



U.S. DEPARTMENT OF AGRICULTURE

**REPORT OF CIVIL RIGHTS COMPLAINTS, RESOLUTIONS AND
ACTIONS FOR FISCAL YEAR 2023**

**Food Conservation and Energy Act of 2008
Section 14010**

**OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS
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ACTING ASSISTANT SECRETARY FOR CIVIL RIGHTS**



Office of the Secretary
Washington, D.C. 20250

July 25, 2023
USDA Equal Employment Opportunity Policy Statement

At the U.S. Department of Agriculture (USDA), we are recommitting ourselves to the values of diversity, equity, inclusion, accessibility, and equal opportunity for each other and those we serve. As Secretary, I am committed to working with leaders at all levels across the Department to intentionally build and advance a culture of belonging and excellence across USDA. It is USDA's mission to actively advance racial justice and equity for one another by rooting out systemic discrimination and inequities 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 USDA's Diversity, Equity, Inclusion and Access Strategic Plan for Fiscal Year 2022-2026.

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 and 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, advancement opportunities, and compensation. 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 USDA.

USDA strives to become a leader in equal employment opportunity (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. Any form of workplace harassment or reprisal against anyone who engages in protected activity will not be tolerated. USDA's recently issued Anti-Harassment Program Departmental Regulation 4200-003, reinforces that Agencies are required to respond to, address, and correct any harassing conduct before it becomes severe or pervasive, and USDA will continue to process complaints of harassment, discrimination, and reprisal and provide robust EEO training to all employees.

Employees and managers will be held 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 employees must comply with EEO principles as we perform the Department's mission.

Sincerely,

A handwritten signature in blue ink that reads "Thomas J. Vilsack". The signature is fluid and cursive, with the first name being the most prominent.

Thomas J. Vilsack
Secretary

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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 proceedings¹ 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.

¹ 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 an Equal Employment Opportunity Commission (EEOC) Administrative Judge (AJ) at hearing or appeal, and the District Court. The closures of data reflected throughout the Report includes complaints in the various forums. For example, Exhibit 2 includes complaints closed by an 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 and offices²:

Agricultural Marketing Service (AMS)	National Appeals Division (NAD) ³
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) ⁴
Forest Service (FS)	Office of the Assistant Secretary for Civil Rights (OASCR)
National Agricultural Statistics Service (NASS)	

USDA submits herein the fiscal year (FY) 2023 civil rights report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry pursuant to the requirements of the 2008 Farm Bill.

As part of OASCR's ongoing process improvement efforts, OASCR identified subject matter experts to review the program complaints data for FY 2023 referenced herein. The primary source of program data was the Civil Rights Management System (CRMS). As a result of the review, variances in the previous Farm Bill FY 2022 data previously submitted have been corrected and reconciled.

Processing Time for Program Complaints FY 2023

USDA had a longstanding challenge with timely processing program complaints, which has resulted in 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.

In FY 2023, OASCR transformed USDA's program complaints processing by engaging in aggressive inventory reduction initiatives, yielding a decrease in inventory age and processing times. As of FY 2024, it is anticipated that the average program processing time will be 225 days or less.

² On November 29, 2018, Grain Inspection, Packers and Stockyards Administration (GIPSA) was eliminated as a stand-alone agency and transferred to AMS.

³ In FY 2023, USDA did not process any NAD cases.

⁴ 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).

Processing Time for Employment Complaints FY 2023

In FY 2023, 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 on an average of 160 days, within the regulatory time frame of 180 days.⁵ The average processing time for the agency to issue Final Agency Decisions without an EEOC Administrative Judge's Decision was 103 days in FY 2023. In contrast, in FY 2023, the number of EEO complaints pending an EEOC administrative hearing was 178 with an average age of 976 days.

⁵ Aggregate FY 2023 Certified Form 462 Report.

PART I

Fiscal Year 2023

USDA Formal Program Complaints Data

Section A: FY 2023 Program Complaints

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 based on prior civil rights activity is prohibited.

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 the number of program complaints filed with USDA in FY 2023. There were 1,997 program complaints filed with USDA. During FY 2023, 908 complaints were filed by persons seeking to gain access to the Discrimination Financial Assistance Program as enacted by Section 22007 of the 2022 Inflation Reduction Act.

