



# U.S. DEPARTMENT OF AGRICULTURE

## REPORT OF CIVIL RIGHTS COMPLAINTS, RESOLUTIONS AND ACTIONS FOR FISCAL YEAR 2022

Food Conservation and Energy Act of 2008  
Section 14010  
December 22, 2023

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS  
PENNY BROWN REYNOLDS, Ph.D., J.D.  
DEPUTY ASSISTANT SECRETARY FOR CIVIL RIGHTS



Office of the Secretary  
Washington, D.C. 20250

June 8, 2022

## USDA Civil Rights Policy Statement

At USDA, we are recommitting ourselves to the values of equity, inclusion, and equal opportunity for each other and those we serve. As Secretary, I will work with our dedicated team to intentionally build and advance a culture of belonging which empowers a diverse mix of people across USDA. It is USDA's mission to actively advance racial justice and equity for one another by rooting out systemic racism and strengthening civil rights programs while building trust within and outside the Department. This commitment is reflected in USDA's Strategic Plan 2022-2026, USDA's Equity Action Plan, and the Office of the Assistant Secretary for Civil Rights' draft FY 2022-2026 Strategic Plan.

As a department, our core values of respect and dignity, equity and inclusion, trust and integrity, service and results, and science leadership serve as guiding principles, defining appropriate behaviors, expectations for all employees, and directing decision making throughout all levels of the organization.

No employee, former employee, or applicant for employment at the Department will be denied equal opportunity because of race, color, sex, national origin, religion, age, disability, pregnancy, sexual orientation, gender identity, genetic information, retaliation, or any other non-merit-based factor. This not only is the law; it is an essential component of the Department's mission and our responsibility to the public we serve.

All employees have the freedom to compete on a fair and level playing field with equal opportunity for available employment and advancement opportunities. Equal employment opportunity covers all personnel/employment programs, management practices, and decisions, including recruitment/hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation. These civil rights principles are more than employees' rights by law—they are core values at the USDA.

USDA strives to become a leader in EEO and a model employer. All USDA applicants and employees have the right not only to be free from harassment and discrimination but also to raise an allegation of harassment or discrimination and not fear reprisal. I will not tolerate any form of workplace harassment. Agencies are required to respond to, address, and correct any harassing conduct before it becomes severe or pervasive, and USDA will continue to quickly process complaints of harassment, discrimination, and reprisal and provide robust EEO training to all employees.

I will hold all employees and managers accountable for doing their part to ensure all USDA applicants, customers, constituents, and stakeholders are provided equal access to all opportunities, programs, and services available through USDA. Accordingly, all senior leaders, managers, and supervisors must act in a manner that is deserving of the public's trust and with the utmost integrity in everything we do as public servants, leading always by example, treating everyone with dignity and respect, and promoting an ethical, equitable, and inclusive culture. All must comply with EEO principles as we perform the Department's mission.

Sincerely,

A handwritten signature in blue ink, reading "Thomas J. Vilsack". The signature is fluid and cursive, with the first name "Thomas" and last name "Vilsack" clearly legible.

Thomas J. Vilsack  
Secretary

# Table of Contents

Civil Rights Policy Statement	i
Executive Summary .....	iii
Annual Reporting Requirements .....	iii
<b>PART I: Fiscal Years 2021-2022 USDA Program Complaint Data</b> .....	1
Section A: Program Complaints Filed FY 2021 and FY 2022 .....	2
Section B: Program Complaints Processed at USDA FY2021- FY2022.....	3
Section C: Program Complaints Inventory by Agencies According to Highest Inventory Complaint Data .....	3
Section D: Average Processing Time of Program Complaints .....	4
Section E: Program Complaints Resolved with Findings of Discrimination .....	5
Section F: Program Complaints Resolved by Settlement Agreement .....	6
<b>PART II: Fiscal Year 2021 and Fiscal Year 2022 USDA Employment Complaint Data</b> .....	7
Section A: Employment Complaints Filed at USDA FY 2021 and FY 2022 .....	8
Section B: Inventory of Employment Complaints Processed at USDA FY 2021 and FY 2022 .....	9
Section C: Employment Complaints Inventory by Agencies and Mission Areas with the Highest Total Employment Complaint Inventory .....	9
Section D: Average Processing Time for Employment Complaints .....	10
Section E: Employment Complaints Resolved with Findings of Discrimination .....	13
Section F: Personnel Actions Taken Following Resolution of Employment Complaints by Settlement Agreement or Findings of Discrimination .....	13
Section G: Administrative Disciplinary Actions .....	14
<b>PART III: Recommendations from OASCR</b> .....	15
<b>PART IV: Quality Assurance Review</b> .....	17
<b>Exhibits:</b> .....	19
Exhibit 1: Fiscal Year 2021 USDA Program Complaints Closed	
Exhibit 2: Fiscal Year 2022 USDA Program Complaints Closed	
Exhibit 3: Fiscal Year 2021 USDA Employment Complaints Closed	
Exhibit 4: Fiscal Year 2022 USDA Employment Complaints Closed	
Exhibit 5: Fiscal Year 2021 Number and Type of Personnel Actions Taken Following Resolution of Employment Complaints	
Exhibit 6: Fiscal Year 2022 Number and Type of Personnel Actions Taken Following Resolution of Employment Complaints	

