envisioned that four educational tracks of training will be offered at the Conference, as follows: Career Opportunities, Communications and Interpersonal Relations, Developing Leadership Qualities, and Work/Life Balance. The Team is in the process of designing five workshops and identifying workshop instructors for each track. Conference attendees will have the option of staying with one track for the duration of the Conference or selecting workshops from multiple tracks. The agenda for the Conference will also include a panel discussion during a Plenary Luncheon on the 28th of October. The focus will be on the Integration of Women into Non-Traditional Roles. High quality speakers will present during the Plenary Luncheons on October 29th and 30th.

The Region plans to sponsor a "fair" during the Conference, where all employee groups will be invited to host a display/information-sharing table to communicate successes, information, etc.

The Regional Leadership Forum will be meeting concurrently in the Hyatt on the 29th and 30th. It is expected that most of the leadership from the Region will be present at various opportunities throughout the Conference.

ANALYSIS OF PROVISIONS

Provision 15.1: Region 5 shall sponsor an annual Women's Conference, open to female employees of Region 5 regardless of supervisory capacity. Each annual conference may be attended by not more than 500 participants according to criteria established by the Council. Additionally, the Council may, in its discretion, further limit the number of participants.

Provision 15.2: The Council shall review and approve the agenda or curriculum for the Women's Conference.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

Plans for the 2003 Women's Conference are well under way and are on schedule. A keynote speaker has been selected for the morning of the 28th. The Forests have been asked to identify individuals to serve as "ambassadors" for the Conference. These individuals will assist the Team in marketing and communication for the Conference and will serve as coordination points for the Forests.

The Team is also in the process of reserving the Sheraton Grand Hotel in downtown Sacramento for the 2004 Women's Conference in October. It is expected that the current Team will continue to provide quality-level participation and assistance to ensure consistency and continuity for the 2004 Conference.

KEY ACCOMPLISHMENTS, ISSUES AND MITIGATION STRATEGIES

Conference Planning: Plans for the 2003 Conference are progressing well and on schedule. The Regional Forester's Office and the Conference's responsible official met with representatives of the Employee Resource Groups (ERGs) on June 16, 2002, in which the Agency Representative from the MC was also present. The ERG representatives were encouraged to provide ideas and surface issues regarding the Conference. An invitation was extended to all members of the ERGs to participate in the Conference, as part of a renewed spirit and intent of inclusiveness on the part of the Region. An idea to hold a "success and information sharing fair" at the Conference was discussed and accepted and plans to implement this activity have been initiated. Sleeping and meeting rooms have also been secured to accommodate several hundred expected conference attendees.

Conference Marketing: Better communication and marketing plans are required to achieve a higher level of participation by managers and employees. A communication plan, marketing strategy, and identification and use of forest level "ambassadors" will be used to improve awareness, coordination and communications for the Conference.

Follow-up from 2002 Conference: The Region did not provide follow-up opportunities for focus group participants at the 2002 Women's Conference. Follow-up activities for the 2003 Conference are a high priority, and are currently in the planning stages.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Women's Conference						
Overall Performance Scorecard						
Sponsor an Annual (2002) Women's Conference, Open to Female Employees of the Region, Regardless of Supervisory Capacity						
Sponsor an Annual (2003) Women's Conference, Open to Female Employees of the Region, Regardless of Supervisory Capacity						

The 2003 Women's Conference is on schedule and plans are already underway for the 2004 Conference as well. This provisional area is on track for goal achievement. The focus is on improved deployment, evaluation and follow-up.

ACTION PLAN FOR THE NEXT REPORTING PERIOD

No.	Action	Responsible Official	Date
1	Evaluate effectiveness and success of 2003 Conference	Janice Gauthier	November, 2003
2	Continue planning for 2004 conference	Janice Gauthier	December, 2003

5.11 ADVANCE ADVERTISEMENT OF WORK DETAILS

OVERVIEW

Region Five's (R5) Women's Settlement Agreement requires the advertisement of all details of more than 89 days and the maintenance of associated records. The purpose of this provision is to increase the number of detail and temporary promotion opportunities available to all employees, including women, and to assure that women are afforded equal access to these opportunities. Although the primary purpose of most details and temporary promotions is to perform temporary work assignments, secondarily they can provide significant developmental opportunities for employees. This injunctive relief provision allows employees in this Region to apply and be considered for an increased number of extended details (i.e., more than 89 days), which are often the more substantial developmental opportunities.

