

2024 USDA EXPLANATORY NOTES – OFFICE OF CIVIL RIGHTS

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PREFACE

This publication summarizes the fiscal year (FY) 2024 Budget for the U.S. Department of Agriculture (USDA). Throughout this publication any reference to the “Budget” is in regard to the 2024 Budget, unless otherwise noted. All references to years refer to fiscal year, except where specifically noted. The budgetary tables throughout this document show actual amounts for 2021 and 2022, enacted levels for 2023, and the President’s Budget request for 2024. Amounts for 2023 estimated levels include: non-enacted amounts such as Full-Time Equivalent levels, fleet levels, information technology investment levels, recovery levels, transfers in and out, balances available end of year, and obligation levels.

Throughout this publication, the “2018 Farm Bill” is used to refer to the Agriculture Improvement Act of 2018. Most programs funded by the 2018 Farm Bill are funded through 2023. Amounts shown in 2024 for most Farm Bill programs reflect those confirmed in the baseline.

Pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, sequestration is included in the numbers for mandatory programs in 2021, 2022, 2023 and 2024.

AGENCY-WIDE

PURPOSE STATEMENT

The Office of Civil Rights (OCR) mission is to facilitate the fair and equitable treatment of USDA customers and employees while ensuring the delivery and enforcement of Departmental civil rights programs and activities. OCR seeks innovative methods to make progress toward meeting the regulatory standards for processing the Department’s Equal Employment Opportunity (EEO) and program complaints, as well as to become a more efficient and effective operation. OCR utilizes assigned staff and contract attorneys to assist with the final agency decision workload. In addition, OCR utilizes contract services and detailed staff to assist with the elimination of the program and EEO complaint inventory.

OCR reviews agency standard operating procedures and employee performance standards to ensure systems and workload analyses are in place to prevent future backlogs and maintain the complaint inventory manageable while working to meet all regulatory processing timeframes. OCR focuses Alternative Dispute Resolution (ADR) efforts solely on EEO and program conflicts that could result in discrimination complaints. This focus resolves conflicts and disputes before they become discrimination complaints. Non-EEO conflicts are addressed outside of OCR; however, conciliation ensures that all parties manage conflicts healthily and productively. OCR provides periodic ADR orientations, updates, and targeted conflict management training to USDA Subcabinet officials, recognized employee organizations, agency civil rights directors, and headquarters and agency employees.

OCR is in Washington, D.C. As of September 30, 2022, there were 119 full-time permanent employees - 103 on telework agreements in Washington, D.C. and 16 working under remote agreements.

OIG AND GAO REPORTS

Table OCR-1. In-Progress OIG Reports

ID	Title
0601-0001-21	USDA Oversight of Civil Rights Complaints

Table OCR-2. In-Progress GAO Reports

ID	Title
GAO-19-543	Environmental Justice: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress
GAO-20-187	Sexual Harassment in STEM Research: Agencies Have Taken Actions but Need Compliant Procedures, Overall Plans, and Better Collaboration

AVAILABLE FUNDS AND FTEs

Table OCR-3. Available Funds and FTEs (thousands of dollars, FTEs)

Item	2021		2022		2023		2024	
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE
Salaries and Expenses:								
Discretionary Appropriations	\$22,789	107	\$35,328	119	\$37,595	168	\$38,617	168
Transfers Out	-	-	-1,410	-	-	-	-	-
Lapsing Balances ^a	-	-	-	-	-	-	-	-
Total Obligations	22,789	107	33,918	119	37,595	168	38,617	168
Other Funding:								
Conflict	540	-	-	-	-	-	-	-
Employment Investigation	2,344	-	-	-	-	-	-	-
Employment Adjudication	590	-	-	-	-	-	-	-
Other OCR Reimbursables	2,170	14	-	-	-	-	-	-
Working Capital	-	-	471	-	-	-	-	-
Total Available, Other Funding	5,644	14	471	-	-	-	-	-
Total Available, OCR	28,433	121	34,389	119	37,595	168	38,617	168

^a Note: The lapsing balances as shown in the above table do not include the \$22 thousand in reimbursable lapsing balances.

