

Attachment 1 - Executive Core Qualification Failures of David L. Ferrell

As the appointed leader for the USDA Forest Service (FS) Law Enforcement and Investigations (LE&I) program, Director David Ferrell (Ferrell) has, and continues to, exhibit substantial shortcomings and deficits in meeting the required 22 Core Competencies which define the personal and professional attributes critical for successful performance in the Senior Executive Service (SES). The Office of Personnel Management (OPM) groups these Competencies into five Executive Core Qualifications (ECQ's). Each of these five qualifications, as they relate to Ferrell, is addressed in the following narrative.

The following information is based on personal observations and experiences of retired FS LE&I employees, confirmed by current employees; many of whom have or had day-to-day interaction with Ferrell for a number of years. We urge you to review this document completely as it outlines in detail where Ferrell fails to meet many of the Core Competencies and ECQ's he is required to exhibit in order to remain in his position.

ECQ 1: Leading Change

This core qualification involves the ability to bring about strategic change, both within and outside the organization, to meet organizational goals. Inherent to this ECQ is the ability to establish an organizational vision and to implement it in a continuously changing environment.

- Rather than setting goals and then acting as a catalyst and strategic thinker, Ferrell severely micromanages every level of the FS LE&I organization. He requires almost daily input of minute details of activities so that he can direct employees in how to do their job. As a result, he has little time left for tracking progress toward larger goals, evaluating changing conditions and external impacts, or designing or implementing new ideas.
- Due to Ferrell utilizing micromanagement as a tool, he has no need for visions, goals and objectives to guide employees. When forced to develop written mission statements, objectives or targets, he frequently ignores them. Accordingly, his subordinates observe that doing only what Ferrell says to do on a day-to-day basis is what's important. A survey of all LE&I employees recently conducted by the Professional Employees for Environmental Responsibility (PEER) (copy enclosed), clearly illustrates that LE&I employees still do not have a common vision or shared priorities for the FS LE&I program.
- Ferrell is uncomfortable with change of any kind. He discourages and often summarily stops any creative or progressive ideas to deal with any changes.

ECQ 2: Leading People

This core qualification involves the ability to lead people toward meeting the organization's vision, mission, and goals. Inherent to this ECQ is the ability to provide an inclusive workplace that fosters the development of others, facilitates cooperation and teamwork, and supports constructive resolution of conflicts.

- This ECQ is perhaps Ferrell's greatest failure as an executive leader. He has been made aware of these shortcomings over the years through numerous team-building sessions, personal input, and performance evaluations, but has not changed. Ferrell has created an LE&I-wide climate of professional helplessness, anger, fear and anxiety, and the lowest program morale for an FS staff unit in the history of the agency. In the recent PEER survey, approximately four of five of the employees Ferrell leads reported that they do not believe him to be an effective LE&I Director. According to PEER, that is the worst vote of confidence recorded by them for an agency program leader in the past 20 years.
- Ferrell criticizes in public and praises (rarely, if at all) in private and seems to think that his biggest priority is seeking out and finding wrong-doing among "his" employees – even when this adversely affects resources needed to meet the agency's public priorities. Over 30 National Federation of Federal Employees (NFFE) Union grievances; 10 FLRB Unfair Labor Practice allegations; and more than 30 on-going EEO Complaints were active during the past year, all generated from within the LE&I staff of approximately 750 employees. Due to his micromanagement practices, Ferrell insists upon being involved some way in nearly all complaints and grievances. The failure by LE&I management to obtain findings in favor of the FS for well over 90 % of these employee-initiated actions supports the assertion that Ferrell thrives on implementing the most brutal of decisions and actions for sometimes the most inconsequential reasons.
- Ferrell seeks out and creates counterproductive confrontations. He seldom manages or resolves conflict constructively, and imposes his decisions quickly, whether he has all the facts or not. He functions as if employee complaints are a challenge he must win to protect his position. At a recent annual training program, rather than focusing on an important opportunity to resolve problems with a large number of assembled LE&I employees, Ferrell stated that LE&I employees could "file any grievance that you want, but I will win."
 - "The vacuum of leadership in our organization and culture of fear for retaliation with the possibility of being punished even when we do the right thing is crippling. Using Supervisor's Inquiries as a mask to perform internal investigations with inconsistent results and dishonest tactics is insurmountable. There is no trust and little hope for change from the field to management."
- Though Ferrell demands compliance with the upward chain-of-command leading to his position, he regularly violates it downwardly, giving direction to *anyone* at any level of the organization. In his all-out pursuit of total control of all levels of LE&I, Ferrell encourages and rewards personnel who "report on" their co-workers and superiors, and strives to isolate employees from each other. Ferrell

