



United States Department of Agriculture

Final Action Verification—Forest Service Initiatives to Address Workplace Misconduct



Report 08026-0001-41

June 2020

OFFICE OF INSPECTOR GENERAL



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Office of Inspector General
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AUDIT
NUMBER: 08026-0001-41

TO: Stanley McMichael
Associate Chief Financial Officer
Office of the Chief Financial Officer

FROM: Gil H. Harden
Assistant Inspector General for Audit

SUBJECT: Final Action Verification—Forest Service Initiatives to Address Workplace Misconduct

The Office of Inspector General (OIG) completed a final action verification (FAV) of all eight recommendations in our February 11, 2019, report on *Forest Service (FS) Initiatives to Address Workplace Misconduct* (Audit Report 08601-0008-41).¹ An FAV determines whether the final action documentation that the audited agency provided to the Office of the Chief Financial Officer (OCFO) supports the agency's management decision reached with OIG.^{2,3} Our objective was to determine whether the documentation FS provided OCFO was sufficient to close the recommendations made in Audit Report 08601-0008-41.

As of January 21, 2020, OCFO electronically reported to FS and OIG that final action was complete for all recommendations in the subject audit report. Based on our review of the documentation received from OCFO, we concur with this decision for all eight recommendations.

¹ Audit Report 08601-0008-41, *Forest Service Initiatives to Address Workplace Misconduct* (Feb 11, 2019).

² *Final action* is the completion of all actions that management has concluded, in its management decision, are necessary with respect to the finding and recommendations included in an audit report. DR 1720-001, 6g(1), Audit Followup and Management Decision (Nov 2, 2011).

³ *Management decision* is an agreement between agency management and OIG on the action(s) taken or to be taken to address a finding and recommendation cited in an audit report. The management decision must include the agreed-upon dollar amount affecting the recommendation and an estimated completion date, unless all corrective action is completed by the time agreement is reached. DR 1720-001, 6i, Audit Followup and Management Decision (Nov 2, 2011).

Background

Our report, *Forest Service Initiatives to Address Workplace Misconduct*, made eight recommendations to help improve FS actions in response to concerns about sexual harassment and sexual misconduct complaints.

OIG and FS reached management decision on all eight recommendations in a memorandum dated February 19, 2019. The memorandum detailed corrective actions FS needed to implement in order to achieve final action on all recommendations.

In accordance with Departmental Regulation 1720-001, OCFO has the responsibility to determine final action for recommendations where OIG has agreed to management decision.⁴ As such, OCFO evaluates agency-provided documentation to support planned corrective actions and to determine if final action has occurred.

Scope and Methodology

The scope of this FAV was limited to determining whether FS' plans of action for all recommendations in the subject report were completed in accordance with the management decisions reached on February 19, 2019. To accomplish our objective, we reviewed the documentation of corrective actions FS submitted to OCFO. We did not perform internal control testing or make site visits to determine whether the underlying deficiencies that were initially identified have been corrected. In addition, we did not provide an opinion on the results of the implementation or effectiveness of each recommendation. As a result, this verification was not conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States, or the *Quality Standards for Inspection and Evaluation*, issued by the Council of Inspectors General on Integrity and Efficiency. Instead, this FAV was conducted in accordance with our internal guidance IG-7710, *Non-audit Work*⁵ and *Final Action Verification—Guidance and Procedures*.⁶ Before we performed this non-audit service, we determined that following our guidance would not impair our independence to perform audits, inspections, attestation engagements, or any other future or ongoing reviews of the subject.

⁴ DR 1720-001, 7d(6), Audit Followup and Management Decision (Nov 2, 2011).

⁵ IG-7710, Non-audit Work (Sep 20, 2018).

⁶ USDA OIG Final Action Verification Guidance and Procedures (May 2019).

Results of Final Action Verification

We determined that FS provided sufficient documentation to OCFO to close the eight recommendations we made in our February 11, 2019, audit report on *Forest Service Initiatives to Address Workplace Misconduct*. The table below summarizes the action FS took with respect to each recommendation.

We informed FS officials of the results of this FAV.