PERMANENT POSITIONS BY GRADE AND FTEs

Table OCR-4. Permanent Positions by Grade and FTEs

Item	2021			2022			2023			2024		
	D.C.	Field	Total	D.C.	Field	Total	D.C.	Field	Total	D.C.	Field	Total
SES	3	-	3	3	-	3	3	-	3	3	-	3
SL	-	-	-	-	-	-	-	-	-	-	-	-
GS-15	10	-	10	7	2	9	9	3	12	9	3	12
GS-14	15	1	16	13	3	16	17	3	20	17	3	20
GS-13	42	-	42	44	3	47	64	6	70	64	6	70
GS-12	10	-	10	9	-	9	10	-	10	10	-	10
GS-11	4	-	4	3	1	4	4	1	5	4	1	5
GS-10	-	-	-	-	-	-	-	-	-	-	-	-
GS-9	6	-	6	11	6	17	19	9	28	19	9	28
GS-8	7	1	8	7	1	8	14	1	15	14	1	15
GS-7	7	-	7	5	-	5	4	-	4	4	-	4
GS-6	1	-	1	1	-	1	1	-	1	1	-	1
Total Permanent	105	2	107	103	16	119	145	23	168	145	23	168
Unfilled, EOY	-	5	5	-	-	-	-	-	-	-	-	-
Total Perm. FT EOY	105	7	112	103	16	119	145	23	168	145	23	168
FTE	107	7	114	105	23	128	145	23	168	144	23	168

SHARED FUNDING PROJECTS**Table OCR-5. Shared Funding Projects (thousands of dollars)**

Item	2021 Actual	2022 Actual	2023 Estimated	2024 Estimated
Working Capital Fund:				
AskUSDA Contract Center.....	\$0	\$0	\$13	\$12
Material Management Service.....	20	20	19	20
Mail and Reproduction Services.....	209	317	446	457
Integrated Procurement Systems.....	47	47	58	60
Procurement Operations Services.....	103	93	142	174
Human Resources Enterprise Management Systems.....	1	1	2	3
Subtotal.....	380	478	680	726
Creative Media & Broadcast Center.....	15	51	22	66
National Finance Center.....	33	31	33	34
Financial Management Systems.....	36	40	45	49
Internal Control Support Services.....	-	-	7	8
Subtotal.....	69	71	85	91
Client Experience Center.....	810	814	907	752
Department Administration Information Technology Office.....	295	238	348	335
Digital Infrastructure Services Center.....	598	514	440	460
Enterprise Cybersecurity Services.....	-	-	38	38
Enterprise Data and Analytics Services.....	-	-	165	19
Enterprise Network Services.....	39	33	148	152
Subtotal.....	1,742	1,599	2,046	1,756
Office of the Executive Secretariat.....	17	22	63	66
Total, Working Capital Fund.....	2,223	2,221	2,896	2,705
Department-Wide Shared Cost Programs:				
Agency Partnership Outreach.....	9	8	10	10
Diversity Equity Inclusion and Accessibility.....	-	-	3	3
Human Resources Priority Goals.....	-	-	5	5
Medical Services.....	8	29	34	34
Office of Customer Experience.....	12	11	4	4
Personnel and Document Security Program.....	6	6	-	-
Physical Security.....	5	5	6	6
Security Detail.....	6	6	6	6
Security Operations Program.....	8	8	9	9
Talent Group.....	-	-	4	4
TARGET Center.....	1	2	2	2
TARGET Center NCR Interpreting Services.....	2	6	20	20
USDA Enterprise Data Analytics Services.....	7	5	-	-
Total, Department-Wide Reimbursable Programs.....	64	86	103	103
E-Gov:				
Enterprise Human Resources Integration.....	-	-	-	-
Financial Management Line of Business.....	-	-	1	1
Human Resources Line of Business.....	-	-	-	-
Total, E-Gov.....	-	-	1	1
Agency Total.....	2,287	2,307	3,000	2,809

ACCOUNT 1: SALARIES AND EXPENSES

APPROPRIATIONS LANGUAGE

The appropriations language follows (new language underscored; deleted matter enclosed in brackets):

Salaries and Expenses

For necessary expenses of the Office of Civil Rights, [~~\$37,595,000~~]\$38,617,000.

