

GLEN G. ITH
WILDLIFE BIOLOGIST, GS-486-9
TONGASS NATIONAL FOREST

DOUGLAS FACTOR ANALYSIS

1. The nature and seriousness of the offense and its relation to the employee's position and responsibilities, including whether the offense was intentional, or technical or inadvertent or was committed maliciously or for gain;

This is a serious offense as it undermines the confidence not only of the Forest Supervisor and the supervisor but of peers and team members. Employees are no longer willing to perform deliberative work with Mr. Ith. Mr. Ith worked as an Interdisciplinary Team Leader and/or member and took draft deliberative material to the public thus effectively stopping future deliberative processes due to complete lack of trust among team members. Mr. Ith drafted his own environmental report, would not modify the document to address concerns raised by the team and other peers, and then provided this information to the Greenpeace organization for the purpose of promoting his own agenda regarding wildlife issues and road construction on the Tongass. Use of this draft wildlife report in Mr. Ith's appeal was inappropriate. It was not available to the public nor the decision maker, 5 U.S.C. 552.(b) (5). Mr. Ith was argumentative and refused to follow proper direction and guidance regarding the Scott Peak wildlife report, thus alienating peers and co-workers. It's important to note that Mr. Ith's successful appeal against the government was based cumulative effects, not the draft wildlife report that he released without authorization. The remand of the appeal upheld the wildlife analysis used in the final analysis of the project. Mr. Ith's resource report was finally completed by another wildlife biologist following Forest protocol and documentation used in previous planning efforts.

Mr. Ith violated 5 U.S.C. 2635.808C, which states an employee, may not participate in an official capacity in fundraising for a non-Federal organization. Mr. Ith has on several occasions solicited funds for FSEEE for the sole purpose of financing his appeal against the Government. Mr. Ith used his official title and position with the Forest Service to further the fundraising effort. These efforts were clearly for personal gain.

2. The employee's job level... including fiduciary role, contacts with the public, and prominence of the position;

Mr. Ith is employed by the Forest Service as a Wildlife Biologist, GS-486-9, on the Petersburg Ranger District of the Tongass National Forest. His duties include the responsibility to engage the public and to work collaboratively with both internal and external customers. Mr. Ith is required to collect field data; provide analysis of the field data collected following Forest protocol; and then make recommendations to a decision maker regarding effects of forest management decisions on his resource specialty. This work is performed in collaboration with a team of resource specialist while making contact with other resource agencies and the public. Varying opinions are normal relating to recommendations and the need to air differences is paramount when discussing recommendations. Mr. Ith failed to perform work in a timely manner; take recommendations from peers after being informed his work was incomplete and lacked supporting documentation to justify his recommendations; take direction from supervisors; follow Forest protocols; work collaboratively within a team environment; and did in fact work counter to the team.

Mr. Ith's use of his official authority for the unethical means of contacting the public and soliciting funds violated USDA Department of Ethics. Mr. Ith is known to have done this on at least three occasions.

3. The employee's past disciplinary record.

Mr. Ith was issued a three day suspension, dated January 9, 1995 for failure to wear required protective equipment when required. Additionally, a letter of reprimand was developed based on Mr. Ith's failure to follow direction, but as a result of his whistle blowing it was advised by counsel that the Forest not issue the reprimand due to the appearance of retaliation and timing of circumstances.

4. The employee's past work record, including length of service, performance on the job, ability to get along with Federal workers, and dependability.

Mr. Ith has a total work history of 22 years of service. He was promoted to Wildlife Biologist, GS-9 level in 2001. He has fully successful performance ratings. A letter of expectations, dated May 31, 2005, addressed to Mr. Ith cautions him to work cooperatively and professionally with peers. It was in this letter that Mr. Ith was removed as the Scott Peak EIS IDT team leader and the Scott Peak IDT wildlife biologist. Concerns were raised regarding Mr. Ith's inability to finalize his resource report, meet time frames, to cease assuming additional work without approval, and to improve communications with his supervisor. Mr. Ith was argumentative and refused to follow proper direction and guidance regarding the Scott Peak wildlife report, thus alienating peers and co-workers. The investigation identifies that Mr. Ith, after being removed from the team and the team itself being directed to not work on the Scott Peak Timber Sale, continued to work on the project.

Similar concerns associated with the attitude exhibited by Mr. Ith was documented and discussed with him regarding his work on the Port Houghton-Cape Fanshaw project. Mr. Ith acknowledged these concerns and referenced others had observed the same traits.

