

USDA CIVIL RIGHTS EMPLOYEE LISTENING FORUM

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1 of the Food and Agricultural Counsel, and ask you to stand  
2 here.

3 Mike Raina I see for Rural Development. John  
4 Smithe is here for the Farm Service Agency. I saw Allen  
5 Ing come in, I believe. Are there any other FAAC members  
6 that I may have missed? Yes. Bill Murphy from Crop  
7 Insurance.

8 At this time we have a number of panel members and  
9 I will ask Pearlie Reed, the chair of the civil rights  
10 action team, to introduce them.

11 MR. REED: Good morning it is indeed a pleasure to  
12 be back here in California today. First order of business  
13 will be for self-introductions for the secretary of civil  
14 rights action team, and I like to start to my left with  
15 Dr. Sesco.

16 MR. SESCO: Good morning. I'm Jerry Sesco. I  
17 work for the Forest Service and I'm representing the  
18 National Resources and Environment mission area on the task  
19 force.

20 MR. YEE: Good morning. My name is Mon Yee. I  
21 work for the National Resources Conservation Service out of  
22 Portland Oregon.

23 MR. COLE: Good morning. I'm Robert Cole, a  
24 former USDA employee in Arkansas and in Washington D.C.

25 MR. WHITING: Good morning. I'm Robert Whiting.

1 I'm with the office of the Chief Information Officer. I  
2 represent that office and departmental administration.

3 MR. WEBER: Good morning. My name is Randy Weber.  
4 I represent the Farm and Foreign Agriculture Services  
5 mission area, and I am the associate administrator of the  
6 Farm Service Agency.

7 MR. HARDY: Good morning. I'm Leonard Hardy. I'm  
8 the Deputy Administrator for Operations and Management. I  
9 represent the rural development mission area under  
10 Secretary Jillion Thomson in that position. Thank you.

11 MR. BARBER: Good morning. My name is Gary  
12 Barber. I'm the director of executive services for the  
13 office of the Chief Financial Officer, and I represent the  
14 office of the Chief Financial Office.

15 MR. THORNTON: I'm Samuel Thornton, senior advisor  
16 to secretary Dan Glickman.

17 MR. ANAYA: Steven Anaya, State Director of Rural  
18 Development from New Mexico.

19 MR. REED: We also have three members of our  
20 executive support staff with us today that I would like to  
21 recognize. Jerry Gonzales, who's in the back. Raise your  
22 hand again, Jerry. Also here is Rebecca de la Tori and  
23 Joan Albertella.

24 Now, let me ask you to give a warm welcome to the  
25 Deputy Secretary of Agriculture, Mr. Richard Rominger.

1           MR. ROMINGER: Thank you, Pearlie. I'm really  
2 pleased to be here in Woodland and Yolo County. Some of  
3 you may know that Yolo County is my home County where I  
4 come from so -- I didn't have anything to do with picking  
5 this cite, however.

6           I'd like to introduce some of the other members  
7 from Washington here from secretary Glickman's subcabinet  
8 who are here today to listen as well. Jim Lyons is the  
9 under secretary for Natural Resources and Environment, and  
10 Mike Dunn is the assistant secretary for marketing and  
11 regulatory programs, and Lon Hadamia is the administrator  
12 of the Agricultural Marketing Service.

13           Today at USDA civil rights compliance has really  
14 been put into overdrive, and I think there's nothing more  
15 important then assuring that we treat all people with  
16 dignity and with civility. We want to see this department  
17 dedicated to creating an environment in which every  
18 customer who comes to a USDA office is treated fairly,  
19 effectively and efficiently. And we also want to insure  
20 that we provide that same sort of treatment to our own  
21 employees. And with the new year we intend to focus on how  
22 all of USDA manages civil rights issues.

23           And as you know toward accomplishing this goal  
24 Secretary Glickman has established this civil rights action  
25 task force. And the first thing the task force did was to

1 set up this series of listening sessions around the  
2 country. Secretary Glickman also as part of this put a  
3 moratorium on foreclosures until all of those proceedings  
4 could be investigated to see if there was any  
5 discrimination taking place.

6 The team as you heard consists of representatives  
7 from each of USDA's mission areas, and they will take a  
8 close look at how things are working at all organizational  
9 levels and recommend ways to solve existing problems. So  
10 this team is holding a series of 13 listening sessions  
11 around the country, and this is one of the listening  
12 sessions that is devoted to our employees. So we have two  
13 different types, one where we're listening to our customers  
14 and one where we're listening to the concerns of the  
15 employees.

16 And all USDA farm programs and all of our farm  
17 program agencies, including extension services at the  
18 headquarters level, state level and local level are part of  
19 this discussion. So this forum serves as a national  
20 dialogue on USDA service to minority communities, and they  
21 provide an opportunity for minority and socially  
22 disadvantaged persons to discuss their concerns about USDA  
23 program delivery.

24 We're also seeking to identify ways in which we  
25 can form new partnerships to improve the departments

1 outreach and service to our customers and employees.

2 This is the second of the three listening sessions  
3 for employees. We will have a third one in Washington D.C.  
4 next week. The first one was held in New Orleans.

5 This action team -- this civil rights action team  
6 is charged with developing a report, including  
7 recommendations for the secretary. And no later than the  
8 middle of February, maybe, if we have to reschedule this  
9 meeting. I was postponed in South Dakota because of the  
10 weather there, might run a little later in February, but we  
11 do expect this report from this action team to the  
12 secretary in February.

13 And the secretary has said that he is holding the  
14 senior staff and senior managers and USDA personally  
15 responsible for cooperating fully with this effort. And  
16 the bottom line is that we have an opportunity to make some  
17 positive change in the area of civil rights enforcement.

18 We can insure that USDA is a diverse and civil  
19 department to its employees and its customers. So the  
20 secretary and I are devoted to solving this department's  
21 civil rights problems. And we're committed to bringing  
22 about changes in that area.

23 I want to thank all of you for being here today,  
24 so let's get started. Hershel?

25 MR. READ: Thank you, Mr. Secretary. I see that

1 Bob Simons from OGC is here as a member of the FAAC. Bob  
2 could you stand up, please? Thank you.

3 I'd also like to introduce Jennifer Wallace from  
4 Congressman Fazio's office. She is here to listen and be a  
5 part of this and hear what you had to say.

6 As we talked about before, this is being held --  
7 the sessions being held so that the listening panel and the  
8 group of the civil rights action team on each of these  
9 tables can hear your comments. We want to listen and hear  
10 what you have to say.

11 I like to go over the ground rules for this so  
12 that we all have a chance to speak, and I ask the speakers  
13 to keep their comments to five minutes. We have a time  
14 keeper that will assist you in this so that you will know  
15 what the time is. And we also have some ushers here that  
16 if you have additional material that you need to present  
17 after the five minutes, we ask you to go with the usher to  
18 the back of the room where we will make sure we get your  
19 comments.

20 We would also ask you to submit any comments you  
21 have in writing, too, so that we can make sure we have the  
22 record correct. You should also know, as you observed  
23 already, that we have a person signing up here because we  
24 want everyone to be able to understand what's happening.  
25 Also, we have a reporter who is making a transcript of the

1 proceedings here because when we go back we need to make  
2 sure we have the information accurately, and we can use it  
3 and try to improve the way we do business.

4 Written comments can be received at this meeting  
5 or they can be mailed to the action team. Because this is  
6 a meeting designed to listen to you, we will not be able to  
7 respond or discuss questions or comments at this session.

8 So let's get started with the listening session.  
9 When you registered at the door to speak, you signed up. I  
10 am going to use that list and take speakers in the order  
11 that they signed up today. If we get to everybody that's  
12 on the list, then we will take comments or additional  
13 speakers from the audience, if they wish to be heard.

14 So I'll ask you to go to the microphone or if you  
15 wish, signify and we will bring a microphone to you so that  
16 you can speak from where you are. Also when you come up  
17 please be sure to give your name, your affiliation, who  
18 you're representing.

19 So the first thing we have on the list today is  
20 Sue Ladner from Rural Development, and following her will  
21 be Josie Ross from National Resources Conservation Service.

22 MS. LADNER: Thank you. My name is Sue Ladner,  
23 and I've worked for USDA rural development for about 20  
24 years. In the late 80's I was an EEO counselor for  
25 employees for six years, and more recently I was a civil

1 right's coordinator for about two years.

2 There are four points I would like to make. The  
3 existing civil rights complaint and EEO system needs to be  
4 streamlined, decisions must be more timely, and this --  
5 excuse me, is where mediation is not possible or hasn't  
6 worked out. Delayed responses are not fair to employees,  
7 the complainant or any others that are involved in the  
8 process. Consider centralizing the civil rights compliant  
9 process outside the respective agencies similar to the EEO  
10 regional offices. And we need better coordination between  
11 hot-line complaints, civil rights complaints and special  
12 council complaints. And I have about three examples for  
13 those points.

14 As a civil rights coordinator, I was instructed to  
15 forward any complaints to EEO staff in Washington D.C. I  
16 was not authorized to start any investigation until after I  
17 received a letter instructing me to begin. In several  
18 cases this process took months. This is not a very good PR  
19 when people are coming to the agency because they feel  
20 they've been discriminated against, and I can't even  
21 respond to them and start the investigation because I have  
22 to wait for the paper work to come from the national office  
23 in order to begin.

24 The first case I worked on was where a tenant in a  
25 multi-family housing complex filed a complaint because she

1 felt the management firm was discriminating against her son  
2 because of his disability. The management company was in  
3 the process of evicting the tenant.

4 During my investigation I found that the  
5 seven-year-old son was riding his bicycle on the sidewalk  
6 and trying to run over the older tenants, peering into  
7 windows late at night, harassing older tenants by throwing  
8 rocks, picking fights with the other kids in the complex.  
9 There were several complaints filed by the other tenants  
10 against this child and his mother.

11 I completed my investigations within 45 days. I  
12 reviewed applications, preapplications, interviewed 10 to  
13 12 people, and completed analysis for all data I collected.  
14 After a year and a half there was still no decision in the  
15 case. In my opinion this was not fair to the other tenants  
16 living in the complex.

17 In another situation a farmer filed a civil rights  
18 complaint. The farmer owed the agency over one million  
19 dollars and had been in bankruptcy for ten years. The  
20 agency had just started foreclosure procedures to sell the  
21 last remaining property, which was their home. Again I  
22 completed the preliminary inquiry report within 45 days,  
23 and a year and a half later no decision had been made.  
24 Until a decision was made the agency could not service this  
25 account.

1           This is a good example where a person from outside  
2 the agency may have been in a better position to evaluate  
3 the complaint. I try to look at the issue with an open  
4 mind, and I hope I accomplished that, but someone outside  
5 the agency would not have the program conflict that I felt  
6 that I have.

7           Our agency has received information from  
8 Washington to investigate hot-line complaints to find out  
9 that our civil rights coordinator was working on the same  
10 complaint. There is a need for better communication  
11 between staff in Washington D.C. or even maybe a data base  
12 that could be shared so we are not duplicating our  
13 investigations.

14           To summarize, from October '96 through June '96,  
15 169 civil rights complaints were closed. 83 multifamily  
16 housing, 79 single family housing, 3 community programs and  
17 1 business and industry. Only two cases, both in single  
18 family housing, were found to be discriminatory. There was  
19 no discrimination found in 98.8 percent of the cases.

20           I believe USDA customers would be better served by  
21 streamlining the process so quicker decisions can be made  
22 where complaints are not mediated. A year and a half -- a  
23 year to a year and a half is to me unacceptable.

24           These people come to us. They want a decision.  
25 If the complaints are filed against employees, the

1 employees want to know if they've done something wrong so  
2 they can change their behavior. A year and a half is not  
3 doing that.

4 Investigations should be completed by staff that  
5 are not part of the agency, such as again the regional EEO  
6 staff, and our efforts should be coordinated to reduce  
7 duplication. Thank you.

8 MR. ROMINGER: Thank you.

9 MR. READ: Our next speaker will be Josie Ross  
10 from the Natural Resources Conservation Service, and then  
11 following her will be Linda Eichorn from retired NRCS.

12 MS. ROSS: I prefer to have the microphone back  
13 here, if I could?

14 MR. READ: All right. Let's get a microphone to  
15 you then.

16 MS. ROSS: Can you hear me?

17 MR. READ: Yes.

18 MS. ROSS: Can you hear me all right?

19 MR. READ: Yes.

20 MS. ROSS: I am the employee development  
21 specialist with NRCS in the state office in California. I  
22 started working in 1985 as a GS-3 clerk. When I applied  
23 for a personnel specialist position later on, about six  
24 months or seven months later, I filed a complaint based on  
25 discrimination for race and national origin and sex.

1           There were -- the findings showed that there was  
2 discrimination. The state's conservationist was reassigned  
3 to Washington. We had a new state conservationist. He  
4 came out with a really aggressive effort in promoting  
5 woman, but most of his effort was promoting white women. I  
6 didn't know this. We had an excellent working  
7 relationship. About a year and a half into our  
8 relationship I happened to be in his office talking to him,  
9 and he told me that his staff didn't want to work with  
10 Mexican females and Mexicans, so fine. I finally knew why  
11 Mexicans weren't being promoted and Hispanics females and  
12 minorities.

13           Well, needless to say I thought about that remark  
14 over the weekend. I called and asked him to apologize for  
15 that remark. I felt it was racist. Instead of apologizing  
16 for the remark, he told me that if he had to sensor what he  
17 said to me he just wouldn't talk to me any more.

18           When I came back into the office he removed me as  
19 civil rights chair. He reassigned the supervision of my  
20 function. He told the rest of the staff to take all their  
21 questions and problems to my supervisor. They were not to  
22 talk to me. The support staff that I always had an  
23 excellent working relationship with the women, stayed away.  
24 I was completely ostracized. And needless to say, I  
25 couldn't do my job.

1           Later on I applied for the human resources officer  
2 position, made the panel. Well, he was a selecting  
3 official. I knew I wasn't going be selected because I was  
4 Mexican, and obviously his staff didn't want to work with  
5 Mexicans. That's fine.

6           So he left California and we received a new state  
7 conservationist. Guess what? Human resources officer  
8 position opened up again. I made the panel. There were  
9 three qualified NRCS employees on that panel. It had  
10 always been the policy of the agency when there were three  
11 qualified employees within the agency, that the selection  
12 would be made from one of those three.

13           Well, they had to go outside the department even  
14 to find another white qualified female. Now, the position  
15 has opened up again. There has been no decision however to  
16 go out and fill that position. But in the interim when all  
17 this was transpiring -- since his staff didn't want to work  
18 with Mexicans or Mexican females or minorities.

