

Executive Summary

On September 19, 2006, seven Fish and Wildlife Service employees stationed at the National Bison Range (NBR) in Montana filed an informal grievance with Region 6 Deputy Regional Director, Jay Slack. The grievance alleged a hostile work environment at the NBR for the last one and a half years. Though the grievance specified hostile work environment as the main concern it also cited performance problems which resulted when the Confederated Salish and Kootenai Tribes (CSKT) took over programs at the NBR under an annual funding agreement (AFA). As a result of this grievance the region 6 leadership decided to bring in an outside investigator to look into the matter.

An on site investigation was conducted from Oct. 17 through Oct. 29. The seven employees who filed the grievance were interviewed in depth along with two other FWS employees at the NBR. The majority of interviews were taped and those tapes will be transcribed. Interviewees provided documents in support of their concerns along with video tapes of public meetings on the AFA, and a DVD on the Public Broadcasting Special, Locking Horns over the National Bison Range. Also interviewed were various Region 6 FWS managers who were involved in the early negotiations over the AFA and a few local people who had knowledge of allegations made in the grievance. A number of requests were made to CSKT tribal attorney, Brian Upton, to interview tribal staff and those requests were denied. Upton felt he could not allow interviews without knowing what was alleged. Accordingly, without the CSKT side of the story, this investigation is still considered a preliminary investigation.

Those interviewed reported the common use of profane language in the workplace by the CSKT that at times was violent, racial, sexual and demeaning to women. With some reluctance the investigator will provide quotes here that are distasteful but necessary to illustrate the nature of the workplace atmosphere following the AFA. The specifics of who reported the various quotes can be found in the interview summaries and on the tapes of interviews. Only a sample of the language is provided here. For a complete accounting, listen to the tapes of interviews or read the attached report.

With regard to violent language a CSKT employee allegedly said, "I wanted to grab that bitch by the back of the hair and rip her fucking head around." With regard to racial language a CSKT employee said, "fucked up like a nigger's checkbook." With regard to sexual language a CSKT employee said, "I bet that is a mighty big beaver holding back that dam" when a female CSKT mentioned she had to go to the bathroom. With regard to language demeaning to women the FWS biologist has been called a "bitch" and a CSKT female employee a "squaw." The word "fuck" is commonly used in the office environment by CSKT employees. One FWS employee reported, relative to language used by the CSKT, that "it's fuckin this and fuckin that and the fucking fish and wildlife service." This language offends FWS employees who are present and occupying the same work area. No visible or effective efforts have been made by the CSKT to curb this language.

Interviewees also reported physically threatening behavior. A former FWS maintenance worker who was assigned to the CSKT and another CSKT employee nearly came to blows over a bison round-up issue. The CSKT employee was angered by something the other said and threw down the reins of his horse, either punched or elbowed his horse in the face and came at the other employee with fists clenched. The tribal coordinator stepped between them and prevented a fight. This same CSKT employee was angered by the FWS biologist and spent a couple of days kicking her office door and outer wall while she was in the office. On another occasion he slapped her hand when she was reaching for candy. Employees feel intimidated by this behavior.

FWS employees reported that the CSKT have a religious poster in the hall way of their office and that they hold prayers at the NBR during public events. The prayers are at times in Salish and at times in English. One of the FWS employees reported feeling excluded and uncomfortable when they pray.

In addition to the overt threatening behavior there are more subtle threats that concern FWS employees. They reported that when the FWS and CSKT were asking for comments on the proposed AFA, negative comments were forwarded, with the name of the person commenting, from the Deputy Assistant Secretary to the tribe to allow the tribe to retaliate against these people. This was done in violation of the privacy act. During the negotiations over the proposed AFA tribal representatives were very insistent about getting names saying they would "deal with them." Some of the people who commented negatively suffered reprisal and are fearful that further involvement will bring more reprisal.

FWS employees have observed that the regional leadership involved in the early negotiations with the tribe have suffered impacts to their jobs. The former regional director is perceived to have been moved out of his job because of his involvement in negotiations. The regional refuge manager, who was selected as the deputy regional director and forwarded onto the department for confirmation, was not confirmed and the perception is that his involvement with the tribe was the cause. Employees find the power of the tribe intimidating.

Employees are threatened by the fact that they may lose their jobs. Jobs that are inherently federal are protected under the AFA but no one has defined what is inherently federal. Accordingly, all jobs appear to be on the table. In addition the CSKT hires based upon tribal preference hiring rules and some felt that practice was discriminatory when applied to federal jobs and possibly their job. Further, it is the mission of the CSKT to own all lands within the reservation (see their mission statement) and those involved with the early negotiations said it was clear that the tribe intended to take over the Refuge. One of the FWS employees involved in early negotiations reported that the Deputy Assistant Secretary was heard to say in essence that the CSKT intended to intimidate the existing FWS staff to get them to leave. A CSKT employee was recently heard to say, "we're gonna run those fuckers (FWS employees) out of here." Employees find this threatening. They are further threatened by the fact that they have brought these issues to the attention of the regional leadership and nothing has been done to date.

In addition to the above examples of a hostile work environment, FWS employees expressed grave concern over the current state of the NBR. They reported that the work performed by the CSKT is sub-standard and they have no means of bringing it up to standard. Equipment, roads and fences, containing the bison, are no longer properly maintained, studies are poorly conducted, funds aren't accounted for, and safety is no longer an important issue. There are significant questions about the qualifications of those CSKT employees sent to do the job and no means of checking on those qualifications. Watching the NBR deteriorate has had a significant emotional impact on these FWS employees.