

**Assistant Secretary for Civil Rights  
US Department of Agriculture  
Fiscal Year 2004  
Civil Rights Initiatives**

January 7, 2004

# Contents

## **Introduction**

Table of Acronyms

## **Structural Challenges**

Tab 1 Consolidation of Staff Offices With Civil Rights Focus

Tab 2 Realignment of Personnel and Functions in Civil Rights

## **Systems Challenges**

Tab 3 Civil Rights Enterprise System

## **Procedural Challenges**

Tab 4 Intradepartmental Relations

## **Operational Challenges**

Tab 5 Improving Customer Service

Tab 6 Complaint Inventory Reduction (Program and Employment)

Tab 7 Increasing Informal Equal Employment Opportunity Complaint Resolution Rates

Tab 8 Public Awareness Campaign

# Contents

## **Accountability Challenges**

**Tab 9 Prevention of Program Complaints**

**Tab 10 Prevention of EEO Complaints**

**Tab 11 Implementation of the No Fear Act**

**Tab 12 Implementing an Accountability Policy in Personnel Actions**

**Tab 13 Establishing an Annual Civil Rights Forum**

# Introduction

## Civil Rights Initiatives

Shortly after his appointment as the first Assistant Secretary for Civil Rights at the United States Department of Agriculture (USDA), Vernon B. Parker, Esq., and his senior advisors began the challenging task of implementing institutional changes within USDA's civil rights organization. During a four-month period, Mr. Parker met with key management officials, employee organizations, constituency based organizations and Departmental and agency civil rights staffs. Following these meetings, Mr. Parker and his team identified major challenges facing USDA and developed an action plan to institute changes. The challenges to be addressed can be classified in the areas of: Structure, Systems, Procedure, Operations and Accountability.

**Structural Challenges** encompass organizational factors that impede the efficient delivery of civil rights services. In seeking solutions to these challenges the focus is to consolidate like functions, eliminate overlap of responsibilities, prevent mission creep, and create a unified voice and line of authority.

There are two Civil Rights Initiatives under Structural Challenges:

1. Consolidation of staff offices with civil rights focus.
2. Realignment of personnel and functions within the Office of Civil Rights.

**Systems Challenges** are those linked with disassociated and outdated information management systems among USDA agencies. These systems are unable to communicate with each other and, consequently, require Herculean efforts to reconcile. Solutions focus on identification of an information management tool that stakeholders can agree upon and timely implementation of a systems solution.

The single Civil Rights Initiative under Systems Challenges calls for a Civil Rights Enterprise System that will integrate civil rights information management throughout USDA.

**Procedural Challenges** include development of standard operating procedures to improve the relationship between the Office of Civil Rights and other USDA units. A key need is to include clear language on the roles and responsibilities of the various agencies within USDA pertaining to civil rights.

# Introduction

**Operational Challenges** encompass processes and procedures internal to the Office of Civil Rights that interfere with efficient and effective delivery of services to our customers and stakeholders. The inventory of EEO complaints and program discrimination complaints must be reduced and a system instituted that ensures timely service and the prevention of further complaints.

There are four Civil Rights Initiatives under Operational Challenges:

1. Improving customer service.
2. Complaint inventory reduction.
3. Increasing informal EEO complaint resolution rates.
4. A public awareness campaign.

**Accountability Challenges** are those associated with ensuring USDA's customers, employees and stakeholders understand their rights and responsibilities. Accountability is a cornerstone to an effective civil rights program. It is imperative that systems are put into place to prevent complaints whenever possible and to identify problem areas and personnel for corrective actions.

There are five Civil Rights Initiatives under Accountability Challenges:

1. Prevention of program complaints.
2. Prevention of EEO complaints.
3. Implementation of the NoFEAR Act.
4. Implementing an accountability policy in personnel actions.
5. Establishing an annual Civil Rights Forum.

In the spirit of accountability, the Assistant Secretary for Civil Rights offers the information contained in this plan with the pledge that it will be updated periodically so that USDA's civil rights progress can be monitored.

Each tab in this binder contains a description of the individual initiative, a list of benefits and outcomes that have been identified with each initiative, and a summary of milestones and timelines. Behind each description page is a project plan table that shows significant milestones, completion dates and responsible officials.

