



File Code: 1700

Date: August 26, 1999

Route To: 6100

Subject: Follow-up on Delegation of Authority and Settlement of Employment
Discrimination Complaint Process

To: Deputy Chiefs, Regional Foresters, Station Directors, Area Director, IITF Director
and WO Staff

This is a follow-up to my letter dated June 22, 1999, to clarify interim Forest Service policy delegating you the authority to sign settlement agreements granting total compensation of \$5,000 or less.

Compensation of less than \$5,000

Currently, our 6104.1 Delegation of Personnel Authorities Policy is being revised and will soon be updated in the Forest Service Manual. In the meantime, the intent of my June 21, 1999, letter was to delegate you authority to sign these settlement agreements or, at your discretion, further delegate your authority organizationally. A Deputy Chief may delegate to the WO Staff Director level, a Regional Forester may delegate no lower than a Forest Supervisor, a Station Director/Area Director/IITF Director may delegate no lower than a Project Leader/Program Manager, a Center Director is the lowest level within the Job Corps, and a Regional Special Agent is the lowest level authorized for our Law Enforcement and Investigation Staff.

For any settlement agreement granting total compensation of \$5,000 or less, follow the process for preparing and supporting settlement agreements as stated below. However, since the authority for approval is delegated at your level, only a copy of the completed and signed documents should be sent to WO Civil Rights office. No further approval is needed above your delegated authority.

Compensation of greater than \$5,000

My June 21, 1999, letter addresses the general procedure and line of authority for approval to be followed when agreements exceed \$5,000 in total compensation, including those that require approval by the USDA Office of Civil Rights.

Process for preparing and supporting settlement agreements

To insure consistent application of the interim policy within the Forest Service, the following process is to be used in preparing and supporting settlement agreements that grant any compensation.

1. **Concurrences:** The enclosed "Forest Service Approval Process Cover Sheet" will be used to document necessary endorsements, routing information, and approvals. It must accompany all settlement agreements forwarded to the Washington Office. Completed sheets will be filed with

the agreement (enclosure 1). For those agreements referred for approval, the following clause must be placed into the body of the agreement as a separate resolution term:

The undersigned Parties wish to comply and be bound by the terms of this agreement. However, we recognize that the agreement is not operative until it has been endorsed by a higher-level agency official in accordance with the provisions of the USDA/Forest Service Settlement Policy. If the Official approves the settlement as agreed, the terms are binding on the Parties as written, to be effective on the date it is approved. If the

Official finds the settlement agreement flawed based on facts or rule or regulation, the Parties agree to reconsider the terms and seek to resolve the matter.

2. Justification Statement: All justification statements must provide adequate rationale for the compensation awarded. The basis for such award must be grounded in supporting evidence and sound rationale. Justification statements are not part of the settlement agreement and are to be treated as working documents for purposes of disclosure under the Freedom of Information Act (FOIA) using Exemption 5. We are in the process of revising the FS Resolution Model to better address our justification requirements.

3. Submissions: All settlement agreements and justification statements are to be submitted to the Civil Rights Office-WO, which in turn, is responsible for internal coordination with HRM-WO, Financial Management-WO, Deputy Chief for Business Operations, and the USDA, OCR. This includes settlements for less than \$5,000 for monitoring purposes. A flow chart depicting the review and approval process is enclosed (enclosure 3). Our standard for completing the process in the WO is 5 work days after receipt. Submissions may be made by fax to (202) 260-5054, with original signed settlements to follow via overnight mail to USFS, WO-CR, Employment Complaints Program, 14th & Independence Avenues, 4th floor, SW-Wing, Attn: Elizabeth Butler, Washington, DC 20720.

4. Settlements under delegated authority: All settlement agreements along with copies of the justification statement where compensation was granted, must be submitted to CR-WO within 5 working days after approval.

If you have any questions or concerns regarding the enclosed material and procedures, please contact either Sherry Hooper, ER Specialist, HRM-WO at (703) 605-5200 extension 3075 or Elizabeth Butler, Program Manager, ECP, CR-WO at (202) 205-1053. This direction will be placed on the CR web page and in the Forest Service Handbook.

/s/ Clyde Thompson

CLYDE THOMPSON
Deputy Chief for Business Operations

Enclosures (2)

CC:

CR Directors
HRM Director

Field HRM Directors
Detached ECP Service Centers

FOREST SERVICE APPROVAL PROCESS COVER SHEET

ORIGINATING R/S/A/JCC/LEI Unit: _____

COMPLAINANT NAME: _____

Date of Contact/USDACR Case Number(s): _____
(Informal) / (Formal)

REGION/STATION/AREA/JCC/LEI OFFICE APPROVALS

Civil Rights
Concur _____
Typed Name Signature Date

Human Resources
Management
Concur _____
Typed Name Signature Date

Fiscal
Concur _____
Typed Name Signature Date

Date Routed to Washington Office: _____
Person Forwarding/Method: _____

WASHINGTON OFFICE APPROVALS

Date Rec'd by WO Point of Contact (CR-WO): _____

Civil Rights
Concur _____
Typed Name Signature Date

Human Resources
Management
Concur _____
Typed Name Signature Date

Fiscal
Concur _____
Typed Name Signature Date

DEPUTY CHIEF FOR BUSINESS OPERATIONS, FS

Approved: _____
Date Typed Name and Signature

Recommend Approval by *USDA-OCR*: _____
Date Returned to Initiating FS Ofc: _____ & *ECP, CR-WO-FS*: _____

**FLOWCHART FOR THE FOREST SERVICE-WIDE APPROVAL PROCESS
EEO SETTLEMENT AGREEMENTS**

RESOLUTION DISCUSSION

Informal/Formal EEO Complaint

B

CONTINGENT LOCAL SETTLEMENT

Local Concurrence/Cover Sheet
Signature of Both Parties/Representative

B

**JUSTIFICATION STATEMENT & APPROVAL
PROCESS COVER SHEET**

Statement Prepared by ER/HRM
Package staffed through Fiscal, CR &/or ECP C/M
Overnight Mailed/Faxed to CR-WO (Bridgette Jones)

B

WO CONCURRENCE/NONCONCURRENCE

CR-WO Forwards copies to ER/HRM-WO and Fiscal
for Concur/Non-Concur and collects statements/signatures

B

DEPUTY CHIEF, BUSINESS OPERATIONS

Reviews Justification & any comments from Local Management,
and/or concur/nonconcur statements from others

B

B

CONDITION 'A' < \$25,000.00

Business Ops Concurs/Nonconcur's
forwards signed agreements back to
WO for dispatch & record keeping

CONDITION 'B' >/= \$25,000.00

Business Ops Concurs/Nonconcur's forwards
w/recommendation to OCR, CR, USDA.
OCR reviews for compliance with policy &
returns to Agency via CR-WO for dispatch &
implementation

B

CR-WO RE-DISPATCHES SETTLEMENT TO ORIGINATING/LOCAL OFFICE