

Exhibit List

Monitor's October 9, 2006 Report

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October 4, 2006

Via Electronic Mail

Marci Seville
Monitor, Hispanic Settlement Agreement
Golden Gate University School of Law
536 Mission Street
San Francisco, CA 94105-2968

Re: Brionez v. USDA, USDC N.D. Cal.,
Civil Action No. C 01 3969 CW

Dear Ms. Seville:

In an attempt to keep you abreast of the Region's continued progress on Hispanic representation in the Region's workforce, I am attaching updated versions of Tables 1-5, as those Tables were presented in the Region's Progress Report of September 8, 2006. These updated Tables include the most recent data available from the FOCUS system, *i.e.*, through September 23, 2006.

Sincerely,

/s/
Susan K. Ullman

Enclosures

cc: Denise Hulett
Chris Ho
Willie Nguyen

EXHIBIT 1

TABLE 1

Region 5 Employment of Hispanics			
12/22/2002 – 9/23/2006			
Permanent Employees (excluding SCEPS)			
	2002	2006	% OF CHANGE
#EMPLOYEES	5249	4482	-14.6%
%HISPANIC	8.9%	10.8%	+21.3%

TABLE 2

**REGION 5 NEW HIRES
DECEMBER 22, 2002 THROUGH SEPTEMBER 23, 2006**

	HISPANIC	TOTAL
TOTAL	185	1394
PERCENT	13.3%	100.0%

SOURCE DATA: FS5.HRAFILLB RUN DATE 09/29/2006

ACTIONS COUNTED: Career Appointment, Career Conditional Appointment, Transfer (In),
Reinstatement Career, Reinstatement Career Conditional, Conversion to Career Appointment,
Conversion to Career Conditional Appointment, and Conversion to Reinstatement Career

TABLE 3

**REGION 5 PERMANENT POSITIONS FILLED
(EXCLUDING EXCEPTED SCEP HIRES)
APRIL 1, 2006 THROUGH SEPTEMBER 23, 2006**

	HISPANIC	TOTAL
TOTAL	95	562
PERCENT	16.9%	100.0%

ORIGINAL HSA DEFINITIONS
SOURCE DATA: FS5.HRAFILL5 RUN DATE 09/29/2006

TABLE 4

HISPANICS IN THE R5 PERMANENT WORKFORCE (EXCLUDING SCEPS)

UNIT	TOTAL WORKFORCE		% HISPANIC		HISPANIC
	AS OF 12/22/02	AS OF 9/23/06	AS OF 12/22/02	AS OF 9/23/06	% OF CHANGE
ANGELES	312	266	22.4	25.2	12.5
CLEVELAND	251	220	16.7	20.9	25.1
ELDORADO	299	237	4.9	6.8	38.8
INYO	166	125	5.2	4.0	-23.1
KLAMATH	339	246	5.3	4.5	-15.1
LASSEN	280	242	6.1	8.3	36.1
LOS PADRES	277	262	9.4	8.8	-6.4
LTBMU	125	120	4.8	8.3	72.9
MENDOCINO	173	143	7.5	6.3	-16.0
MODOC	156	135	2.6	6.7	157.7
PLUMAS	265	261	4.5	5.6	24.4
REGIONAL OFFICE	454	448	6.8	9.2	35.3
SAN BERNARDINO	305	283	16.1	17.3	7.5
SEQUOIA	279	229	15.4	18.8	22.1
SHASTA-TRINITY	354	337	5.7	7.1	24.6
SIERRA	299	240	14.7	17.5	19.0
SIX RIVERS	187	177	5.9	7.3	23.7
STANISLAUS	288	243	6.3	9.9	51.7
TAHOE	281	255	5.0	6.3	26.0

