U.S. Department of Justice
Civil Division, Federal Programs Branch

Via First-Class Mail
P.O. Box 883, Rm. 7146
Washington, D.C. 20044

Via Overnight Delivery
20 Massachusetts Ave., NW
Room 7146
Washington, D.C. 20530

Susan K. Ullman
Senior Counsel

Tel: (202) 616-0680
Fax: (202) 616-8202

March 24, 2006

VIA FACSIMILE AND U.S. MAIL

Marci Seville
Court 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:

You have requested information from Region 5 of the Forest Service about numerous subjects, including Coaching Training, the Region's Mentoring Program, an outside recruiter the Region had contracted with, Human Resources staffing, and an unfilled position. None of the subjects I have listed is a requirement of the Hispanic Settlement Agreement. Nonetheless, attached hereto for your information is Region 5's response to your inquiries.

Sincerely,

Susan K. Ullman

EXHIBIT 17

United States Department of Agriculture
Forest Service
Pacific Southwest Region
Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9130 Text (TDD)

File Code: 1760-2
Date: March 24, 2006

Marci Seville
Professor of Law
Golden Gate University of Law
536 Mission Street
San Francisco, CA 94105

Dear Marci:

Enclosed is the information you requested in your letter dated March 10, 2006 and your email of March 21, 2006.

A. Coaching Training

The Region's last response to me stated that it did not include a cultural diversity component in the supervisor coaching training because that was covered in the annual mandatory EEO training.

Please provide information on when the annual training takes place, who attends, an i what specific information is included in that training regarding cultural diversity.

The annual Equal Employment Opportunity (EEO) training occurs on various dates at different locations throughout the Region and the first training session is scheduled for April 2006. The Region requires all employees to attend EEO training on an annual basis. In calendar year 2005, the Region trained over 98 percent of its employees.

The Region does provide the EEO training in accordance with Department policy and has been given a waiver from the USDA to use the EEO curriculum designed by Region 5 for mandatory training of all employees annually.

The module includes many practical examples of race/ethnicity/gender/etc.-based behavior that discriminates and/or impinges upon a healthy work environment. The examples are provided in various forms, including trainer-to-trainer role-playing, written exercises, and group exercises. Some of the subjects covered in the examples are: unwitting discrimination in selections/promotions; marginalization of new or different employees; job requirements that impact certain protected groups; and workplace rules that limit the speaking of languages other than English.

B. Mentoring

What steps has the Region taken to ensure that employees, including employees not previously covered by the program, are informed about the program and know how to participate? When and how was that information communicated to employees not previously covered?

The Mentoring Program is not a requirement of the Hispanic Settlement Agreement but was a provision of the Women's Settlement Agreement. The Region agreed to update the program and announced the revisions in a February 2, 2006 memo sent to Forest Supervisors and Directors. (See attached). The Region has not yet announced this year's training but has plans to provide a training session for each Province. The training is normally provided in early June or July. (See attached)

1. **How many employees are currently participating in the mentoring program?** 38 individuals were trained in the May, 2005 session and 10 pairs are currently active in the program.

2. **How many of those are persons hired in the past year?** The Region does not track when participants are hired.

3. **How many are SCEPs?** SCEPS were excluded from participation in the 2005 Mentoring Program and the 2006 Mentoring Program has not yet been announced.

4. **How many are Hispanic?** The Region does not track the RNO of participants.

5. **Please provide the names, positions, hire date and RNO on all mentees.** The Region does not track participants by hire date or RNO. The Region declines to provide the names and positions of current mentees because this information is not relevant to the HSA and it is unclear why the Monitor needs this information.

C. Contract with Batiz.com.

1. Whether or not the Region has renewed or intends to renew the Batiz contract. If so, whether the contract will be the same or will include different contract terms. An outside recruiter is not required under the HSA, nonetheless, we are providing the following information: The contract between BATIZ.com and the Forest Service has ended and will not be renewed for CY 2006.

2. Whether Batiz completed all its contract obligations during the term of the one-year contract, including completion of all the radio vignettes specified in the contract. Some of the obligations imposed under the original Batiz Contract (i.e. the preparation and production of the radio vignettes) are still being performed.

D. Monitoring of Recruitment and Promotions

In response to my inquiry regarding monitoring of promotions, the Region said that Joyce Branch had reviewed 36 files. Once the results of her review were compiled, the SA director was to notify each Forest Supervisor of the findings for his/her forest. The files reviewed cover the timeframe January through September 2005. The Region was also advertising for a Not to Exceed 1 Year detail to assist with the review of the URT files, and Rene Reed was on a 120 detail for that purpose.