LEAD-OFF TABULAR STATEMENT

Table OCR-6. Lead-Off Tabular Statement (In dollars)

Item	Amount
Estimate, 2023	\$37,595,000
Change in Appropriation	+ 1,022,000
Budget Estimate, 2024	<u>38,617,000</u>

PROJECT STATEMENTS

Table OCR-7. Project Statement on Basis of Appropriations (thousands of dollars, FTEs)

Item	2021		2022		2023		2024		Inc. or Dec.	FTE Inc. or Chg Dec. Key	
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE			
Discretionary Appropriations:											
Office of Civil Right.....	\$22,789	107	\$35,328	119	\$37,595	168	\$38,617	168	+\$1,022	-	(1)
Total Appropriations.....	22,789	107	35,328	119	37,595	168	38,617	168	+1,022	-	
Transfers In:											
Working Capital	-	-	-1,410	-	-	-	-	-	-	-	
Total Available	22,789	107	33,918	119	37,595	168	38,617	168	+1,022	-	
Lapsing Balances ^a	-	-	-	-	-	-	-	-	-	-	
Total Obligations	22,789	107	33,918	119	37,595	168	38,617	168	+1,022	-	

^a Note: The lapsing balances as shown in the above table do not include the \$22 thousand in reimbursable lapsing balances.

Table OCR-8. Project Statement on Basis of Obligations (thousands of dollars, FTEs)

Item	2021		2022		2023		2024		Inc. or Dec.	FTE Inc. or Dec.
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE		
Discretionary Obligations:										
Office of Civil Rights	\$22,789	107	\$33,918	119	\$37,595	168	\$38,617	168	+1,022	-
Total Obligations	22,789	107	33,918	119	37,595	168	38,617	168	+1,022	-
Lapsing Balances ^a	-	-	-	-	-	-	-	-	-	-
Total Available	22,789	107	33,918	119	37,595	168	38,617	168	+1,022	-
Total Transfers In	-	-	1,410	-	-	-	-	-	-	-
Total Appropriations.....	22,789	107	35,328	119	37,595	168	38,617	168	+1,022	-

^a Note: The lapsing balances as shown in the above table do not include the \$22 thousand in reimbursable lapsing balances.

Office of Civil Rights

Base funds for OCR continue to provide Department-wide activities, including Equal Employment Opportunity (EEO), program non-discrimination policy development, civil rights enforcement, coordination, analysis, adjudication, alternative dispute resolution, and compliance. OCR's responsibility is to provide services to all USDA agencies to conduct Equal Employment Opportunity investigations, final agency decisions, and conflict of interest cases.

The numbers and letters of the following listing relates to values in the Change (Chg) Key column of the Project Statement:

- (1) An increase of \$1,022,000 (\$37,595,000 and 168 FTEs available in 2023).

The funding change is requested for the following items:

A) An increase of \$1,022,000 for 2024 Pay.

This increase will support the annualization of the 2023 4.6 percent Cost of Living pay increase and the 2024 5.2 percent Cost of Living pay increase. If this funding is not provided, OCR may risk being able to meet the requirements as set forth by the Delegations of Authority under 7 CFR Section 2.25. In addition, OCR may be subject to Congressional oversight for civil rights deficiencies by the Department of Justice, the US Equal Employment Opportunity Commission, the Office of the Inspector General and the Government Accountability Office, for failure to comply with federal civil rights laws.

GEOGRAPHIC BREAKDOWN OF OBLIGATIONS AND FTEs

Table OCR-9. Geographic Breakdown of Obligations and FTEs (thousands of dollars, FTEs)

State/Territory/Country	2021		2022		2023		2024	
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE
Alabama.....	-	-	\$285	1	\$224	1	\$230	1
California.....	-	-	570	2	448	2	460	2
Delaware.....	-	-	570	2	448	2	460	2
District of Columbia.....	\$22,363	105	8,551	30	17,679	79	18,159	79
Georgia.....	213	1	1,140	4	895	4	919	4
Maryland.....	-	-	15,106	53	11,860	53	12,183	53
Mississippi.....	-	-	285	1	224	1	230	1
Nevada.....	213	1	285	1	224	1	230	1
New Jersey.....	-	-	570	2	448	2	460	2
North Carolina.....	-	-	570	2	448	2	460	2
Ohio.....	-	-	285	1	224	1	230	1
Pennsylvania.....	-	-	285	1	224	1	230	1
Texas.....	-	-	1,425	5	1,119	5	1,149	5
Virginia.....	-	-	3,990	14	3,133	14	3,218	14
Obligations.....	22,789	107	33,918	119	37,595	168	38,617	168
Total, Available.....	22,789	107	33,918	119	37,595	168	38,617	168

Classification by Objects

Table OCR-10. Classification by Objects (thousands of dollars)