## Executive Summary

The Office of the Assistant Secretary for Civil Rights (OASCR) is responsible for ensuring equity by leading and overseeing the United States Department of Agriculture (USDA)'s civil rights programs. OASCR provides oversight for USDA, leads compliance with all civil rights and related programs, coordinates the administration of civil rights laws and regulations for USDA programs, employees, and program participants, and ensures that civil rights components are incorporated into USDA's strategic planning initiatives. Civil Rights enforcement and accountability are core components to this agenda.

OASCR's mission is to provide leadership and direction for the fair and equitable treatment of all USDA customers and employees while ensuring the delivery of quality programs and enforcement of civil rights. USDA remains committed to ensuring the equal and equitable enforcement of civil rights, including, but not limited to, matters related to program delivery, compliance, and the processing of employee and program complaints.

OASCR manages two complaint processes: program complaints and employment (Equal Employment Opportunity (EEO)). Program discrimination complaints are those filed by participants in USDA's federally conducted programs and activities and against recipients of USDA federal financial assistance programs. Employment discrimination complaints are filed by USDA employees, applicants or any specific class of individuals who believe they have suffered discrimination in terms, conditions, and/or privileges of employment.

## Annual Reporting Requirements

Section 14010 (1) of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill), mandates that the United States Department of Agriculture (USDA) prepare an annual report on each of its agency's civil rights complaints, resolutions, and actions. Pursuant to the 2008 Farm Bill, this report provides the following:

- number of civil rights complaints filed at USDA, including program and employment;
- length of time USDA took to process each civil rights complaint to closure;
- number of proceedings<sup>1</sup> brought against USDA, including the number of complaints (as described in Section 14010 (1)) resolved with a finding of discrimination; and
- number and types of personnel actions taken by USDA following the resolution of civil rights complaints.

The 2008 Farm Bill requires USDA to submit a copy of this report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry, and make the report available to the public on USDA's website.

---

<sup>1</sup> While the term "proceedings" is not defined, OASCR has interpreted it narrowly to refer to program and EEO complaints in various fora, stages of the process. In other words, complaints adjudicated by FAD by the Agency, or EEOC administrative Judge at hearing or appeal, and District Court. The closures of data reflected throughout the Report includes complaints in the various forums. For example, Exhibit 2 includes complaints closed by EEOC AJ at hearing as well as by FADs.

Data reflected in this report represents program and employment discrimination complaint data collected from the following USDA agencies<sup>2</sup>:

Agricultural Marketing Service (AMS)	National Appeals Division (NAD) <sup>3</sup>
Agricultural Research Service (ARS)	National Institute of Food and Agriculture (NIFA)
Animal and Plant Health Inspection Service (APHIS)	Natural Resources Conservation Service (NRCS)
Economic Research Service (ERS)	Office of the Chief Financial Officer (OCFO)
Farm Service Agency (FSA)	Office of Inspector General (OIG)
Food and Nutrition Service (FNS)	Rural Development (RD)
Food Safety and Inspection Service (FSIS)	Risk Management Agency (RMA)
Foreign Agricultural Service (FAS)	Departmental Administration (DA) <sup>4</sup>
Forest Service (FS)	Office of the Assistant Secretary for Civil Rights (OASCR)
National Agricultural Statistics Service (NASS)	

USDA submits herein fiscal years (FY) 2021 and 2022 civil rights report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry pursuant to the requirements of the Farm Bill Report.