practices “emotional extortion” through either overt or veiled threats made against employees for failure to comply with his direction. This continues to fracture team and unit trust, leading to a climate of “every man for himself,” and placing extraordinary stress on targeted and isolated employees.

- Especially since his SES appointment as the Director of LE&I, Ferrell has repeatedly been made aware of his bullying and micromanagement behavior but often portrays himself as a misunderstood victim in order to gain support from others.
- Ferrell discourages creativity, open input, and differences of opinion. If forced to allow brainstorming and/or open discussion, he listens sullenly and then, when he’s grown tired of the collaboration, announces his decision – which may or may not have even been an item under consideration by the group. He has also angrily rebuffed or threatened any who challenge this process.
- Rather than celebrating individual differences and valuing and leveraging them, Ferrell makes clear that everyone is expected to be exactly like him professionally and personally, and to follow his decisions unquestioningly. Anyone who doesn’t agree, or worse yet, tries openly to press those differences or questions or ignores a decision, becomes marked by Ferrell as a “problem” forever. These employees are then subject to ongoing retaliation and often lose special assignment/training/promotional opportunities. Nowhere is this more apparent than Ferrell’s selections for “his” leadership team, now nearly completely comprised of those employees who will comply with his bidding without question. The many complaints, resignations, transfers out, and premature retirements of LE&I personnel occurring since Ferrell has been the Deputy Director and Director are a legacy of those who will not or cannot comply any longer.
- Ferrell is a loner within the agency and largely negative. In his own headquarters office, the atmosphere notably lifts when he is not present. He doesn’t handle pressure well, angers quickly, trusts no one, and assumes the worst in every situation. His “go to” emotion is anger and it is the one he exhibits most often, leaving those around him in a constant state of anxiety “waiting for the other shoe to drop.”
 - “One thing that I did witness, and never forgot, was Ferrell’s total lack of self-control at our annual ALERT (Advanced Law Enforcement Refresher Training). We were breaking for lunch and Ferrell and (a Washington Office Senior Special Agent) were in front of me at the exit to the meeting room.... (The Agent) was trailing behind Ferrell and said something that I didn’t hear. Next thing I saw was David spin around, shove (The Agent) violently against the wall with both hands and start threatening to “kick your fucking ass.” (The Agent) didn’t back up from the offer, and myself and several others in uniform intervened. To date, I don’t know what the beef was, or what was said, I was just shocked at Ferrell’s total loss of self-control.”
- When program setbacks occur, Ferrell dwells on them, exaggerates their effects, and “never forgets” – once you are on his “list,” you never get off. His lack of trust also extends to external agencies – once he feels an individual or agency has wronged him, it permanently affects the relationship –

even if adverse to the FS. When setbacks occur, Ferrell also prefers to spend time assigning fault and punishing rather than solving the problems.

