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MICHAEL J. HUGHES  
(1922-1999)

January 17, 2007

SUBJECT: HKSA 1717-1

FISH AND WILDLIFE SERVICE NATIONAL BISON RANGE EMPLOYEES

EMPLOYMENT ISSUES

Sharon D. Eller  
Director, Office of Civil Rights  
Department of Interior  
Office of the Secretary  
Washington, D.C. 20240

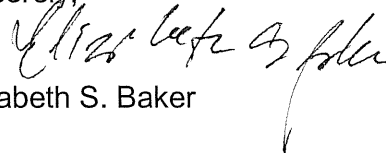
Dear Ms. Eller:

I write to acknowledge receipt of your January 11 letter, responding to my letter to Deputy Secretary Scarlett. Although your letter suggests the employees are free to pursue their complaints through administrative processes, it does not speak at all to the underlying issues or to my clients' immediate concern about the Department's decision to return the CSKT to the National Bison Range without addressing the intolerable working conditions that only worsened after the informal grievance was first filed last September.

Your letter incorrectly states that my seven clients "have been interviewed and counseled by Ahmad Razavi, Lead EEO Counselor." Although Mr. Razavi had initially made plans to come to Montana for the interviews, his plans were interrupted and he was unable to come. In the meantime, we proposed a resolution of the employees' claims, to which the Department did not respond with any meaningful offer. The time for informal EEO counseling, which we already had agreed to extend, has now expired and Notices of Final Interview have issued.

As stated in my January 3 letter, we assume from your response the relief requested by the employees in their informal grievance is not going to be granted and the Department has not developed an acceptable alternative. We have accordingly filed a formal grievance pursuant to the Fish and Wildlife Service's Grievance Policy, 227 FW 3.

Sincerely,



Elizabeth S. Baker

fc: 202-208-6112  
bb:Eller.L2  
c. clients

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January 17, 2007

SUBJECT: HKSA 1717-1

FISH AND WILDLIFE SERVICE NATIONAL BISON RANGE EMPLOYEES

EMPLOYMENT ISSUES

Cathy Willis  
Regional FOIA Officer  
Fish and Wildlife Service  
P.O. Box 25486  
Denver Federal Center  
Denver, Colorado 80225

Dear Ms. Willis:

This letter responds to your letter of January 11, in which you provided a redacted copy of the investigative report prepared by Jim Reilly. The copy you provided includes only his notes of interviews with my seven clients and one other FWS employee. In our Formal Grievance, submitted January 15, 2007, we requested that the complete report be made part of the record of the Grievance and forwarded to the Deciding Official. I write to request, yet again, that the complete report also be provided to my office.

Your letter referred to the Privacy Act and the Department's Routine Use Notice for Grievances as authority for disclosing a redacted version of the report. I have reviewed the Department of Interior's routine use notice for grievance records on the Federal Register Online via GPO Access, 64 Fed. Reg. No. 75 at 19381-19383 (Apr. 20, 1999). I enclose a copy for your reference.

According to the Department's own regulations, all documents related to internal grievances, including but not limited to reports of interviews, examiners' findings and recommendations, correspondence, and exhibits, are included in the records system. "Individuals filing grievances with the Department" are entitled to access to records in the system, and there is no exemption for any type of information gathered from other witnesses.

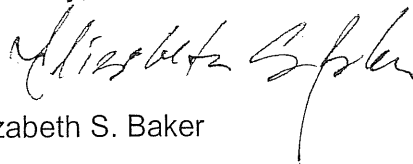
The Department's failure to release the entire investigative report violates the employees'

Cathy Willis  
Page 2  
January 17, 2007

rights to receive documents related to their internal grievance. I request that you provide the entire report within five calendar days of this letter or explain to me why my reading of the Department's policy is mistaken.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth S. Baker".

Elizabeth S. Baker

fc/enc: 303-236-5775

bb:Willis.L1

c. clients

[Federal Register: April 20, 1999 (Volume 64, Number 75)]  
[Notices]  
[Page 19381-19383]  
From the Federal Register Online via GPO Access [wais.access.gpo.gov]  
[DOCID:fr20ap99-98]

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974; As Amended; Revisions to an Existing System  
of Records

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Proposed revisions to an existing system of records.

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SUMMARY: In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Office of the Secretary is issuing public notice its intent to modify an existing Privacy Act system of records noti OS-74, ``Grievance Records.'' The revisions will update the number the system, the authority statement and the addresses of the system locations and system managers.

EFFECTIVE DATE: These actions will be effective on April 20, 1999.

FOR FURTHER INFORMATION CONTACT: Director, Office of Personnel Poli U.S. Department of the Interior, 1849 C Street NW, MS-5221 MIB, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The Department of the Interior is propos to amend the system notice for OS-74, ``Grievance Records,'' to upd the number of the system to more accurately reflect its Department-scope, the authority for maintenance of the system statement and th addresses of the system locations and system managers to reflect changes that have occurred since the notice was last published. Accordingly, the Department of the Interior proposes to amend the ``Grievance Records,'' OS-74, system notice in its entirety to read follows:

Sue Ellen Sloca,  
Office of the Secretary Privacy Act Officer, National Business Cent  
INTERIOR/DOI-74

SYSTEM NAME:

## Grievance Records--Interior, DOI-74.

## SYSTEM LOCATION:

(1) Departmental office: Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW, MS-5221 MIB, Washington DC 20240.

(2) Bureau personnel offices:

(a) Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Avenue NW, Washington, DC 20245.

(b) U.S. Geological Survey, National Center, 12201 Sunrise Vall Drive, Reston, VA 22092.

(c) U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 1849 C Street NW, Washington, DC 20240

(d) Bureau of Reclamation, PO Box 25001, Denver, CO 80225.