As part of OASCR's ongoing process improvement efforts, OASCR identified subject matter experts to review the program complaints data for FY 2021 and FY 2022 referenced herein. The primary source of program data was the Civil Rights Management System. As a result of the review, variances in the Farm Bill FY 2021 data previously submitted have been corrected and reconciled.

### **Processing Time for Program Complaints FY 2021 and FY 2022**

USDA has a longstanding challenge with timely processing program complaints, which has compounded to an inventory of aged complaints. The timeliness of program complaint processing is impacted by a variety of factors: the timely submission of details from complainants, the complexity of a complaint, the related USDA program, and resources available to investigate and respond to complaints from the field and USDA agencies and staff offices.

OASCR has established a policy to reduce processing times for program complaints to 225 days in FY 2024. To accomplish this goal, OASCR is actively rebuilding its civil rights workforce and capacity by leveraging existing authorities and funding resources. These efforts have already resulted in significant success.

In Fiscal Year 2023, significant outcomes have resulted from transforming USDA's Program Complaints Processing by engaging in aggressive inventory reduction initiatives, yielding a decrease in inventory age and processing times. In FY 2021, the average processing time to resolve program complaints was 391 days. In FY 2022, the average processing time to resolve program complaints decreased by ten (10) days to 381 days.

---

<sup>2</sup> On November 29, 2018, Grain Inspection, Packers and Stockyards Administration (GIPSA) was eliminated as a stand-alone agency and transferred to AMS. However, one complaint processed during Fiscal Year (FY) 2021 was reported under GIPSA. As a result, the employment exhibits in this report reflect one GIPSA complaint separate from AMS complaints.

<sup>3</sup> In FY 2022, USDA did not process any NAD cases.

<sup>4</sup> DA complaints received prior to FY 2018 are reflected in this report under the previous name, Departmental Management (DM). Employment complaints initiated or filed against DA and other staff offices were processed by the OASCR's Conflict Complaints Division (CCD).

Not only was the average processing time been reduced by [10] days in FY 2022, in FY 2023 OASCR is on track to process FY 2024 program complaints with an average processing time of 225 days.

**Processing Time for Employment Complaints FY 2021 and FY 2022**

In FY 2022, OASCR adhered to all regulatory timeframes for all phases of the employment complaint process and processed all employment complaints timely pursuant to a mandatory requirement. EEO complaints were consistently investigated within 154 days in FY 2021 and FY 2022 and within the regulatory time frame of 180 days.<sup>5</sup> The average processing time for the Agency to issue Final Agency Decisions without an EEOC administrative hearing was 56 days in FY 2021 and 64 days in FY 2022. During that same period, the average processing time increased by 18 days. Between FY 2021 and FY 2022, the number of EEO complaints increased from 931 to 949 for complaints where an EEOC hearing before an EEOC Administrative Judge was requested, instead of an issuance of a Final Agency Decision by USDA.

---

<sup>5</sup> FY 2021 and FY 2022 EEO 462 Reports.

# **PART I**

**Fiscal Year 2021**

**Fiscal Year 2022**

**USDA Formal Program Complaints Data**

## Section A: Program Complaints Filed FY 2021 and FY 2022

### Introduction

USDA prohibits discrimination on the basis of race, color, religion, sex, sexual harassment, age, national origin, marital status, sexual orientation, familial status, disability, limited English proficiency, or because all or a part of an individual's income is derived from a public assistance program. In programs that receive Federal financial assistance from USDA, discrimination is prohibited on the bases of race, color, religious creed, sex, political beliefs, age, disability, national origin, or limited English proficiency. (Not all bases apply to all programs.) Reprisal is prohibited based on prior civil rights activity.

Program discrimination complaints are filed by participants of USDA's federally conducted programs and activities conducted by USDA and administered through local USDA offices, (e.g., FSA's Farm Loan and RD's Single Family Housing Loan programs). USDA also receives program complaints filed against recipients of USDA's federal financial assistance programs (primarily State and local agencies and multi-family housing authorities), such as FNS' Supplemental Nutrition Assistance Program and RD's Multi-Family Housing Program.

This section contains comparative data regarding the number of formal program discrimination complaints filed by participants of USDA federally funded programs.

