



File Code: 5300

Date: June 6, 2014

Route To:

Subject: Follow-up to Law Enforcement and Investigations Work Environment Issues

To: All Law Enforcement and Investigations Employees

I want to thank you again for joining me in recent conversations about your work and the concerns you have about challenges you encounter. Since our call in April we have received additional insights, concerns and suggestions from the Law Enforcement and Investigations (LEI) workforce. I asked for your ideas and I appreciate your response. It will take us some time to work through the ideas in addition to immediately addressing more pressing work environment issues. I want to thank you for your patience and assure you that we will keep hold of all the ideas we have received.

After the April meeting, I committed to share the detailed content analysis of the comments received and I have enclosed it for your information. Content analysis is a fairly rigorous process for identifying, grouping, and completing qualitative analysis of comments. The Summary and Synthesis document provides additional insight into the broad categories of concern and affirms that the immediate steps identified are responsive to the comments received, though I do expect as we work together there will likely be additional actions we collectively undertake. The document has a sampling of your comments that support the broad categories. It is important to note that the content analysis process does not validate the accuracy of the assertions in the comments and, in some cases there may be a gap in understanding or incomplete information that led to the comment. The content analysis is not a complete or factually accurate accounting of the program or employees. Rather, it points to what will be necessary to assist the workforce in gaining understanding, improving transparency, strengthening communication and growing leadership connection. While only a partial picture of work environment, policy and leadership issues, it does point to needed work ahead of us.

I invite you to use it at all levels of the LEI organization to begin conversation about what employees and their supervisors can address locally while we also give these areas attention nationally. I encourage you to step into conversation with each other and your supervisors. I am aware that at least one region is exploring the idea of a "field advisory committee" as a forum for opening up two way communication, improving information sharing, and discussing concerns, and I support that idea.

In my April 18th letter I committed to a number of actions to begin to address our organizational issues. We have initiated action in a number of areas and what follows is a status to-date. I also want to acknowledge that each of these areas will demand a continued focus by all of us.

Though I am providing the material that has been generated as enclosures, I would propose that in the next several weeks we re-convene virtually in order for you to hear from the staff



professionals who have been working on these issues and be able to answer questions you may have. Additionally, I would ask that you take this material as a starting point for further dialogue and discussion. The material is informational in nature and provides insight and an initial touch on a number of topics raised at our call. There is more work to ascertain how we move forward with this information.

Action: We will examine options for filling key positions, ensuring basic patrol and investigation capacity and ensuring adequate travel budget to train and deploy effectively.

Status: I have received a list of priority positions collaboratively developed by the National LEI Leadership Team. While we must maintain a balance of achieving priority work and addressing future funding challenges, I am working to find resources to fill priority positions.

Action: We will immediately be looking at assertions of retaliation, hostile work environment or behavior, and prohibited personnel practices to assess if investigation is needed or if additional review is warranted.

Status: I tasked the Employee Relations & EEO (ER/EEO) National Assessment Team with reviewing comments and materials that came in with allegations or references to specific cases. While we have some additional follow-up to do on a number of these, for the most part they were able to connect the allegations to an investigation and case file. They made the observation that several of the cases referenced were quite dated. In fact, many of the comments referred to cases that were over 10 years old. However, the team was able to validate that the matters were investigated, appropriate action was taken, and the cases were closed.

I have asked LEI and Human Resource Management (HRM) to meet on active cases and work to resolve them in an effective manner. I am asking for your support of the ER/EEO process and that you report situations only when you personally have factual information or experience relevant to a case or complaint. Sharing information that is second hand, dated, and inaccurate does not reflect the professionalism of the LEI employees or organization. The team also conducted a comparative assessment of the disciplinary actions and EEO complaints in LEI to get a sense of trends and level of activity. I have enclosed the briefing paper with their findings.

I understand that this assessment will not be satisfactory to those who think no action or inappropriate action was taken. We have an obligation to follow-up on complaints and to hold details of the case and employee names confidential – we will insure we do both effectively. I will reiterate my commitment to pursue conduct and complaint issues in a manner that is consistent and fair to employees, holds people accountable for their actions, and resolves work environment issues.

Action: We will bring HRM and LEI leadership together to review lateral reassignment practices and policy and Administratively Uncontrollable Overtime (AUO) and overtime pay policy to ensure we are using appropriate sideboards and interpretation of OPM and agency guidance. We will collaborate with the Union when appropriate.

Status: HRM and LEI explored the following three areas and the briefing papers are enclosed.