- Director Ferrell compliments others only when doing so will lead to something he wants.
- Very little “team” commitment, spirit, pride, and trust remain within the FS LE&I organization since Ferrell became Deputy Director in 2004. The most common words employees, past and present, consistently use regarding their time when supervised by Ferrell are: chaos, fear, ulcers, stress, anxiety, defeat, anger, isolation, “laying low,” and “getting out as soon as I can.”
- Here are typical comments about Ferrell’s leadership from across the spectrum of current and prior LE&I employees:
 - “This is not the FS I recall working with in the past.”
 - “Over the years, I have seen many good NPS Rangers leave to join FS LE&I. For the most part, they spoke very highly of the organization and were satisfied with their decision to ‘jump ship’ to the FS. I gave up a very solid career with NPS to make the switch to the FS. Sadly... I now regret this decision and am looking to leave this agency. And I am seeing more and more people who are looking to do the same. My morale, and faith in leadership, is at an all-time low.”
 - “Management has undermined our authority at every turn, fails to support us in front of the US Attorney’s office in certain states, and attempts to influence our ability to enforce the laws. I have never worked for a law enforcement agency that gives us the tools to do the job, and then tells us not to do this or that, depending on the political climate of the day.”
 - “Ferrell is a micro manager - shows a very low level of competence. He has a lack of confidence to do the job and to be a passionate leader, riding “for the brand” and “taking care of the team.”
 - “The Director of LE&I needs to be a great communicator. Not someone who likes to hear himself talk and puff up like an adder in front of the troops. He can’t talk because he knows nothing, he can’t even write a sentence for God’s sake. It is a big joke with everyone I talk to. Is this a leader?”
 - “In 2004 my assignment was as a Mounted Law Enforcement Officer at (at a large public event... there were about 10 mounted LEO’s... We were taking a break before another shift with our horses staged by our horse trailers on the site. Mr. Ferrell shows up, in civilian attire with a tight V neck T-shirt and large gold chain around his neck. He stood around looking at us for some time. Some of us did not know who he was. He never made an attempt to introduce himself, just kept staring at us and the horses... I thought it was rather strange that he never took the time to introduce himself to all of us. He never spoke a word. The Mounted Unit has always been very effective at the Rainbow Gatherings. Horses are very good PR and also very effective with violators. (The unit leader) informed me that Ferrell did not like the mounted unit and tried to have us sent home.”
 - “Ferrell’s commitment is to himself, not the program or the agents and officers in the field, never has been. It is written all over his attitude and policy changes.”

- “A leader has to have a certain amount of genuine humility, and that is absent from Ferrell. He makes decisions and his chosen subordinates follow suit just to make changes to let everyone know he is in charge; pathetic.”
- “I personally think he is in over his head. I see him being defensive and defiant with about anyone pointing out he is wrong on an issue. I think that may be a normal reaction by someone who has a lack of knowledge or management skills. That would also explain why they are losing some of the Union and EEO complaints. His written and verbal skills have always been subpar, particularly for someone promoted into such a high leadership position. Let’s be honest. He was promoted upward very quickly. I understand the desire to get diversity into National leadership roles, but he lacked many of the basic skills and experience needed to lead a National program.”
- “As far as your survey on WO LEI competence; it should be apparent to anyone who cares that the “stovepipe” has been clogged with soot and is gradually falling away from the main building.”
- “I left FS because of DFL and his complete lack of leadership and common sense. I could never understand why he was promoted with all his inefficiencies.”

ECQ 3: Results Driven

This core qualification involves the ability to meet organizational goals and customer expectations. Inherent to this ECQ is the ability to make decisions that produce high-quality results by applying technical knowledge, analyzing problems, and calculating risks.

- Director Ferrell is completely risk averse – especially when he perceives a risk to threaten his personal interests. By its very nature, law enforcement issues present managers with constant pressure, challenges, and risks. Because of his limited law enforcement experience, his lack of confidence, and his narcissistic tendencies, Ferrell consistently chooses inaction, withdrawal, and retreat in order to minimize risk. There are many highly competent professionals within the LE&I organization, but Ferrell does not trust them to advise him, or to implement actions on their own.
- Ferrell seldom accepts responsibility – deflecting most responsibility to others (unless it’s for good work his employees have done). Although it’s appropriate for Ferrell to hold others accountable for the results of their decisions, his actions have contorted this process beyond repair. As an obsessive micro-manager, he is involved in taking away and controlling nearly every significant decision throughout the LE&I program. However, if adverse consequences occur, he will not admit his involvement nor take responsibility for it. Thus most employees diligently document all interactions with him in order to “cover themselves.”