### Summary of Data

**Table 1** provides a comparison of the number of program complaints filed with USDA for FY 2021 and FY 2022. In FY 2021, 220 program complaints were filed with USDA in comparison to 231 program complaints filed in FY 2022. This represents a five percent increase in program complaints filed from FY 2021 to FY 2022.

<b>Fiscal Year</b>	<b>Number of Program Complaints</b>
2021	220
2022	231
Source: Civil Rights Management System	



## Section B: Program Complaints Processed by USDA FY 2021 – FY 2022

**Table 2** provides the number of program complaints processed by USDA in FY 2021 in comparison to the number of program complaints processed in FY 2022. For context, the table also provides the number of complaints that were pending at the beginning and end of each fiscal year. The number of Complaints Pending at Beginning of FY combined with the number of Complaints Accepted minus the number of Complaints Closed equals the total number of Complaints Pending at the End of the FY. (For FY 2022, 293+231-210=314)

**Table 2**  
**Number of Program Complaints Processed by USDA**

<b>Fiscal Year</b>	<b>Complaints Pending at Beginning of FY</b>	<b>Complaints Filed</b>	<b>Complaints Accepted</b>	<b>Complaints Closed</b>	<b>Complaints Pending at End of FY</b>
2021	300	317	220	227	293
2022	293	279	231	210	314

## Section C: Program Complaint Inventory of Agencies According to Highest Inventory Complaint Data

### Introduction

This section illustrates data regarding the three (3) USDA agencies with the highest total inventory of program complaints and the number of complaints filed against each agency.

### Summary of Data

Between FY 2021 and FY 2022, RD, FNS, and FSA were consistently the three agencies with the highest inventory of complaints filed and closed for the two-year period. These agencies account for 95 percent of complaints filed in FY 2022 and accounted for 91 percent of the complaints closed in FY 2022.

Of the 220 program complaints filed with USDA during FY 2021, 205 came from these three agencies. The following agencies had the highest inventory of program complaints: RD - 85 program complaints; FNS - 80 program complaints; and FSA - 40 program complaints.

Of the 231 program complaints filed with USDA during FY 2022, 219 came from these three agencies. The following agencies had the highest inventory of program complaints: RD-111 complaints; FNS-92 complaints; and FSA-16 complaints.

## **Section D: Average Processing Time of Program Complaints**

### **Introduction**

The Average Processing Time for program complaints is defined by the average duration of cases processed to closure within the respective fiscal year. The method of computation of the Average Processing Time is the date the complaint was resolved (Final Agency Decision or Closure) subtracted from the day the complaint was accepted for investigation. A program complaint is considered processed when it has been received, accepted for processing, and resolved through a determination in compliance with Departmental regulations.

### **Average Processing Time of Closed Program Complaints**

In FY 2021, the average processing time for the 227 program complaints resolved was 391 days.<sup>6</sup> The average processing time of 391 days reflects the number of days to process the 227 program complaints accepted. In FY 2022, the average processing time for the 210 program complaints resolved by Final Agency Decision or through regulatory closure was 381 days.

**Table 3** provides the number of program complaints resolved by USDA, reflected by agency for FY 2021 and FY 2022.

---

<sup>6</sup> In FY2021, the average processing time reported of 412 days reflected the average processing time for 151 program complaints resolved excluding complaints closed for Failure to Pursue, Failure to State a Claim, Lack of Jurisdiction, Programmatic Referral, and Untimely Filing.

**Table 3**  
**Average Processing Time of Closed Program Complaints**  
**for USDA and Agencies**

<b>Fiscal Year</b>	<b>Agency</b>	<b>Resolved</b>	<b>Average Processing Time (Days)</b>
<b>2021</b>	<b>USDA</b>	<b>227</b>	<b>391</b>
	NIFA	2	591
	NRCS	3	670
	FSA	34	583
	RD	96	470
	FS	9	414
	AMS	1	489
	FNS	82	200
<b>2022</b>	<b>USDA</b>	<b>210</b>	<b>381</b>
	NIFA	2	556
	NRCS	5	358
	FSA	45	469
	RD	72	497
	FS	5	529
	AMS	4	749
	FNS	75	180
	APHIS	1	572
	RMA	1	534

Source: Civil Rights Enterprise System

## **Section E: Program Complaints Resolved with Findings of Discrimination**

### **Introduction**

Final Agency Actions involving findings of discrimination are issued on the record. The final actions may include complaints with a variety of bases and issues.