- 1) Use and sideboards of Administratively Uncontrollable Overtime – the FS has learned that OPM may conduct an audit of AUO use in the agency. The FS is enlisting the assistance of USDA’s Office of Human Resource Management in reviewing policy, accountability, and sample auditing of AUO use.
- 2) Absence of career ladders in LEI
- 3) Reassignment practices and policy in LEI

Each of these topics requires more follow-up and importantly more two-way communication. Please consider these briefing papers informational and “starting points” for more dialogue rather than final products. In all three of these areas there are many stories of how each issue has impacted employees. My interest and direction to staff is for a review and assessment of current practices and the sideboards we have set. This initial set of briefing papers suggests more work to do on these topics. My interest is in ensuring fair and consistent application of policy and conforming to authorities we have been delegated.

Action: We will begin a work environment climate assessment to gather specific information to set expectations and accountability for LEI leadership and supervisors.

Status: We have developed a scope of work and will be contracting with a firm to conduct the assessment. The climate assessment will include LEI WO staff, FLETC, the LEI National Leadership Team, each Regional Leadership organization, and a sampling of employees throughout the organization.

The purpose of a climate assessment is to provide insight through data collection and analysis on employee’s perception of the organizational climate in the LEI organization. The findings produced through the climate assessment process can help the LEI organization gain a richer understanding of communication, respect for one another and conflict management, and identify possible steps to further improve the climate for all involved. The scope of a climate assessment is to understand employee and management perceptions in their respective departments and throughout the workplace.

The objectives of the climate assessment are to:

1. Identify knowledge, attitudes, practices, and perceptions that affect the climate and influence development of a culture of respect, sensitivity, teamwork and inclusion
2. Determine whether the climate is perceived as influencing respect, sensitivity, teamwork and inclusion
3. Identify perceived strengths, weaknesses, and gaps in management practices, respect, training and retention

4. Determine whether it is perceived that the LEI organization currently provides sufficient resources and/or opportunities for acquiring knowledge and skills in the areas of respect, sensitivity, teamwork, inclusion and communication
5. Assess the impact of respect, sensitivity, teamwork, communication
6. Provide LEI management with an assessment of what is happening in each Regional LEI organization and in the Washington Office
7. Identify areas for LEI leadership to focus efforts on improving the work environment

The results nationally and in each region will give us a sense of next steps which may be unique depending on the unit. Solicitation for bids will close on June 13th. Review and evaluation of proposals will take place the week of June 16th. We could potentially award the contract by June 20th so that work can begin immediately after the contract is awarded. When we have completed the solicitation, we will have the contractor in-brief LEI leadership and 5300 local leadership prior to launching the assessment.

Action: We will assess the current relationship of LEI leadership and 5300 local NFFE to strengthen the working relationship.

Status: We are assessing skills both externally and internally to determine where to acquire an individual or team to assist us with the management-union relationship. There is additional work to do to review and analyze grievances, ULPs and arbitrations as well as how the current LEI Partnership Council is being used. Assistance from a neutral third party with experience in labor relations may be helpful in shifting the union-management relationship to a more positive tone. We will be meeting next week to ascertain the resources and the timing of this work.

Action: We will charge a team, including an interagency representative, to conduct a program review of LEI to assess program delivery and service, integration, mission and role clarity and strategies to strengthen the LEI program.

Status: We are assessing external entities that provide this type of management service and will contract for this important piece of work. With the current work environment within LEI, the history and perceptions about the straight-line reporting structure, and the program questions that are important to answer in order to move us forward, I believe that the benefit of a fresh perspective would be of most help to the agency. I have tasked LEI leadership to develop a statement of work and explore independent review sources for potential solicitation.

I will continue my commitment to keep you all apprised as these steps continue to unfold to grow a stronger LEI program and organization. Additionally, within the next several weeks, I will be sending an invitation for those of you who are interested to join me on a call with our National Assessment Team, the Director of HRM and LEI Leadership to brief you on findings and status of our follow-up actions. I have also asked the Regional Forester's and their line teams to strengthen connection and interaction with the LEI workforce and to identify priority work and coverage areas to assuage some of the concerns about workload.

Finally, I need to close with a few more thoughts. I believe you have raised important issues and you have my commitment to continue our work together to strengthen our LEI organization. But I do not want any of this to be a distraction from the important work you do every day. I ask that you keep focused on your day-to-day job assignment and role. Your keen attention to priority work, priority relationships, and safety is where your focus needs to be. I am impressed with the feedback and ideas you have shared and I know that working together, we can strengthen the effectiveness of LEI work of the Forest Service.

/s/ Thomas L. Tidwell

THOMAS L. TIDWELL

Chief

Enclosures (5)

LEI Content Analysis Synthesis

ER and EEO LEI Briefing Paper

Briefing Paper_AUO Audit

Briefing Paper_LEI Position Management

Briefing Paper_LEI Reassignment

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