Table 1	
Number of Program Complaints Filed with USDA	
Fiscal Year	Number of Program Complaints
2023	1,997
Source: Civil Rights Management System	

Section B: FY 2023 Inventory of Program Complaints Processed by USDA

Table 2 provides the number of program complaints processed by USDA in FY 2023. The number of complaints pending at beginning of FY2023 is derived by adding together the Complaints pending at the beginning of the fiscal year to the number of complaints accepted and subtracting the number of complaints during the fiscal year. (FY 2023: 224+344-397=171)

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

Fiscal Year	Complaints Pending at Beginning of FY	Complaints Filed	Complaints Accepted	Complaints Closed	Complaints Pending at End of FY
2023	224	1,997	344	397	171

Source: Civil Rights Management System

The number of complaints pending at the beginning of FY 2023, have been reconciled since the reporting of complaints pending ending FY 2022. Variances between FY 2022 and FY 2023 are attributed to corrective actions related to data migration from the legacy system to the current system.

Complaints Pending at End of FY 2023	
Agency	Ending Inventory
AMS	1
FNS	66
FS	4
FSA	22
NIFA	4
NRCS	1
RD	72
RMA	1
Total	171

Source: Civil Rights Management System

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 accepted against each agency.

Summary of Data

In FY 2023, FNS, RD, and FSA were consistently the three (3) agencies with the highest inventory of complaints accepted and closed for FY 2023. Of the 344 accepted complaints, these agencies account for 93% of all accepted complaints, FNS (188), RD (94), and FSA (39) accounted for 91% of the complaints closed in FY 2023.

Of the 397 accepted program complaints closed by USDA during FY 2023, 372 came from FNS (187), RD (150), and FSA (35), accounting for 94% of closed accepted 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 received by USDA. A program complaint is considered processed when it has been received for processing and resolved through a determination in compliance with Departmental regulations. Tables 3 and 4 provide the number of program complaints resolved by USDA, reflected by agency for FY 2023.

Average Processing Time of Closed Program Complaints

In FY 2023, of the 1,997 complaints filed, 1,808 were closed during the FY. The average processing time for the 1,808 complaints filed and closed program complaints was 155 days.

Table 3

Average Processing Time of Closed Program Complaints for USDA and Agencies		
Agency	Resolved	Average Processing Time (Days)
AMS	3	246
ERS	1	94
FNS	577	65
FS	19	325
FSA	892	46
FSIS	2	51
NAD	1	9
NIFA	3	68
No Agency	24	55
NRCS	24	202
OASCR	2	23
Outside USDA	24	61
RD	233	300
RMA	3	626
Overall:	1808	155

Source: Civil Rights Management System

In FY 2023, the average processing time for the 397 accepted and closed program complaints was 281 days. The average processing time of 281 days reflects the number of days to process the 397 program complaints accepted.

Table 4

Average Processing Time of Accepted and Closed Program Complaints for USDA and Agencies		
Agency	Resolved	Average Processing Time (Days)
AMS	1	277
FNS	187	120
FS	9	593
FSA	35	377
NRCS	12	202
RD	150	433
RMA	3	626
Overall	397	281

Source: Civil Rights Management System

Section E: Program Complaints Resolved with Findings of Discrimination

Introduction

Final Agency Decisions 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 5 provides the number of findings of discrimination in FY 2023. The number of findings of discrimination for FY 2023 was two (2).

Table 5 Number of Findings of Discrimination in Program Complaints Filed with USDA	
Fiscal Year	Number of Findings
2023	2
Source: Civil Rights Management System	

Section F: Program Complaints Resolved by Settlement Agreement

Introduction

This section provides data regarding the number of program complaints resolved by settlement agreement in FY 2023.

Summary of Data

Table 6 provides the number of program complaints resolved by settlement agreement in FY 2023. The number of settlement agreements was seventeen (17).

Table 6 Number of Program Complaints Resolved by Settlement Agreement	
Fiscal Year	Number of Settlements
2023	17
Source: Civil Rights Management System	

PART II

Fiscal Year 2023 USDA Formal Employment Complaint Data

Section A: Employment Complaints Filed at USDA FY 2023

Introduction

Employment discrimination complaints are filed by USDA employees, applicants or any specific class of individuals who believe they have been subjected to discrimination regarding the 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 information and data 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 FY2023 Pre-Complaint Resolution data. During FY2023, there were 594 employment complaints filed. by 567 aggrieved parties who were offered ADR services. 308 of the aggrieved parties agreed to participate in ADR, resulting in forty-one (41) settlement agreements.