### **Summary of Data**

**Table 4** provides the number of findings of discrimination from FY 2021 and FY 2022. The number of findings of discrimination remained constant at one (1) for FY 2021 and FY 2022.

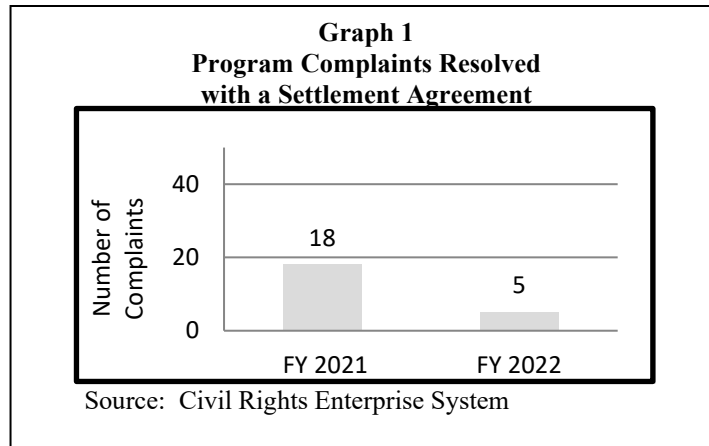
## Section F: Program Complaints Resolved by Settlement Agreement

### Introduction

This section provides data regarding the number of program complaints resolved by settlement agreement for FY 2021 and FY 2022.

### Summary of Data

**Graph 1** provides from FY 2021 to FY 2022, the number of program complaints resolved by settlement agreement decreased from eighteen (18) program complaints in FY 2021 to five (5) program complaints in FY 2022 for a total of thirteen (13) program complaints resolved by settlement agreement.



## **PART II**

**Fiscal Year 2021**

**Fiscal Year 2022**

**USDA Formal Employment  
Complaint Data**

## Section A: Employment Complaints Filed at USDA FY 2021 and FY 2022

### Introduction

Employment discrimination complaints are filed by USDA employees, applicants or any specific class of individuals who believe they have suffered discrimination in terms, conditions, and/or privileges of employment. USDA encourages the use of Alternative Dispute Resolution (ADR) to resolve discrimination complaints at the earliest possible stage of the process.

This section provides comparative information regarding the informal discrimination complaint process, specifically the Pre-Complaint Resolution Data on the use of ADR and the number of formal EEO complaints filed.

### Summary of Pre-Complaint Resolution Data

**Table 5** provides FY 2021 and FY 2022 Pre-complaint Resolution data. During FY 2021, there were 542 employment complaints filed by aggrieved parties who were offered ADR services. 274 of the aggrieved parties agreed to participate in ADR, resulting in thirty-three (33) settlement agreements. During FY 2022, there were 631 employment complaints filed by aggrieved parties who were offered ADR services. 280 of the aggrieved parties agreed to participate in ADR, resulting in fifteen (15) settlement agreements.

<b>Fiscal Year</b>	<b>Offered ADR</b>	<b>Accepted ADR</b>	<b>Resolved /Settlement Agreements</b>
2021	542	274	33
2022	631	280	15

Source: Certified FY 2021 and FY 2022 462 Reports

**Table 6** provides the number of formal EEO complaints filed with USDA for FY 2021 to FY 2022. During FY 2021, there were 340 EEO complaints filed. During FY 2022 there were 263 EEO complaints filed.

<b>Fiscal Year</b>	<b>Number of EEO Complaints</b>
2021	340
2022	263

Source: Certified FY 2021 and FY 2022 462 Reports

## Section B: Inventory of Employment Complaints Processed at USDA FY 2021 and FY 2022

During FY 2021, there were 340 formal employment complaints filed and 411 employment complaints closed. In FY 2022, there were 263 formal complaints filed and 419 were closed.

**Table 7** provides the total number of EEO complaints in USDA’s inventory for FY 2021 in comparison to the following fiscal year. The data shows a decline in the EEO complaint inventory from FY 2021 to FY 2022.<sup>7</sup>

<b>Fiscal Year</b>	<b>Complaints Pending at Beginning of FY</b>	<b>Complaints Filed</b>	<b>Complaints Closed</b>	<b>Complaints Pending at End of FY</b>
2021	631	340	411	560
2022	549	263	419	393

Source: Certified FY 2021 and FY 2022 462 Reports

## Section C: Employment Complaint Inventory by Agencies and Mission Areas with Highest Total Employment Complaint Inventory

### Introduction

This section provides data regarding the USDA agencies and/or Mission Areas with the highest total inventory of employment complaints and the number of complaints filed according to agency.