19           The state administrative officer -- back tracking  
20 a little bit -- didn't want to promote a Philippino female  
21 because she talked funny. She had an accent. He closed a  
22 budget assistant position. He had told the state  
23 conservationist that no one applied for that position, and  
24 then hired someone off a secretary certification and  
25 converted her in 90 days because this woman talked funny.

1           This is -- we have a Hispanic female in our  
2 section that applied for -- the personnel specialist  
3 position opened up. The human resources officer wanted to  
4 provide an opportunity for her to move up. She was  
5 qualified. She was a hard worker, and she had sent to the  
6 same state administrative officer a proposal to fill this  
7 position at a lower grade so this female could apply for  
8 the position and compete.

9           When he was in her office he said, oh, I didn't  
10 know she was one of those. One of those mexicans is what  
11 he meant because she was Hispanic, but her surname didn't  
12 show that she was Hispanic. Well, she's moved a little up  
13 a head in her career. Now she finally has a temporary  
14 GS-11.

15           No problem promoting white females. A white  
16 female came in to CR state conservationist not to long ago  
17 and is a deputy. She was hired on the spot, GS-11. But  
18 this woman still has a temporary promotion. And now the  
19 white female has been converted to a permanent position,  
20 and she was -- they were even trying to promote to a  
21 GS-11-12, but that didn't work out because someone  
22 overheard they were trying to write the vacancy  
23 announcement to fit her.

24           This is not just one person. This is the agency  
25 has not made managers accountable, and even though the

1 policies are there, the regulations are there, they are not  
2 held accountable. They are given EO awards.

3 I would ask this task force to look at the careers  
4 of the managers that have carried out some of these acts as  
5 opposed to some of those employees, and see how far a long  
6 some of those people have gotten that have filed  
7 complaints.

8 MR. ROMINGER: Thank you.

9 MR. READ: The next speaker will be Linda Eichorn,  
10 retired NRCS, and then following her will be Cathy Peralta  
11 from US Forest Service.

12 MS. EICHORN: I prefer to stay seated, please.

13 MR. READ: Would someone take a mike, please.

14 MS. EICHORN: My name is Linda Eichorn. At this  
15 time I am on disability retirement. I began working for  
16 the Soil Conservation Service in June of 1988, and retired  
17 in September of '95.

18 At the time I was hired, I was hired -- I was  
19 hired as a switchboard operator which was located in the  
20 back of the building. When the new state conservationist  
21 was assigned to California, he decided to have a reception  
22 area in the front of the office, and he advertised for a  
23 full-time position. I applied for the position but was not  
24 selected. I was later told by my supervisor that I was too  
25 fat to sit out there, and they didn't want me to be

1 representing the company. That is what the state  
2 conservationist had told my boss.

3 I was assigned to a new section and worked with  
4 the secretary as a clerk typist. Things moved a long  
5 smoothly and I enjoyed the work. At the time I did not  
6 know that the comment about me being fat was made.

7 When my supervisor resigned and took a job in the  
8 private sector a new supervisor was brought on board. My  
9 working relationship with her was horrible. She constantly  
10 harassed me, and eventually I discussed this with the state  
11 conservationist. I respected him and really trusted him  
12 because of the positive changes he was making in the  
13 office. This harassment quit for a while but started up  
14 again. I talked to the state conservationist again and I  
15 was reassigned to a new section.

16 The problem -- this way the problem was resolved.  
17 I was assigned as a data entry clerk to the employee  
18 development specialist under general administration, and  
19 which my job title was changed to office automation  
20 assistant.

21 I really enjoyed working a lot in the employee  
22 development section. I really learned a lot. The  
23 supervisors took the time to make sure that I was treated  
24 with the same respect as everyone else. Sometime in early  
25 January of '92 I noticed a big change in my supervisor. I

1 noticed that there was no staff coming into our office and  
2 talking with her like there usually was. And all of a  
3 sudden we were assigned to a new supervisor. I had no idea  
4 why this was because we had a very good working  
5 relationship, and we got our work done.

6 I was told of a racist remark that was made, and  
7 that she was being retaliated against. I told her even  
8 though I was not there that I would not think that she  
9 would lie. She is a honest and decent person. I was  
10 always treated fairly and with respect by her, and I was  
11 present when she was appointed to the civil rights  
12 committee for the second term. So I was shocked that she  
13 was taken off of that committee.

14 I was the only one that would talk to my  
15 supervisor, and was told that if I knew what was good for  
16 my career that I would not continue to talk to her. I did  
17 not nor would I participate in this so I wrote a statement.

18 When the statement was received by the state  
19 conservationist it was shared with my supervisor, and I  
20 went to have a meeting with the supervisor -- with the  
21 state conservationist for motivational posters. I was told  
22 he would not see me without someone there. So my  
23 supervisor at that time told me to come into her office and  
24 told me she had seen the letter that I had written.

25 When I went to the meeting my supervisor was there

1 also there was two others of his staff members there. When  
2 I went into the office and sat down, the state  
3 conservationist asked me did I know what he had done with  
4 the paperwork. I said, no. He told me he threw it in the  
5 trash. I was totally embarrassed and humiliated by the way  
6 he was talking to me, since he had never been that way  
7 before.

8 I filed a worker's comp claim and to this day --  
9 and that was in '92, and to this day it has still not been  
10 decided upon.

11 MR. ROMINGER: Thank you.

12 MR. READ: Our next speaker is Cathy Peralta, and  
13 then following her will be Carl Stephens.

14 MS. PERALTA: Good morning. Thank you for giving  
15 me the opportunity to come here and talk. This is very  
16 hard for me. I work for the Forest Service, and I will  
17 tell you that I work on the Stanislaus National Forest,  
18 although I am not proud to say that.

19 I did bring pictures for you. I know you can't  
20 respond to me, but this is what I think USDA is dealing  
21 with in terms of civil rights, and I would like you to look  
22 at these pictures because I think that what we have is a  
23 holocaust in fire. EEO is on fire and it's not working  
24 here.

25 I put my life on the line three to six months out

1 of every year. I fight fires, and it's a dangerous job.  
2 But I work for an agency who doesn't like the color of my  
3 skin or the fact that I was born a woman. And I'm used to  
4 discrimination being on a fire crew with all men, and  
5 that's okay. But I was never subjected to somebody hating  
6 the color of my skin until I came here to region five.

7 I have been in civil rights now in EEO since 1992.  
8 I have a back log of EEO cases. I have been all the way to  
9 USDA. I've talked with Michael Alexander. We got a chance  
10 to present all of our stuff to Mike Espy. They helped us  
11 get a resolution to our EEO complaints.

12 I'm sorry. I like to talk to everybody. But then  
13 the Forest Service decided that yes they were going to sign  
14 a resolution, but they were going to be in noncompliance of  
15 it. And for the last three years I have been through a  
16 series of retaliation complaints.

17 I have gone to the regional office. I have talked  
18 with Gilbert Espanosa, who's the deputy regional Forester.  
19 He sat down and met with me for 15 minutes in February of  
20 1995, and then proceeded to ignore me for the next year.  
21 And still nothing has happened with my EEO cases.

22 I'm not going to get into specifics because I  
23 don't think my EEO cases are any less than anybody else's  
24 who is here, although they are mine and they're very  
25 painful.

1 I do have questions for the panel, and I know you  
2 can't answer them but they are things I would like you to  
3 think about. Would you take these, sir? Thank you. And  
4 if you pass them around I'd appreciate it.

5 Becky Hazen works for the regional office. She's  
6 the human resources person there that deals with EEO  
7 complaints and resolutions. And when I went to EEOC with  
8 my noncompliance complaints, they sent a letter to the  
9 office of civil rights complaints with a list of 27 people  
10 who USDA had not complied with their cases. I was on that  
11 list.

12 USDA never did comply, and the compliance division  
13 told me to take my case to court. Well, I went to an EEOC  
14 judge. And before I talked to her, I talked to Becky Hazen  
15 who said, it doesn't matter what EEOC tells us, we don't  
16 have to do it. They can't make us. And it's those kinds  
17 of attitudes that make this system what it is today.

18 You have to have accountability. Becky Hazen has  
19 to be held accountable. The responding officials have to  
20 be held accountable.

21 When a complainant makes their case -- and I hate  
22 the word complainant because I'm not here to complain.  
23 When a plaintiff makes their case, they put the responding  
24 officials name on paper, but it's not put in the computer.  
25 Nobody keeps track of it.

1           So you have somebody who starts a fire that --  
2 like the pictures I want you to look at, but nobody pays  
3 for it. You know the tax payer pays to put the fire out.  
4 You know, you sign a resolution and it's over. But nobody  
5 tells these responding officials, look you have cost the  
6 tax payer X amount of dollars in investigations, in what  
7 not, and you need to be held responsible because you didn't  
8 like that person for such and such a reason.

9           I don't know any answers. I just have lot of  
10 questions, and I will write most of them down. But one of  
11 questions that really bothers me is OCRE takes all the  
12 investigations that are done by investigators, and they  
13 take all of the plaintiff's stuff and then they give it to  
14 the Forest Service and tell the Forest Service to write a  
15 conclusion.

16           What's the Forest Service going to say? Well, we  
17 didn't do anything wrong. Of course they are, because then  
18 they would be admitting guilt and that's not usually what  
19 happens.

20           Mr. Anaya, you're from New Mexico and I would give  
21 my right arm to go home with you. I have asked for a  
22 transfer and been denied. I have asked for many things,  
23 hardship transfer. I've asked for a leave of absence. I  
24 want to go home. I'm not used to all of this hate, and I  
25 just want to go home.

1 Thank you for your time."

2 MR. ROMINGER: Thank you.

3 MR. READ: Our next speaker is Carl Stephens from  
4 region six in Portland, and following him will be Sid Clark  
5 also from region six.

6 MR. STEPHENS: Good morning. My name is Carl  
7 Stephens. I'm a president of NFFE local 1888 in Portland  
8 Oregon, region six. I thank all of you for being here  
9 today to listen to us and help us resolve some of the many  
10 issues that the US Forest Service has, specifically in  
11 region six.

12 But I'm not here as a NFFE president today. I  
13 wasn't allowed to travel as a NFFE president, so I chose to  
14 take annual leave and fund my own way down here so I could  
15 talk to you as a disability advocate.

16 But I mention this publicly because the last time  
17 I did this last July when I took annual leave and funded my  
18 way to go to the National Forest to work on behalf of  
19 disabled employees, I was threatened with a letter of  
20 reprimand and the code ethics and conduct violation for my  
21 actions, so I trust that -- I'll write some of these names  
22 down here, and I trust if any retaliation comes of this  
23 I'll know who to write to.

24 Hopefully that won't happen.

25 I have a few questions for you here, and I know

1 you can't answer them but they're posed as questions to  
2 you. Let me back up just a minute here and let you know  
3 that I'm the father of two now grown disabled children, and  
4 more recently the husband of a severely disabled wife for  
5 the last five years. Who's also a career Forest Service  
6 employee.

7 I've been involved in disability issues for a  
8 number of years. We live it 24 hours a day in our family,  
9 and I wanted to make sure that this meeting covered some of  
10 the disability problems we have in the US Forest Service.  
11 Though I see a number of folks here that will presumably  
12 give you information from that angle, also.

13 As a union representative on this one particular  
14 case, I like to know what you as panelists would have me  
15 say to the totally blind GS-4 employee working as a  
16 receptionist for the human resources unit in region six  
17 regional office. Now he's worked for the agency for five  
18 years, and even with the four year accounting degree  
19 obtained after the accident that left him nearly dead and  
20 blinded for life, he still hasn't obtained any of the eight  
21 vacant jobs for which he applied and qualified all in the  
22 regional office.

23 Now he's come to the conclusion that he's being  
24 discriminated against because of his disability.  
25 Especially when a job was flown -- about a year and a half

1 ago there was a GS-4567 for which he made the cert and was  
2 the most qualified individual. Now that particular  
3 position was given to a nonpermanent part-time employee who  
4 happened to have worked in the office as a temp and was  
5 nondisabled.

6 Subsequently he came to me and we filed the  
7 complaint. Now, I guess the director of personnel, Roy  
8 Roosevelt, in the regional office has never heard of the  
9 Affirmative Employment Plan for the Disabled, a plan that  
10 the agency sends to EEOC each year describing in glowing  
11 details there extensive effort to train, promote and retain  
12 targeted severely disabled employees. I know his name was  
13 on that report.

14 To add insult to injury when we filed the  
15 complaint with OCRE a year and a half into the  
16 investigation -- after the investigation stage we found  
17 that his attorney at that point in time was denied the  
18 ability to even file on to show a patten of discrimination.  
19 He was forced by the agency process to only be able to file  
20 on the last job, so we weren't able to even show a pattern.  
21 Ipsofacto there's one -- chalk up one for the agency  
22 process.

23 I like to talk real briefly. Only got a minute  
24 here, but I like to talk briefly about the complaint I  
25 filed just yesterday for a severely disabled GS-3 employee

1 from the National Forest. She's the employee that I worked  
2 with in July when I received my -- had to file a complaint  
3 as a white male for association with a person with a  
4 disability for being retaliated against.

5 This woman has worked for the agency. She  
6 volunteered for three and a half years before we hired her  
7 as a GS-1. She's now a GS-3 with 11 and a half years under  
8 her belt here. We built a brand new -- the largest  
9 supervisor's office in the entire Forest Service. Hundreds  
10 of thousands of square feet, yet we were incapable of  
11 building a restroom that would meet her needs because she  
12 uses a large wheelchair.

13 We failed to reasonably accommodate. The same  
14 accommodation we had given her in the old building, we  
15 wouldn't give it to her in this building. Yet I filed a  
16 complaint. Next week I expect to file two more complaints  
17 based on the work issues and removal action that we expect.  
18 We ask you -- these are examples here. I don't just throw  
19 these out as criticisms. We are more than willing to help.  
20 I extend my hand to help in any way possible to remedy  
21 those atrocious acts. Thank you.

22 MR. ROMINGER: Thank you.

23 MR. HARDY: I have one question. You indicated  
24 that the gentleman that has a degree in accounting had  
25 applied for eight positions?

1 MR. STEPHENS: Yes.

2 MR. HARDY: And then you gave the grade levels as  
3 being four, five, six, and seven. Were they 525 series  
4 positions account technicians or were they 510?

5 MR. STEPHENS: There were a number of different  
6 positions. The four, five, six and seven job was actually  
7 as a computer assistant job that he was more than qualified  
8 for. He already had the reasonable technology to do it.

9 MR. HARDY: Thank you.

10 MR. STEPHENS: Okay.

11 MR. READ: Our next speaker is Sid Clark from the  
12 US Forest Service, and following him will be Elaine Owens,  
13 also from the Forest Service.

14 MR. CLARK: Good morning. My name is Sid Clark  
15 with USDA Forest Service located currently in the pacific  
16 northwest, region six. I'm actually here serving two hats,  
17 but I'll talk on one, and then I'll submit documents for  
18 the other for the record.