# Introduction

## Table of Acronyms

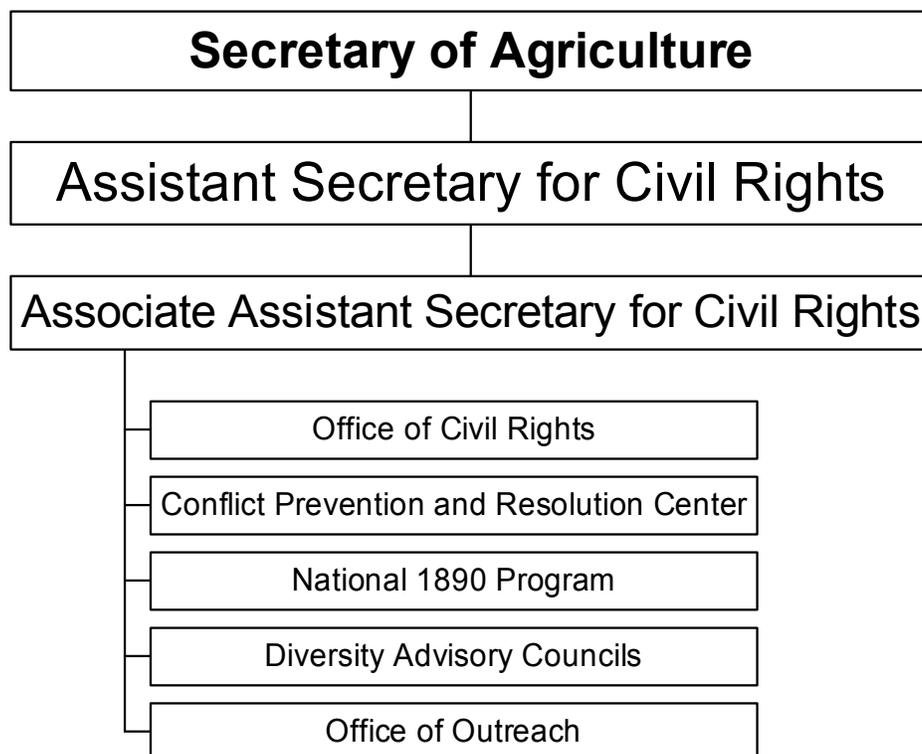
ASCR	-	Assistant Secretary for Civil Rights
AASCR	-	Associate Assistant Secretary for Civil Rights
AAESP	-	Accountability, Agency Evaluation and Special Projects
CR	-	Office of Civil Rights
CPRC	-	Conflict Prevention and Resolution Center
CS	-	Customer Service
EAC	-	Employment Advisory Council
EAD	-	Employment Adjudication Division
ECD	-	Employment Complaints Division
ECP	-	Employment Complaint Prevention
EEO	-	Equal Employment Opportunity
EPCTAD	-	Employment/Program Compliance and Technical Assistance Division
FAD	-	Final Agency Decision
FSA	-	Farm Service Agency
GC	-	General Counsel
MOU	-	Memorandum of Understanding
NRCS	-	Natural Resources Conservation Service
OBPA	-	Office of Budget and Program Analysis
OC	-	Office of Communications
OCIO	-	Office of the Chief Information Officer
OGC	-	Office of the General Counsel
PAD	-	Programs Adjudication Division
PCD	-	Program Complaints Division
PCP	-	Program Complaint Prevention
PRMD	-	Policy, Resource Management Division
RD	-	Rural Development
TAAD	-	Tracking, Applications and Analysis Division
USDA	-	United States Department of Agriculture

# Consolidation of Staff Offices with Civil Rights Focus

## Description

Early in the tenure of the Assistant Secretary for Civil Rights the decision was made to examine all USDA functions that should be consolidated under this new office. The offices consolidated under the Assistant Secretary's office are the Office of Civil Rights, the Diversity Advisory Councils, Office of Outreach, Conflict Prevention and Resolution Center, and the student intern programs with the 1890 Historical Black Colleges and Universities, the Hispanic Association of Colleges and Universities, and the Native American institutions. The offices will continue to operate as independent units pending future review and integration of their functions.

### Consolidation of Functions With Civil Rights Focus



## **Benefits and Outcomes**

- Elimination of duplication.
- Cost savings.
- Uniform policies and guidance.
- Enhanced service delivery to more communities.