### Summary of Data

In FY 2021, the employment complaints filed for FS, FPAC and FSIS accounted for approximately 50 percent (169 complaints) of the total 340 formal complaints filed at the USDA. Of the 340 formal employment complaints filed with USDA during FY 2021, the following agencies had the highest inventories: FS-71 employment complaints; FPAC-46 employment complaints<sup>8</sup>; and FSIS-52 employment complaints.

In FY 2022, the employment complaints filed for FS, FPAC, and FSIS accounted for approximately 46 percent (121 complaints) of the total 263 formal employment complaints filed at USDA. Of the 263 formal employment complaints filed with USDA during FY 2022, the following agencies had the highest inventories of employment complaints: FS-59 employment complaints; FPAC-30 employment complaints; and FSIS- 41 employment complaints.

---

<sup>7</sup> The formal complaint inventory includes formal complaints filed during the fiscal year, as well as formal complaints pending EEOC administrative hearing carried over from prior years. Therefore, formal complaints closed during the year often exceeds the number of formal complaints filed during the fiscal year.

<sup>8</sup> This figure represents total complaints filed by FPAC, FSA, NRCS, RMA. The Civil Rights office for FSA, NRCS, RMA is located in the FPAC business office and all complaints for these agencies are processed by FPAC.

**Table 8**  
**FY 2021 and FY 2022 Employment Complaint Inventory by Agencies and Mission Areas with the Highest Total Inventory**

	FY2021			FY2022		
	Complaints Filed	Complaints Closed	Total Workforce	Complaints Filed	Complaints Closed	Total Workforce
<b>FS</b>	71	94	36,914	59	103	36,914
<b>FPAC</b>	46	73	15,785	30	56	15,754
<b>FSIS</b>	52	56	8,987	41	56	8,626

Source: FY 2021 and FY 2022 Certified 462 Reports

**Table 8** provides data reflecting the top three (3) agencies and/or Mission Areas with the highest number of employment complaints and their total workforce. The data shows FS, FPAC and FSIS consistently had the highest total inventory from FY 2021 and FY 2022.<sup>9</sup>

#### **Section D: Average Processing Time for Employment Complaints**

##### **Introduction**

The Average Processing Time for employment complaints in FY 2021 is presented according to the following two (2) categories: 1) Average Days for USDA to Complete Investigations, 2) Average Days for USDA to Issue Final Agency Decisions. The two (2) categories provided will help distinguish the cases processed by USDA and those over which EEOC retained jurisdiction through issuance of the final order.<sup>10</sup>

##### **Average Days to Complete EEO Investigations**

EEO investigations were consistently processed within 154 days in FY 2021 and FY 2022. This timeframe falls below the regulatory time frame of 180 days.

<sup>9</sup> FAC-This figure represents total complaints filed by FPAC, FSA, NRCS, RMA. The Civil Rights office for FSA, NRCS, RMA is located in the FPAC business office and all complaints for these agencies are processed by FPAC.

<sup>10</sup> Exhibit 2 reflects a complete listing of all formal complaints closed during FY 2022 and their respective ages at the time of closure. Exhibit 2 includes formal complaints for which Complainants elected an administrative hearing which were adjudicated before an EEOC Administrative Judge.



**Table 9  
Average Days to Complete EEO Investigations**

<b>Agency</b>	<b>Average Days in FY 2021</b>	<b>Average Days in FY 2022</b>
<b>USDA</b>	<b>154</b>	<b>154</b>
AMS	140	157
APHIS	149	149
ARS	143	137
ERS	137	-
FAS	149	147
FNCS	143	146
FS	132	142
FSIS	131	139
FPAC/FSA/NRCS/RMA	158	128
NASS	178	163
NIFA	-	-
RD	187	164

**Source:**

FY 2021 and FY 2022 Certified 462 Reports, Part IX, Summary of Investigations Completed, Section A

Please note for FY 2021, ERS completed two (2) investigations yielding the Average Processing Time for investigations of 137 days. For 2022, ERS had zero complaints filed and thus did not complete any investigations. The same holds true for NIFA. For 2021 and 2022, NIFA had zero complaints filed and zero completed investigations.