(e) Bureau of Land Management, Division of Personnel (530), 184 Street NW, Washington, DC 20240.

(f) National Park Service, Division of Personnel, Branch of Lab Management Relations, 1849 C Street NW, Washington, DC 20240.

(g) Minerals Management Service, Personnel Division, 1110 Hernd Parkway, Herndon, VA 22070.

(h) Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue NW, Washington, DC 20245.

(3) Administrative components of the offices (within the bureau listed above) in which the grievances were filed.

## CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Departmental employees filing grievances in accordance with 370 771.

## CATEGORIES OF RECORDS IN THE SYSTEM:

All documents related to internal grievances filed with any par the Department, including, but not limited to: Statements of witnes reports of interviews and hearings, examiners' findings and recommendations, correspondence and exhibits, and (a copy of) the original and final decisions on the grievances filed.

## AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302; E.O. 10577; 3 CFR 1958 Comp. p. 218.

## ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORI OF USERS AND PURPOSES OF SUCH USES:

The primary purpose of the system is to adjudicate internal grievances.

Disclosures outside the Department of the Interior may be made:

(1) To appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or fo enforcing or implementing a statute, rule, regulation, order or license, when the disclosing agency becomes aware of a violation or potential violation of a statute, rule, regulation, order or licens

(2) To any individual (in the course of processing a grievance) from whom the agency is seeking information relevant to the adjudication of the grievance, to the extent necessary to inform th

individual of the purpose of the request for information and to identify the type of information requested.

(3) To a Federal agency which has requested information relevant necessary to the hiring or retention of an employee, the conducting a security clearance or suitability investigation, the classifying job, the letting of a contract, or the issuing of a license, grant other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(4) To a congressional office in response to an inquiry an individual has made to the congressional office.

(5) To the U.S. Department of Justice or in a proceeding before court or adjudicative body with jurisdiction when (a) the United States, the Department of the Interior, a component of the Department, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and compatible with the purpose for which the records were compiled.

(6) To the National Archives and Records Administration for record management inspections conducted under authority of 44 U.S.C. 2904 2908.

(7) To any individual in the form of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. (While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individuality identifiable by inference.)

(8) To the Office of Personnel Management, the Merit Systems Protection Board (and its Office of the Special Counsel), the Federal Labor Relations Authority (and its General Counsel), or the Equal Employment Opportunity Commission when requested in performance of their authorized functions.

(9) To officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to allow them to perform their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:  
STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrieved by the names of individuals filing internal grievances.

SAFEGUARDS:

Access to records is limited to authorized personnel. Records are maintained in locked metal filing cabinets.

RETENTION AND DISPOSAL:

Records compiled under 370 DM 771 are destroyed 3 years after the date of final closing of the case. Records compiled under a negotiated procedure are disposed of in accordance with approved records schedules.

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SYSTEM MANAGER(S) AND ADDRESS:

(1) Departmental office: Director, Office of Personnel Policy, Department of the Interior, 1849 C Street NW, MS-5221 MIB, Washington DC 20240.

(2) Bureau personnel offices:

(a) Director of Administration, Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Avenue NW, Washington, D 20245.

(b) Personnel Officer, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, VA 22092.

(c) Personnel Officer, U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 1849 C Street NW, Washington DC 20240.

(d) Labor Relations Officer, Bureau of Reclamation, PO Box 2500 Denver, CO 80225.

(e) Personnel Officer, Bureau of Land Management, Division of Personnel (530), 1849 C Street NW, Washington, DC 20240.

(f) Personnel Officer, National Park Service, Division of Personnel, Branch of Labor Management Relations, 1849 C Street NW, Washington, DC 20240.

(g) Personnel Officer, Minerals Management Service, Personnel Division, 1110 Herndon Parkway, Herndon, VA 22070.

(h) Personnel Officer, Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue NW, Washington, DC 20245.

(3) Administrative officers of the offices (within the bureaus listed above) in which the grievances were filed. (Contact the appropriate bureau system manager to obtain the address of the office system manager.)

NOTIFICATION PROCEDURES:

Individuals filing grievances with the Department are given access to their records as a part of the official grievance process. If, however, at any later time an individual also wishes to request notification of the existence of records on him or her, he or she should address his or her request to the appropriate System Manager. The request must be in writing, signed by the requestor, and contain the following information: name and birth date of requestor, approximate date of closing of the case, type of action taken, and agency component involved. (See 43 CFR 2.60.)

RECORD ACCESS PROCEDURES:

Individuals filing grievances with the Department are given access to their records as a part of the official grievance process. If, however, at any later time an individual also wishes to request access to records maintained on him or her, he or she should address his or

her request to the appropriate System Manager. The request must be in writing, signed by the requestor, and contain the following information: name and birth date of requestor, approximate date of closing of the case, type of action taken, and agency component involved. (See 43 CFR 2.63.)

#### CONTESTING RECORD PROCEDURES:

If an individual who has filed a grievance with the Department wishes to request amendment of his/her records, to correct factual errors, he or she should address his or her request to the appropriate System Manager. The request must be in writing, signed by the requestor, and contain the following information: name and birth date of requestor, approximate date of closing of the case, type of action taken, and agency component involved. (See 43 CFR 2.71.)

Note: Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of these requests will be restricted to determining if the record accurately documents the action of the agency ruling on the case and will not include a review of the merits of the action, determination, or finding.

#### RECORD SOURCE CATEGORIES:

Individuals filing grievances, witnesses providing testimony, organizations or persons providing information via correspondence, agency officials, and grievance examiners and/or arbitrators.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99-9828 Filed 4-19-99; 8:45 am]  
BILLING CODE 4310-RJ-P