The Region agreed to extend the relief provisions to include temporary promotions and to provide a Semi-Annual Report on this provision, which is not required by the Settlement Agreement. The policy and process communicated in the implementation memoranda dated July 1, 2002, established the required extended advertisement and record keeping requirements. The Region has developed reports with the Monitoring Council (MC) to facilitate monitoring and analyses regarding this provisional area.

There is an assigned Program Manager, in the Regional Human Resources Office, who is responsible for managing this provision. He monitors and analyzes the provision, prepares the Semi-Annual Reports and responses to the MC information requests, and meets with the MC and R5's management to discuss issues, recommendations, and opportunities.

ANALYSIS OF PROVISION

Provision 16.1: Region 5 shall advertise all details of 90 days or more in Region 5.

Provision 16.2: Region 5 shall maintain records of all details advertised under this section.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

The Region has continued its commitment to ensuring that all actions requiring longer than 89 days to complete are advertised. We have conducted an analysis of the available data (December 2002 through May 2003) in order to assess the number of actions that were above and below the 90-day threshold. There were 43 actions that required more than 89 days commitment, while there were 157 that were less than 90 days. The regional analysis also consisted of categorizing the actions by gender. Records were further analyzed to identify any errors in the advertising or reporting.

During the six-month period from December 1, 2002 through May 31, 2003, there were a total of 200 relevant personnel actions including temporary promotion or details and

extensions. Details of 30 days or less are not formally documented. The breakdown of the 200 actions is shown in Tables 5.11-1 and 5.11-2.

Table 5.11-1: Summary of Personnel Actions for 89 Days or Less

Actions for 89 days or less	Reporting Period				Total
	Women		Men		
Temporary Promotions (TPs)	58	51%	55	49%	113
Extension of TPs	0	0	2	100%	2
Details	20	49%	21	51%	41
Extension of Details	0	0%	0	0	0
Total	78	50%	78	50%	156

Table 5.11-2: Summary of Personnel Actions for Longer Than 89 Days

Actions longer than 89 days	Reporting Period				Total
	Women		Men		
Temporary Promotions (TPs)	9	43%	12	57%	21
Extension of TPs	7	44%	9	56%	16
Details	3	75%	1	25%	4
Extension of Details	3	100%	0	0%	3
Total	22	50%	22	50%	44

Women accounted for 50% percent of the total actions that were 89 days or less and 50 percent of the total receiving actions for longer than 89 days. Region-wide, women are being selected for details and temporary promotions above their representation rates in the permanent workforce. The gender demographics for the permanent workforce in this Region were approximately 37% women and 63% men, per January 2003 data. Overall, 100 (50%) women were selected for temporary and detail positions. Women are receiving at least a proportional share in all of the grade ranges as noted in Table 5.11-3. Based on the analysis, there was no evidence of a glass ceiling for women. For GS-13 to GS-15, there were 11 actions (details/temporary promotions/extensions) involving men and 14 involving women.

Table 5.11-3: Breakdown of Details / TPs / Extensions by Gender and Grade

GS Level	Women		Men		Total
GS 13-15	14	58%	10	42%	24
GS 9-12	58	48%	64	52%	122
GS 2-8	28	56%	22	44%	50

As part of the Region's monitoring approach, data and information were reviewed and analyzed to identify noncompliance and errors in advertising and reporting requirements. Our review showed two situations requiring further analysis. However, neither of these sets of details/TPs violated current Regional policy or regulatory requirements. One person received back-to-back non-competitive temporary promotions to different positions, which cumulatively were for more than 89 days, and another person received two details to the same position, with a three-month interval, that cumulatively accounted for more than 89 days. Two errors were also noted during this period. One outreach notice did not use the required detailer interest sheet. The corresponding Human Resources Office has been notified of the required corrective action. One temporary promotion that was not advertised was set at 98 instead of 89 days, in error. This personnel action did not violate OPM or agency regulations. The Forest Human

Resources Advisor is discussing this error with the Province HR Operations Processing Unit to reduce the chances of this kind of error happening again.