FPAC Data: This figure represents total complaints filed by FPAC, FSA, NRCS, RMA. The Civil Rights office for FSA, NRCS, RMA is located in the FPAC business office and all complaints for these agencies are processed by FPAC.

**Average Days for USDA to Issue Final Agency Decisions**

The Average Processing Time for USDA to issue Final Agency Decisions in FY 2021 was 56 days. This falls below the regulatory time frame of 60 days. In FY 2022, the Average Processing Time for USDA to issue Final Agency Decisions increased to 64 days.

**Table 10**  
**Average Processing Time for USDA to issue Final Agency Decisions**

<b>Agency</b>	<b>USDA APT (Days) for FADs in FY 2021</b>	<b>USDA APT (Days) for FADs in FY 2022</b>
USDA	56	64
AMS	64	62
APHIS	79	54
ARS	40	36
ERS	-	55
FAS	26	64
FNS	26	36
FS	53	65
FSIS	43	63
FPAC/FSA/NRCS/RMA <sup>1</sup>	63	39
NASS	-	52
NIFA	-	-
OCFO	37	112
RD	103	70

Source: FY 2021 and FY 2022 Certified 462 Reports, Part IX, Summary of Investigations Completed

## Section E: Employment Complaints Resolved with Findings of Discrimination

### Introduction

Final Agency Actions resulting in findings of discrimination may be issued on the record or following an EEOC Administrative Hearing. The final actions resulting in findings of discrimination may include complaints with a variety of bases and issues.

### Summary of Data

**Table 11** provides the number of employment complaints resolved with findings of discrimination in FY 2021 and FY 2022. In FY 2021, there was one (1) finding of discrimination with an EEOC Administrative Hearing. In FY 2022, there were eight (8) findings of discrimination with an EEOC Administrative Hearing. The number of findings of discrimination pursuant to an EEOC Administrative Hearing increased by seven (7) from FY 2021 to FY 2022. In FY 2021, there were Zero (0) Findings of Discrimination without an EEOC Administrative Hearing. In FY 2022, there were two (2) findings of discrimination without an EEOC Administrative Hearing. The number of findings without an EEOC Administrative Hearing increased to two (2) from FY 2021 to FY 2022.

**Table 11**  
**Employment Complaints Resolved with a Finding of Discrimination**

<b>Fiscal Year</b>	<b>With an EEOC Administrative Hearing</b>	<b>Without an EEOC Administrative Hearing</b>
2021	1	0
2022	8	2

Source: FY 2022 No FEAR Act Annual Report

## Section F: Personnel Actions Taken Following Resolution of Employment Complaints by Settlement Agreement or Findings of Discrimination for FY 2021 and FY 2022

In FY 2021, there were sixty (60) complaints voluntarily resolved by settlement agreement and one (1) by final agency order. The total number of personnel actions taken by USDA agencies following the resolution of employment complaints was thirty-one (31).

In FY 2022, there were sixty-four (64) complaints voluntarily resolved by settlement agreement and one (1) by final agency order. The total number of personnel actions taken by USDA agencies following the resolution of employment complaints was twenty-six (26).

**Table 12**  
**Personnel Actions Taken Following Resolution of Employment Complaints by Either a Settlement Agreement or Finding of Discrimination in FY 2022**

<b>Personnel Actions</b>	<b>FY 2021</b>	<b>FY 2022</b>
Disciplinary Action Modified	2	2
Disciplinary Action Rescinded	4	5
Hire Non-Retroactive	3	0
Hire Retroactive	1	0
Promotion Non-Retroactive	4	4
Promotion Retroactive	1	0
Reassignment	9	10
Reinstatement	1	0
Removals Rescinded and Voluntary	6	5
<b>Total</b>	<b>31</b>	<b>26</b>

Source: No FEAR Report

**Section G: Administrative Disciplinary Actions**

**Summary of Data**

In FY 2021, the Agency issued one Letter of Reprimand against an employee found to have committed prohibited acts of discrimination, retaliation, harassment, or prohibited personnel practices (including those acts discovered in conjunction with investigations of whistleblower protection or civil rights complaints). In FY 2022, there were zero disciplinary actions issued.

## **PART III**

### **Recommendations from OASCR**

## Recommendations from OASCR

Based on the findings within this report, OASCR will implement and/or recommend the select mitigation and complaint prevention strategies as outlined below.