The number of selection packages that have been reviewed since January, 2005, is 118. The number reviewed by Joyce Branch, in September, 2005, was 36. There are 35 selection packages in the backlog and we have received 25 new packages since January, 2006, and all 25 of those selection packages have been monitored.

Please provide the following information regarding monitoring of promotions:

1. What is the status of the NTE 1 year detail? The outreach for the detail is complete and the action has been forwarded to HR for advertisement.

2. How many promotions has Rene Reed reviewed and what have been the results of that review? Ms. Reed has completed review of 62 of the backlog selection packages. (See attached)

Have those results been communicated to the Forest Supervisor? (See attached) Any findings which require prompt attention is elevated to the Director, Settlement Agreements and she then confers with the Forest Supervisor or Director to assure immediate action is taken.

3. How much of her time does the RRC devote to the monitoring of promotions? The Regional Recruitment Coordinator, Joy Gipson-Taylor, is devoting 90% of her time to coordination of outreach and recruitment for the Region. The other 10% of Joy's time is devoted to oversight of the monitoring documentation completed by Renee Reed and Carla Kamerdula.

4. What were the results of the monitoring of the 36 files done by Joyce Branch? What was communicated to the Forest supervisors about the outcome of the monitoring? When was it communicated and by whom? Please provide copies of anything that the Region communicated to the Forest Supervisors in writing and other memoranda prepared about the outcome of the review (even if not distributed to the Forest Supervisors). (See attached)

5. I received a spreadsheet from the Region showing selections from 4/1/05 through 9/30/05 (prepared 12/9/05 from FOCUS reports HRASLCT2, HRASLCT3, HRASLCT4.). After sorting by promotions only, that report shows almost 300 promotion actions during that limited time period. As noted above, the information the Region gave me was that, as of early 2006, it had reviewed only 36 promotions for the

longer period of 1/05 through 9/05. What, if any, steps has the Region taken to monitor all promotions as required by HSA section V.A.2? (Region 5 will monitor all recruitment and promotion actions of Forest Supervisors and Regional Office Directors and all recruitment and promotion actions taken under their supervision.)

As you are aware the reports HRASLCT2, HRASLCT3, HRASLCT4 are not required under the HSA, but have been provided to you per your request. According to those reports there were approximately 300 promotion actions for the period of 4/1/05 through 9/30/05. Of the approximately 300 promotion actions, 79 were career ladder actions from earlier competitive procedures, 6 were removal of the time limitation on a promotion not-to-exceed without further competition, 6 were an exception to competitive promotion procedures (e.g. repromotion to a grade previously held), and these actions are not monitored. That would leave approximately 209 promotion actions to monitor. It is noted there can be multiple selections from one advertisement, so the number of selection packages received to monitor does not reflect the number of actual selections.

As we have stated in earlier correspondence to you, there is a backlog of monitoring to be completed. Steps we have taken to eliminate the backlog are to add additional resources to assist the Regional Recruitment Coordinator in monitoring of the Unit Review Team selection packages. We have detailed Renee Reed to the HSA staff and she is working on the monitoring backlog. Carla Kamerdula, also in the Settlement Agreement staff, has completed the review and monitoring of the current 25 selection packages received since January 26, 2006. Both Ms. Reed and Ms. Kamerdula have oversight from the Regional Recruitment Coordinator.

E. Status of Human Resources Staffing in Region 5

In a recent memorandum, the Forest Service stated that:

Based on the Region's involvement in the Hispanic Settlement Agreement (HSA), it has been decided that the staffing and recruitment functions will remain in the Region and not be moved to the Albuquerque Service Center (ASC) in Albuquerque, New Mexico at this time. These functions will only be moved to the ASC when the HSA ends or when the Human Resources staff at the Center has demonstrated the capacity to successfully perform the work required in meeting the duties and obligations of the Agreement.

Please provide the following information regarding Human Resources staffing.

For each forest, indicate: The Regions response to questions 1-6 is provided below:

Human Resources are not responsible for Recruitment. The Regional Office Settlement Agreements staff is responsible for coordinating outreach and recruitment within Region 5. Forest Supervisors and Directors; Level II Recruiters (19 active, 21 additional have been trained and are now in the certification process) Subject Matter Experts, Regional Special Emphasis Program Managers, Forest Civil Rights Officers, and Province Recruiter Teams participate in recruitment activities. The San Bernardino has hired a Recruitment Coordinator, effective May, 2006.