Item No.	Item	2021 Actual	2022 Actual	2023 Estimated	2024 Estimated
	Personnel Compensation:				
	Washington D.C.....	\$10,074	\$9,833	\$12,965	\$13,515
	Personnel Compensation, Field.....	260	3,847	1,954	2,037
11	Total personnel compensation.....	10,334	13,680	14,919	15,552
12	Personal benefits.....	3,628	4,715	9,139	9,443
13.0	Benefits for former personnel.....	1	4	93	93
	Total, personnel comp., and benefits.....	13,963	18,399	24,151	25,088
	Other Objects:				
21.0	Travel and transportation of persons.....	1	14	130	130
22.0	Transportation of things.....	1	-	15	15
23.1	Rental payments to GSA.....	133	736	-	-
23.2	Rental payments to others.....	-	-	16	16
23.3	Communications, utilities, and misc. charges.....	182	154	565	565
24.0	Printing and reproduction.....	125	33	33	33
25	Other contractual services.....	7	969	2,075	2,160
25.1	Advisory and assistance services.....	1,764	2,281	2,372	2,372
25.2	Other services from non-Federal sources.....	137	422	471	471

2024 USDA EXPLANATORY NOTES – OFFICE OF CIVIL RIGHTS

Item No.	Item	2021 Actual	2022 Actual	2023 Estimated	2024 Estimated
25.3	Other goods and services from Federal sources.....	28	28	15	15
25.4	Operation and maintenance of facilities.....	4,474	8,548	6,173	6,173
25.5	Research and development contracts	1,761	1,465	1,249	1,249
25.7	Operation and maintenance of equipment.....	-	-	-	-
26.0	Supplies and materials	25	18	130	130
31.0	Equipment.....	2	1	-	-
33.0	Investments and loans.....	-	-	-	-
41.0	Grants, subsidies, and contributions.....	-	-	-	-
42.0	Insurance Claims and Indemnities	186	850	200	200
43.0	Interest and Dividends	-	-	-	-
	Total, Other Objects.....	8,826	15,519	13,444	13,529
99.9	Total, new obligations.....	22,789	33,918	37,595	38,617
	Major Investment 1				
	Related Mission Area PPA #1				
11	Internal Labor	1,732	2,009	1,905	2,049
	External Labor (Contractors)	778	1,914	681	712
25.3	Mission Area WCF Transfers	182	141	141	145
	Total Non-Major Investment	182	141	141	145
	Total IT Investments.....	2,692	4,064	2,727	2,906
	Position Data:				
	Average Salary (dollars), ES Position.....	\$199,300	\$203,700	\$213,070	\$221,593
	Average Salary (dollars), GS Position	\$117,516	\$121,065	\$126,633	\$131,699
	Average Grade, GS Position.....	13.5	13.5	13.5	13.5

STATUS OF PROGRAMS

The Office of Civil Rights (OCR) activities include: 1) implementing six elements of a model EEO program (Demonstrated commitment from agency leadership, Integration of EEO into the agency's strategic mission, Management and program accountability, proactive prevention of unlawful discrimination, Efficiency, and Responsiveness and legal compliance to include timely processing of EEO complaints); 2) managing compliance with civil rights in agricultural programs including timely processing of program complaints; 3) implementing proactive prevention measures including special emphasis programs, implementing the OCR Equity Action Plan, overseeing the Limited English Proficiency Program; and providing training, policy, Alternate Dispute Resolution methodologies, compliance; and 4) providing leadership and oversight to USDA subcomponents to ensure a unified approach to effectively managing EEO, civil rights and equal opportunity efforts throughout USDA.

Current Activities

OCR strengthened compliance in the six essential elements of a model EEO program by improving its Equal Employment Opportunity Commission (EEOC) rating from 79 percent in 2021 to 86 percent in 2022. The OCR manages both the informal and formal EEO complaint processing for staff offices and the formal EEO complaint process for subcomponent agencies. The OCR also manages the Resolving Official Program and the Alternate Dispute Resolution (ADR) Program to address employees' concerns at the lowest possible level. The OCR addressed improving resolution rates and timeliness of program complaint processing by instituting a pilot program in Rural Development and creating a new enterprise-wide tracking system for civil rights complaints. The OCR conducts EEO and civil rights training and aligns specific outreach, partnership, and tribal activities to civil rights outcomes. Finally, the OCR standardized the USDA's approach to managing the review of policies and directives by creating an enterprise-wide civil rights impact analysis dashboard.