- Unacceptable and unintended consequences often occur within the LE&I program because Ferrell discourages input, innovation and risk-taking. He does not tolerate disagreement with his position, even when the issue at hand violates law, regulation or policy, or is morally insupportable.
- Assistant Directors and Special Agents in Charge are not only reluctant, but almost terrified, of taking any action without direct approval from Director Ferrell, whether the action makes sense or not. Often they will only act if they have approval in some sort of written format “to protect themselves.”
- Internally and externally, it is well known that Ferrell has horrible oral and written presentation skills. He is virtually unable to write even a simple letter. The FS sadly had to pay \$2500 for a professional resume writer to prepare Ferrell’s submission of his ECQ’s for Certification by an OPM Qualification Review Board when he applied for the LE&I Director’s position.
- Even after his presentations are prepared for him in advance and he has been well-briefed, his actual presentations or technical discussions are an embarrassment to himself and the agency. Impromptu presentations and “discussions” designed to clarify and motivate internal audiences nearly always result in employee anger, fear, embarrassment, confusion, and chagrin. Ferrell is unable to read and comprehend technical and analytical documents, and often makes incomprehensible changes to them, adversely affecting the program and the agency.
- Many Forest Service employees have risen from accelerated development programs to be technically competent as well as outstanding leaders. However, because of his leadership incompetence and personal style, and his continuing to suppress and overrule more competent subordinates, Ferrell is unable to communicate technical concepts effectively. As a result, Ferrell lacks technical credibility, both internally and externally.
- Current and former employees comment:
 - “It was amazing to me that every birthday card passed through the office for comments; DLF could never write a complete sentence correctly. If it were not for his assistant, all correspondence from him would look like a third grader wrote it; that alone often made me wonder how someone that could not even write, advanced to be the Director.”
 - “I make the assertion that David Farrell as done grievous harm to this agency. Some of this has to do with Mr. Ferrell’s poor grasp of the English language. His constant verbal miscues and affronts to the English vernacular are taxing to me...Mr. Ferrell became upset, yet again, when Officers and Agents questioned him on a policy. The nature of the policy I don’t recall now, ...Mr. Ferrell yelled ‘You is not listening. Last time I looked I David Ferrell. I break policy when I want. I make policy not you.’ This language and behavior would be bad enough in a more pedestrian supervisor, yet this behavior in a Director is beyond reproach. One might think I am just being petty; however a well-spoken Director can make or break an agency. Consider this. Mr. Ferrell is the same man who testifies before congress in our interest. He is the face of the FS LE&I Program. His poor representation and ignorant use of the English language reflects poorly on LE&I and the agency as a whole...”

ECQ 4: Business Acumen

This core qualification involves the ability to manage human, financial, and information resources strategically.

- Ferrell fails entirely in managing human resources as indicated in the prior sections. Additionally, he has repeatedly shown a lack of technical knowledge and support for employee safety issues – especially critical in the law enforcement profession. His financial and information resources are similarly defective.
- Ferrell has and continues to frequently refuse to accept advice from Forest Service employee relations specialists. These include specialists attempting to resolve EEO complaints, union grievances, Unfair Labor Practice filings with the FLRB, and proposed and final decisions involving LE&I employee discipline. As a result, the LE&I unit has an abysmal success rate in sustaining a desired outcome for management. Since Ferrell has been the Deputy/Director, LE&I has had to pay out hundreds of thousands of dollars in the award of attorney’s fees, back pay with interest, pain and suffering awards, and other damage awards made by judges, hearing examiners, and arbitrators. Many of these awards would never have happened had Ferrell initially taken the advice of those working on the Human Relations staff and by not approaching these cases with his “take no prisoners” attitude.
- In order to save the cost of transfers of station and to allow brand new employees to be hired, Ferrell has essentially prohibited current LE&I employees’ from applying for internal vacancies. Although his commitment to improving racial/ethnic diversity in LEI is admirable, he has long done so at the expense of merit promotion principles and normal agency practices of resolving hardship and spousal placement needs for existing employees. High performing law enforcement officers have transferred to other agencies because Ferrell will not allow them to transfer to open positions in other FS locations. For example, one LEO applied for multiple LE&I positions in another FS region in order to be closer to his home and family – notifying officials of his request for hardship placement. His attempts were unsuccessful so he left the FS for another agency near his home. Though justified by Ferrell as saving transfer of station costs, this has proven devastating to morale and upward mobility - “They don’t care about us, just their budget.”
- Though he basically understands the agency financial systems, Ferrell is completely dependent on financial staff to manage them. Unfortunately, he treats the administrative and financial staff as poorly as he does law enforcement professionals. Even when quality budgets are prepared and well justified by subordinate officials and staff, he ignores them and makes incomprehensible changes resulting in errors, inefficiencies and appropriations challenges.
- Ferrell discourages constructive input from employees and punishes those who disagree – even when they do so on legal grounds. For example, within the last three months, labor relations arbitrators have awarded LE&I employees substantial back pay, stating in the last decision:

- “While the Agency is to be thanked for its efforts to conserve funds, especially when under a continuing budget resolution, the Agency may not use that laudable purpose as a predicate not to pay FLSA overtime that is otherwise owed.”
- Ferrell demands that his subordinates under spend their annual allocations by large amounts, rewarding them proportionate to the amount under spent – even when this results in not implementing positions or projects that are mission or safety critical or agreed to with external partners. Managers are discouraged from being efficient and proactive money managers, as any savings they generate are quickly reallocated by Ferrell. Rather than looking at end results – Ferrell takes away and controls financial choices and scrutinizes expenditures down to the dollar at all levels of the organization. Should adverse financial effects occur as a result of decisions he has made, he seldom accepts responsibility.
- Ferrell uses financial allocations to retaliate, punish and reward employees.
- Though many proactive technology-based projects have been championed by Ferrell’s employees over the years, including the strategic use of criminal intelligence and crime trends (both of which are in common use throughout law enforcement agencies today), Ferrell typically fights against or de-emphasizes the proactive use of technology. Innovative LE&I employees will continue to try to bring these programs forward to Ferrell, but the ideas and concepts they advocate are seldom attempted or implemented, often leaving those employees discouraged and angry when the lack of leadership support dooms the project. Ferrell appears to approve such projects only when he faces overwhelming pressure to do so from other LE&I program leaders.
- As indicated in the PEER survey, many LE&I supervisors and managers selected by Ferrell continue to lack the knowledge of directives, laws, standards, and practices that govern applicable federal law enforcement programs.

ECQ 5: Building Coalitions

This core qualification involves the ability to build coalitions internally and with other Federal agencies, State and local governments, nonprofit and private sector organizations, foreign governments, or international organizations to achieve common goals.

- Ferrell’s lack of trust also extends to external agencies. Once he feels an individual from a particular agency has wronged him, it permanently affects the relationship – even if it brings an adverse reaction to the FS.
- Ferrell avoids external partnerships and funding sources, even where they are innovative or would leverage funds to enhance the LE&I program. On several occasions, Ferrell has unnecessarily damaged relationships outside of the agency as a result.
 - “What does the FS leadership plan on doing about the fact that the Western Sheriff’s Association has a significantly poor outlook when it comes to our current Director, David

Ferrell? How is it that the entire Association does not have a good working relationship with David Ferrell? The poor working relationship that Ferrell has with the Western Sheriff's Association directly affects LEO's on the ground."

- Meetings with external audiences often result in embarrassment and "rehab" meetings afterwards to repair the damage Ferrell has created.
 - "I would invite him to participate in a conference or meeting and brief him in advance, he would go into it treating me like a secretary, rarely acknowledge in front of them the work we had already done, and in some cases, unilaterally change decisions I had carefully built."
- Ferrell has failed to build effective resource and public safety partnerships, particularly at the State and local levels, and has failed to intervene when actions of external agencies adversely affect LE&I operations. This charge is not surprising considering that the majority of LE&I employees believe that during the past five years, the emphasis LE&I leadership placed on investigating serious resource-related crime has declined significantly and that 60% of these same employees think that protecting National Forest System lands and visitors is no longer the top priority for Ferrell (see the PEER Survey).

We understand why managers and other agency leaders superior to Ferrell may find much of the above baffling and perhaps disagree. Ferrell can be charming, attentive, friendly, and proactive to his superiors and professional peers. This has been referred to as Ferrell's "Jekyll and Hyde personality" – being "one person" to his superiors and other agency leaders while being a completely different person to LE&I personnel. This has also long been viewed as his ability to "manage up" – managing information and looking good to his superiors, while he suppresses and conceals problems below him. We urge you to look beyond the façade he paints for you and FS leaders and ask you to conduct your own independent review of Mr. Ferrell's performance. We believe your review will support our conclusion.

FS LE&I Director David L. Ferrell clearly fails to meet any of the Government-wide SES ECQ's required for holding such a position and should be removed from the position as soon as possible.