For the Regional Office, indicate:

1. **Name and positions of any Regional Office HR or Settlement Agreement personnel involved in recruitment and what their recruitment responsibilities are.** Human Resources are not responsible for Recruitment. Joy Gipson-Taylor, Regional Recruitment Coordinator, James Kimokeo, UC Davis Liaison, and Janet Brandt-Jackson, Student Career Experience Program Manager. Julena Pope, Director, Settlement Agreements is taking an active role in working with students from the Hispanic Leadership Program in Agriculture and Natural Resources (HLPANR) and has been successful in the placement of 3 students in professional Career Intern positions within the Region.

   Recruitment responsibilities are to focus targeted recruitment for specific vacant positions across the Region or Forest in an effort to increase diversity in our applicant pools.

2. **Whether each of those positions is currently filled as a permanent position, a detail, a term or other status.** All positions listed in (1) above are permanent positions.

3. **Whether each those positions will be filled on in the Regional Office for the one year extension of the HSA, and if so, in what status (permanent, detail, term, etc).** All positions listed in (1) above will continue for the one year extension of the HSA.

F. **Why was the GS-9/11/12 Budget Analyst position, in the Regional Office cancelled and will it be readvertised? (3/21/06 email).**

   This information is not relevant to your monitoring role under the HSA, since it does not come within the definition of a "Region 5 position," nonetheless, we provide the following information: The certificate of candidates expired before selection could be made. The Region may or may not readvertise.

Sincerely,

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

United States Department of Agriculture
Forest Service
Pacific Southwest Region
Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9130 Text (TDD)

Date: March 22, 2006

File Code: 6140-1
Route To:

Subject: Formal Mentoring for Apprentices, SCEP and Entry Level Employees

To: Forest Supervisors and Directors

REPLY DUE APRIL 22, 2006

As you are aware, the Region made a commitment to the court that the Mentoring Program will be one of the "good business practices" to continue when the Women's Settlement Agreement ended. This is a program that can be very beneficial in our efforts to educate our future workforce in the mission work we perform; the culture, tradition, etc. We now have the flexibility to design the program to meet the needs of the Region. The Region will place emphasis on providing mentoring to all fire apprentices, Student Career Experience Program (SCEP) students and new employees with less than 2 years of government service.

In this case, our new focus in this post settlement agreement era is on new employees beginning a career with our Agency. While I do not see this as succession planning, we must look to this program as a tool that will assist us in that area. It is no secret that we are losing more experienced and seasoned employees to retirement and we must take a proactive approach to dealing with this attrition. We have been doing extensive outreach and recruitment in our efforts to fill positions left by those retiring, but we must put an emphasis on the retention of these new employees. The Mentoring Program will be considered a major tool in our efforts to retain employees.

Therefore, I strongly urge that all apprentices, SCEP students and new employees participate in Formal Mentoring. It will be the responsibility of each unit to identify mentors for these new employees that participate in the program. Maxie Hamilton, Assistant Director, Settlement Agreements can provide assistance and guidance in the matching process.

The goals will be to:

- Provide organizational support, knowledge transfer, and networking opportunities.
- Enhance communication and collaboration at all levels within the Forest Service, as well as across a variety of community-based organizations.
- Create a learning environment where mentoring is an integral part of the way the Forest Service does business.

One session will be held for each province and tuition costs will be covered by the Region. The Forest will be required to cover any travel and per diem costs related to the training. Maxie Hamilton will take the lead on this project and setting up the training sessions. Each province must identify a contact person to work with Maxie regarding logistics, dates, etc. The training will be held ~~in early~~ summer. Please forward your contact person's name to Maxie by April 22, 2006. If there are any questions please contact Julena Pope at (707) 562-9180 or Maxie Hamilton at (707) 562-9157.

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

cc: Julena D Pope
Maxie Hamilton
Marcia K Staten
Sandra Wallace
pdl r5 hrr5
pdl r5 feros

United States Department of Agriculture
Forest Service
Pacific Southwest Region
Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9130 Text (TDD)

Date: March 22, 2006

File Code: 6100
Route To:

Subject: Unit Review Team (URT) Monitoring Report

To: Forest Supervisors and Directors

The Settlement Agreement staff is continuing to review and monitor the Unit Review process and selection packages from the Forests. This monitoring ensures the Unit Review teams are functioning in compliance with regional policies, program direction, and legal mandates.

In accordance with FSH 6109.12, "Employment and Benefits Handbook," Chapter 20, Internal Placement, units are to submit outreach, recruitment and selection information on "Outreach and Recruitment Documentation" Form 6100-158 (01/2005). The Exhibit C Form "Employment Outreach and Recruitment Documentation" dated December 15, 2002 is obsolete and should no longer be used.

The selection packages for all recruitment and promotion actions must be provided to the Regional Recruitment Coordinator, Settlement Agreements staff two weeks after selection has been made.