KEY ACCOMPLISHMENTS

Selection of Women for Details: Women are being selected for details and temporary promotions at or above their representation in the permanent workforce, showing that the organizational culture in the Region develops and values its female employees.

Effectiveness of Monitoring: During this six month period we have worked closely with the MC to discuss issues they raised in their first report and to produce reports and records they wanted to evaluate to determine the effectiveness of the implementation of Section 16. We have just provided them with copies of three ACCESS reports responding to the requests for more information.

Record keeping: The implementation memo dated July 1, 2002, established record keeping requirements. HR Operations staff maintains pay records, however, details are documented by posting the completed SF-52 in the Official Personnel Folder (OPF) and inputting a personnel action at National Finance Center (NFC). Periodic NFC Focus Report information is downloaded into an ACCESS database to generate reports to monitor and analyze compliance under this division. Monitoring of this process has not identified any failure to maintain the documentation required in the implementation memos. Records are also maintained on MC information requests and responses. We began collecting applicant pool gender data at the request of the MC (See Pages 10-1 – 10.2 of Appendix)

ISSUES AND MITIGATION STRATEGIES

Minimize Successive Details Through Quick Turnaround: The MC noted that supervisors have said they utilized shorter details, sometimes in succession, because it took too long to announce them. We are developing a policy to assure supervisors will have quick advertisement of details/TPs, and to end successive non-announcement of details/TPs to the same position, etc. A new position is planned to serve as Program Manager for this provisional area, and when this position is staffed, the outreach notice processing and record-keeping function for details and temporary promotions in the Regional Office will be centralized, to maintain a quick turnaround on posting of notices and other administrative activities.

Improve Reporting: The MC requested a listing of all details and temporary promotions that is easy to interpret, calculates the length of these personnel actions in days, etc. We are working with a computer programming contractor to develop reports that the MC has requested and to help us to further evaluate the effectiveness of Section 16 relief provisions. A report will be developed that will provide a detailed display of the gender of selectees broken down by Forest/Staff, series and grade. When the Applicant Flow System is operational we can provide a similar display for the applicant pool.

Rapid Announcement / Application Process: The MC recommended that we use a faster, more applicant-friendly way of announcing details and temporary promotions than the Forest Service Outreach Notice Website. We have begun discussions with the WO to enhance the speed in accessing documents on the FS Outreach Notice Website. They recognize the problem and have agreed to seek approvals to work on this and other site improvements. They have identified a potentially low cost option that should improve the speed of the Website. We will continue to pursue this with improvement action.

Create Archive: The MC requested that the Region set up an archive and allow them access so they may have copies of vacancy announcements and outreach notices for details and temporary promotions. We are establishing a team room to archive announcements.

Improve Detailee Documentation: Forests have trouble with NFC entry when a detailee comes from another Forest, with the detailee's home Forest often processing the detail, making Focus Report information unreliable concerning the location of the detail and the detail position. SF-52's for these details are being correctly maintained in Official Personnel Folder's (OPFs), however. We will provide further direction to the field regarding processing details.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Advance Publicity of Work Details						
Overall Performance Scorecard						
Advertise All Work Details of More Than 90 Days						
Maintain Records of All Details Advertised Under This Section						

This injunctive relief provisional area has been effective in achieving its purpose. Maintenance, management and continuous improvement of the Advance Advertisement of Work Details is underway and on track.