19 I've been with the Forest Service for about  
20 approximately 16 years as a criminal investigator 1811.  
21 I'm here today as the president of the USDA coalition  
22 minority employees in the pacific northwest, and I hope to  
23 represent those employees.

24 And I did not prepare a speech. I don't feel in  
25 this type of forum a speech is necessary because I think

1 all of us know what the problems are, and I don't need to  
2 come up here and regurgitate the problems because we  
3 already know what the problems are. We know what the  
4 problems are.

5 On May 14 when we had a simular forum, and we know  
6 what the problems are today. What I am here to do is offer  
7 solutions, which again I will submit in writing to some of  
8 those. But I would like to talk on that.

9 There is some things going on in the Forest  
10 Service -- don't forget the young lady that was just up  
11 here prior to Carl. That's a good analogy that she drew  
12 with those pictures. And I even go as far it's -- it's  
13 just a keg ready to explode if something does not happen.  
14 And I can tell you this, this is management.

15 Case and point. There was an employee and I will  
16 not mention the employees name. However, I would enter the  
17 documents for record. I've been given the approval to do  
18 so, but I will tell you the story is the story like this.  
19 The individual is a GS-7. The individual is probably one  
20 of maybe three african American employees in the fire  
21 organization.

22 But his case has to do with law enforcement and  
23 when I say law enforcement I'm talking of law enforcement  
24 investigation management. I am not speaking of the uniform  
25 law enforcement officers that do their job every day on the

1 ground. The problem is law enforcement management. This  
2 individual because he has association with a certain  
3 employee was retaliated against and harassed by law  
4 enforcement and other employees on the Forest Service  
5 compound.

6 Here is letter. "Since I filed my EEO complaint  
7 I've been constantly harassed. Enclosed are the letters  
8 that were left in my car and my desk. I've been  
9 investigated by the Forest Service law enforcement. They  
10 sent about ten under cover officers to my house to search  
11 for whatever."

12 They kicked this man's door in. They handcuffed  
13 him and his wife and commenced searching this man's house.  
14 Here's a copy of some of the letters. And I am going to  
15 get this verbatim "you are a trouble making nigger. Get  
16 the fuck out of our county." Right here. Followed with an  
17 application that this is what it takes to live in this  
18 community. And it's not the community. These are our  
19 employees that are doing this.

20 He brought this to law enforcement attention and  
21 it was scooted under the rug because that's how they treat  
22 employees who raise issues and civil rights violations.

23 Case in point, application to live in such and  
24 such county. Again, I won't mention the county, but I will  
25 enter this for record. It's goals. Emblems that you wear

1 on your hat cat, skull, Napa, Bud, Coors. Member of a  
2 association, VFW, KKK, NRA, PLT, Elks, Moose, American  
3 Legion.

4 I just like to tell the panel that Forest Service  
5 law enforcement knows about this. This is a hate crime.  
6 This is a hate crime. This is a hate crime. And there's  
7 many more examples like this.

8 We've had employees where human feces was put  
9 under their desk and law enforcement did nothing about it,  
10 but yet these same employees who file complaints, law  
11 enforcement is kicking your door down, coming up with  
12 trumped up charges against our employees, and I'm saying  
13 employees across the board.

14 At some point this has to stop. And see we stand  
15 up here and we talk about management. Well, I like to put  
16 names with faces, because you folks need to know who's  
17 doing this. Like the Hank Cashtons, the Becky Hazens, the  
18 Lynn Jordals. I can go on. The Mike Duffys.

19 And I'm putting it on the line today. We got to  
20 stop this. I'll give you names, and you need to take this  
21 back. And I'm speaking to the community today. I'm  
22 speaking to the tax payers. I'm speaking to the President  
23 of the United States today, not the panel because you know  
24 what's going on. And that's who I'm speaking to because  
25 people are out there hurting. People are committing

1 suicide.

2 We have employees in the Forest Service that have  
3 committed suicide. Suicide, gentlemen, suicide. I say  
4 gentlemen because I don't see any representation of women  
5 on the panel.

6 MR. HARDY: I'd like to comment on that. I'd like  
7 to point out to Mr. Clark that we do have woman on the  
8 panel. They did have reasons that they had to depart  
9 yesterday afternoon following our customer session. They  
10 did go back to Washington, but we do have women  
11 represented. You are absolutely correct and I appreciate  
12 your observation.

13 MR. THORNTON: You said you had spent 16 years in  
14 law enforcement.

15 MR. CLARK: 16 years with the Forest Service, ten  
16 of that has been law enforcement.

17 MR. THORNTON: So did you investigate this crime  
18 as well?

19 MR. CLARK: I didn't investigate this one in  
20 particular but there are others that I have investigated.

21 MR. ROMINGER: I just wanted to say something  
22 about retaliation and the fear of retaliation. Secretary  
23 Glickman has said, and I want to repeat, that he is not  
24 going to tolerate retaliation, and if any of you who are  
25 here today feel that you are retaliated against for being

1 here we want to know about it. We're not going to put up  
2 with this.

3 MR. BARBER: Can I ask a question? Mr. Clark, you  
4 mentioned that Forest service employees have committed  
5 suicide. I am assuming you're implying at least that that  
6 was in conjunction with being harassed or some civil rights  
7 violation.

8 MR. CLARK: That is correct. And like you say  
9 five minutes can't justify a lot of stuff. I went on the  
10 record. There are documents and witnesses to that when  
11 these sessions are over with. That's what I am saying.  
12 The information is out there, but if you keep allowing the  
13 perpetrators to control the system we're not going  
14 anywhere. We're beating our heads against the wall. All  
15 of us can't be wrong. All of us cannot be wrong.

16 MR. READ: Our next speaker is Elaine Owens, and  
17 following her will be Amahra Hicks.

18 MS. OWENS: My name is Elaine Owens. I'm with the  
19 Stanislaus National forest Grove and Ranger District. I am  
20 their PWD. I am totally blind.

21 I first started with the Forest Service in 1993  
22 with voluntary work, then I had a part-time temporary  
23 appointment up in the mountains at Alpine Station a most  
24 wonderful place to work. It was a toss up if they were  
25 going to pay me or I was going to pay them to do my

1 part-time job. Reasonable accommodations -- I was working  
2 for a fantastic recreation officer. They let me -- and I  
3 say they let me because I didn't know how many rights I  
4 had. They let me put braille on the maps for giving  
5 directions. It was a great little job.

6 Some permanent full-time positions flew. I had  
7 proved to the Forest service and myself I could do this  
8 job. These jobs came out. I applied. I made the cert. I  
9 did not get an appointment. It just so happened that this  
10 was going on about the same time that the blue ribbon task  
11 force letter came out last May.

12 By August I had early intervention with the  
13 regional office. Connie Brennan was involved with this. I  
14 was given a full-time permanent position. They shipped me  
15 off to Groveland.

16 Groveland seems to be the place on the Stanislaus  
17 if you cause trouble. If they lose your cover sheet for a  
18 vet so you don't get your veterans benefits. If you have  
19 problems like Cathy sitting next to me. They shipped you  
20 off to Groveland. People are also threatened with being  
21 shipped off to Groveland.

22 I've been in my permanent position now for five  
23 months tomorrow. I still don't have adaptive equipment,  
24 reasonable accommodation to read my own E mail. I have no  
25 access. I'm the pretty poster child that I sit there and

1 smile at the customers and I answer the telephone. And I'm  
2 unable to do my job, and some of the other employees like  
3 to tell me I'm unable to do my job. Why did they give this  
4 job to a blind person? We have perfectly capable normal  
5 people out there that would like to have this job.

6 I work with a term employee that wants my job.  
7 And they feel they're capable of doing my job. But they  
8 say they're getting my adaptive equipment. It's on the  
9 way. I feel like I've been patient.

10 After this equipment comes I have hopes of  
11 advancing to something else. I'm over qualified for my  
12 position. I took this appointment to get my foot in the  
13 door because I knew it would take time for reasonable  
14 accommodations.

15 There needs to be lots of education. These people  
16 don't understand. I recently went to San Francisco to the  
17 Western Training Center for a workshop. I notified them in  
18 advance that I was blind and I would like material in a  
19 reasonably excessible format, my reasonable consideration.  
20 I'm flexible. I can read braille. I can use tape. It  
21 doesn't matter. Whatever is most convenient for them, but  
22 I'm blind.

23 They called me ten days before my course started  
24 and offered me a sign language interpreter. It's funny.  
25 It's funny but it doesn't work. I mean who is in charge of

1 this? I got a pamphlet on my desk that said vendors who do  
2 training for the Forest Service will provide reasonable  
3 accommodations. For some reason a sign language  
4 interpreter does not work for me.

5 I don't feel like I'm the only one in this  
6 position, but I want to make things work. I dropped my  
7 EEOC complaint when I went through the early intervention  
8 program. Now I'm still waiting on adaptive equipment for  
9 access. I feel it will come. If I am patient is it going  
10 to work or am I just going to be another disgruntled  
11 employee that gets dropped by the wayside?

12 Blind people have a 70 to 87 percent unemployment  
13 rate with or without degrees. And more than 50 percent of  
14 blind people who work, work for less than minimum wage in  
15 sheltered workshops.

16 I can sit at the front desk, and I can smile at  
17 people and be there pity poster child. We have a PWD on  
18 the Stanislaus, or possibly if they give me a chance I can  
19 be productive and work with interpretive programs, public  
20 information and things that I have experience in.

21 I have been an advocate with people with  
22 disabilities for four years. I've been very active with  
23 disabled issues. With the Forest Service I'm less than a  
24 person, and I don't count. They expect me to sit there and  
25 smile. I'm worth more than that. I'm getting very

1     disgusted in my personal life. When I walk out of the  
2     office I scream for about an hour and a half from the  
3     frustration and the anxiety of just trying to survive.

4             Something happened to that fantastic little job in  
5     the mountains where I just spoke with people and did great  
6     public information and it was a wonderful place to work.  
7     It went from recreation to trying to have a job. Instead  
8     of three days a week to five days a week trying to get a  
9     head, trying to be something, trying to make some money.

10            There's no opportunities for people with  
11     disabilities. I have knowledge. They don't care to use  
12     it. I have skills. They don't care to use it. I have  
13     abilities. They don't care to use it. What's happening?  
14     What's the game? I don't know the answers. There needs to  
15     be some clear communications. They need to be held  
16     accountable, and there needs to be some changes made.  
17     Thank you.

18            MR. ROMINGER: Thank you.

19            MR. READ: Our next speaker will be Amahra Hicks  
20     from US Forest Service and following her will be Joe  
21     Campbell from farm services in Idaho.

22            MS. HICKS: Thank you. Gentleman, I fear  
23     reprisal. My name is Amahra Hicks. I'm an African  
24     American woman. I am a social scientist, grade 13, step  
25     four. I have a doctorate in anthropology. I left the

1 University of California at Berkeley, and the Institute for  
2 the Study of Social Change as a senior research fellow to  
3 come to the Forestry Service to help it change to become a  
4 multicultural agency.

5 The first couple of years when the Regional  
6 Forester, Paul Barker, was there I enjoyed a lot of support  
7 and was able to do good work. After he left the importance  
8 of civil rights, the importance of change became less of a  
9 priority issue. I have been personally harassed. I have  
10 filed two EEO complaints, one of which I won. I am in the  
11 process of being a Complainant at the present time.

12 I feel that the leadership doesn't take the  
13 mandates for becoming a multicultural organization and  
14 having a skilled and diverse force very seriously.

15 For example, just last week -- I'm on the civil  
16 rights assessment -- civil rights program assessment to  
17 investigate the awards of multicultural organizations. We  
18 were having a conference call with other team persons and  
19 the regional Forester came up. And as we were talking  
20 about the kinds of data, the kinds of organization, he was  
21 asked what he thought about it. And he said we should  
22 focus on the critical few.

23 As you're hearing today there are more than a  
24 critical few. And the leadership of the Forest Service has  
25 been noncompliant with many of the concerns of people of

1 color and with changing the organization to meet the  
2 demands of the 21st century.

3 I have been told on many occasions, and I have  
4 letters here that indicate that I am going to be surplusd,  
5 and that recruitment is no longer a priority and therefor  
6 we don't need the kinds of programs that have been  
7 developed. I manage, I designed, implemented and  
8 administered a program called commencement 2000. I have  
9 some documents that you can read about it.

10 It is nationally recognized by leading agencies  
11 and there was some -- as a matter of fact it was  
12 recommended to the Ford Foundation for the innovative  
13 government programs. However, the regional leadership team  
14 doesn't deem it important enough to consider it for a  
15 national program although some members of the Washington  
16 office would have liked it to be not only a Forest Service  
17 program but a Natural Resources -- other Natural Resources  
18 agency. And in fact we do have other natural resource  
19 agents working with us throughout the state of California,  
20 but it was blocked from becoming a national program.

21 I was also told last month that I am not on the  
22 list that goes to Mare Island because the program is not a  
23 priority program.

24 I can suffer the harassment and the personal kinds  
25 of discrimination and the exacerbation of my disability

1 which put me in a wheelchair because of the stress of  
2 working for the Forest Service in such conditions. But  
3 what I came into the Forest Service to do was to assist it  
4 to be a positive contributor, and I am not valued,  
5 respected -- my intelligence, my education is demeaned on a  
6 continual bases, and that hurts. And I think it hurts all  
7 of us. It hurts our entire community not only the African  
8 American community or Hispanic community, but our total  
9 community. Thank you very much. I have supporting  
10 documents.

11 MR. ROMINGER: Thank you.

12 MR. READ: Our next speaker is Joe Campbell from  
13 the Farm Service agency, and following him will be Ed James  
14 from the Forest Service.

15 MR. CAMPBELL: Thank you. Good morning my name is  
16 Joe Campbell. I'm with the US Forest Service, Denver  
17 Colorado. I am a GS-14. I'm also president of the  
18 Colorado chapter of the Coalition of Minority Employees.

19 I'm here today speaking both as an individual who  
20 has filed complaints -- several complaints against the  
21 agency, and as president of the Colorado chapter of the  
22 Coalition. It's with regret that I have to stand before  
23 you to validate the label of the last plantation which has  
24 been applied to the USDA at least within my experience  
25 within Region two.

1 I'm here against the advice of my attorney. He  
2 fears both the threat of reprisal which has been a lot over  
3 the last two or three years. He also fears that the  
4 evidence that I am going to submit in the form of an  
5 affidavit will be used against me. I'm willing to take  
6 that risk. I want to see things change.

7 And prior to going to region two in February of  
8 19 -- or I'm sorry, November of 1988, I had a very positive  
9 experience in the Forest Service, so I want you to  
10 understand that a lot of my career was very productive.