TABLE 5
HISPANIC REPRESENTATION IN REGION 5
PERMANENT CAREER/CAREER CONDITIONAL WORKFORCE (WF) *

SERIES	#1 CURRENT WF TOTALS BY SERIES	#2 % CHANGE IN TOTAL WF 12/22/02 TO 9/23/06	#3 CLF % FOR HISPANICS **	% OF REGION 5 HISPANIC REPRESENTATION		
				#4 AS OF 12/22/02	#5 AS OF 3/31/06	#6 AS OF 9/23/06
Professional Series with 20 or More Employees						
0193 Archaeologist	67	0.0	3.5	3.0	3.0	7.5
0201 Human Resources	75	-20.2	6.5	9.6	6.3	8.0
0401 General Biologist	187	33.6	3.9	6.4	6.4	8.0
0430 Botanist	37	12.1	2.8	0.0	5.0	5.4
0454 Range Management	24	-14.3	1.2	10.7	11.1	16.7
0460 Forester	283	-21.4	1.2	4.7	5.1	6.4
0482 Fishery Biologist	42	-8.7	3.9	4.3	4.8	7.1
0486 Wildlife Biologist	85	-4.5	3.9	3.4	5.3	4.7
0807 Landscape Architect	22	-24.1	4.5	6.9	3.4	9.1
0810 Civil Engineer	76	-23.2	3.8	8.1	9.2	7.9
1001 General Arts & Info	82	-13.7	15.7	6.3	5.9	7.3
1035 Public Affairs	43	2.4	5.0	7.1	10.6	14.0
1315 Hydrologist	47	-21.7	2.3	0.0	3.4	4.3
Non-Professional Series with 50 or More Employees						
0340 Program Mgmt	86	2.4	7.4	7.1	12.8	15.1
1101 General Business	66	-8.3	15.1	1.4	4.5	6.1
0462 Forestry Technician**	2251	-6.2	31.5	11.8	12.7	13.0
0802 Engineering Tech	92	-40.3	15.3	6.5	8.9	9.8
0303 Misc. Clerical	146	15.0	16.5	8.7	7.6	8.9
5716 Eng Equip Operator	62	-23.5	10.6	3.7	3.1	3.2
Non-Professional Series with Less Than 50 Employees (Reported by Category)						
Officials & Managers	253	-21.2	10.1	9.7	11.6	11.8
Technicians	69	-46.5	15.4	8.5	8.1	8.7
Administrative Support	138	-46.9	21.2	9.6	13.6	13.0
Craft Workers	56	-39.1	16.4	5.4	4.8	5.4
Operatives	12	-36.8	19.1	5.3	7.7	8.3
Laborers	25	0.0	19.7	0.0	7.1	12.0
Service Workers	7	-61.1	31.7	0.0	0.0	0.0

* SCEP Enrollees are not included in this report.

** CLF % for Hispanics adjusted for Citizenship and Language; 0462 CLF adjusted per Court Order of 03/30/06.



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File Code: 6100
Route To:

Date: June 5, 2006

Subject: Regional Workforce Assessment and Staffing Plan

To: Forest Supervisors and Directors

In the past several years, Region 5 has been working toward a workforce that is reflective of the diverse public that we serve. We have made steady progress in this effort, but there is more work to be done. In our past efforts, we have made a substantial investment in new outreach and recruitment processes, in staff time to carry out an aggressive recruitment program, and managerial time in assuring that we have done everything possible to have a diverse, highly qualified applicant pool for all our positions. As you well know, this has been an extraordinary effort and has extended the time and effort it takes to fill positions.

We are committed to continue this effort, but we need to put in place some improvement measures -- making them faster, more efficient, and more effective. One of these measures was discussed with you previously: a centralized selection process. A second measure will be discussed at the June 2006 Regional Leadership Team meeting: a Regional workforce assessment and staffing plan process.

We are currently in the process of conducting a Regional workforce assessment that is looking at trends in hiring, retirements and other attrition, and age distribution. For example, in the past three years, the Region has hired 869 new employees into permanent career positions, and 1,497 new employees into student positions. In that same period, 1,398 permanent employees left the Region 5 workforce, and 67 percent of our permanent workforce is age 50 or older. These trends project a high level of movement into, and out of, our workforce in the coming years.

Given this, the Region as a whole and each unit within the Region needs to approach hiring more as a planned program activity, rather than a series of individual events. This is especially important for entry-level hires of new students and new permanent employees, which we hire externally. What we are moving toward is a staffing plan, which will identify at the beginning of the year all external hires Region-wide for the year. Having information on planned hiring for the entire year will allow our outreach and recruitment efforts to operate more efficiently and effectively.

In the next few days, we will be providing you with more detailed information on this process, as well as workforce assessment data upon which you can begin to build your staffing plans. An important leadership responsibility is ensuring that we have a workforce to carry out the mission of the Agency. I expect each Forest Supervisor and Director to be personally involved in this



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EXHIBIT 2

6100: Regional Workforce Assessment and Staffing Plan

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process and in these critical decisions. I also recommend that you form a workforce planning team, which includes your new Human Resources Recruitment Specialist on your unit, to help quickly develop your staffing plan. This will be discussed further at the June 2006 Regional Leadership Team meeting.

If you have any questions, please contact the Marcia Staten, Director, or Carmen Funston, Deputy Director, Human Resources.

/s/ Vicki A. Jackson (for)
BERNARD WEINGARDT
Regional Forester



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June 7, 2006

VIA E-MAIL AND U.S. MAIL

Marci Seville
Monitor, Hispanic Settlement Agreement
Golden Gate University School of Law
536 Mission Street
San Francisco, CA 94105-2968

Re: Brionez v. USDA

Dear Ms. Seville:

I am attaching a memorandum sent by the Regional Forester to Forest Supervisors and Directors concerning Region 5's Workforce Assessment and Staffing Plan.

I look forward to speaking with you on June 12th.