ACTION PLAN FOR THE NEXT REPORTING PERIOD

No.	Action	Responsible Official	Date
1	Develop/implement a policy/process that extends the definition of what must be announced.	Jock Olney	July 15, 2003
2	Require priority handling of outreach notices so supervisors will announce details/TPs.	Jock Olney	July 15, 2003
3	Establish centralized outreach notice processing/record keeping.	Jock Olney	September 30, 2003
4	Archive announcements in a team room that we and the MC can access.	Jock Olney	June 30, 2003
5	Once the Applicant Flow System is deployed modify ACCESS database to incorporate gender breakdown of applicant pool and announcement #.	Jock Olney	September 30, 2003
6	Provide expanded analysis in next Semi-Annual Report of gender of detailees/TPs and applicant pools.	Jock Olney	January 2004
7	Work with WO on Website enhancements.	Jock Olney	TBD

5.12 POSITIVE INCENTIVES AND CIVIL RIGHTS PERFORMANCE

OVERVIEW

The Region's overall goal is to recognize and reward employees who promote and model behavior in support of Civil Rights (CR) goals and objectives, while considering the civil rights components of their duties. The Region has awards programs in place which could be directly linked to positive incentives for civil rights performance. Full utilization of the Regional Forester's Award represents one of many avenues to recognize and reward employees. Additional work is required to ensure that the Regional awards program more openly promotes civil rights incentives and performance in the Region. Clear and concise criteria for incentive awards and mechanisms for soliciting nominations and communicating expectations to the workforce are being developed. The review of nominations and awards will be consistent with published criteria to adequately acknowledge and recognize CR accomplishments.

In addition, the secondary goal is to submit proposals designed to track, monitor, and evaluate the effectiveness of positive incentives and awards. This goal needs to be evaluated and mechanisms designed to improve evaluation of employees' performance as it relates to CR goals and objectives.

The provision required that a task force be created to investigate opportunities for CR incentives. A task force was created, with representation that included Civil Rights, Human Resources, the Union, and line officer employees, to address this provision. The task force provided a proposal to the Regional Forester's Office and the Monitoring Council in January 2002. To this end, the Region has accomplished the stated key provision within this area. However, the Region's commitment to the spirit of this Agreement has led us to set a goal of full deployment of a CR incentives program. As such we recognize the efforts of the task force have not produced the effects desired in the Region 5 Settlement Agreement. Because feedback was not received from the Regional Forester's Office or the Monitoring Council in a timely manner, a meeting was scheduled in May of 2003 to reach agreement of the remaining tasks for implementation of this provision.

ANALYSIS OF PROVISION

Provision 17.1: Region 5 shall create a task force to consider ways in which the Region may: (1) provide positive incentives to employees who perform exceptionally in the civil rights components of their duties; and (2) take into consideration the civil rights performance records of employees who seek promotion or advancement. The task force shall recommend to the Council proposals designed to accomplish the forgoing objectives.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

A meeting with the Regional Forester's Office, Monitoring Council and the program manager was held May 2003 to discuss this provision. We assessed current awards

programs and discussed various awards and incentives for employees who perform exceptionally in civil rights elements. There was much discussion about the Regional Forester Multicultural award and incorporating the positive incentives award into that award. Also discussed was the use of awards such as spot, non-monetary, parking space, and length of service to recognize employees. The "Star Award" is a popular peer-to-peer award that is given only once per year by any employee, currently being used rather effectively in another Region.

A proposal is currently being drafted to address awards criteria for the positive incentives and other regional awards programs. A data base program is in the developmental stage and is expected to help identify, monitor and evaluate exceptional civil rights performance of employees. As identified this past month, existing award programs need to market positive incentives, especially the Regional Forester's Multicultural Award and the Chief's Multicultural Award with the expectation that employees will be recognized for their civil rights accomplishments.

ACCOMPLISHMENTS

The Regional Forester's Multicultural Accomplishment Award was awarded to Jim Oftedal, Program Manager for the Central California Consortium (CCC). The Program Manager also received an "Unsung Heroes" Award from the USDA (one of six individuals nationwide). The group also received a Chief's Award in June, 2003.