Rec. No.	Recommendation	Action Taken
1	Provide additional training and guidance on the MSPB and OPM guidelines regarding their responsibility to provide complete and accurate information to hiring officials when asked for references on current and former FS employees seeking employment or promotions within FS. The training and guidance should also cover privacy and liability concerns when disclosing employee information.	FS provided OCFO with a letter from the Office of the Chief to agency supervisory personnel, dated May 30, 2019, which emphasized the agency's responsibility to conduct reference checks on candidates for positions and to respond accurately to reference checks. FS also prepared an online course titled <i>Checking Employment References—Best Practices for Forest Service Hiring Officials</i> . This course covered privacy and liability concerns when disclosing employee information. All FS managers and supervisors were required to complete this training by July 31, 2019.
2	Add, to the standardized list of questions that hiring officials ask the supervisors of current and former FS employees applying for positions within the agency, questions about whether applicants have a prior history of serious misconduct, the nature of the misconduct, and their suitability for the position despite the misconduct.	FS provided OCFO with a reference check template with questions to be asked of supervisors of current and former employees applying for positions within the FS. The template now includes questions (No. 10) to determine if job applicants have a history of misconduct, the nature of the misconduct, and their suitability for the position despite the misconduct.

Rec. No.	Recommendation	Action Taken
3	Add, to the standardized list of questions that hiring officials ask the applicants applying for positions within FS, questions about whether applicants have a prior history of serious misconduct, the nature of the misconduct, and their suitability for the position despite the misconduct.	FS provided OCFO with an interview template, which contains questions to be asked of persons applying for positions within the FS. The template now includes questions (No. 6) about whether applicants were ever disciplined for misconduct and, if so, the nature of the misconduct. The template also contains questions designed to determine applicants' suitability for the position.
4	Establish guidelines for hiring officials to contact human resources management to determine whether current or former employees (including seasonal employees) applying for positions within FS have prior histories of serious misconduct and the nature of the misconduct.	FS provided OCFO with instructions that direct hiring officials contact FS Human Resources, Employee Relations staff if it is determined that current or former employees applying for positions within FS have prior histories of misconduct. This action is to be taken before moving forward with a selection for the subject position.
5	Require FS supervisors and managers to formally acknowledge their responsibility to report all allegations of sexual harassment and sexual misconduct within the required 24-hour timeframe and record this acknowledgement.	FS provided OCFO with a memo outlining supervisors' and managers' responsibility to report all allegations of sexual harassment and/or sexual misconduct within 24-hours, as required in FSM 1765.08. In addition, FS officials created an acknowledgement and certification in AgLearn that documents supervisory officials' understanding of this requirement.

Rec. No.	Recommendation	Action Taken
6	Provide additional training and guidance to FS supervisors and managers on their roles and responsibilities regarding the 24-hour reporting requirement.	FS provided OCFO with a copy of FS' Anti-Harassment Leader Guide and Quick Reference Sheet, which includes guidance on their roles and responsibilities regarding the 24-hour reporting requirement. FS provided OCFO with DM 4040-412-002, dated July 25, 2014, which includes requirements to complete new supervisor training. FS also provided a letter, dated May 21, 2018, in which the FS Chief required that all FS employees participate in a day long anti-harassment training titled <i>Stand Up for Each Other</i> . To supplement this, FS provided a listing of 44,133 FS employees who certified their attendance at this training.
7	Establish guidelines to ensure that those FS supervisors and managers who do not timely report sexual harassment and sexual misconduct allegations within the required 24-hour timeframe are disciplined, when appropriate.	FS provided OCFO with a memo outlining supervisors' and managers' responsibility to report all allegations of sexual harassment and/or sexual misconduct within 24-hours, as required in FSM 1765.08 (guidelines). In addition, FS officials created an acknowledgement and certification in AgLearn that documents supervisory officials' understanding of this requirement. The acknowledgement and certification contains punitive language directed at those who do not comply with the requirement to timely report allegations of sexual harassment or sexual misconduct.

Rec. No.	Recommendation	Action Taken
8	Establish internal guidelines that will ensure FS officials document in the case file their justification when deviating from the recommended penalty.	FS provided OCFO with a letter from the Office of the Chief to agency supervisory personnel, dated May 30, 2019, which cites the USDA Guide for Disciplinary Penalties as providing a framework for consistent application of discipline and includes a section for sexual misconduct. This document indicates officials will be required to submit a written justification for any deviation from the minimum recommended penalties, which must be included in the Human Resources Management Employee Relations case file.

cc: Hope Woodward, Forest Service OIG Audit Liaison

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