Sincerely,


Susan K. Ullman

enclosure

DATA FOR RECRUITMENT OF HISPANICS IN REGION 6 AS OF 08/28/2006
PERMANENT EMPLOYEES (EXCLUDING SCEPS)
FS5.HRAHONDL RUN DATE 08/27/2006

FEDSEC	SERIES	TITLE	HISPANIC	%	ALL
2-PROFESSIONAL	0193	ARCHAEOLOGY	4	6.2	65
20 or More Employees	0201	HUMAN RESOURCES MANAGEMENT	6	7.7	78
	0401	GENERAL BIOLOGICAL SCIENCE	14	7.6	185
	0430	BOTANY	2	5.6	38
	0454	RANGELAND MANAGEMENT	4	16.7	24
	0460	FORESTER	19	6.7	283
	0482	FISHERY BIOLOGY	2	4.9	41
	0486	WILDLIFE BIOLOGY	4	4.7	86
	0807	LANDSCAPE ARCHITECTURE	2	9.1	22
	0810	CIVIL ENGINEERING	8	10.0	80
	1001	GENERAL ARTS & INFORMATION	6	7.2	83
	1035	PUBLIC AFFAIRS	6	13.6	44
	1315	HYDROLOGY	2	4.3	47
1-OFFICIALS	0340	PROGRAM MANAGEMENT	13	14.6	89
50 or More Employees	1101	GENERAL BUSINESS	3	4.6	65
3-TECHS	0462	FORESTRY TECHNICIAN	287	12.8	2239
50 or More Employees	0802	ENGINEERING TECHNICIAN	9	9.5	95
5-ADMIN SUPP	303	MISC CLERICAL	14	9.7	145
50 or More Employees					
6-CRAFT	5716	ENGINEERING EQUIPMENT OPERATOR	2	3.1	64
50 or More Employees					
1-OFFICIALS	LT50	OFFICIALS AND MANAGERS	28	11.2	251
3-TECHS	LT50	TECHNICIANS	6	8.5	71
5-ADMIN SUPP	LT50	ADMIN SUPPORT WORKERS	19	13.5	141
6-CRAFT	LT50	CRAFT WORKERS	3	5.3	57
7-OPERATIVE	LT50	OPERATIVES	1	8.3	12
8-LABORER	LT50	LABORERS	3	11.1	27
9-SERVICE	LT50	SERVICE WORKERS			7

EXHIBIT 3



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Date: September 1, 2006

Route To:

Subject: Permanent Hiring Review

To: Forest Supervisors

REPLY DUE OCTOBER 2, 2006

The Settlement Agreement (SA) Staff is reviewing permanent selections made from October 1, 2005 through March 31, 2006. R5 competitive selections are documented in the R5 Applicant Flow System (AFS) and in the AVUE Central Database; the official appointment records for both competitive and non-competitive selections are obtained through FOCUS reporting.

It has been determined that, for the October 1, 2005 through March 31, 2006, reporting period, the selections and/or appointments by unit were documented as follows:

OCTOBER 1, 2005 through MARCH 31, 2006

R5 APPOINTMENTS	FOCUS	AFS	AVUE*
UNIT	Total	Total	Total
ANGELES	29		2
CLEVELAND	37	2	3
ELDORADO	21	2	2
INYO	7	1	3
KLAMATH	13	5	
LASSEN	26		1
LOS PADRES	36	5	1
LTBMU	9		9
MENDOCINO	15	3	
MODOC	11	1	2
PLUMAS	32	1	5
REGIONAL OFFICE	23	13	7
REINVENTION LAB	13	1	2
SAN BERNARDINO	32	2	
SEQUOIA	13	1	
SHASTA-TRINITY	26	2	3
SIERRA	30	2	
SIX RIVERS	13	1	
STANISLAUS	24		
TAHOE	25		3
Grand Total	435	42	43



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EXHIBIT 4

Forest Supervisors

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The FOCUS report required by the Hispanic Settlement Agreement on R5 Permanent Hires was designed to include selections that are competitive and/or based on management decisions. The expectation is that most of the selections would be documented in AFS or AVUE. However, that has not been the case.

Each of the 435 hires identified in the FOCUS Report has been reviewed by Unit, Subunit, Name, Pay Plan, Series, Grade, Action Date, Nature of Action Number and Description, and Authority Code. Your Unit's documentation is provided in the attached spreadsheet.

The first column in the spreadsheet is identified as "Documented" to indicate whether the selection was found in R5 AFS or AVUE, or only in FOCUS. The last column, "Remarks" provides the vacancy announcement numbers for the AVUE and AFS entries, and reviewer notes for the FOCUS entries.

Please work with your Human Resources Recruitment Specialist to verify, correct, or expand upon the Remarks for the FOCUS selections in order to explain why these selections are not documented in R5 AFS or AVUE. Valid reasons for non-competitive selections outside of the R5 AFS or AVUE systems include but are not limited to: change to lower grade after temporary promotion, career ladder promotion from earlier competition, and SCEP conversion to career appointment. Another reason could be that actions were miscoded as competitive, and these also need to be identified.

Your HRRS may need to reference the Office of Personnel Management's *Guide to Processing Personnel Actions* and *Guide to Personnel Data Standards* (available on the internet at <http://www.opm.gov/html/topics.asp#G>) to understand the significance of the Nature of Action Code, Authority Code, and Remarks Code combinations.

Questions and replies should be directed to Wendy Rook (wrook@fs.fed.us, 707-562-9219) or Julena Pope (jdpope@fs.fed.us, 707-562-9180).

/s/ Vicki A. Jackson
VICKI A. JACKSON
Associate Regional Forester

cc: pdl r5 hr recruitment specialists