ISSUES AND MITIGATION STRATEGIES

Utilizing Existing Awards Programs: Criteria for positive incentives need to be in place and information disseminated to the workforce without having to create a program outside of existing awards programs. Human Resources and Civil Rights staffs need to develop a joint employee incentive program that compliments existing awards program formats. It should recognize positive incentive contributions to Civil Rights goals using existing awards programs and informal communication mechanisms. Consider developing criteria for a spot award to supplement annual awards.

Evaluation Mechanisms: The Regional Office of Civil Rights provides the Regional Forester with an annual Civil Rights performance evaluation for Forest Supervisors, Deputy Forest Supervisors, Staff Directors, and Deputy Staff Directors by the Regional Office of Civil Rights. At mid-year, Civil Rights provides input for Civil Rights commendations and concerns for each unit, as appropriate. Systematic evaluation of Civil Rights performance by the general workforce does not exist. A system that will keep track of Civil Rights performance would greatly enhance our ability to recognize and reward employees appropriately for their accomplishments.

Marketing/Publicizing Awards and Criteria: Close communication and coordination with the Regional Awards Program Manager is key to ensuring employees understand criteria for the various awards including positive incentives for Civil Rights performance. In addition, a communication plan that captures Civil Rights awards and ongoing accomplishments, not necessarily linked to a formal award, but rather recognition should be developed.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Positive Incentives and Civil Rights Performance						
Overall Performance Scorecard	●	●	●	●	●	●
Establish a Task Force to Consider Ways in Which the Region May Provide Positive Incentives to Employees Who Perform Exceptionally in the CR Components of Their Duties	●	●	●	●	●	●
Task Force Should Take Into Consideration the CR Records of Employees Who Seek Promotion or Advancement	●	●	●	●	●	●

With the establishment of the task force and the provision of a proposal to the Regional Forester's Office and the Monitoring Council in January 2002, the Region has accomplished the stated key provision within this area and is on track. However, the Region's commitment to the spirit of this Agreement has led us to set a goal of full deployment of a CR incentives program. Based on this goal, the provisional area requires renewed attention and focus to ensure effective implementation of a CR incentive program.

ACTION PLAN FOR NEXT PERFORMANCE PERIOD

No.	Action	Responsible Official	Date
1	Ensure CR review prior to approving EEO/Affirmative Employment Program Award and nominations for the Regional Forester's Award.	Larry Sandoval	September 15, 2003
2	Distribute awards criteria, data gathering mechanism and reporting expectations to the workforce in a memorandum to all employees.	Larry Sandoval	September 15, 2003
3	Ensure line officer performance evaluations reflect input on civil rights performance accomplishments.	Larry Sandoval Janice Gauthier Gene Rose	September 15, 2003
4	Complete design of form that will enhance a data gathering system to track and monitor civil rights performance to be used as feedback in the mid-year and annual performance evaluation process.	Larry Sandoval	July 30, 2003
5	Analyze performance evaluation information semi-annually and provide summary to the Regional Forester's Team for inclusion in the formal mid-year and annual performance evaluation interview	Larry Sandoval	October 31, 2003
6	Ensure informal performance feedback is conducted throughout the year.	Larry Sandoval	October 31, 2003

5.13 RECORD-KEEPING AND REPORTS

OVERVIEW

In preparation for comprehensive record keeping prior to the formal establishment of the Monitoring Council (MC) on January 8, 2002, the Monitoring Council Liaison (MCL) was hired on March 25, 2001 to be the Official Record Keeper in preparation for compliance with the Women's Settlement Agreement. This position is presently located in the Human Resources staff, but will move to the Director of Settlement Agreements' staff once it is established. The MCL keeps extensive records on the requests and recommendations submitted by the MC and maintains an Official Record of all information provided to the MC. Records are kept on actions pertaining to every relief provision in the settlement agreement as they occur. Records include annual letter to all employees, exit interview letters and any other letters relative to the relief provisions. Records kept also include data on the MC Budget expenses, which include travel, administrative assistance, training, and equipment and Union negotiations under the Settlement Agreement.