11 Shortly after standing up for a black employee who  
12 worked for me, and hearing him be referred to as a nigger,  
13 and my reluctance to back down -- go along to get along,  
14 and do at that time what I still think was the right thing  
15 to do, the human thing to do, the legal thing to do is  
16 stand up for people's rights -- I no longer have a career  
17 with the Forest Service. So I am a little reluctant to  
18 come forward, but I am being encouraged by a lot of people  
19 to do that.

20 The affidavit that I will submit, and I'll give  
21 you several copies. I have more if you would like those.  
22 It has six parts to it. The first part contains three  
23 affidavits that I've prepared and shared with Brian Burke  
24 in July of 1996.

25 The second part is documentation that I gave to

1 Deputy Chief Cathleen Conley in June of 1995 that documents  
2 15 different instances of trying to raise awareness within  
3 the Forest Service of racial slurs, the use of law  
4 enforcement officials to single out people, fabricating  
5 investigations to impact their credibility, threatening  
6 them to not be witnesses in both EEO and civil rights  
7 complaints.

8 And I could go on all morning, but I know we don't  
9 have that kind of time so most of that is included in here.  
10 I have 18 allegations that are included in this letter. I  
11 feel the documentation backs those up. There are two  
12 others associated with OIG that are included in here.  
13 Findings of criminal wrong doing within Region two in terms  
14 of contracting and other breaches of the law to which no  
15 action was taken.

16 The US attorney agreed not to prosecute based on  
17 some changes being made by the Regional Forester Elizabeth  
18 Estel. I'm here to testify today that those changes have  
19 not been made and I notified OIG of that.

20 There's also a letter in here to Congressman Dan  
21 Shaffer requesting that he become involved with the black  
22 Caucus and initiate a bipartisan investigation and hold  
23 congressional hearings on the atrocities that have taken  
24 place in US Forest Service, especially in Region two. And  
25 I'm willing to back up all those and provide more testimony

1 for this panel if you need that.

2 There are four recommendations mostly focusing on  
3 accountability that could have been a five or six page  
4 list, but I think that the message is getting across from  
5 the way it sounds here. And we need accountability,  
6 accountability, and more accountability. And we some how  
7 need to establish that, and we need to do it quickly.

8 One of the reasons that I was reluctant to step  
9 forward is because we have had the civil rights forum last  
10 May. Nothing has happened since then, and you folks are  
11 probably well aware of that. We've had other efforts.  
12 Nothing has happened. With the visibility that we have  
13 here hopefully we'll see some involvement of the press  
14 we'll see some changes made.

15 I have three or four instances that I would like  
16 to share with you that I feel are horror stories. I've  
17 been exposed several times to the use of the term nigger in  
18 referring to African American employees by GS-14 and 15s.

19 We have one instance in Region two of a  
20 50-year-old woman with a disability who has filed EEO  
21 complaints. There have been four administrative findings  
22 of discrimination by reprisal against a GS-15 by the name  
23 of Larry Coefeld. Last month Mr. Coefeld was acting  
24 Regional Forester for Elizabeth Estel. That message that  
25 gets sent to employees is that it's okay to discriminate.

1 Don't worry about it. We're taking care of the good old  
2 boys. We have a tight system, and it's in control.

3 The only option we've seen in Region two is to go  
4 to the courts. We have four lawsuits that are filed. We  
5 are soon to file a class-action based on the reprisals that  
6 have taken place.

7 I see we're out of time. I do want to say that  
8 death threats been made against members of the coalition in  
9 Region two. Physical attacks have taken place. There  
10 is -- I can't -- you've already heard it, and I can't tell  
11 you how deep it cuts for someone who is educated,  
12 reasonably intelligent, a good parent, a good husband, has  
13 the ability to contribute in a strong way not only to USDA  
14 Forest Service but to the community to be invalidated both  
15 professionally and personally because you choose to stand  
16 up for people's rights.

17 I hope in the future we can begin enforcing the  
18 law, and hold those folks accountable who violate that. I  
19 want to thank you.

20 MR. ROMINGER: Thank you.

21 MR. READ: Mr. Campbell, I apologize to you for  
22 getting your agency wrong. The sign in sheet showed FSA,  
23 and I misinterpreted. I'm sorry.

24 MR. CAMPBELL: That's okay.

25 MR. READ: Our next speaker will be Ed James from

1 the Forest Service followed by Paula Peper from the Forest  
2 Service.

3 MR. JAMES: Good morning. My name is Ed James.  
4 I'm from the Farm Services Agency.

5 MR. READ: I will apology to you, too.

6 MR. JAMES: I want to say one thing first. I love  
7 my Country. And most of my life has been in doing things  
8 for my Country. I have put 26 years in the military.

9 I have gotten an education. I got a bachelor's  
10 degree in economics and in business and right after that I  
11 got a Master's degree, an MDA, in business management.

12 And I applied for a job after I retired from the  
13 air force and I was accepted as a GS-4 and I remained a  
14 GS-4 despite my background for four years and I finally got  
15 a five.

16 And we had an inspector come from Washington and  
17 she says well, with a background like you've got, why are  
18 you a five? You're supposed to be a manager. And she said  
19 would you mind being changed to a wage grade employee, and  
20 I said, no, if it means more money. So that's where I am  
21 now. I'm a seven.

22 But the thing is despite the fact that I'm wage  
23 grade seven, I have had many awards given to me for my job.  
24 I have -- I think I've done a very good job. I worked very  
25 hard, and I still work hard. I come in 5:30 in the morning

1 to do things. And I have applied for jobs. One of them in  
2 particular I've applied for is a CEO job for one of the  
3 counties, and I've never been selected. I don't know why  
4 accept for maybe the color of my skin.

5 But the thing that I want to say here today is not  
6 so much about that. I've had a couple of my children say,  
7 dad, you have spent all of this time to get an education  
8 and it has gotten know you nowhere. But I have  
9 grandchildren also coming up and two of them have graduated  
10 number one in their classes, and I keep telling them that  
11 it's necessary to get an education so you can have a good  
12 life.

13 And that's why I'm here today. I want to put that  
14 out so maybe things could be changed for the generations  
15 that are coming up that they can have a chance in this  
16 life.

17 And I have got a very good boss now. I have had  
18 some terrible ones in the past, but this boss is the only  
19 one that has given me an opportunity to get some place.  
20 But I had to tell him because of my age -- and I'm getting  
21 pretty close to 70 now, that I'm wanting to retire. So I  
22 didn't want to go to another county and do all of these  
23 other things. But I am still concerned about those  
24 grandchildren of mine who are doing very well. And I am  
25 just hoping that this kind of things -- because I've never

1 seen it before any place in any department agency that I've  
2 been, what you gentleman are doing listening to problems  
3 and hopefully something can happen from them. Thank you  
4 very much.

5 MR. ROMINGER: Thank you.

6 MR. READ: Mr. James, I apologize for getting your  
7 agency wrong.

8 Our next speaker will be Paula Peper from the  
9 Forest Service followed by Bob Perez, also from the Forest  
10 Service.

11 PAULA PEPER: You got it right.

12 I'm really sorry to hear this morning about the  
13 program problems potentially with commencement 2,000  
14 because I was able to work with some of those students in  
15 the last couple of years and I have a real focus on trying  
16 to work with students and get students from inner cities  
17 interested in jobs in the Forest Service.

18 We have to work from two ends. Obviously solving  
19 the problems that those students it looks like right now  
20 would face once in, but then also getting them here. Since  
21 1974 I've worked as a high school teacher, a forester and  
22 recreation technician in the Sierras, and more recently a  
23 researcher with the urban Forest Research Unit in Davis.

24 And throughout all this time I've always been  
25 involved in student outreach programs, but I've had a

1 problem to overcome in the cities particularly in urban  
2 core areas. And that is that the kids will listen to me.  
3 They seem a little bit interested, but ultimately they are  
4 not interested in career opportunities.

5 It's too foreign. When I talk about the great  
6 outdoors and they see the photos, it's too foreign for many  
7 of them. They can't make that leap from their cities and  
8 their experiences.

9 But recently since I started working for Urban  
10 Forest Research. Teachers and high school teachers and  
11 college teachers both have been calling me and asking me  
12 for curriculum ideas, what they can do with their students.  
13 I've been speaking with students and they're interested.

14 What changed? Well, it has something to do with  
15 using the familiar to teach the unfamiliar. I needed to  
16 start using what was around the students to teach them  
17 about new changes. I had to use the trees, climate,  
18 wildlife, vegetation near their schools and neighborhoods  
19 to teach them what ecosystems were.

20 In a program I set up in Las Vegas, Nevada, young  
21 people learned about the benefits trees provided near their  
22 school and homes. Vandalism to those trees dropped  
23 significantly. More over vandalism and damage to the trees  
24 and the campgrounds in the nearby Las Vegas Ranger  
25 District, the national Forest that I manage field

1 operations on those -- that vandalism decreased.

2 Learning leads to caring, and caring can make  
3 better people or people better stewards of our urban and  
4 national forests.

5 I volunteer my time at this point, and I'm only  
6 able to reach a very few students and their teachers, but  
7 the Forest Service has a way to reach many, if it will  
8 through programs like Commencement 2000, through their  
9 Urban Forest Research Units, which are already established  
10 in cities. We can assist teachers in developing curriculum  
11 to use in urban environments, as I have, as a tool for  
12 teaching science, math, even journalism and definitely  
13 business and management concepts.

14 In the environment surrounding their homes and  
15 schools kids learn about photosynthesis, pollution, tree  
16 growth rates, hydrological effects, soils, planning,  
17 management much more. They collect data. They do real  
18 research and they write about it. In essence they can  
19 development interests and refine skill that are  
20 transferable to many research careers in a variety of  
21 environments while they're still in school.

22 Knowledge of the urban ecosystems familiarizes  
23 them with components of other ecosystems. Careers in the  
24 great outdoors aren't as frightening when you have a link  
25 from one ecosystem to the others out in the big world.

1           These students coming from a variety of life  
2 experiences and economic backgrounds are the key to the  
3 future sustainability of our urban and national forests. I  
4 would suggest reading a book, particularly to people who  
5 are from California, called The Coming White Minority In  
6 California.

7           These people are the key for our future.  
8 Successful outreach and recruiting programs have to be  
9 based on the same premise as good teaching. Always teach  
10 new concepts by relating them to the students own lives and  
11 experiences. We need to forge those links between the  
12 known and the unknown. Our urban forests can be this link  
13 between students from urban core areas and careers in  
14 natural resources. It doesn't require new programs, just  
15 use research units and people that you already have. Thank  
16 you.

17           MR. ROMINGER: Thank you.

18           MR. REED: Mr. secretary, I'd like to go back and  
19 have a follow up question Dr. Hicks.

20           For the record, could you tell us what needs to be  
21 done to get Commencement 2000 back on track?

22           MS. HICKS: Well, when our new chief was still  
23 with the Bureau of Land Management he signed, and I have  
24 that document, to have commencement 2000 become a national  
25 program. And we have been discussing it with people in.

1 Washington and with other natural resource agents, the  
2 Department of education, EPA, and others who are really  
3 interested in having this become a national program.

4 The Washington office asked the Regional Forester  
5 to come in and make a presentation to the NLT, and he  
6 refused to do that. So it's up to you guys now to  
7 determine what has to be done. I've done what I could.

8 MR. REED: Thank you.

9 MR. READ: Our next speaker is Bob Perez, and  
10 following Mr. Perez will be Genie Ott.

11 MR. PEREZ: Good morning. I'm Bob Perez. I work  
12 for the National Forest Service. I have been involved in  
13 civil rights since 1986. In 1989 I got involved with  
14 Forest Service civil rights program to which since then  
15 I've seen a dramatic decline in what the work that we have  
16 had accomplished then compared to the accomplishment now.

17 While being in civil rights I ended up getting  
18 involved in a lot of different community functions, got  
19 very vocal to where I got to an extent to where I had  
20 managers coming to me, telling me that I better be careful  
21 in what I say, be careful who I associate with.

22 In 1992 I went to a session just like this one. I  
23 was there in front of Michael Alexander, at that point  
24 assistant to the secretary, and discussed some of the  
25 issues that I had to say. One of the things he brought to

1 my attention that he wanted to know more about was the  
2 thing of reprisal. And what I spoke to him about was just  
3 give him a little segment of the type of reprisal some of  
4 us have gone through being in civil rights and being  
5 reprised against us.

6 They could be subtle. You know subtle little  
7 sayings, things like oh, your going to one of those Mexican  
8 things again. Meaning belonging to a community Northern  
9 County Hispanic's Counsel and things of that sort.

10 In 1993 I filed a formal complaint. This is '97.  
11 That complaint is still there. It went to EEOC and it's  
12 still there.

13 Some of the folks before me said some really  
14 excellent things concerning civil rights as far as its  
15 existence. It doesn't exist. Right now I'm holding the  
16 position of a Hispanic program manager for the Shasta  
17 Trinity National Forest. Our civil rights -- you can go  
18 ahead and have all the documents that come in from the  
19 regional office to go to Washington and allow them to say  
20 that, oh, yes indeed we do have a multicultural  
21 organization. We do have these events and that a lot of  
22 this things are going on. They are not going on.

23 Like I say, I've been doing it since 1986, and I  
24 watched it decline to where if I'm going to do anything in  
25 the civil rights program it's either me doing it or with

1 the organizations and the people that I belong to. We have  
2 tried in other means to try and get this communication to  
3 Washington. It's gone through letters. It's gone through  
4 the DG or whatever, having personnel going and speak in  
5 front of groups like this and the same thing comes out of  
6 it. The same issues that were presented in 1992 with  
7 Alexander, are the same issues that we have right here, and  
8 there's still not -- nothing has been done. Thank you.

9 MR. ROMINGER: Thank you.

10 MR. READ: Our next speaker will be Genie Ott, and  
11 following her will be Allen Spencer both from the Forestry  
12 Service.

13 MS. OTT: Good morning. My name is Genie. I'm  
14 the -- excuse us. I'm Genie Ott, and I'm a special  
15 emphasis program manager on the Mendocino National Forest.

16 Okay. I'm confused because I'm not comfortable  
17 with this situation. I am here to represent Pathfinders  
18 Employee Association and persons with disabilities.

19 First of all, I want to express my frustration for  
20 the notice of this listening forum -- short notice. There  
21 was no mention at all of accommodation for people with them  
22 to come here. I had to make three phone calls before I  
23 could even find any information regarding whether or not I  
24 would have a sign language interpreter provided, and that's  
25 very frustrating. And I'm also wondering if people that

1 speak other languages like Spanish if they were invited to  
2 the meeting, and if they could have interpreters as well.  
3 It's very embarrassing for the department.