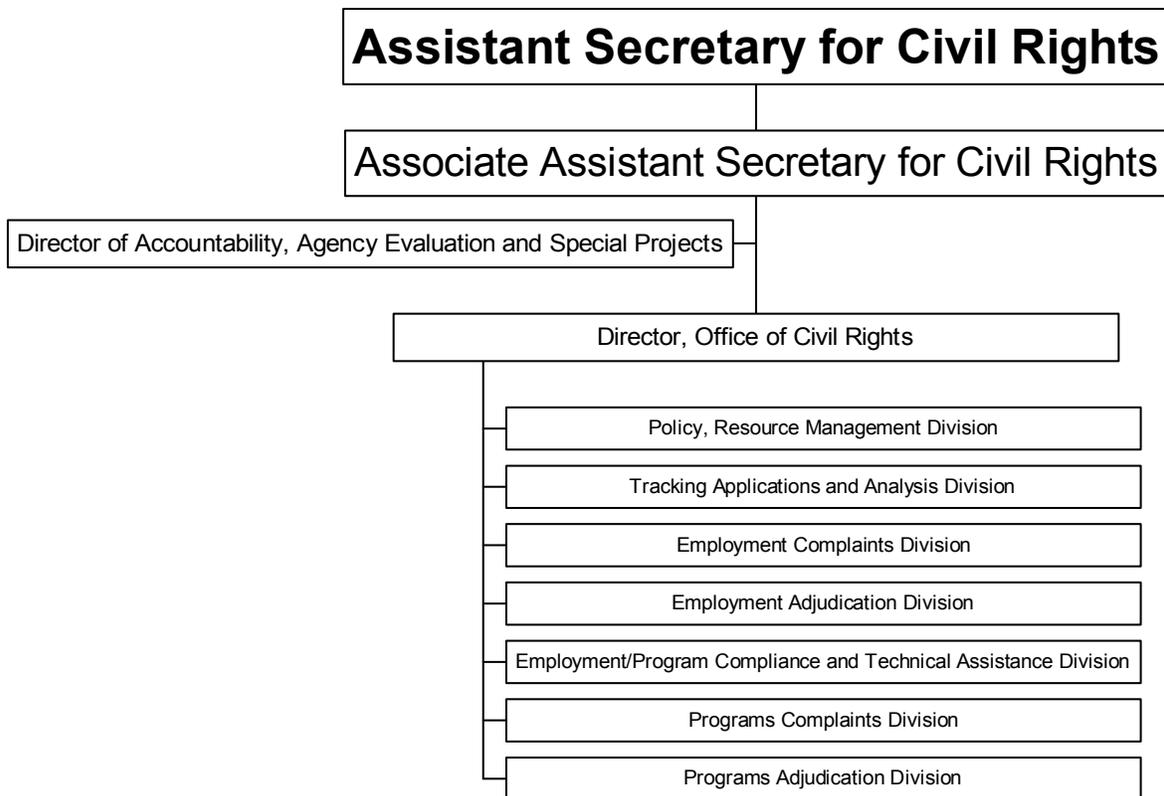
# Realignment of Personnel and Functions in Civil Rights

## Description

The Office of Civil Rights will be realigned to create a flatter, more responsive organization. The realignment was designed to place personnel where they will most benefit the organization for the Inventory Reduction Initiative and the implementation of the remaining Civil Rights Initiatives. At the end of the Inventory Reduction Initiative, a formal reorganization will take place.

It is expected that significant change will take place under new leadership within the Office of Civil Rights in FY 2004. The Director position is vacant, and the Assistant Secretary and his staff are considering the criteria for filling this critical position.

### Office of Civil Rights Realignment Plan FY 2004



## **Benefits and Outcomes**

- More responsive organization to stakeholders and customers.
- Realignment of employees to focus on crisis areas.

# Civil Rights Enterprise System

## **Description**

The Civil Rights Enterprise System is designed to provide USDA with a web based enterprise-wide system that will be used and accessed by all USDA Civil Rights offices for tracking, processing, and managing Employment and Programs complaints, as well as meeting regulatory reporting requirements (e.g., NO FEAR Act). This initiative is compatible with the Common Computing System under implementation within USDA, and representatives of the Office of the Chief Information Officer are integrated into the development team. The system is conceptualized to cover both Employment and Programs; however, the initiative is a phased based approach and the first phase will focus only on Employment.