The Administrator of Workplace Relations coordinates and oversees the accomplishment and documentation of the Agency Settlement Agreement Implementation Plan that is included in the Appendix to this section. This plan is a continuously updated compilation of the short-term actions needed to fully plan, deploy and evaluate the provisions of the Settlement Agreement.

ANALYSIS OF PROVISION

Provision 18.1- Region 5 shall maintain and provide to the Monitoring Council Semi-Annual Reports on the effectiveness of the following programs:

- 1. EIP Program***
- 2. Exit Interviews***
- 3. Misconduct Investigations***
- 4. Training***
- 5. Informal EEO Process***
- 6. Mentoring Program***
- 7. Scholarships***
- 8. Positive Incentives and Civil Rights Performance***

REPORT FOR THE PERIOD

The first Semi-Annual Report was submitted to the Monitoring Council (MC) on July 11, 2002, on 6 of 8 injunctive relief provisions. Each report on each of the sections were generated by the responsible program managers and given to Human Resources for review and compilation. A copy was given to the Human Resources Director, Civil Rights Director, and Regional Forester's Office.

The second Semi-Annual Report was submitted to the MC on January 9, 2003. This report included the Scholarship program status and the bi-annual status report on the Advance Advertisement of Details. These reports were also generated by the respective program managers and given to Civil Rights for review and compilation. The responsibility had changed from Human Resources to Civil Rights.

In response to the MC's Recommendation #02-0004, the Region has agreed to extend the reporting requirements under the Agreement to include a Semi-Annual Report on the provisions covering Advance Advertisement of Details. In addition, for this period only, in order to provide a more comprehensive review of our progress toward implementation of the Settlement Agreement, the Region has included a report on the following additional SA provisions that are not a required element of the reporting process:

- Performance Evaluations (Section 7)
- Adverse Action Digest (Section 14)
- Women's Conference (Section 15)
- Record-keeping and Reports (Section 18)
- Federal Women's Program Provision (Section 19), and
- Individual Relief for Class Members (Section 21)

The intent is to continue to closely self-monitor our Region's performance in implementing these provisions of the Agreement through continuously updating our Implementation Plan.

The Program Managers have the responsibility for maintaining their own records regarding their programs; however, copies of all formal Settlement Agreement communications prepared or received including Semi-Annual Reports are maintained by the official record keeper. For the first two Semi-Annual Reports the program managers provided raw data. This report is written to correct the analytical deficiencies in the first two reports.

KEY ACCOMPLISHMENTS, ISSUES AND MITIGATION STRATEGIES

Each Program Manager responsible for an injunctive relief provision began meeting with the MC in April 2003. These meetings were to discuss the program expectations for success and how to get meaningful analysis of the effectiveness of their programs. Since meeting with the Monitoring Council, each program manager has developed a specific action plan to provide for thorough collection of source documents, appropriate organization and storage of records.

In response to the MC's Recommendation # 02-0004, the Region also provided a Semi-Annual report on the Advance Advertisement of Details on January 9, 2003.

The approval process for information requests requires streamlining to ensure timeliness in responding to requests. Improvements are underway with further improvements expected when the new Settlement Agreement Organization is set up to increase the Region's responsiveness and streamline the process.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	Results	
Record-Keeping and Reports						
Overall Performance Scorecard	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of EIP	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Exit Interviews	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Misconduct Investigation Procedures	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the POSH Training Programs	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Informal EEO Process	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Mentoring Program	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Scholarship Program	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Positive Incentives and CR Performance Program	●	●	●	●	●	●
Maintain and Provide to the Monitoring Council Semi-Annual Reports on the Effectiveness of the Advanced Advertising of Details	●	●	●	●	●	●

The Region remains committed to implementation, evaluation, and reporting on the relief provisions in response to this Agreement. The Region is dedicating additional staff to the Settlement Agreement to ensure that the record-keeping and reporting element of this Agreement are accomplished in support of effective program evaluation and implementation. Staff is currently being hired and reassigned to ensure that staffing

issues are resolved no later than October 2003. The staff will be committed to making sure that the each report from the program managers will be accurate and will adequately assess and evaluate the program in combating sexual harassment and retaliation in the workplace. While the Region is on track in this area, additional work is required for full accomplishment.