4 There is a lot of frustration that people have  
5 expressed coming here today. The biggest concern our  
6 employees who have disabilities -- the employment program.  
7 No, we'll go back. Excuse me -- with the Disability  
8 Employment Program. In the Washington office we have two  
9 people that coordinate the disability program. According  
10 to EEO management directive, we have 12 -- no. Excuse me.

11 Please bear with us. I'm trying to make my  
12 message, but I'm really frustrated. I'm going to stop  
13 because this is too frustrating. Just a moment. I'm going  
14 to stop because I want to make a few points. So what I'll  
15 do is I'll read the report and then I'll give it to you.

16 Employees in the Forest of the Service are very  
17 frustrated with the Disability Employment Program in the  
18 Forest Service here. We feel that persons who have  
19 disabilities are swept under the rug are treated  
20 differently than minority groups.

21 For example, in the Washington office we have a  
22 full-time interpreter. A full-time position split between  
23 two units, two people. What for? It doesn't make any  
24 sense. It shows that it's different.

25 Another major concern of mine is downsizing. I

1 have seen the percentage of employees with disabilities  
2 dropped from 1.3 percent in the fiscal year of '95 to  
3 1.28 percent in the fiscal year of 1996. Last week -- this  
4 week a comment was said that percentwise .3 percent.  
5 That's almost a full 1 percent drop. That should alarm all  
6 of us here. I know many employees with disabilities that  
7 are really becoming very depressed and leaving and  
8 retiring. And other governmental agencies and private  
9 agencies and private sectors, they're just saying too bad.  
10 You know, federal agencies, they don't care. I think that  
11 that tells us that we need to really watch and analyse and  
12 investigate serious changes that need to be brought up in  
13 the disability program.

14 I am going to stop right now. I think that I'll  
15 let the committee read my report in exchange for trying to  
16 go through the frustration with the interpreter. So just  
17 bear with us and thank you very much.

18 MR. ROMINGER: Thank you.

19 MR. READ: Let's take a ten minute break at this  
20 time and when we resume, Allen Spencer from the Forestry  
21 Service will be the first person up.

22 (Recess taken)

23 MR. READ: We would like to resume hearing from  
24 employees and let's start with Allen Spencer from the  
25 Forest service and then John Urrutia will be after him.

1 Thank you.

2 MR. SPENCER: Good morning. My name is Allen  
3 spencer, and I reside in Sonora, Tuolumne County in  
4 California. I'm here as a citizen and coincidentally I'm a  
5 Forest Service employee. I believe what I have to say is  
6 in compliance with all applicable laws and regulations of  
7 that government civil service. I've read the secretary's  
8 statements in regards to diversity, and I actually agree  
9 with them.

10 However, his predecessors have also said very  
11 simular things. There really isn't much difference. I  
12 would also like to say as a natural resources organization,  
13 we not only have an obligation to the economies in our  
14 communities, activities that we perform directly effect our  
15 neighbors. At the same time we have to be cognizant that  
16 our work effects the food we eat, the water we drink, and  
17 of course the air we breath. That doesn't mean we have to  
18 be fascists and ignore the problem we have with fairness in  
19 the work place.

20 We have a serious problem, and I can validate and  
21 provide the facts that show that all of the speakers here  
22 this morning so far, they're right. And I'll back them up  
23 and we can prove it. I have the facts. What our new  
24 administration, new chief, first thing they've done is form  
25 a team -- a task force.

1           Jerry Sesco, I read about your new teams, and that  
2 rather disturbs me because we've had this before. And it  
3 appears to be the same old warm syrup.

4           Why don't you take a look at where we're spending  
5 money. We've got personnel departments. We have human  
6 resources. We have the EEO folks. That's costing the tax  
7 payers millions of dollars every year, and I don't see any  
8 benefit to the tax payers coming out of it.

9           I was hoping Thomas Bowmont would be here this  
10 morning. He's one of your leaders, okay. Where is he? I  
11 would love to meet him some day.

12           You got your employees. You have your committees.  
13 I don't see anything different today then what I saw in  
14 1976, not a single thing. All of the chiefs have said the  
15 same thing. Well, with one exception recently.

16           They put out their philosophy. They fully support  
17 diversity. They talk about telling the truth, and then  
18 they form committees and teams. The worst thing the  
19 secretary can do is repeat that. I respect the task force  
20 here. I appreciate what you're doing, but my gut feeling  
21 tells me that you're going to fail. You're not going to  
22 succeed. Three years from now we'll be right where we are  
23 right now.

24           You need to change that. Get people like Thomas  
25 Bowmont off their butt. Get them out there in the field.

1 They have the authority to make decisions. They certainly  
2 have defined the issues for all these folks who have EEO  
3 complaints, and they've designed them in such away that  
4 they're an adversary toward the employee rather than what  
5 their job is supposed to be.

6 We're faced with a -- some legislation that's been  
7 introduced. This so called Forest Service Employment  
8 Opportunity Act. Right now the language of that bill is  
9 pure fluff. However the bill isn't through. You don't  
10 know what's going to be in that bill this week and or next  
11 month, and the actions in that bill could eliminate all of  
12 our jobs, including mine.

13 I would ask the secretary to think again. Does he  
14 want a lot of committees which we've had before over and  
15 over again to deal with the issues that have been expressed  
16 by Mr. Clark and Ms. Owens. And indeed with Ms. Owens I  
17 believe Mr. Whiting, you're in the chief information  
18 office. You could walk right over there, talk to the under  
19 secretary, talk to Lynn Sprague and by Monday that employee  
20 could have the accommodations she wants rather than going  
21 through bureaucratic process of analysis and alternatives,  
22 and incidentally all the paperwork that's been done on  
23 that.

24 All you need to do is think about the moratorium  
25 that exists on the acquisition of that type of equipment.

1 That's what's slowing us down, process. And these  
2 committees so far have been nothing but process.

3 But I hope you will be different. I hope you will  
4 succeed. However, the lessons of the past clearly show  
5 that if you don't change the methods, and you don't get  
6 your bureaucrats right out in the field and let them  
7 exercise the legal authority that they have under the civil  
8 rights act and executive order 11478 we're not going to  
9 make it. Thank you very much.

10 MR. ROMINGER: Thank you.

11 MR. READ: Our next speaker is John Urrutia and  
12 following him will be Craig Mahaffey.

13 MR. URRUTIA: Good morning. My name is John  
14 Urrutia. If that's difficult I go by John U, pretty much  
15 gets mailed to me. I'm on Sequoia National Forest, Region  
16 five. I work in engineering. I'm the union rep for that  
17 forest. I've been on the regional union rep to the region  
18 civil right's committee for many years.

19 I've been on the regional partership committee for  
20 region five, and from that experience I know that involving  
21 employees through their representation through NFFE,  
22 National Federation of Federal Employees, that it works to  
23 make changes at the top first before problems develop.

24 It doesn't catch them all, but I know it can be  
25 done. We've been very successful at doing that. And that

1 has been for essentially work force issues, but these are  
2 work force issues. They're under the category of civil  
3 rights; but as you've heard, they effect the work force.

4 I'm not going to give examples. I think there  
5 have been plenty of those today. What I would like to  
6 provide is some things to do, and it's pretty simple. We  
7 already have the rules in place. We have enough rules that  
8 say what's supposed to happen when these things occur to  
9 employees. I just challenge you to use those rules, find  
10 who's doing things wrong and deal with it.

11 One of my little sayings is if they bleed they'll  
12 believe it. If you can make them bleed, they'll believe  
13 it. Now, the little people can bleed pretty easily when  
14 you get to them quickly. You've seen that. You've heard  
15 that. The challenge is to find out who's doing this to  
16 those people and correct their behavior. And if it means  
17 removal, the rules are there. Table of penalties say this  
18 equals that. And if it equals that then exercise that  
19 authority, that accountability. Get them out of the way.

20 If you look at the CIP results that continues to  
21 improvement, you'll see -- and this is amazing to me, one  
22 of the top issues -- the top statements that people agreed  
23 to was being proud to work for the Forest Service. And I  
24 feel that way too, as I'm sure many of the people here  
25 today do.

1           At the same time, on the bottom ten the people  
2 disagreed with that statement was the statement something  
3 to the effect that their fear of reprisal for one. Now,  
4 how in the world do you get from feeling proud, to that  
5 fear of reprisal in the same employee, the same agency?  
6 And those results are agency wide, region wide, forest wide  
7 consistent on that category.

8           So we're wasting a lot of employee's time and  
9 energy from both the employee side and the management side  
10 by not fixing those things. They can be fixed. And we  
11 don't need to make up a new way to fix them. We have the  
12 rules. The regular employee lives by them every day and  
13 they suffer by them.

14           So I think this is -- this session is amazing in  
15 that it exists. It is here. You're listening to people,  
16 but that listening has got to translate into action.  
17 Employees want support by action not by more words.

18           So if employees start at the bottom and you start  
19 at the top, and I'm assuming you people are the ones that  
20 are at the top, make that connection and you will find the  
21 same source that they're talking about. When you find that  
22 source of the problem, fix it. If it's removal, remove the  
23 cause. Don't just move the cause. It's just goes  
24 somewhere else and infect some place else. Thank you.

25           MR. ROMINGER: Thank you.

1 MR. READ: Mr Mahaffey, Ms. Ott is ready to resume  
2 her presentation. And with your permission, I like to ask  
3 Ms. Ott to go next. Thank you.

4 Ms. Ott.

5 MS. OTT: Okay. Thank you for giving me the  
6 opportunity to come back and resume my presentation. There  
7 is several things that I want to address. Many of our  
8 employees that have been targeted disabled are like grade  
9 seven and below. And there's many different reasons that  
10 it is really too in depth to really go in and explain it  
11 here today, so I'm not going to really go in depth, but  
12 there are many other governmental agencies with a higher  
13 percent rate of people with disabilities, and many of us in  
14 the Forest Service really look up -- and when we hear the  
15 phrase called "employee of choice" we're like really  
16 aggravated about that because the concern is that we're not  
17 really getting the reasonable accommodation that we need.  
18 And many employees with disabilities are frustrated because  
19 of all the paperwork that's involved in just getting  
20 reasonable accommodation.

21 It took me up to six months to get a PC with the  
22 state of the art equipment, the modem for my computer. And  
23 it only should have taken like two weeks and it took six  
24 months. And another problem that I have is getting  
25 interpreters, especially qualified interpreters. I only

1 had two days to notify an agency that I needed an  
2 interpreter for this forum, and I really feel that that is  
3 not fair. If I had known right away then I could have  
4 contacted another agency and got an interpreter, but it's  
5 really sad that the stories can go on and on of how  
6 reasonable accommodation is not provided here. And I'm  
7 really frustrated.

8 I am sure that things will be different next week  
9 at the meeting in D.C. I talked with a deaf employee in  
10 D.C. yesterday and he told me that they have informed him  
11 in plenty of time, but for me here I only knew it right off  
12 the cuff. So I need you to be aware of the all the  
13 concerns that we have in management directive -- no, let's  
14 back up. Maybe they need to be some management directive  
15 monitoring involved with management. And that's all I have  
16 to say, and thank you very much for your time.

17 MR. READ: I would like to ask if Mr. Mahaffey  
18 would allow Congressman Herger to speak on employment  
19 issues and if David Muire is here, will you please come  
20 forward to the microphone.

21 Congressman Herger represents the second district  
22 of California which covers a good portion of Northern  
23 California.

24 MR. MUIRE: Thank you, very much. This submitting  
25 document is actually mostly back ground material, and only

1 the first three pages are comments prepared for today.

2 I appreciate Secretary Glickman's leadership in  
3 providing this forum for both federal employees and the  
4 interested public to discuss USDA civil rights programs.

5 I am a strong supporter of the civil rights act of  
6 1964. The laudable goal of that landmark piece of  
7 legislation was the abolition of discrimination.

8 Regrettably, the USDA civil rights programs fall far short  
9 of that lofty goal. Indeed in the current USDA civil  
10 rights program -- programs show an obsession with matters  
11 of race and gender, and an unfair and counterproductive  
12 commitment to quotas in both hiring and promotional  
13 opportunities.

14 I will submit for the record today Forest Service  
15 job announcements which specify, and I am quoting from  
16 these job postings, only unqualified applicants may apply.  
17 Only applicants who do not meet X118 standards will be  
18 considered. Only applicants who do not meet OPM  
19 qualification standards will be considered under this  
20 announcement.

21 Mr. Secretary, I submit to you that it is not a  
22 civil right to land a job for which one is unqualified. If  
23 we as a nation are ever to move beyond conflicts over race  
24 and gender, we must become color blind. We must let  
25 excellence be our standard because excellence can come and

1 does come in a variety of colors.

2 We must return to the original vision of  
3 Dr. Martin Luther King Junior who hoped for a day in which  
4 all of us are judged by the content of our character, and  
5 not on the color of our skin.

6 The affirmative action programs of the USDA are  
7 nothing more than quota programs. As such, they are  
8 devisive and morally indefensible. They guarantee work  
9 place hostility and set race relations backward not  
10 forward. They stigmatize the very people who are suppose  
11 to benefit from the program.

12 What message is sent to the employee who applies  
13 for a position which requires that he or she demonstrates  
14 that he or she has not met minimal standards associated  
15 with the position. This is ludicrous and it must end.

16 We cannot remedy past discrimination by engaging  
17 in work discrimination. The best solution for past  
18 discrimination is no more discrimination at all.

19 I have heard from hundreds of Forest Service  
20 employees who have deluged my office with job announcements  
21 that contain bizarre preconditions which effectively  
22 preclude them from the advertised position. I will provide  
23 you today a job announcement which contains the requirement  
24 that the successful applicant must show a quote,  
25 demonstrated commitment to civil rights or contribution to

1 adverse work force." Forest Service employees have  
2 complained that this appears to be code language to decide  
3 to exclude otherwise qualified non-minority males.

4 By USDA definition, non-minority males do not  
5 contribute to the diverse work force, and how is the job  
6 applicant expected to demonstrate his commitment to the  
7 Forest Service civil rights program. This appears to be  
8 the passing of an ideological litmus test as a requirement  
9 for employment or promotion. This has an orwellian  
10 overtone, and is flatly wrong.

11 Many of my constituents who are Forest Service  
12 employees do not support the USDA civil rights program, and  
13 are involved in a lawsuit to protest this kind of quota  
14 hiring. These employees surely do not demonstrate a  
15 commitment to the program over which they are suing, and  
16 thus they are by definition unable to meet the evaluation  
17 criteria for this advertised position.