As a reminder, certificate folders should include the following:

- Documentation Required for Monitoring and Oversight Form
  - Position Description
  - Organization Chart
  - Copy of Announcement
  - Copy of Outreach Notice and supportive documentation
  - Fully completed Outreach and Recruitment Documentation Form (R5-6100-158)
  - Panel or Selection Process Recommendations and Documentation
  - Completed Certificate of Candidates for Merit or Candidate Referral List for Demo clearly identifying selection(s)
  - Copy of applications for all qualified candidates on referral certificate
- RSNO applicant data printout from AVUE or AFS

Listed below are some items that may assist units in providing the necessary information to ensure consistency and compliance throughout the Region:

1. Provide information for both government and demonstration project announcements.

2. Fully complete the R5-6100-158 form.

   a. Assure all checkpoints are signed and dated in order to accomplish proper certification.
   b. Comprehensive outreach documentation must be provided.
   c. Post selection review should be completed to verify the Affirmative Employment Plan (AEP) goals and objectives have been accomplished.

3. Panel members should stay within the guidelines of consideration specifically stated in the Merit System Principles in the Merit Promotion Plan.

A number of units are going above and beyond the normal outreach and recruitment process in order to ensure a diverse applicant pool, which is commendable and noteworthy. Over 50% of packages reviewed had documentation of extensive Outreach and Recruitment for the targeted under-represented groups identified on Form R5-6100-158. Many provided excellent documentation of their selection process and rationale for the selection(s). Of the most recent packages reviewed, 100% included written justification from the Recommending Official and also included the Selection Certificate or Referral List.

Please share the information contained in this correspondence with your Unit Review Team. If you or members of your Unit Review Team have any questions pertaining to this report, please contact Julena Pope, Settlement Agreements Staff Director at (707) 562-9180 or Joy Gipson-Taylor, Regional Recruitment Coordinator at (707) 562-9174.

/s/ Vicki A. Jackson

VICKI A. JACKSON
Associate Regional Forester

cc: Julena D Pope
Joy Gipson-Taylor
Marcia K Staten
Sandra Wallace
pdl r5 hrr5

United States Department of Agriculture
Forest Service
Pacific Southwest Region
Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9130 Text (TDD)

Date: February 2, 2006

File Code: 6140-1
Route To:

Subject: Revised Mentoring Program

To: Forest Supervisors and Directors

Enclosed is the revised Mentoring Program Plan. We have incorporated feedback from Regional Leadership Team members, Union Officials and individuals who have participated in the program.

One significant change to the program is the reduction in the time required to participate in the formal training. We are eliminating the orientation session and reducing the formal training from three days to one day. Another change to the program is students in the Career Experience Program (SCEP) and Fire Apprentice program are now eligible to participate.

As we prepare to move forward in implementing this revised plan, I encourage all line and staff officers to market and support the program, as well as, participate as mentors. If you have any questions, please contact Maxie Hamilton at mhamilton01@fs.fed.us or call him at 707-562-9157.

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

Enclosure

cc: Dan Duefrene, Michael Bunten

Marci Seville
Court Monitor
Hispanic Settlement Agreement

April 3, 2006

Susan Ullman
Federal Programs Branch
Civil Division
U.S. Department of Justice
901 E Street, N.W., Room 1020
Washington D.C. 20530

Denise Hulett
Willie Nguyen
Christopher Ho
The Legal Aid Society
Employment Law Center
600 Harrison Street; Suite 120
San Francisco, CA 94107

Marissa Suarez
Office of the General Counsel
United State Dept of Agriculture
33 New Montgomery Street
San Francisco,, CA 94105

Re: Brionez v. USDA

Dear Counsel:

On March 30, 2006, I met with Vicki Jackson, Julena Pope and counsel for Region 5 to discuss the March 24, 2006 response to my March 10, 2006 information request. At that meeting, I expressed concerns about some of the responses I received and informed the Region that I would be submitting a follow up information request. Before completing that information request, I received Judge Wilken's March 30, 2006 Order Denying Defendants Motion and Granting in Part and Denying in Part Plaintiffs' Motion. This request is made pursuant to HSA Section VI.A.1 and includes information related to some of the additional remedial measures ordered by the Court.

1. Role of Human Resources in HSA Implementation

A. Background information

Almost eighteen (18) months ago, I asked the Region how it planned to deal with the impact on HSA implementation of the HR migration to Albuquerque, also referred to as the Business Process Re-engineering ("BPR"). The October 18, 2004 monthly HSA meeting notes reflect the following discussion of this issue:

> HR's BPR move to New Mexico and impact on the HSA
>
> Discussion: FS is in process of purchasing HR Operating System. No one will be moved until the system is operational. Expect to start Transfer of Function (TOF) in '06.

