



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



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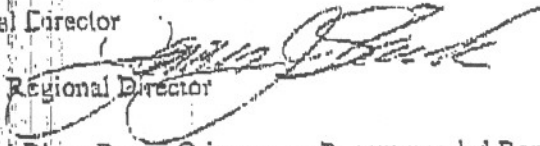
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Memorandum

To: Regional Director

From: Deputy Regional Director 

Subject: National Bison Range Grievance - Recommended Remedy

As you are aware, on September 20, 2006, a grievance was filed by several FWS employees located at the National Bison Range (NBR) in Montana. The grievance cited scores of instances of sexual harassment, hostile work-place conditions, substandard safety in the workplace, racial slurs, and violence toward Federal employees and livestock as well as potential criminal violations involving Federal property, Federal funds and Refuge Friends Group funds.

As the deciding official for the grievance and to ensure complete fairness in resolving the grievance, I elected to conduct an investigation. As such, I appointed Mr. Jim Reilly to investigate the allegations raised in the grievance. Mr. Reilly was selected because of his qualifications to conduct an investigation of this magnitude. Mr. Reilly is the former Special Agent in Charge of the National Park Service Intermountain Region's law enforcement program. Additionally, Mr. Reilly, who is an independent contractor, was selected because he lacks any potential conflicts of interests or potential affiliations with any involved parties.

After a short time on site at the NBR, Mr. Reilly made findings that substantiated a chronic and pervasive problem of considerable magnitude. Mr. Reilly verbally relayed to me that the conditions were extremely harsh and that the 40-page grievance document submitted by our employees only "scratches the surface" of the conditions that our employees are enduring on a daily basis. He remarked that the conditions were as bad as he has ever seen during his career. Immediately upon confirming the existence of this extremely hostile work-place, we initiated a process to strategically remove our effected employees from that environment to the extent possible. Although those interim solutions are currently in place, today after receiving and reading Mr. Reilly's draft report I believe these ongoing remedies are neither sufficient to satisfy our responsibilities to insure appropriate federal work-place conditions for our employees, nor are they

adequate to provide the general public who visits the NBR with conditions meeting applicable standards set forth in numerous federal statutes and regulations.

I will let the draft investigation report speak for itself on the severity of the situation, but I will remark that the report is shocking in the least. Of particular concern to me was the pervasiveness of the violations that are allowed by CSKT members and CSKT management. Unfortunately, involvement in the violations by CSKT management is setting a tone of acceptance of these wrongful behaviors that is not easily or quickly treatable.

I believe action is immediately necessary. In my opinion, the best solution to resolve this issue is to retract our Annual Funding Agreement (AFA) with the Confederated Salish and Kootenai Tribes. We are currently operating under a FY 2006 agreement that has been extended into FY 2007 agreement pending the outcome of this grievance and the ongoing negotiations for a FY 2007 AFA. I believe that discontinuing the AFA would not only resolve the workplace issues, but also be a remedy that would moot the current grievance that is in process.

In my deliberations to offer a remedy, although other options may exist, I considered the following options: 1. Dissolve the AFA and reinstate total Service operations; 2. Adoption of an AFA that used only CSKT employees for refuge management; and 3. Divestiture of the refuge lands and property in total to the CSKT. Only option 1 would bring resolution to the issues that are ongoing at the NBR and be a viable option for settlement of the ongoing grievance. Given the strength of the case that has been made by the complainants, I believe that options other than the first were not prudent options to pursue. Option 2 would leave conditions in place that could be problematic for public visitors, could be damaging to the Service reputation as a whole, and would not resolve the grievance that had been filed. Option 3 would potentially be a good solution, but it would not be timely, would require Congressional action, and not provide a resolution to the grievance that has been filed.

I believe these this proposed action is necessary based on the following reasons:

First and foremost, it is our obligation to ensure our employees work in a safe, productive, supportive, and fair work environment. Allowing our employees to be subject to the harassment and intimidation as described in the report of findings is not fulfilling our obligation as management. And of equal importance, it is our responsibility for the management of the National Bison Range under the requirements of the Refuge Act and all other Federal laws and regulations. I believe that current management construct using our partnership with the CSKT tribal employment system cannot be corrected to alleviate these conditions and bring our management into compliance with our legal mandates and directives.

I have attached to this memorandum a copy of the initial grievance, an amendment to the grievance, and copy of the draft investigation report prepared by Mr. Reilly dated November 1, 2006. In the near future, Mr. Reilly will submit a final report including more details of his findings as well as audio tapes and their transcripts. However, given the severity of the workplace conditions and the compelling nature of the contents of the Draft Report, I am bringing this issue to your attention at this time for immediate action.

We are currently expected to respond to the complainants regarding our finding soon after receipt of this report. Obviously, delay in taking action could lead to further complications to the resolution of this grievance. I will await guidance from you on how to proceed with taking action to resolve this grievance. If I can answer any questions or be of further assistance, please contact me.