18 Not only is quota hiring unfair and devisive, it  
19 can also be dangerous. I am today submitting a white paper  
20 produced by the Plumas National Forest in which the  
21 following statement appeared, quote, in a growing number of  
22 instances we are not filling positions when there are no  
23 woman applicants. In the past three months we have either  
24 reduced, left vacant or filled with unqualified temporaries  
25 11 permanent fire positions because we could not find

1 female applicants. If the position is in fire prevention  
2 or forest management, the job simply doesn't get done, and  
3 we face the consequences of additional personally caused  
4 fires and untreated hazardous forest fuels.

5 The Plumas attempted to fill five positions from  
6 the roster but could only reach two women, both women  
7 declined our offers. No offers were made to men. All fire  
8 positions are presently vacant or filled with unqualified  
9 temporary employees.

10 I find the preceding statements both shocking and  
11 appalling. Regrettably this is not an isolated incident.  
12 The public safety and our natural resources can clearly be  
13 compromised by this wrong-headed policy.

14 Quota hiring is also expensive. The quota hiring  
15 system had has lead to an explosion of equal opportunity  
16 complaints within the Forest Service. Forest Service  
17 employees have informed me that cost of these EEO  
18 complaints, including sizable financial awards, are often  
19 charged to the temporary fire budgets of the effected  
20 forest. Thus we see less money committed to the resources  
21 on the ground as available funding is consumed by  
22 contentious legal squabbles. This situation is a  
23 disservice to both the tax payers and our federal  
24 employees.

25 On several occasions my inquiries to the Forestry

1 Service regarding this matter have been met with the  
2 response that while these problems may have existed many  
3 years ago, they have now been corrected. Regrettably there  
4 are recent job postings which clearly indicate that quotas  
5 are in fact the status quo within the USDA. I have  
6 attached samples of those documents for you to review.

7 Mr. Secretary, I urge you to scrap the current,  
8 fatally flawed quota system and install in its place a  
9 merit and skill based approach to both hiring and  
10 promotions.

11 Because the Forest Service civil rights programs  
12 has been particularly harmful. I have introduced  
13 legislation, the Forest Service Employment Opportunity Act  
14 of 1997, to assist the Forest Service in moving beyond the  
15 failed status quo. I encourage the administration to  
16 support this legislative remedy. Working together we can  
17 put past problems behind us and fashion hiring and  
18 promotion policies that are fair to everyone.

19 The current programs have clearly failed to  
20 achieve the desired outcomes of nondiscrimination and  
21 fairness. The USDA can and should do better. Thank you.

22 And there are significant resources available  
23 which outline the concerns that we are hearing. Most of  
24 those are internal Forest Service documents. As just one  
25 relevant point I would point out, the civil rights action

1 group meeting held in the Truckie Ranger District on  
2 November of 1995 in which the following statement occurred.  
3 "One barrier statement which was removed from the AEPP  
4 involved the perception many employees had that job  
5 selections and promotions do not go to the most qualified  
6 person." This was determined to be a fact of life rather  
7 than a barrier.

8 A letter will be coming out to all employees  
9 explaining that there are many factors involved in the  
10 selection process, and that the objective is to select a  
11 qualified person not necessarily the most qualified. That  
12 is the reason we're here today complaining about current  
13 USDA practices. Thank you.

14 MR. ROMINGER: Thank you.

15 MR. READ: Mr. Craig Mahaffey, if you would come  
16 forward please. And following him will be Joe Sedillo.

17 MR. MAHAFFEY: Good morning, Mr. Secretary,  
18 members of the panel and task force. My name is Craig  
19 Mahaffey, and I'm the geographic information systems  
20 program manager for USDA Forest Services, Pacific Southwest  
21 Region.

22 As many federal workers do in this time of  
23 downsizing, I wear several other hats. I serve as the  
24 national federation of federal employees local 1981,  
25 representative to the Regional Office Civil Rights

1 Committee. I'm also on the regional office partnership  
2 counsel. I'm a member of the board of USDA Globe,  
3 California chapter, and of Pacific Federal Globe. I'm also  
4 a founding member of the USDA Globe.

5 I have 23 years of federal service including four  
6 years with the US Navy security group. More importantly  
7 than any of the above, I'm also a member of the Trinity  
8 Episcopal church in San Francisco. This is the oldest  
9 Episcopal church on the west coast. And it's led by a  
10 happily married heterosexual -- I almost slipped.

11 In 1953 former President Dwight Eisenhower signed  
12 the executive order 10450 branding homosexuals as perverts  
13 and excluded them from the federal civil service as  
14 security risks. The reasons given included the belief that  
15 homosexuals were inherently clickish. Allowing them to  
16 remain in the civil service would result in being overrun  
17 since they would show preferential treatment in hiring and  
18 promotions to their own kind. There are probably some  
19 minorities who today would quickly dispute this. That's an  
20 operative principle of affinity groups in the government.

21 The conditions are somewhat different in the '90s,  
22 but one needs to reflect on the earlier mind sets when  
23 considering the arguments we've heard today. Everything  
24 would be fine if homosexuals just stayed in the closet and  
25 kept quiet about their private lives.

1 Executive order 10450 was the authority to hunt  
2 down and terminate homosexuals in the federal bureaucracy.  
3 Many careers were destroyed and lives were tragically cut  
4 short as a result, all while J. Edgar Hoover remained in  
5 power. For 22 years it remained impossible to serve one's  
6 country as an openly gay or lesbian federal employee.

7 Then in 1975 the office of personnel management  
8 quietly issued a memorandum which declared that  
9 discrimination based on non-married factors including  
10 homosexuality was a prohibited personal practice.

11 Despite this policy not much change for gay or  
12 lesbians in the federal works, most remained in the closet.  
13 That's what I did. Those who were honest about their  
14 sexual orientation paid the price by being subjected to  
15 discrimination which took many forms. Those of us who  
16 chose to remain concealed paid a different price, one of  
17 internalized homophobia accompanied by diminished  
18 self-esteem and unceasing fear of being discovered.

19 It takes an enormous amount of energy to maintain  
20 a cover 24 hours a day, longer if you live in a small rural  
21 community where many USDA employees live. This energy is  
22 something that could be otherwise spent on productive work  
23 improving oneself and one's community.

24 Sadly for many employees the stress is too much and  
25 they spiral downwards into various forms of dysfunctional

1 and self-destructive behavior. But if we are lucky at some  
2 point an event occurs that makes us realize the futility of  
3 this schizophrenic behavior.

4 In September of 1972 the Forest Service Pacific  
5 Southwest Region released its report on sexual orientation,  
6 an issue of work force diversity. In November President  
7 Clinton was elected reversing over a decade of silence from  
8 the administration on gay and lesbian issues.

9 In February of the following year a fire storm of  
10 protest from fundamentalist Christian employees was ignited  
11 when the regional Forester accepted several recommendations  
12 contained in the report. In a matter of weeks he was  
13 forced to reverse this decision.

14 In October of 1993, I attended the NGLTF work  
15 place issues conference in Stanford University. This  
16 quietly professional event tore the hinges off my closet  
17 door. People come out in different ways and at different  
18 speeds. I felt so impowered and liberated that I made my  
19 debut in a letter to the chief with copies to the regional  
20 Forester and my forest supervisor. I don't think any of  
21 them were very impressed.

22 Unlike the positive supportive responses many  
23 employees in the private sector receive these days, the  
24 reactions I received within the agency ranged from  
25 indifference to hostility. Many friends in the agency with

1 whom I had a close working relationship for more then ten  
2 years simply stopped talking to me.

3 Then in the summer of 1994 Secretary Espy issued  
4 an EEO and civil rights policy which included sexual  
5 orientation for the first time. Shortly afterwards USDA  
6 Globe, the first gay and lesbian employee organization in  
7 the department, was approved. That was in September of  
8 '95. Things have not been the same in the department or in  
9 the Forest Service since.

10 It's been a rocky two years since that time, but I  
11 am optimistic about the future and look forward to a  
12 continued close working relationship between Secretary  
13 Glickman and USDA Globe. I understand that the last of the  
14 agencies of the department will shortly revise their own  
15 EEO and civil rights policy statements to be consistent  
16 with the department. This is remarkable progress.

17 Because of the decentralized nature in much of the  
18 department and certainly the Forest Service, changing the  
19 environmental climate to effectively institute the civil  
20 rights program for the 21st century will not be easy, but  
21 the fact that you are here today gives me hope that  
22 together we can only succeed. As Mark Twain once said,  
23 "always do right. This will gratify some persons and  
24 astound the rest."

25 There are three goals in which I believe we need

1 to focus to be successful. It's a short paragraph here.

2 First we must be inclusive of all groups who raise  
3 civil rights issues, but the cost of a seat at the table  
4 should be agreement to work collaterally in partnership to  
5 resolve the issues of all groups without discrimination.

6 We have operated too long and too many places  
7 within a framework of exclusivity, each group only looking  
8 out for its own interests, and some groups excluded  
9 entirely from the process.

10 Second, policies of the department must be  
11 uniformly applied across all mission areas and throughout  
12 all levels of the organization. We can't afford employees  
13 in some agencies at some locations to be treated any  
14 differently then anywhere else in the department.

15 Finally, there must be a system of accountability,  
16 and we must insure that in the words of Dr. Martin Luther  
17 King, "justice is indivisible, and injustice anywhere is a  
18 threat to justice everywhere." Thank you.

19 MR. ROMINGER: Thank you.

20 MR. READ: Thank you, Mr. Mahaffey for being  
21 willing to wait. Our next speaker is Joe Sedillo, and then  
22 following him will be Michael Brionez.

23 MR. SEDILLO: Secretary Rominger, Mr. Read,  
24 distinguished members of this panel. My name is Joe  
25 Sedillo. I have traveled here from Albuquerque. I work in

1 the personnel office of the regional office of the Forest  
2 Service representing employees in New Mexico and Arizona.

3 I am also the New Mexico chapter president of the  
4 USDA Minority Employees Coalition. As well, I am an  
5 officer of the Forest Service Hispanic Employees  
6 Association, and last but not least I am an attorney. And  
7 I'm here to share my thoughts with you, and ask you to do  
8 some things to correct this problem that we have here.

9 You folks I understand have been charged as a  
10 civil rights action team. Not as a civil rights listening  
11 team. Not a civil rights write a report that gathers dust  
12 team, a civil rights action team. We need action.

13 Last year, March the 15, I participated in a  
14 simular forum in Albuquerque. And, Mr. Secretary, I accept  
15 the assurance that you gave us that there will not be any  
16 retaliation because that creates a binding agreement. Last  
17 year I participated in a simular session in Albuquerque and  
18 made some statements pertaining to some managers and read  
19 some testimonials on employees suffering discrimination,  
20 and as a result I am now being disciplined by imposing a  
21 week suspension and taking me out of personnel --  
22 reassigning me out of personnel. And yet I represent the  
23 agency at all their hearings and I haven't lost any hearing  
24 yet. One is now on appeal, and I hope I don't lose that  
25 one on appeal, but I'm not qualified.

1 I think -- did the representative from the  
2 congressman's office go away. Some of us are not  
3 qualified. We have a director of personnel, a white female  
4 in Albuquerque at the regional office who has stated -- and  
5 I'm going to give you a statement, a letter addressed to  
6 the secretary with the enclosures and affidavits, and this  
7 director of personnel, Judy Hudson, has said, the problem  
8 in this region is that Hispanics have too much influence,  
9 and we are going to put a stop to it. We are going to put  
10 a stop to it.

11 I've brought something to show you here. This is  
12 an organizational chart that -- most of you folks will have  
13 a chance to see it later, of the agency. September 1989,  
14 look at all those Xs. Those are people who have come and  
15 gone including the red Xs. Look at that. People are come  
16 and gone. All these opportunities to fill senior level  
17 positions. We have one, two, three, four, five that maybe  
18 haven't been filled. All the rest of them have.

19 How many of those are Hispanic? Maybe five. Four  
20 of them actually. One of them lateraled over from another  
21 position. Missed opportunities. But no, there's no  
22 discrimination here. No way. Not in the southwest.

23 What I would like you to consider and take back to  
24 the secretary is some change. You folks are about action,  
25 and I urge you to support Mr. Reed as a leader of this

1 team. This is about action. Maybe something like a three  
2 strikes and you're out rule for people that discriminate.  
3 First time a letter of suspension. Second time -- first  
4 time a letter of reprimand. Second time a letter of  
5 suspension for 60 days. Third time you're out.

6 How about having civil right's staff answer  
7 directly to the secretary or the agency head, if that may  
8 be, so that you can have the independence. New Mexico and  
9 Arizona we have about close to 2,800 employees. About 475  
10 of those are Hispanic. Of all those Hispanics, 88 percent  
11 are GS-4 and below. I showed you how we don't have any up  
12 here in the upper echelon. If I showed you the next tier  
13 down here of the district rangers that are GS-12 and GS-13  
14 we have about five of those. But yet the director of  
15 personnel says we have too much influence. Where in hell  
16 is that influence coming from? It baffles me.

17 And so now do I look forward to going back to  
18 Albuquerque and looking at forfeiting another check for  
19 another \$1,400, another two-week suspension? Are they  
20 going to put me in charge of parking now, where I'm doing  
21 this?

22 You know, Mr. Reed, we have 20 blacks. 20 blacks.  
23 How many Native Americans do we have, and look at the  
24 southwest. We have around 30. Isn't that despicable? To  
25 me it is. It is. It's atrocious. There's no excuse for

1 it.

2 And yet I've sat and talked to Wardell Townsend a  
3 couple years ago and I said, look, Mr. Secretary -- under  
4 secretary Thomson, why don't we establish a committee to  
5 identify Hispanics that can serve, and I don't care from  
6 the private sector, public sector. I'll take on the lead  
7 to that can serve in the senior executive service. What  
8 about establishing a committee that can identify Hispanics  
9 that are Spanish speaking because not all of us are Spanish  
10 speaking. I happen to be one.

11 There are Spanish speaking that can use there  
12 expertise to serve USDA in foreign assignments and Spanish  
13 speaking countries. Those proposals fell on deaf ears.  
14 Does it make sense?

15 I mean we have a resource here. All those  
16 people -- I mean shouldn't the work force reflect the  
17 people on the street and the community that we serve.

18 Six months ago there was an independent assessment  
19 done by an individual that was a special assistant to  
20 regional Forester, Becky Hernandez, from here that found  
21 that discrimination and the fear of reprisal was prevalent  
22 throughout the region. Has anything been done about it?  
23 No. That's included here as a matter of record for you  
24 folks to see and read. Management still says it's -- what  
25 do they call it? It's a perception. It's only a

1 perception. Yeah, right. It's only a perception.

2 MR. READ: Mr. Sedillo, let me ask you to make  
3 your concluding remarks please because we have a lot of  
4 other people who want to make a presentation, also.