- OASCR will recommend the codification of the program complaint processing timeframe, not to exceed 225 days, for all stages of the program complaint process.
- With regard to data accuracy and data integrity, OASCR will develop policies that address how it currently identifies and labels correspondence and actual program complaints. OASCR will report data annually to include program complaints data fields, including the number of annual program complaints filed and the number of annual findings of discrimination in program complaints. This information will also be posted on the OASCR website.
- OASCR will continue to identify technology modernization and integration processes to improve and develop USDA data maintenance and tracking systems. OASCR will continue with the enhancements of the replacements of legacy systems.
- OASCR will continue to integrate Alternative Dispute Resolution at the informal stage of the EEO process while encouraging resolution of discrimination complaints at every stage of the process.
- OASCR will monitor USDA's efforts in assessing the participation rates of protected groups in programs and services and its methods to increase representation through the continued use of Civil Rights Impact Analysis.
- OASCR will implement and schedule civil rights training and education modules to address complaint allegations on the basis of age, disability, race, sex, and retaliation.
- OASCR is responsible for providing oversight for a Civil Rights Performance Assessment to ensure Mission Area and agency leadership are in compliance with civil rights laws and regulations.

# **PART IV**

## **Quality Assurance Review**

## **Introduction**

Pursuant to recommendations of the Government Accountability Office (GAO), the Deputy Assistant Secretary for Civil Rights convened a panel of subject matter experts in complaint processing under Titles VI and VII of the Civil Rights Act of 1964 in preparation the draft of the FY 2022 *Report of Civil Rights Complaints, Resolutions And Actions* for FISCAL YEAR 2022 (Farm Bill Report). The subject matter experts reviewed the program and employment complaint data for FY 2021 and FY 2022 and sources cited within the Report for accuracy as well as the data for FY 2021 and FY 2022 referenced herein. The primary sources of employment complaint data were the Certified Form 462, which is certified by the Deputy Assistant Secretary for Civil Rights and approved by the Equal Employment Opportunity Commission annually. The primary source of program data was the Civil Rights Management System.

In FY 2023, OASCR instituted technological modernization migrating to two (2) new technology systems of record for both program complaints and EEO complaints processing. The migration from the Program Complaint Management System (PCMS) to the Civil Rights Management System (CRMS). In addition, there was a migration from iComplaints to Entellitrak-Equal Employment Opportunity (ETK-EEO) database.

## **Methodology**

### **Employment Quality Review**

- As cited above, the primary sources of data were derived from the FY 2021 and FY 2022 Certified Form 462 Reports.
- Noted variances in historical data presented have been corrected to reconcile with the Fiscal Year 2021 and Fiscal Year 2022 data presented in the Certified Form 462 Reports.
- Employment complaint data as reflected in Exhibits 1 through 3 were compiled from the Entellitrak-Equal Employment Opportunity (ETK-EEO) database which serves as OASCR's primary EEO complaint data repository to supplement the aggregate data as presented in the FY 2022 Farm Bill Report.

## **Independent Review**

The Deputy Assistant Secretary for Civil Rights appointed independent contractors to conduct a final comprehensive review of the FY 2022 Farm Bill Report prior to submission. Thereafter, the FY 2022 Farm Bill Report is reviewed through the Agency's Executive Correspondence Management (ECM) protocol.



## EXHIBITS

- Exhibit 1:** Fiscal Year 2021 USDA Program Complaints Closed
- Exhibit 2:** Fiscal Year 2022 USDA Program Complaints Closed
- Exhibit 3:** Fiscal Year 2021 USDA Employment Complaints Closed
- Exhibit 4:** Fiscal Year 2022 USDA Employment Complaints Closed
- Exhibit 5:** Fiscal Year 2021 Number and Type of Personnel Actions Taken Following Resolution of Employment Complaints
- Exhibit 6:** Fiscal Year 2022 Number and Type of Personnel Actions Taken Following Resolution of Employment Complaints

The exhibits listed above are attached to the FY 2022 Farm Bill Report and will be made available on the OASCR website. To obtain a copy of the exhibits, visit the Office of the Assistant Secretary for Civil Rights, Information Research Service, at (202) 401-0005 or (800) 795-3272 (toll free) or by sending an email request to [CR-INFO@usda.gov](mailto:CR-INFO@usda.gov).