Fiscal Year	Offered ADR	Accepted ADR	Resolved /Settlement Agreements
2023	567	308	48

Source: FY 2023 Aggregate Certified Form 462 Report

Table 6 provides the number of formal EEO complaints filed with USDA for FY 2023. During FY 2021, there were 306 EEO complaints filed.

Fiscal Year	Number of EEO Complaints
2023	306

Source: FY 2023 Aggregate Certified Form 462 Report

Section B: Inventory of Employment Complaints Processed at USDA FY 2023

During FY 2023, there were 306 formal employment complaints filed and 344 employment complaints closed.

Table 7 provides the total number of EEO complaints in USDA’s inventory for FY 2023.⁶

Table 7 Number of Employment Complaints Processed at USDA				
Fiscal Year	Complaints Pending at Beginning of FY	Complaints Filed	Complaints Closed	Complaints Pending at End of FY
2023	397	306	344	361⁷

Source: FY 2023 Aggregate Certified Form 462 Report

Section C: Employment Complaint Inventory by Agencies and Mission Areas According to Highest Total Employment Complaint Inventory

Introduction

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

Summary of Data

In FY 2023, the employment complaints filed for FS, FPAC, and FSIS accounted for approximately 46 percent (141 complaints) of the total 306 formal employment complaints filed at USDA. Of the 306 formal employment complaints filed with USDA during FY 2023, the following agencies had the highest inventories of employment complaints: FS-66 employment complaints; FSIS-41 employment complaints; and FPAC-34 employment complaints.

**Table 8
FY 2023 Employment Complaint Inventory by Agencies and Mission Areas with the Highest Total Inventory**

Agency/Mission Area	Complaints Filed	Complaints Closed	Total Workforce
FS	66	77	39,746
FSIS	41	48	8,948
FPAC	34	43	16,316

Source: Agency FY 2023 Aggregate Certified Form 462 Reports, Parts II and VI

⁶ 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 fiscal years. Therefore, formal complaints closed during the fiscal year often exceeds the number of formal complaints filed during the fiscal year.

⁷ The ending inventory figure of 361 includes two (2) complaints remanded to the Agency by the EEOC.

Table 8 provides data reflecting the top three (3) Mission Areas or agencies with the highest number of employment complaints and their total workforce. FS, FSIS, and FPAC has consistently had the highest total inventory from FY 2021 through FY 2023.⁸

Section D: Average Processing Time for Employment Complaints

Introduction

The average processing time for employment complaints in FY 2023 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.⁹

Average Days to Complete EEO Investigations

In FY 2023, the OASCR conducted all EEO investigations on behalf of the sub-agencies and consistently processed such investigations with an average processing time of 160 days or less. This timeframe falls below the regulatory time frame of 180 days.

⁸ 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.

⁹ Exhibit 2 reflects a complete listing of all formal complaints closed during FY 2023 and their respective age 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 for USDA to Complete EEO Investigations

Agency	Average Days in FY 2023
USDA	160
AMS	133
APHIS	156
ARS	142
ERS	-
FAS	176
FNCS	162
FS	189
FSIS	148
FPAC/FSA/NRCS/RMA	174
NASS	-
NIFA	-
RD	134

Source: FY 2023 Certified Aggregate 462 Report, Part IX

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 2023 was 103 days. This falls outside the regulatory time frame of 60 days. This expanded timeframe is reflective of findings of discrimination from prior Fiscal Years in which issuance was delayed due to extensive review during several presidential administrations.

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

Agency	USDA APT (Days) for FADs in FY 2022	USDA APT (Days) for FADs in FY 2023
USDA	64	103
AMS	62	44
APHIS	54	126
ARS	36	49
ERS	55	-
FAS	64	56
FNS	36	35
FS	65	89
FSIS	63	85
FPAC/FSA/NRCS/RMA ¹	39	51
NASS	52	-
NIFA	-	-
OCFO	112	60
RD	70	45

Source: Agency FY 2023 Certified 462 Reports, Part VI, Summary of Closures

Section E: Employment Complaints Resolved with Findings of Discrimination

Introduction

Findings of discrimination may be issued by the Agency in a Final Agency Decision issued by the Agency or pursuant to a Final Order issued by the Agency pursuant to an EEOC Administrative Judge's decision 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 resulting in findings of discrimination in FY 2023. In FY 2023, there were two (2) findings of discrimination with an EEOC Administrative Judge Decision. In FY 2023, there were sixteen (16) findings of discrimination without an EEOC Administrative Judge Decision.