5 MR. SEDILLO: Okay. I will. And I'll ask you  
6 folks -- let me give you my name and my number. My name is  
7 Joe Sedillo. My area code is (505) 842-3383. I'm here to  
8 help. I'll be on the next plane to Washington to help you  
9 folks, but what we need is some action. I think you folks  
10 can make a difference. Other people have said, hey, we  
11 don't need another committee. If you're an action team  
12 let's have some action. That's what we need,  
13 accountability. Hold people accountable, not just pass it  
14 on.

15 I was given this proposal to be suspended two  
16 weeks before Thanksgiving. I worried about it through  
17 Thanksgiving. I worried about it through Christmas. I'm  
18 still worried about it. I'm going to go back, nothings  
19 been done. But hell we don't have no discrimination. No  
20 way.

21 Can I answer any questions for you folks? If  
22 anybody would like to talk to me afterwards or call me,  
23 I'll be happy to meet with you. I want to help you. I'm  
24 with the Forest Service because I want to be with the  
25 Forest service. I'm the youngest of four brothers and

1 we've all worked for the Forest Service. I was riding a  
2 in a truck when I was eight years old with my cousin  
3 patrolling camps for forest fires.

4 I'm here because I want to be here. I'm here  
5 because I want to make a difference, and I know I can make  
6 a difference otherwise I would be, you know, with some  
7 other agency or with my buddies fighting for their  
8 daughter. Mr. Read.

9 MR. READ: I think the panel needs a copy of the  
10 letter with the charges for the proposed suspension.

11 MR. SEDILLO: I have it here, and it says use of  
12 slanderous, malicious, derogatory, discourteous and  
13 otherwise inappropriate language or gestures towards  
14 employees. And you know what that was about? I said, what  
15 we have is a director of personnel that treats Hispanics  
16 with contempt. That's another thing that I said.

17 The other thing I said is that we have a manager  
18 who's been doing the same thing over and over again and  
19 been expecting different results, and that was a definition  
20 of insanity. So I'm being maliciously, slanderous, and I  
21 don't know what else.

22 MR. HARDY: Can we have a copy?

23 MR. SEDILLO: Yes, it's in here.

24 MR. ROMINGER: Thank you.

25 MR. READ: Next is Mr. Michael Brionez and then

1 following him Trinidad Juarez.

2 MR. BRIONEZ: Good morning. This is actually  
3 quite an opportunity. I've tried for the last five years  
4 to get to talk to folks at your level, beating down the  
5 doors, making trips, many trips over -- several of us have  
6 made on our own -- on own expense to try to get this type  
7 of audience, and it's actually happening. I hope that  
8 whatever comments that I can provide will be taken  
9 seriously.

10 My name is Michael Brionez. I am the zone  
11 representative for California for the Forest Service  
12 Hispanic Employees Association, and most importantly the  
13 lead plaintiff, agent and spokesperson for a class-action  
14 suit against the Forest Service for discrimination.

15 Just -- and this is very difficult to do to wrap  
16 ten years of activity into five minutes. Primarily we  
17 filed a class EEO complaint using the system provided in  
18 1988. In 1990 we were successful in coming to a resolution  
19 agreement, and we have had five years for both sides to  
20 meet that -- meet the terms of the resolution agreement.

21 After five years we filed a noncompliance to that  
22 agreement, and so we spent the next couple of years  
23 basically going back and forth where the class of employees  
24 would say, no, forest Service, you didn't meet the terms.  
25 And the Forest Service would come back and say, yes, we

1 did.

2 So then we sent all the documentation and we're  
3 talking stacks of supporting documents back to the  
4 department for an appeal on the Forest Service decision.  
5 The department basically rubber stamped everything that the  
6 Forest Service had submitted, and said, yes, the Forest  
7 Service complied.

8 So on one of those trips we went to the department  
9 and even though many individuals whom we had appointments  
10 with didn't care to meet with us, we asked them where is  
11 your supporting documentation that supports that decision?  
12 And this is after we sent reams of paper. It couldn't be  
13 found. Nobody at the department could find how they made  
14 that conclusion.

15 So after all these years of work in trying to  
16 rectify the violations that had taken place, with all the  
17 recent activity we've gotten summaries of the class  
18 complaints within the USDA and ours isn't even listed.

19 We've got quite a few other class complaints that  
20 you're aware of, but in the chief's note that came out, our  
21 class doesn't even appear that there's a complaint in the  
22 system. Right now we're in appeal with EEOC. I believe  
23 one of two appeals. We appealed the USDA decision. It was  
24 found in favor of that the Forest Service did not comply,  
25 so they wanted to reinstate the case. We appealed that

1 remedy to include compliance, not to reinstate the case.

2 And that's where it lies now.

3 My basic intent of being here today is to give you  
4 a couple of solutions all tied to the EEO complaint system.  
5 Basically the folks you have handling negotiations are not  
6 there to serve the public. They do not have the intent to  
7 try and resolve the complaints. That's the large back log.  
8 In our last mediation and negotiation with region five  
9 management, the primary obstacle was Bob Simons who would  
10 not negotiate anything to try to resolve the class  
11 complaint.

12 Recently, we did an update on individual  
13 complaints related to region five Hispanic employees so  
14 when our attorneys, who are MADEP, the Mexican American  
15 Defense and Education Fund, who is co-counsel with Cala  
16 Erwin, a very large prestigious law firm in San Francisco.  
17 And now we have employed the employment law center in San  
18 Francisco. We've got three large firms who obviously feel  
19 we have a case that needs to be resolved.

20 When we called around the individuals who still  
21 have pending EEO complaints in the system in summary the  
22 major obstacle of getting those resolved was Linda Goldman  
23 and her staff is San Francisco. That was unanimous on  
24 every individual complaint.

25 And we're not even talking about USDA dispute

1 resolution board who is very effective in resolving  
2 complaints, but it's basically a person going in and if  
3 they can be represented with legal counsel at 2500 bucks to  
4 start with, they come in with somebody. But it's five or  
5 six management officials with this one person coming in  
6 that doesn't even know how the DRB is supposed to work and  
7 what they're up against.

8 In summary, my basic comments are if you truly  
9 want to resolve EEO complaints, which is what seemed to  
10 come out in the last secretary's memo, the back log that's  
11 there, is to find other people to try and negotiate  
12 settlements. Thank you.

13 MR. ROMINGER: Thank you.

14 MR. BARBER: I didn't seem to get it. What is the  
15 class?

16 MR. BRIONEZ: The class is Hispanic employees in  
17 California primarily. We started out including the  
18 research station, but they have so few employees there,  
19 they simply didn't have many problems as far as Hispanics.

20 MR. BARBER: All right. Thank you.

21 MR. READ: Our next speaker will be Trinidad  
22 Juarez, and then following will be Rudy Aguas.

23 MR. JUAREZ: My name is Trinidad Juarez. I'm a  
24 GS-13 recreation specialist over in the Forest Service in  
25 San Francisco. I've spent 22 years in the Forest Service,

1 almost 23, and I also used to serve as a line officer in  
2 southern California, district ranger.

3 I've been involved in civil rights activities on a  
4 collateral basis for, boy, most of my career. First off as  
5 a Hispanic employment program manager on the Shasta  
6 Trinity, so I've been involved off and on throughout my  
7 entire career.

8 I don't want to diminish the importance of what's  
9 being said about EEO and the fact that we have a number of  
10 complaints here that still need to be resolved whether  
11 individual or class. And if I had an extra five minutes  
12 I'd talk some more about that.

13 But I do want to talk a little bit about what I  
14 think is historically insufficient funding for special  
15 interest programs like Hispanic programs, African American  
16 programs, people with disabilities, et cetera. And I think  
17 we need to shift our position here a little bit from not  
18 only valuing diversity, but also sponsoring diversity  
19 throughout the agency.

20 I think USDA is probably a compilation of folks  
21 who are either AGIEs or foresters, and it's a tough way --  
22 it's tough to break that cycle. Most of the top leadership  
23 within the Forest Service have at least been to school  
24 together. They know each other. So people like myself who  
25 are brown would really have a difficult time trying to make

1 rank, particularly if I'm advocating and continue to  
2 sponsor very very unpopular subjects like the EEO or civil  
3 rights. And I think that's pretty common at least  
4 throughout the Forest Service.

5 I think a little bit about the merit system, and  
6 it's interesting that representative Herger's  
7 representative was here because when you think about it at  
8 least in the Forest Services there's a little bit of a  
9 badge of honor for being say a second or third generation  
10 Forest Service employee, but in reality think about it. If  
11 the merit system principles were really operating, how  
12 could it be statistically that you could be a third  
13 generation Forest Service employee. I mean -- so that's  
14 got to be evidence that the merit systems are not working.

15 I took the time to read the secretaries editorial  
16 on Martin Luther King's dream that one day we be judged --  
17 we would not be judged by the color of our skin, but I need  
18 to remind you, and I'm sure you are all aware of it, that's  
19 a dream. That is not reality. Reality for minorities and  
20 people of color in the Forest Service is that there's not a  
21 level playing field. In fact the playing field is filled  
22 with pot holes and hurdles and all kinds of hazards. And I  
23 would say that's probably the same thing is true for  
24 constituents.

25 Succinctly, our Forest Service mission is to care

1 for the land and serve people, and I really think the  
2 equation is really simple. That if we are to properly  
3 serve constituents of color and get their assistance in  
4 caring for the land, then we need employees who embody  
5 their values, and understand their service needs. This is  
6 not something that one can learn at a graduate level class,  
7 but rather the early and continuing learning possessed by a  
8 number of our current and hopefully future employees of  
9 color.

10 I think what this really gets down to is a really  
11 expansive view in terms of the way we do programing in the  
12 Forest Service and within the USDA. The questions that we  
13 need to be asking the Forest Service as well in the USDA is  
14 how can we equatably serve our constituents of color? How  
15 do we insure that we maintain and enhance our supply of the  
16 stewards of color for future public service assignments  
17 both nationally and internationally.

18 I know that we're just beginning the 1999 program  
19 cycle, and it doesn't mean that we don't want to pay  
20 attention to things that are occurring now, but I really  
21 like you to also think about the fact that we're just  
22 starting 1999. And I am aware that the Forest Service has  
23 been a pilot under the Government Performance and Results  
24 Act, GPRA. But 1999 is the first year that all federal  
25 agencies including the Forest Service will be required to

1 submit a performance plan that supports their 1999 budget.

2 I am advocating that at least in the Forest  
3 Service and USDA that we look at all deputies -- deputy  
4 areas -- I'm talking about the Forest Service here, to  
5 develop a performance plan element that addresses  
6 under-represented groups and under-served communities.

7 Again, historically the development of special  
8 emphasis programs, which are for under-represented groups  
9 and constituents has been largely within the civil rights  
10 arena. It's really not their responsibility. That  
11 responsibility lies in the individual deputy areas and  
12 within our mission area.

13 I think we need to examine the resources closely,  
14 and I'll give you a couple of examples and then I'll get  
15 off the floor here.

16 Looking at the 1995 progress report for the Forest  
17 Service for instance, we allocated about 16 million dollars  
18 for land grant institutions, but only 321 thousand dollars  
19 for historically black colleges and universities. That  
20 three hundred thousand dollars only represents 1.3 percent  
21 of the total amount of money that we allocated to  
22 universities in 1995.

23 I'll give you another example that I want to raise  
24 and that will be it. We get a number of grants through  
25 state and private forest -- forestry that are kind of

1 filtered through our regional office in San Francisco for  
2 state private forestry. But then they're really  
3 administrated by our state forester here in Sacramento.  
4 And urban forest grants which total I would imagine at  
5 least a million -- close to a million dollars is allocated  
6 by the regional forester rather than the Forest Service.  
7 And those urban forestry grants can go where ever the state  
8 forester designates.

9 Urban forestry in California can be -- can be  
10 defined as very affluent suburbs, and that's where the  
11 money goes largely. It doesn't go to the inner city  
12 communities of Los Angles, like east LA or south central.

13 So I'm saying that we need to do a close  
14 examination even after we develop this broad performance  
15 plan to our under represented groups and communities, we  
16 have to have a much more specific examination and make sure  
17 that that money goes where it's needed. Thank you.

18 MR. ROMINGER: Thank you.

19 MR. READ: Our next speaker is Rudy Aguas, and  
20 then following Mr. Aguas will be Mary Marrs.

21 MR. AGUAS: Gentleman, my name is Ruddy Aguas, and  
22 I am an EEO specialist here in the region five Forest  
23 Service. I currently manage programs for four national  
24 Forests in the central state here. That would be the  
25 Tahoe, the Eldorado, the Lake Tahoe basin, and the Indian

1 National Forest. I'm here to talk about reprisal. And I'm  
2 also glad you mispronounced my name because to most  
3 managers they cringe when they hear that name. The correct  
4 pronounciation of that name is Aguas.

5 In 1986 as Michael indicated earlier and when we  
6 started to meet and to talk about the issues facing the  
7 Hispanic community, and at that time the entire community  
8 wanted to immediately go to litigation. One of the persons  
9 who is present in this room and myself headed off that  
10 movement, and said let's give the Forest Service Region  
11 five an opportunity to work with us in good faith. That  
12 proved to be the biggest mistake I every made.

13 We went through downsizing some years ago  
14 throughout -- well, first let me back up. I was one of the  
15 spearheads for that movement with the regional Hispanic  
16 group and became an executive member, and I have suffered  
17 reprisal upon reprisal upon reprisal, year after year after  
18 year, and it exists today. That's why I say managers  
19 cringe at the name Aguas.

20 During the downsizing process a few years back I  
21 was identified as surplus. There was 311s being  
22 considered, and I was the one with the least SCD. We went  
23 to management and said here's an opportunity. Here's a  
24 proposal where we can all remain. We'll move our job  
25 duties a little bit but we can all remain in place in terms

1 of the location with minimal disruption to our families.  
2 The comments I got back were absolutely not. The  
3 management team will not accept you in a position working  
4 in civil rights because you are too influential, the  
5 position is too influential, and we can't have you there.

6 The director of civil rights in San Francisco at  
7 the time also related to my Forest supervisor at the time  
8 that there was no support because they were fearful that we  
9 might do something right.

10 In 1992 I was surplusd. I was identified as  
11 surplus. In 1994 -- January 1, '94, I was reassigned to  
12 Nevada City which is the whitest county in California.  
13 Upon arrival within the first week my children suffered  
14 discrimination from the public, from merchants in the area.  
15 There was a lot of heartache. There was a lot of pain.  
16 There was a lot of counseling that my children especially  
17 had to go through to readjust to a community so hostile  
18 towards them.

19 As a result of those kinds of things we have done  
20 some things to address these things like developing grass  
21 roots organizations such as the Nevada County Citizens for  
22 Human Rights. The round table very much involved in the  
23 Placerville area.