Mr. Ith's first appeal of the Scott Peak logging project was in 2006. Importantly, this is after he was removed from the project.

5. The effect of the offense on the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned tasks;

Mr. Ith's job requires him to work collaboratively in a team setting for the purpose of preparing environmental documentation of development projects on the Petersburg Ranger District. Removal of Mr. Ith from the Scott Peak project and placing him on another still leaves him in a situation of working with the same team members as before. As a result of the Scott Peak situation, co-workers felt used in some circumstances and others were concerned for the official records. The Petersburg District has one planning team and team members refuse to work with him on matters deliberative in nature. Attempts have been made to find a match for Mr. Ith on other Districts of the Forest, however, there was no confidence expressed by other teams in Mr. Ith's ability to perform his duties with the integrity expected of a government employee and placement was not possible.

Additionally, when the Management of the Tongass National Forest became aware of the appeal by Mr. Ith it was necessary to remove him from the District Office to another office in order to protect the governments ability to provide the supporting documentation necessary to defend its decision. Mr. Ith was detailed to a special project unassociated

with what he was hired to do, outside of the Petersburg Ranger District to protect the integrity of the IDT deliberative process. The work he was assigned is completed and no additional work or funding is available to continue this arrangement.

Employees felt they couldn't have open conversations around the office, in meetings or elsewhere for fear that Glen would use these conversations against them in future appeals. Mr. Ith went outside the limits of his profession to shut down Scott Peak and the Overlook timber sales.

6. The consistency of the penalty with those imposed upon other employees for the same or similar offenses;

There is no similar misconduct on record in Region 10.

7. The consistency of the penalty with the agency's penalty guide.

Removal is consistent the USDA Penalty Guide on either the release of government property without authorization or the fund raising activity.

8. The notoriety of the offense or its impact upon the reputation of the agency.

The offenses have become notorious in the Forest, the Region, and the Nation. Mr. Ith, on his own volition, has provided interviews to local news stations and he has engaged other State Agencies as well as the environmental groups such as Greenpeace and FSEEE (Forest Service Employees for Environmental Ethics). Mr. Ith has on several occasions solicited the amount of \$50,000.00 through FSEEE for the purpose of bringing suit against the Tongass even after his original concerns were addressed in a new environmental analysis. Currently, members of the public are engaged in a letter writing campaign against the Forest based on misinformation provide them by Mr. Ith and FSEEE. The FSEEE website routinely updates the status of Mr. Ith's situation with information that is not factual. Most recently, Mr. Ith has filed suit on the Scott Peak Timber Sale project.

9. The clarity with which the employee was put on notice of any rules that were violated in the committing of the offense or had been warned about the conduct in question

Mr. Ith has been routinely trained in ethics and conduct relating to Forest Service standards. He was advised on several occasions by his supervisor, co-workers and peers that he was not following standard procedures regarding his draft wildlife report. Interviews and declarations state that his report was not timely, did not substantiate his conclusions, was not clear enough to help the public understand the analysis, and did not follow protocols of previous environmental analysis projects. He was also informed that his report did not warrant placement in the record as it was not sufficiently complete to support the documents released to the public. This report was not accepted in the project record by the individual responsible for its compilation. Mr. Ith placed the document in the record on his own. Later completion of the document by another wildlife biologist and team leader updated the shortcomings identified to Mr. Ith whereby their report became the document supporting the final decision. Mr. Ith's report was not available to the decision maker nor should have been made available to the public.

10. The potential for the employee's rehabilitation;

Mr. Ith has taken the position that regardless of how the Forest addressed his issues on the Scott Peak project, with exception of not implementing it, that he intended to sue the government. This was stated during appeal resolution discussions and posted on the FSEEE website. He has in fact filed the suit he stated he would regardless of the additional analysis performed. Based on this fact, there are no positions suitable for Mr. Ith on the Tongass because of the lack of trust in his abilities to carry out the responsibilities of his position. Consequently, we are not able to find placement for him anywhere in the Forest Service.

11. Any mitigating circumstances surrounding the offense such as unusual job tensions, personality problems; mental impairment; or harassment, bad faith, malice, or provocation on the part of others involved in the matter

There are no known mitigating circumstances.

12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Mr. Ith has stated that he would not cease his illegal and unethical efforts. Consequently, there are no alternatives available to the Government other than removal that would deter such conduct in the future.