Golden Gate University
School of Law
536 Mission Street
San Francisco, CA 94105-2968

Tel: 415/442-6675
Fax: 415/896-2450
Cell: 415/794-7204
E-mail: mseville@ggu.edu

EXHIBIT 18

Expectation is that existing HR staff will be looking look for new jobs (so as not to move). Not yet known if the pending move will affect the hiring of the Regional HR Director. Cert for this position not finished.

Monitor asked if Region has given any thought to how it will meet obligations of the SA. Vicki Jackson stated that we would fill the gap with Terms and contractors. Monitor also asked about considerations for recruitment assistance to the field in light of the HR move.

Because of the HR move, I recommended in my Tentative Report that the Region "retain on each forest and in the Regional Office Human Resources personnel, despite the move to and consolidation of all Forest Service Human Resources in Albuquerque, New Mexico." The Region objected to this Recommendation because "[t]he move to Albuquerque will not take place until after the expiration of the term of the HSA. Accordingly, the Region does not foresee an impact to the Settlement Agreement as it relates to compliance." (Defendants' objections, p. 32)

After the Court ordered a one-year extension of the HSA in February 2006, I sent the Region an information request addressing, among other things, the impact of the HR migration to Albuquerque.

Item (E) of my March 10, 2006 information request stated:

> Status of Human Resources Staffing in Region 5
>
> In a recent memorandum, the Forest Service stated that:
>
> > Based on the Region's involvement in the Hispanic Settlement Agreement (HSA), it has been decided that the staffing and recruitment functions will remain in the Region and not be moved to the Albuquerque Service Center (ASC) in Albuquerque, New Mexico at this time. These functions will only be moved to the ASC when the HSA ends or when the Human Resources staff at the Center has demonstrated the capacity to successfully perform the work required in meeting the duties and obligations of the Agreement.
>
> For each forest, indicate:
>
> 1. Whether there is a Human Resource Officers (HRO) position filled on the forest.
> 2. Who fills that position.
> 3. Whether the positions is currently filled as a permanent position, a detail, a term or other status.
> 4. Whether the HRO position will be filled on the forest for the one year extension of the HSA and, if so, in what status (permanent, detail, term, etc).
> 5. If there is no HRO at the forest, who on the forest is responsible for recruitment?
> 6. Specify what the recruitment responsibilities of the HRO or other forest staff are.

For the Regional Office, indicate:

1. Name and positions of any Regional Office HR or Settlement Agreement personnel involved in recruitment and what their recruitment responsibilities are.
2. Whether each of those positions is currently filled as a permanent position, a detail, a term or other status.
3. Whether each those positions will be filled on the forest for the one year extension of the HSA, and if so, in what status (permanent, detail, term, etc).

The Region's response to items 1-6 for the individual forests was:

> **Human Resources are not responsible for Recruitment**. The Region Office Settlement Agreements Staff is responsible for coordinating outreach and recruitment within Region 5. Forest supervisors and Directors, Level II Recruiters (19 active, 21 additional have been trained and are now in the certification process), Subject Matter Experts, Regional Special Emphasis Program Mangers, Forest Civil Rights Officers, and Province Recruiter Teams participate in recruitment activities. The San Bernardino has hired a Recruitment Coordinator, effective May, 2006. (emphasis added)

The Region's response with regard to the Regional Offices was:

> **Human Resources are not responsible for Recruitment.** Joy Gibson-Taylor, Regional Recruitment Coordinator, James Kimokeo, UC Davis Liaison, and Janet Brandt-Jackson, Student Career Experience Program Managers. Julena Pope, Director, Settlement Agreements, is taking an active role in working with students from the Hispanic leadership Program in Agriculture and Natural Resources (HLPANR) and has been successful in the placement of 3 students in professional Career Intern positions within the Region. (emphasis added)

At our March 30, 2006 meeting, I addressed the fact that the Region's February 2005 Outreach and Recruitment Strategy and the directive in the Forest Service Handbook, FSH 6109.12-2005-1, give Human Resources (including the Forest or Unit Human Resources Officers) a central role in recruitment. The Forest Human Resource Officers are members of the Unit Review Team, and are responsible for completion of the revised Employment Outreach and Recruitment Documentation Form ("Form C"), which was approved by the parties to the HSA in accordance with Section V.A.3.[1] In addition, HSA Section V.A.3 requires that "Prior to the final selection for a Region 5 Position, the

[1] FSH 6109.12, Section 26.05 specifies that the Unit Review Team "consists of the Recommending Official, Human Resource Officer, and Forest Civil Rights Officer. " Revised Form C makes clear that HRO refers to the Human Resources Officer on the forest/unit. (5th Report, p. A-128, defining HRO as the "Unit Human Resource Officer") .

selection certificate and supporting paperwork will be reviewed by the unit Human Resource Officer."