## **Benefits and Outcomes**

The Civil Rights Enterprise System is essential to achieve the CR mission and performance goals. It will provide a Department-wide system offering performance gains in processing and managing complaints.

Currently, CR has a custom developed client-server system with multiple agency “stove-piped” databases and systems. The new system can:

- Provide standardization and replace multiple “stove-pipe” and stand-alone systems, eliminating duplicative efforts for investment and system maintenance costs.
- Provide real time access to Agency complaint data, reducing duplication of effort, improve the efficiency of the process, and reduce status calls and inquiries.
- Currently, Employment and Programs complaints data used for ad-hoc and mandatory reports are collected manually. Data fields from agency-to-agency vary, and data collection efforts do not always capture the most recent data.
- Eliminate inaccurate reporting and manual data gathering.
- Provide a more efficient, reliable, and timely method for data collection and reporting.

- Promote a paperless (eGovernment) environment wherein digital documents would replace paper files now used and maintained by CR.

# Intradepartmental Relations

## Description

Improved relations between the Office of Civil Rights and the other administrative units of the USDA are of paramount importance if the Office of Civil Rights is to achieve its mission. The Office of Civil Rights interacts daily with Farm Service Agency, Natural Resources Conservation Service, Rural Development, Office of the Assistant Secretary for Administration, Office of Ethics, and the Office of General Counsel. Less frequent but no less important contacts must be developed and maintained for all other units of the organization.

As an example, creating and fostering the appropriate relationship between the Office of Civil Rights and Office of the General Counsel is a fundamental requirement for successful functioning of the Civil Rights mission area.

USDA was criticized in a recent Equal Employment Opportunity Commission (EEOC) report indicating an improper intrusion by the Office of the General Counsel into decision-making processes and resolution of EEO complaints by the Office of Civil Rights. This particular situation has received considerable criticism from several sources, including complainants and their attorneys.

The Assistant Secretary for Civil Rights and the General Counsel recognized the issue and took interim steps, such as the installation of a “firewall” to insulate attorneys who serve and advise the agencies in a defensive mode from the attorneys who advise the Office of Civil Rights.

The two offices appointed a team to analyze these issues to fully understand the complex dynamics of the problem, and arrive at recommended solutions. A proposal to reform the regulations governing the relationship between the two offices is now being reviewed.

## Benefits and Outcomes

- Improve the perception of fairness and balance of the civil rights program at USDA.
- Define specific roles and responsibilities for Office of Civil Rights and Office of the General Counsel personnel in conducting their missions.
- Assure compliance with legal and ethical requirements for USDA’s Office of Civil Rights professionals.

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# Improving Customer Service

## Description

Excellent customer service is vital to the Office of Civil Rights. One component of this initiative calls for the creation of a centralized customer service unit to handle all incoming telephone calls and properly channel information. Today, many claimants call executive offices and sometimes executive officers directly. This is frustrating to our customers, as the Office of Civil Rights' employees generally have to redirect the calls to individuals familiar with the status of individual cases. The Customer Service Unit will be responsible for the Office of Civil Rights public telephone, toll-free and TTY lines, and will directly respond to query calls. The unit will also handle email and coordinate general mail.

Protocols have been developed, and the personnel have been selected for details to this unit. The office location has been established and the unit is operational. In addition, all Office of Civil Rights employees will be provided with guidelines on communicating effectively by telephone, email and in writing.

The customer service unit will maintain records of its contacts, and will report to management on its activities monthly. The contact information for the customer service unit is as follows:

U.S. Department of Agriculture  
Office of Civil Rights  
Customer Service Unit  
300 7th Street, SW  
Suite 400, Stop Code 9430  
Washington, DC 20024

Toll Free Telephone Numbers:  
1-800-795-3272 and 202-401-0005 – CR/EEO related  
1-866-632-9992 and 202-260-1026 – CR/Programs related

TDD Number:  
202-401-0216

Fax Number:  
202-720-8046

## **Benefits and Outcomes**

- Provide better customer service.
- Provide faster response.
- Prevent “telephone tag.”
- Help reduce misdirected calls.
- Improve productivity of professionals who are not distracted by callers seeking general information.
- Improve the public image of USDA.
- Improve the public image of the Office of Civil Rights.
- Improve morale.