Fiscal Year	With an EEOC Administrative Judge Decision	Without an EEOC Administrative Judge Decision
2023	2	16

FY 2023 Certified 462 Report, Part VI, Summary of Closures

Section F: Personnel Actions Following Resolution of Employment Complaints by Settlement Agreement or Findings of Discrimination

In FY 2023, there were fifty-four (54) complaints voluntarily resolved by settlement agreement. The total number of personnel actions taken by USDA agencies following the resolution of employment complaints was seventy-five (75). In FY 2023, a total of \$1,762,337.78 in monetary benefits was awarded in sixty-eight (68) complaints.

Table 12
Personnel Actions Taken Following Resolution of Employment Complaints
by Either a Settlement Agreement or
Finding of Discrimination in FY 2023

Personnel Actions	FY 2023
Hires	2
Promotions	3
Expungements	3
Reassignment	13
Removals Rescinded	4
Accommodations	6
Training	11
Disciplinary Action Rescinded	7
Performance Evaluation Modified	2
Leave Restored	13
Neutral Reference	1
Other Non-Monetary Benefits	10
TOTAL	75
Monetary Benefits	FY 2023
Back Pay/Front Pay	9
Lump Sum Payment	41
Compensatory Damages	19
Attorney Fees and Costs	21
TOTAL	90

FY 2023 Aggregate Certified Form 462 Report, Parts VI and XI

Section G: Administrative Disciplinary Actions

DISCIPLINARY ACTIONS TAKEN UNDER THE NO FEAR ACT - FY2023							
Type Action	Removal	Suspension 15-Days or More	Suspension 14-Days or Less	Reduction in Grade	Reduction in Pay	Letter of Reprimand	Total
Discrimination	0	0	1	0	0	2	3 ¹
Retaliation	0	0	0	0	0	1	1 ²
Harassment	1	0	0	0	0	0	1 ³
Prohibited Personnel Practice	0	0	0	0	0	0	0
OSC-Prohibited Personnel Practice	0	0	0	0	0	0	0

Summary of Data

In FY 2023, the Agency issued five (5) disciplinary actions against employees 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).

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.
- To ensure data accuracy and 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 OASCR's public website.
- OASCR will continue to identify information technology modernization and integration processes to continuously improve USDA data maintenance and complaint tracking systems. OASCR will continue with the enhancements and 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 Compliance Reviews and 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 ensuring compliance with civil rights laws and regulations through the issuance of an annual Civil Rights Performance Assessment to USDA Mission Areas and agencies.

PART IV

Quality Assurance Review

Introduction

Pursuant to recommendations of the U.S. Government Accountability Office (GAO), the Acting 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 2023 *Report of Civil Rights Complaints, Resolutions and Actions* (Farm Bill Report). The subject matter experts reviewed the program and employment complaint data for FY 2023 and sources cited within the Report for accuracy as well as the data for FY 2023 referenced herein. The primary sources of employment complaint data were the Certified Form 462, which is certified by the Acting Assistant Secretary for Civil Rights and approved by the EEOC annually. The primary source of program data was the Civil Rights Management System (CRMS).

In FY 2023, OASCR instituted modernization of its information technology and migrated to two (2) new complaint tracking systems for program complaints and EEO complaints processing. The migration from the Program Complaint Management System (PCMS) to 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 2023 Certified Form 462 Reports.
- Employment complaint data as reflected in Exhibits 1 through 3 were compiled from the ETK-EEO database which serves as OASCR's primary EEO complaint data repository to supplement the aggregate data as presented in the FY 2023 Farm Bill Report.

Independent Review

The Acting Assistant Secretary for Civil Rights appointed independent contractors to conduct a final comprehensive review of EEO and Program data contained in the FY 2023 Farm Bill Report prior to submission. Thereafter, the FY 2023 Farm Bill Report is reviewed through the Department's Executive Correspondence Management (ECM) protocol.

EXHIBITS

- Exhibit 1:** Fiscal Year 2023 USDA Program Complaints Pending at End of Fiscal Year
- Exhibit 2:** Fiscal Year 2023 USDA Accepted Program Complaints Closed
- Exhibit 3:** Fiscal Year 2023 USDA Employment Complaints Pending at End of Fiscal Year
- Exhibit 4:** Fiscal Year 2023 USDA Employment Complaints Closed

The exhibits listed above are attached to the FY 2023 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.