Forest Service Handbook, 6109.12-2005-1, effective February 2005, addresses Outreach and Recruitment Procedures, and clearly gives the Unit HRO and the Region's HR Director significant recruitment responsibilities. Section 26.04 sets forth the responsibilities.

5. Human Resource Officers (HRO). It is the responsibility of each Human Resource Officer to:

a. Work with the first line supervisor, Recommending Official, and Forest Civil Rights Officer (FCRO) to review all permanent positions to be filled and determine flexibilities in filling the positions.

b. Coordinate with the Regional Human Resources Staff to implement efficient and effective recruitment activities within the respective unit.

c. Assess local recruitment activities for program compliance and effectiveness in accordance with Regional direction.

d. Work in partnership with Forest Leadership Team (FLT), Regional staffs, FCROs, and local networks to focus recruitment efforts to meet Forest and Regional objectives.

e. Provide local leadership, program direction, oversight, and evaluation consistent with the Regional recruitment program plan.

f. Serve as a member of Unit Review Team (URT).

g. Access Applicant Flow System report in order to complete Section V of form R5-6100-158, Outreach and Recruitment Documentation form.

h. Initiate Outreach and Recruitment Documentation form.[2]

3. Director of Human Resources Management. Responsibilities of the Director of Human Resources include:

a. Coordinate with Regional Civil Rights Staff and Regional Settlement Agreements Staff on the development and implementation of strategic recruitment strategies; including training Human Resources (HR) staff members and other Forest Service managers and employees participating in recruitment activities.

[2] In addition, Section 26.03, Policy, provides that the Region shall::

2. Include outreach and recruitment in management reviews for the Regional Leadership Team, Forest Civil Rights Officers (FCROs), Human Resource Officers (HROs), and other Regional employees who perform outreach and recruitment efforts. (emphasis added)

> b. Provide Regional Human Resource policy leadership, program direction, and oversight to Human Resource Officers for their respective roles in regional recruitment efforts. Collaborate with HR field offices, HROs and other principles concerning HR policy interpretations and/or operational processes resulting from specific or region wide recruitment strategies.
>
> d. Collaborate with Settlement Agreements Director, to evaluate and assess the results and impact of regional recruitment efforts; how, or if these efforts contributed to accomplishing the Region's affirmative employment plan, goals and objectives. (emphasis added)

The Outreach and Recruitment Strategy similarly gives the unit HROs and the Regional HR Director key responsibility for recruitment activities.

I questioned the Region's March 24, 2006 response that "Human Resources are not responsible for recruitment," given what the Region's own strategy and directive say about HR's responsibilities for recruitment. Vicki Jackson advised me that the strategy and directive, which were finally adopted in early 2005 after considerable delay, would now have to be changed to conform to the new situation resulting from the migration to Albuquerque.

She informed me that the Region has created a new HR structure, which will be a "Regional Employment Center" under Marsha Steton, the current HR Director. Staffing duties for the Unit Review Team will "move with the work" to the RO Employment Center. The Region does not intend to maintain the Forest HROs.[3] As the migration to Albuquerque proceeds, HROs are being abolished. Steton's Employment Center staff will consist of temps, terms, contractors, and/or detailers, including people not interested in migrating to Albuquerque or those not ready to retire. One example provided was the Angeles. The Unit HRO RoseAnn Smith left her job some time ago. The Angeles now gets its HR support from Steton's office in Vallejo.

When I asked how many forests still have HRO positions filled and who is staffing the new Regional Employment Center, Vicki Jackson could not provide details because the situation "changes every day."

The Region informed the Court that the Washington Office ("WO") granted it a "waiver" so that staffing and recruitment could remain in the Region until the HSA ends or the new Albuquerque center demonstrates that it can perform the functions needed for the HSA. However, as I learned at the March 30, 2006 meeting, despite the WO waiver, the Region is proceeding with elimination of the forest HROs and is changing responsibilities significantly, with the creation of the new, centralized RO employment center.