ACTION PLAN FOR NEXT PERFORMANCE PERIOD _____

No.	Action	Responsible Official	Date
1	Establish and fill positions of the Settlement Agreements staff to coordinate tracking and reporting of Settlement Agreement provisions.	Associate Regional Forester	December 2003

5.14 FEDERAL WOMEN'S PROGRAM MANAGER

OVERVIEW

The full-time Federal Women's Program Manager (FWPM) position was filled in 1990 and continues to be filled on a full-time basis. The FWPM has worked collaboratively with the Regional Office (RO) Equal Opportunity Manager (EOM) in the auditing of vendor presentations on the Prevention of Sexual Harassment (POSH), and participated in the selection of a vendor to deliver the POSH training to the entire Region.

ANALYSIS OF PROVISIONS

Provision 19.1 -- Region 5 shall establish a full-time Federal Women's Program Manager position.

Provision 19.2 -- The Federal Women's Program Manager may be assigned additional duties as deemed appropriate in the discretion of Defendant; provided, however, that the Federal Women's Program duties shall be predominant.

REPORT FOR THE PERIOD (JANUARY 2003 – JUNE 2003)

The FWPM is working with the RO EOM to establish a list of available childcare providers to provide respite care for FS employees/detailers when needed. She participates on a monthly basis with the San Francisco-Bay Area Federal Women's Program Council, which provides the opportunity to network with FWPMs from other agencies and discuss issues that pertinent to women in the work environment and share possible solutions to those problems. The FWPM has identified as one of her goals, to study the status of the R5's Female Workforce that will include statistical analysis of employment data. This project is targeted for completion not later than September 30, 2003. The resulting information will be provided to the workforce via inter/intranet, hard copy (regular and large print), Braille, and audiocassette.

KEY ACCOMPLISHMENTS

The FWPM monitored the status of Child Care Centers in R5 and submitted quarterly reports to the FS Child Care Coordinator.

The FWPM is the Chair of the EEO Officers Council for the San Francisco-Bay Area, Federal Executive Board.

The FWPM is a member of the Board of Directors of the San Francisco-Bay Area Federal Women's Program Managers' Council, Federal Executive Board.

The FWPM Co-Chaired the Women's History Month Program for the San Francisco-Bay Area Federal workforce.

ISSUES AND MITIGATION STRATEGIES

The FWPM has received reports that women were not being afforded the opportunity to attend training needed to qualify for Red Card Status. Fire and Aviation Management will be working collaboratively with the R5 FWPM to review training to determine if the reports are valid and, if so, develop an action plan to correct the situation.

All FS sponsored Child Care Centers in R5 have closed. This may have an impact on R5 FS employees needing childcare. FWPM plans to research available childcare facilities throughout the Region and the use of a Department of Agriculture Child Care Subsidy for FS employees. FWPM is exploring the development of a Forest Service Child Care Subsidy Program.

ELEMENT SCORECARD

Injunctive Relief Provision Area	Overall (1 st , 2 nd , and 3 rd Reporting Periods)					3 rd Semi – Annual Reporting Period
	Plan	Approach	Deployment	Evaluation	RESULTS	
Federal Women's Program Manager						
Overall Performance Evaluation						
Region Five Shall Establish A Full-Time Federal Women's Program Manager Position.						
The Federal Women's Program Manager May Be Assigned Additional Duties As Deemed Appropriate In The Discretion Of Defendant; Provided, However, That The Federal Women's Program Duties Shall Be Predominant.						

This injunctive relief provision is on track. The Region will continue to review and support the program of work for this position to ensure that the position is effectively deployed and aligned with this Settlement Agreement.