24 Under the reassignment provisions of article 32 of  
25 the master agreement when you are reassigned you're suppose

1 to get your old job back if it becomes available again. I  
2 was never given that opportunity. They decided in  
3 Susanville that they would rather just fly the position,  
4 and did.

5 An EEO complaint was filled as result of that.  
6 That was in January 94 -- June '96 I got a letter back from  
7 the department a year and a half later saying, oh, yeah, we  
8 do have your complaint and we will handle it expediently,  
9 and that's the last I heard.

10 That's -- well, enough said on that one. As an  
11 EEO specialist, I submit to you because of the work that  
12 I'm involved in, it is more economical to resolve these  
13 issues, not to settle complaints, but to resolve the  
14 issues.

15 I saved one of the units -- one of the subunits  
16 on -- within my sphere of influence over three hundred  
17 thousand dollars by settling or coming to terms with a  
18 complaint. Three hundred thousand dollars. That would  
19 more than pay for my program, and the people that work with  
20 me. It would have more than paid for an annual budget.

21 In closing I just want to say -- and I wish  
22 Mr. Herger's representative was here, but I will say it to  
23 the USDA and I will say it to the Forest Service and Region  
24 five. I want to thank you. This is a comment I made to  
25 the apprenticeship program, which is a fire organization

1 training program back in '91. I want to thank this agency  
2 and the department for giving me the opportunity to be  
3 white.

4 Just let me be me. Let me manage programs. Let  
5 my record stand. Let my accomplishments show. My  
6 committment to civil rights, and I to like the gentleman --  
7 one of the previous gentlemen that spoke. I want to help.  
8 I've offered that before. I have yet to get a call. I  
9 have yet to be asked to be for assistance. Give me that  
10 opportunity. Let me help heal this work force.

11 MR. ROMINGER: Thank you.

12 MR. READ: Mr. Aguas, I apologize for not getting  
13 your name pronounced correctly.

14 MR. AGUAS: Oh, that's fine. Nobody does.

15 MR. READ: Next is Ms. Mary Marrs, and this will  
16 be our last speaker because our time is out. And we will  
17 conclude today with a comment of deputy secretary Rominger.

18 MS. MARRS: Thank you very much for this  
19 opportunity, and good morning. My name is Mary Marrs, and  
20 I work for the US Forest Service. I'm a program manager  
21 for the Forest Service wide program that focuses on the  
22 recruitment of Asian Pacific American students into natural  
23 resource management type careers with the Forest Service.

24 I'm also currently on a national task group which  
25 was designed by the USDA to do this strategy and the ground

1 work for USDA proposed program called Research Employment  
2 and Access Program for Asian Pacific Americans. The task  
3 group has already established a potential partnership with  
4 the national consortium of Asians serving colleges and  
5 universities.

6 The decision memo which would establish this  
7 program has already gone through the office of general  
8 counseling, and the MOU, which would establish this  
9 partnership with the consortium has also been through OGC  
10 and is currently sitting on the desk of Secretary Glickman.

11 And these documents, the decision memo, the MOU  
12 and some background information on REAP, which we call  
13 REAP, can be provided to you through two of your task force  
14 members, Dr. Jerry Sesco and Dr. Mon Yee. And that  
15 information can be made available to you.

16 But what I would like to implore you is to urge  
17 and recommend to the secretary that he has an opportunity  
18 literally sitting on his desk, that he can seize. This  
19 opportunity is not the answer to all of our problems, but  
20 it's going to be an opportunity for us to start proactively  
21 addressing the severe and the very persistent under  
22 representation of Asian Pacific Americans in the USDA.

23 And I also would like to urge you as this task  
24 group and because you all hold very prominent positions in  
25 your agencies, to cut down those barriers that have

1 prevented us from implementing programs like this.

2 Also, I challenge you to be the champions for a  
3 program like this, of the Research Access and Employment --  
4 Research, Employment and Access Program for Asian Pacific  
5 Americans and to another simular programs.

6 Right now the task group has experienced a lot of  
7 barriers, a lot of red tape that has prevented this type of  
8 program to be implemented on the ground. And we all tend  
9 to know what they are. So my challenge I believe to you is  
10 to tell the Secretary he has a beautiful opportunity  
11 sitting in front of him. And I challenge all of you to be  
12 the champions for making sure that the commitment and the  
13 support to those types of programs is demonstrated because  
14 our goal is to make this successful so we won't have to  
15 have programs like REAP. Thank you.

16 MR. ROMINGER: Thank you.

17 MR. READ: Thank you to all of you who have taken  
18 the time to come today and to share your insight on how  
19 USDA works.

20 We still have a number of people who have not had  
21 an opportunity to make a presentation yet. And if you  
22 wanted we would video tape your presentation and would ask  
23 you also if you want to provide written information to the  
24 task force -- civil rights task force or action team.

25 So I would like to close out the forum here today

1 with posing comments from Secretary Rominger. However, if  
2 you do wish to have a comments -- further comments for the  
3 action team, please go to the registration desk when this  
4 is over. Thank you.

5 Deputy Secretary Rominger.

6 MR. ROMINGER: Thank you, Hershhal, I want to thank  
7 all of you for coming today. We know that these problems  
8 exist in the USDA, but it is enlightening for the action  
9 team and for those of us up here to hear first hand from  
10 you what some of these problems are, specific problems, and  
11 to have your suggestions on how we can remedy some of those  
12 problems. So we appreciate your suggestions.

13 If you have more suggestions, as Hershhal said, for  
14 the action team please see the people at the registration  
15 desk out there. We want to get all of the information that  
16 you have available for us.

17 Secretary Glickman is really concerned about these  
18 problems, and that's why we have this action team. They  
19 have a tremendous task ahead of them to assimilate all that  
20 they have heard from all of the listening sessions around  
21 the country, both our customers and our employees, where I  
22 think we're asking a big task of the members of this team  
23 to come up with some recommendations -- with  
24 recommendations to the secretary on how we can remedy the  
25 situation. Which probably means, yes, changing the process

1 but changing the methods on how we implement -- in some  
2 cases changing personnel; changing the people who are  
3 involved.

4 But the Secretary is committed to making changes.  
5 We don't want this to be like previous hearings or forums  
6 or task forces that have been held throughout the history  
7 of the department. I read the report of the civil rights  
8 commission that was presented to the USDA in 1965. I think  
9 maybe we're a little better than we were in 1965, but we  
10 have a long ways to go.

11 So we're looking to this action team to provide  
12 some recommendations. The Secretary has said there will be  
13 action taken on the recommendations. And I want to thank  
14 all of you for coming here to help us make the USDA what we  
15 all want it to be. Thank you.

16 (The following proceedings were held outside the  
17 presence of the action team.)

18 MS. DONNELLY: My name is Lesa Donnelly. I work  
19 for Plumas National Forest and region five. I am the class  
20 agent for the region five backlash class complaint which is  
21 a sexual harassment discrimination class action in region  
22 five. I am the national advisor to President Lawrence  
23 Lucas for the Coalition of Minority Employees on women's  
24 issues, and I am the interim president of the California  
25 chapter of the coalition. Okay.

1 I have spoken to hundreds of employees, and the  
2 USDA Forest Service regarding issues of sexual harassment,  
3 discrimination, hostile working conditions and reprisal.  
4 I've spoken with management about these issues for the last  
5 three years, and management has been virtually  
6 nonresponsive to us for prevention and elimination of  
7 hostile working conditions. I believe that the title seven  
8 violations in USDA are pervasive, rampant, and endemic.  
9 And I've seen nothing done to stop this horrible, horrible  
10 situation going on in the USDA.

11 I'm not afraid of being reprimanded against for  
12 being here today because just about everything that could  
13 be done to an employee for reprisal has been done to me. I  
14 have had poor performance, misconduct, adverse actions,  
15 AWOL, letters of reprimand, and most recently last week I  
16 was placed on a week's suspension. I don't believe there's  
17 anything else that the agency can do to me except terminate  
18 me. So I know there are a lot of people that would like to  
19 have spoken that were afraid to be here because they are  
20 afraid of reprisal. Reprisal is occurring in USDA Forest  
21 Service.

22 I'm not here to give specifics on situations of  
23 discrimination and hostile working conditions and reprisal  
24 because I believe that that is at your disposal. You have  
25 EEO complaints, adverse actions investigations, and all the

1 information that you need to know what is going on in this  
2 agency. I believe you do know what's going on in this  
3 agency.

4 Recently -- okay. Recently, I spent six weeks in  
5 the regional office in San Francisco going through  
6 approximately 30 thousand documents of discovery for the  
7 the sexual harassment lawsuit. During that time we were  
8 able to see that every allegation we've been making for the  
9 last three years is correct. It is a tremendous problem.  
10 I believe the agency knows about it. The problem is the  
11 agency is not willing to acknowledge it. And that's what I  
12 am here to ask for.

13 There was a room in the regional office with  
14 those documents. It was a chamber of horrors. I don't  
15 know how the employee relation staff in region five can  
16 sleep at night because I had a hard time sleeping at night  
17 after reviewing those documents. That Linda Goldman, the  
18 employee relations manager, states that she doesn't believe  
19 that region five has a title seven violation problem. It's  
20 merely unpleasant working conditions for employees.

21 What I'm here to tell you is that lives are being  
22 destroyed in the USDA Forest Service and nothing is being  
23 done about it.

24 I believe that one of the biggest problems in the  
25 agency is a lack of accountability, and I'm here to ask for

1 accountability. I would like to state that I was contacted  
2 by dozens of employees in the Los Padres National Forest  
3 and asked to help them have their Forest Supervisor, Dave  
4 Dahl, investigated for the title seven violations occurring  
5 there. When I spoke with Lynn Sprague about this, he  
6 advised me that unacceptable behaviors were occurring, but  
7 he had no authority to deal with Dave Dahl.

8 I will tell the panel what I told Lynn Sprague on  
9 that day. If he does not have the authority to deal with  
10 Forest supervisors to stop unacceptable behaviors then we  
11 need to have a Regional Forester that does.

12 And I am asking for the department to look into  
13 every situation on every forest that shows that forest  
14 supervisors are not taking action to prevent and eliminate  
15 hostile working conditions.

16 I believe you could do that. You're going to see  
17 examples of forests like the Angeles National Forest, Mike  
18 Rogers, Klamath National Forest, Barbra Holder, Sierra  
19 National Forest, Jim Boynton, Plumas National Forest, Mark  
20 Madrid and Jody Cook, and other forests.

21 You will find that forest supervisors are not  
22 taking care of hostile working conditions complaints, and  
23 in many cases are committing those acts of hostile working  
24 conditions; harassment, discrimination against employees.  
25 This has got to stop, and through accountability I think

1 that we can finally get credibility to the words zero  
2 tolerance for hostile working conditions discrimination and  
3 reprisal. It is only then that we are going to have an  
4 agency where employees are respected, treated with dignity  
5 and provided equal opportunity. Thank you.

6 MR. CLARK: Again, my name is Sid Clark with the  
7 USDA Forest Service located in the Pacific Northwest,  
8 region six and regional office support. I'm here  
9 representing the USDA minority employees in the Pacific  
10 Northwest.

11 I spoke earlier, but one of the issues I didn't  
12 have an opportunity to cover and I'm trying to cover now is  
13 that they wanted to convey to the panel is that the issue  
14 of the downsizing slash surplus. The surplus list is  
15 being used as a form of retaliation. I don't think anyone  
16 really has a issue with surplus, but it's the  
17 implementation of the surplus list, how management is using  
18 that. And when I say management, I mean HR and I mean  
19 employees relations.

20 An example, you have employees that are being  
21 surplus after 20 something years in the agency. And  
22 really there is no explanation to the employee as to why  
23 they're being surplus, but what we found is that a lot of  
24 these employees that are being surplus just so happen to  
25 have type of form of EEO complaint filed. And I mean

1 African Americans, Hispanics, Asians, disabilities and  
2 white males. White males are getting surplused for  
3 speaking up on civil rights. In terms of how people are  
4 being treated, so they're being treated the same way.

5 I think also you have employees that are being  
6 surplused who are not part of the bargaining unit. I'll  
7 take me for an example. I am 1811 criminal investigator  
8 with the Forest Service. We're not part of the bargaining  
9 unit. However, after the abolishment of the investigation  
10 branch that I was part of, a year later I received a letter  
11 telling me I am surplused. But then again I'm not part of  
12 the bargaining unit, so under what authority -- and I think  
13 is the question that the panel needs to ask the Forest  
14 Service, under what authority are they surplussing  
15 non-bargaining employees. That's a serious issue.

16 Another issue in region six is sexual harassment  
17 is rampant. There's numerous cases that involve some of  
18 the females in the coalition that are members that are  
19 suffering from sexual harassment. It's known, personnel  
20 knows, employee relations in region six know, but there's  
21 no resolution to those issues.

22 Next week the coalition in the Pacific Northwest  
23 will be filing class actions which encompass about three  
24 hundred employees in the Pacific Northwest. We suspect  
25 more. We're getting phone calls from Seattle Washington

1 from Ashland Oregon.

2 Tomorrow I will be meeting with Senator Ron White.  
3 He asked me to meet with him at 11:45 a.m. in Portland, and  
4 I will be discussing again some of those same issues  
5 representing the coalition. He is willing to get on board  
6 to see what he can do. We will be interfacing with Bob  
7 Smith, the new add chair. The community there is involved  
8 because these things need to stop.

9 There's a lot of things going on and again five  
10 minutes just doesn't justify it. However, I have entered  
11 some documents for the record, and I will be mailing  
12 additional copies to the panel. And I just want to thank  
13 you guys for giving the employees an opportunity to hear  
14 what we have to say, and always -- I was always told that,  
15 you know, make sure you listen to both sides of the story  
16 then make a intelligent decision and get some resolution to  
17 it. Thank you.

18 MR. AHUJA: I am Suraj Ahuja. I'm the north zone  
19 air quality specialist. I also work as a region five  
20 representative on the service wide civil rights committee.  
21 And during that process I saw we had a -- Forest Service  
22 had a national diversity conference, and out of that came  
23 out to be six technical posts which dealt with the  
24 different issues, which dealing with the employees and the  
25 recommendations and the chief approved them. But when the

1 time comes on the implementation, that's where they fall  
2 apart.

3 We spent so much millions of dollars on them and  
4 they are shelved somewhere. I don't think -- if you ask  
5 somebody, if they don't know what the names of those  
6 reports are. So the point to me is I'm glad this kind of  
7 listening session is going on, but the point to me would be  
8 when the implementation of this issues comes, are they  
9 really being implemented or just to quiet some of the  
10 employees.

11 I hope there will be some process throughout where  
12 that would be so that all the recommendations which come  
13 out of this plan, which come out of this group are  
14 implemented, are seen actually they are implemented. Thank  
15 you. That's all I wanted to say.

16 (Proceedings concluded at 12:35 p.m.)

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