The Court has now ordered that, until the HSA ends, "Defendants are to retain, **on each forest and in the Region Office** of Region 5, human resources personnel sufficient to

[3] According to Vicki Jackson, some employees in Steton's center may be located in field offices and act as "virtual" Regional Office employees.

carry out all recruitment activities related to implementing the Agreement and this order." (Order, p. 33, emphasis added)

B. Request:

Based on the above, I am requesting the following information concerning Human Resources and other personnel responsible for aspects of HSA implementation:

(1) For each forest, provide the information below, including the names and positions of persons performing the responsibilities addressed:

a) **Is there is still a Human Resource Officers (HRO) position filled on the forest?**
b) **If there is no longer an HRO, when was the position vacated and who is performing the responsibilities set out for the HRO in the FSH and Outreach and Recruitment Strategy; who is performing the Unit Review Team responsibilities of the former HRO? (Provide the name and position of the person now doing those functions).**
c) **If there is still an HRO, who fills that position and how long will that person remain in the position?**
d) **Whether the position is currently filled as a permanent position, a detail, a term or other status (specify status) .**
e) **Whether the HRO position will be filled on the forest for the one year extension of the HSA and, if so, in what status (permanent, detail, term, etc).**
f) **Who are the Level II recruiters on the forest and what are their job titles?**
g) **What Special Emphasis Program Managers are involved in HSA recruitment?**

(2) Which Provinces currently have Recruiter Teams and who is on those teams (provide names and positions) ?

(3) Provide a copy of the operational paper on Marsha Steton's Regional Employment Center, which we discussed at the March 30, 2006 meeting.

(4) In light of Judge Wilken's Order, what steps will the Region take to retain, on each forest and in the Region Office, human resources personnel sufficient to carry out all recruitment activities related to implementing the Agreement and the Court's Order?

2. Apprentice Mentorship Program

A. Background information

My March 10, 2006 information request asked the following with regard to the Mentoring program:

1. What steps has the Region taken to ensure that employees, including employees not previously covered by the program, are informed about the program and know

how to participate? When and how was that information communicated to employees not previously covered?

2. How many employees are currently participating in the mentoring program?

3. How many of those are persons hired in the past year?

4. How many are SCEPs?

5. How many are Hispanic?

6. Please provide the names, positions, hire date, and RNO on all mentees.

The Regions' March 24, 2006 response stated that SCEPS were excluded from participation in the 2005 mentoring program and the 2006 Mentoring Program has not yet been announced. The Region has plans to provide a training session for each Province which is normally provided in early July or July. The Region advised me that there are "10 pairs" currently active in the mentoring program, but the Region does not track when participants are hired or the race/national origin of the participants. The Region further responded that it "declines to provide the names and positions of current mentees because this information is not relevant to the HSA and it is unclear why the Monitor needs this information."

At the March 30, 2006 meeting, the Region informed me that SCEPS and other employees with less than one year of service, who were not previously eligible for the mentoring program, will not actually start participation until October 2006 when the next year's program is in place.

The Court's Order states:

> The Monitor notes that Defendants stated that they accepted the Monitor's recommendation to implement an effective mentoring program. Defendants have done so, revising their existing formal Mentoring Program to add a component for new employees with less than one year of service. Plaintiffs do not dispute that a mentoring program for fire apprentices is currently in place. The Court orders Defendants to continue this program. (Order p. 29)

I have several concerns with regard to the mentoring program. First, if employees with less than one year of service can not even begin as mentees until October 2006, there will have been no mentoring program in place for them from February through October 2006 , which constitute eight (8) months of the twelve (12) month HSA extension. Second, if only ten (10) pairs are participating in the current program out of more than 5,000 employees, it raises obvious questions about whether this is an "effective mentoring program."

B. Request:
Please provide information as to whether, in light of the Court's Order, the Region will take any steps to provide effective mentoring opportunity for fire apprentices before October 2006, and, if so, what those steps will be.

3. Outside Recruiter

A. Background Information
The Region advised me in its March 24, 2006 response that its contract with Batiz.com, had ended and would not be renewed for calendar year 2006. That contract encompassed mainly radio vignettes and web-based job postings.

The Court has now ordered that "Defendants contract with an effective outside recruiter; in order to do this, Defendants and the Monitor shall evaluate the effectiveness of the Defendants' recently hired outside recruiter, Batiz.com." At the March 30, 2006 meeting – prior to the Court's direction to meet on the effectiveness of Batiz.com – the Region indicated that the contract was not renewed because it had gotten off to a slow start, some of the work contemplated by the contract still was not completed, and there had not been an analysis with Batiz.com of what was and was not successful. It appears that the Region has already concluded that this contract was not particularly successful, but I am available if further meetings to discuss the effectiveness of that contract would be productive.

B. Request
In light of the Court's order, please provide the following information:

1. **What criteria will the Region use for selection of an outside recruiter?**
2. **What process will the Region use to retain an effective outside recruiter?**
3. **What, if any, competitive bidding procedures must be used to retain the recruiter and what is the timeframe for such procedures?**

4. Monitoring of all Recruitment and Promotions

A. Background
At our March 30, 2006 meeting, Julena Pope described the monitoring process in place, and said that the staff doing the monitoring prepares write-ups on their reviews, which are kept internally.