Selected Examples of Recent Progress***EEO Program***

The number of EEO complaints filed decreased 13.2 percent to 263 in 2022 due to the mandatory telework status of many USDA employees and additional emphasis on proactive prevention and training. The average number of days to conduct an EEO investigation increased slightly from 121 to 124 days and remained well under the 180-day regulatory timeframe.

Table OCR-11. Formal EEO Complaints

Item	2020 Actual	2021 Actual	2022 Actual	2023 Estimate	2024 Estimate
Number of Complaints	396	342	263	320	320
Average Days: Investigation.....	170	121	124	125	

Civil Rights Program

Strengthening civil rights in agriculture programs is a top customer service priority for the OCR. The program complaints decreased from 410 to 293 (71 percent) between 2021 and 2022. The number of days to investigate program complaints decreased by 82 percent during this timeframe as well. The OCR implemented a pilot program to attempt early resolution of program complaints and created a more effective complaint management system to process program complaints.

Table OCR-12. Program Complaints

Item	2020 Actual	2021 Actual	2022 Actual	2023 Estimate	2024 Estimate
Number of Program Complaints.....	405	410	293	260	260
Average Days: Investigation.....	309	300	246	200	-

Proactive Prevention

The OCR is implementing an aggressive approach in proactive prevention to prevent complaints and increase compliance with a model EEO program resulting in an increased rating from the EEOC of 79 percent in 2021 to 86 percent in 2022.

Table OCR-13. Model EEO Program

Item	2020 Actual	2021 Actual	2022 Actual	2023 Estimate	2024 Estimate
Compliance Rate.....	69%	79%	86%	90%	95%

Compliance

OCR halted its compliance review efforts during the COVID era and has taken steps to reinstitute its compliance efforts by participating in and completing an embedded compliance review in 2022. OCR partnered with NRCS to review the agency's employment and assisted and conducted programs in West Virginia. The OCR processed approximately 56 civil rights impact analyses (CRIA). In 2022, OCR published Departmental Regulation 4330-006, Civil Rights Compliance; in 2022, it published Departmental Regulation 4330-003, Nondiscrimination in USDA-Conducted Programs and Activities.

Special Emphasis Programs

In 2022, OCR continued its oversight of the Department's Special Emphasis Programs for department-wide observances while working with the Mission Area Civil Rights Directors, Staff Offices, Office of the Executive Secretary, Office of Communications, Office of Employee Experience, and Employee Resource Groups. OCR successfully conducted 13 Federally recognized observances for over 90,000 USDA employees to support the Secretary's initiatives for making USDA the Best Place to Work.

Civil Rights Training

The requirement for Civil Rights Training is outlined in (1) the Equal Employment Opportunity Commission's regulations at 29 CFR § 1614, its Management Directive 715 governing affirmative employment programs, (2) The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, and The Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020. The current 2022 draft Departmental Regulation (DR) on Learning, Education, and Training establishes the learning, education, and training policy for civil rights and Equal Opportunity Programs (EEO), including Diversity, Equity, Inclusion, and Access, for the United States Department of Agriculture (USDA). The Unconscious Bias training is the mandatory training for 2022 and Ant-Harassment is for 2023.

Data and Records Management Division

In 2022, OCR managed approximately 105,000 customer inquiries, up 3,700 from the previous year. Based on the analysis of customer inquiries, OCR identified an increased SPAM volume problem. In the face of diminishing resources, OCR invested funding to implement an Artificial Intelligence Machine Language SPAM Mitigation Project. The project's goal is to use computer robotics to reduce manual inspection and processing of electronic correspondence. In addition, OCR is enhancing its public-facing websites to educate customers about civil rights laws and regulations related to program participation and to develop the CRIA Dashboard component to provide transparency and accuracy in the CRIA process.

Data Analytics and Modernization

OCR seeks to apply data analytics on all OCR reports by utilizing systematic computational data analysis to discover, interpret, and communicate meaningful patterns in data. The efforts to comply with OMB's goal (M-19-21, Transition to Electronic Records dated June 28, 2019), transitioning to a fully electronic Government, targeted for implementation by December 31, 2022.

Table OCR-14. Data Analytics and Modernization

Item	2020 Actual	2021 Actual	2022 Actual	2023 Estimate	2024 Estimate
Compliance Rate	-	-	10%	60%	80%