ACTION PLAN FOR NEXT PERFORMANCE PERIOD

No.	Action	Responsible Official	Date
1	Assess the Status of the R5 Female Workplace NLT September 30, 2003; complete an assessment report, and ensure availability to the workforce and public through a variety of mediums including Braille and audiocassette.	FWPM	September 30, 2003
2	Establish a system to track and monitor allegations of sexual harassment for administrative completion and closure. Reconcile monthly with the Regional Misconduct Investigation Program Manager. Complete and distribute a Regional report.	FWPM and Regional Misconduct Investigation PM	Quarterly

5.15 INDIVIDUAL RELIEF FOR CLASS MEMBERS

REPORT ON INFORMAL COMPLAINTS

One hundred ten informal complaints received between April 11 and June 8, 2001 were from Class Members. Alternative Dispute Resolution (ADR) was selected on 23 of the 110 informal complaints, however one of the 23 withdrew the complaint. The disposition of the remaining 22 complaints that selected ADR is shown in Table 5.15-1:

Table 5.15-1: Status of Informal Complaints Where ADR Was Elected

Status of Complaints Where ADR was Selected		Reason/Rationale
Resolved	Not Resolved	
5		Settlement Agreement resolution
	1	Terms of the Settlement Agreement did not receive technical approval
	6	Complainants declined management's offers
	2	Manager declined to mediate because the complaint was not covered by the SA
	1	Manager declined to mediate because the complaint was untimely filed
	4	Final Agency decisions had been issued previously on identical complaints
	2	Withdrew ADR election
	1	No response from recipient to ADR/EIP coordinator letters regarding coordination of meeting
5	17	22 Total

The assigned Contract EEO Counselors attempted to resolve the remaining complaints prior to the expiration of the counseling period as part of their contractual obligation. Eleven complaints were resolved by Settlement Agreement after issuance of the Notice of Right to File a Discrimination Complaint.

ISSUED NOTICE OF RIGHT TO FILE / FORMAL COMPLAINTS NOT FILED

Thirty-two (29%) of the Complainants were issued a Notice of Right to File a Discrimination Complaint, but did not file formal complaints.

FORMAL COMPLAINTS

Fifty-five (50%) of the Class Members filed formal complaints. However, a total of 63 formal complaints were processed instead of 55 due to eight complainants who re-filed their formal complaints because their complaints were remanded back to the counseling phase. The following Table 5.15-2 summarizes the status of the 63 cases.

Table 5.15-2: Status of Formal Complaints

Pending	Closed	Status
1*		Pending Completion of Investigation
10		Pending EEO Hearing
1		Pending Final Action from EEOC AJ Decision
5		Pending Agency Decision
	10	Remanded to Counseling
	2	Referred to Employment Complaints Division
	7	Final Agency Decision (No Discrimination)
	2	Final Agency Decision (Discrimination)
	14	Dismissed
	11	Settled
	1	EEOC Appeal
	1*	EEOC Decision from Appeal
18	48	63 Total
* EEOC reversed USDA's decision and remanded complaint for further processing		

GLOSSARY OF ACRONYMS

AAD	Adverse Action Digest
AD	Addendum
ADR	Alternative Dispute Resolution
CR	Civil Rights
ECP	Employment Complaint Program
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunities Commission
EIP	Early Intervention Program
EISOP	Exit Interview Standard Operating Procedure
EOM	Equal Opportunity Manager
ERG	Employee Resource Group
FS	Forest Service
FWPM	Federal Women's Program Manager
FY	Fiscal Year
HR	Human Resources
HSA	Hispanic Settlement Agreement
MC	Monitoring Council
MCL	Monitoring Council Liaison
NFC	National Finance Center
NFFE	National Federation of Federal Employees
OGC	Office of General Counsel
OIG	Office of the Inspector General
OPF	Official Personnel File
OPM	Office of Personnel Management
POSH	Prevention of Sexual Harassment
RLF	Regional Leadership Forum
RF	Region Five
RMO	Responding Management Official
RO	Regional Office
SA	Settlement Agreement
SCEP	Student Career Experience Program
SES	Senior Executive Service
SF	Standard Form
SOP	Standard Operating Procedure
TP	Temporary Promotion
USDA	United States Department of Agriculture
WO	Washington Office