B. Request
Please provide copies of all the write ups, reports, notes and/or memoranda that have been prepared during the monitoring process by Joy Gibson-Taylor, Joyce Branch, Carla Kamerdula, Renee Reed, or any other staff responsible for the monitoring of recruitment and promotions.

5. Central California Consortium

The Court granted the recommendation for expansion of the Central California Consortium to at least two additional locations. Please provide information on what steps the Region will take to comply with this provision in the Court's Order and what the timetable will be.

Please provide responses to the information requested above **no later than April 17, 2006** and provide the response in electronic format for my recordkeeping.

Almost two months have passed since the Court ordered the one-year HSA extension, and it is imperative that the Region promptly implement the additional remedial measures in the Court's Order. I will address the selection review position and the temporary fire applicant data at a later date

Sincerely,

Marci Seville

cc: Bernie Weingardt
Vicki Jackson
Julena Pope.

USDA United States Department of Agriculture | Forest Service | Pacific Southwest Region | Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9130 Text (TDD)

File Code: 1760-2
Route To: (6140)

Date: September 22, 2006

Subject: Region Five Mentoring Program

To: Forest Supervisors, Directors

As you may recall the Region previously announced the postponement of the Dynamic Mentoring Program training due to a high level of fire suppression activity. It is important for the Region to continue the momentum gained by our initial Mentoring Program implementation in May 2006.

In an effort to enable Mentoring Program enrollees to begin actively participating in the program, the Unit Mentoring Coordinators (Forest Human Resource Recruitment Specialists) will disseminate the "Keys to Mentoring Success" training workbooks to those program enrollees. Formal orientation and classroom training can be completed at a later date.

Participants are encouraged to review the workbook, familiarize themselves with the program goals, roles and responsibilities, initiate contact with their match, and establish a relationship.

Thank you for your support of this valuable program.

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

cc: pdl r5 hr recruitment specialists
Akin Akindele
Rita Yates
Julena D Pope

EXHIBIT 19

USDA United States Department of Agriculture | Forest Service | Pacific Southwest Region

Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9130 Text (TDD)

File Code: 1760-2
Route To: (6140)

Date: September 22, 2006

Subject: Region 5 Mentoring Program Training

To: Region 5 Mentors and Mentorees

A review of the Dynamic Mentoring Program Training records indicates that you have enrolled in the program, but have not attended the formal classroom training. The Region recently announced the postponement of Dynamic Mentoring training in my August 2, 2006 memo, due to the high level of fire suppression activity. Although the Region continues to operate under level 5 fire preparedness, it is important to continue the momentum gained by our initial Mentoring Program implementation in May 2006.

Enclosed is a copy of the "The Keys to Mentoring Success" workbook. Please review the workbook and familiarize yourself with the program goals, roles and responsibilities. You are encouraged to initiate contact with your matched mentor or mentoree and begin establishing that relationship. Formal orientation and training can be completed at a later date, outside the current fire season.

It is critical that you begin the program even though you have not attended the formal training. We ask that you review the workbook and initiate the mentor or mentoree relationship as soon as possible.

Enclosed is a list of the Unit Mentoring Coordinators (Forest Human Resource Recruitment Specialists) on each Forest. If you have any questions, please contact the Coordinator for your particular forest.

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

Enclosures

cc: Julena D Pope
Akin Akindele
Rita Yates
pdl r5 hr recruitment specialists

January 25, 2006

Regional Outreach & Recruitment Team (RORT) Update

Following are action items completed by RORT (list is not all-inclusive)

1. Received and reviewed comments from Forests regarding Strategy and Operating Plan (Dec 05). RORT will need to address the impact of HR BPR on consolidated fire hire.
2. RORT members are currently working with other staff (to include Fire Personnel) to create region-wide recruitment video.
3. Worked w/Fire personnel to launch Fire Hire Webpage. (http://www.fs.fed.us/r5/fire/jobs)
4. Developed Fire poster promoting diversity (e.g. types of jobs, personnel). Poster will be disseminated once job line referenced on poster is operative.
5. Updated Outreach and Recruitment Toolkit (including business cards, checklists, FAQs).
6. Conducted Level II Recruiter Training.
7. Updated list of California Schools w/Fire Programs.
8. AVUE Job Fair Database updated (70+ events are planned for FY06).

HR representation on RORT has changed effective January 2006 (both Kellie Pursell and Roseann Smith transferred to other agencies).

EXHIBIT 20