# Complaint Inventory Reduction (Program and Employment)

## Description

The Complaint Inventory Reduction initiative calls for reduction in the total number of open complaints and implementation of institutional changes to prevent excess inventories. Under this initiative, the two operational complaint-processing subdivisions within the Office of Civil Rights will focus substantial resources on fair, equitable and legally supportable resolution of cases.

The Programs area is responsible for processing program discrimination complaints. Most of these complaints arise from farm programs and housing programs.

The Employment area is responsible for processing EEO cases, dealing with employees and applicants alleging discrimination.

The plans for reduction call for a concerted effort from senior managers and employees, details of employees to alleviate work overloads, and innovative use of agency resources to assist in reducing inventories. Program complaint excess inventory will be reduced using Office of Civil Rights personnel. Employment complaint excess inventory will be reduced through improved use of agency resources and contracting out.

The single most important variable in planning is estimating incoming complaints, also the target of two other initiatives aimed at reducing complaints, and the effective use of alternative dispute resolution to resolve complaints in the informal process.

Quarterly progress reports will be provided to Congress.

## Benefits and Outcomes

- Provide better customer service.
- Bring closure to overdue complaints.
- Improve USDA's image.
- Improve employee morale.

# **Increasing Informal EEO Complaint Resolution Rates**

## **Description**

Utilize Alternative Dispute Resolution (ADR) as an integral part of the informal EEO complaint process.

## **Benefits and Outcomes**

- Increase the number of informal EEO complaint resolutions.
- Reduce the number of formal EEO complaints.
- Improve communications and relationships among employees and managers.
- Improve morale and productivity in the USDA workplace.

# Public Awareness Campaign

## Description

A public awareness effort will focus on promoting positive actions and accomplishments in and by the Office of Civil Rights. This effort will target, but will not be limited to, recipients and beneficiaries of programs funded by the USDA, and USDA employees and applicants for employment. To ensure the success of this effort, the Assistant Secretary for Civil Rights and his executive staff enlisted their personal participation in the delivery of information to the public; designated a Program Manager for the public awareness effort; and formed a team of employees to oversee the overall progress of this and all other initiatives presented in this plan.

The expectations with this initiative are no less than total transparency and accountability in the messages delivered. To aid in the evaluation of the public awareness campaign, the development and use of evaluation tools designed for each specific event or activity have been incorporated in the evaluation phase of this initiative.

## Benefits and Outcomes

- Promote positive actions and accomplishments.
- Clarify facts for our stakeholders and customers.
- Project image that reflects corporate unity, professionalism, and efficiency in the civil rights arena.
- Increase customers' confidence in the fair processing of their claims of discrimination.
- Increase customers' satisfaction with discrimination complaints' handling.

# Prevention of Program Complaints

## Description

The Office of Civil Rights (CR) proposes to develop and implement a Program Complaint Prevention Initiative ensuring that all USDA programs are structured and presented in such a manner that all eligible customers, particularly socially and economically disadvantaged groups, seeking to participate in USDA programs will receive timely and meaningful assistance on program benefits and application requirements. A series of hands-on technical assistance and training workshops will be conducted at conferences sponsored by the Office of Outreach, FSA, RD, NRCS and advocacy organizations such as the Rural Coalition throughout FY 2004.

Additionally, analysis and review of program complaints and participation rates of USDA customers will be conducted. Further analysis will examine internal agency reports and data related to outreach, education and technical assistance programs and service delivery resulting in a process to replace the need to file a complaint of discrimination.

## Benefits and Outcomes

- Ensure that Civil Rights objectives and considerations are an integral part of all USDA.
- Technical Assistance and Education Outreach Initiatives currently underway or contemplated by USDA program offices.
- Allow USDA to take proactive steps to correct prior practices of exclusion and discrimination.
- Develop and implement innovative services to reach larger numbers of disadvantaged and previously underserved groups.
- Improve targeted outreach efforts to result in fewer program complaints of discrimination.
- Increase participation levels and involvement in productive farming for socially disadvantaged groups.
- Provide increased economic growth and greater opportunities within underserved communities.
- Provide socially disadvantaged groups positive interaction and exposure to USDA through personalized hands-on assistance with farm loan applications and processes.

# Prevention of EEO Complaints

## Description

The Office of Civil Rights (CR) will develop and implement an Employment Complaint Prevention Initiative to reduce the number of complaints filed annually by employees and applicants for employment. This initiative will assist the USDA in reducing the overall employment complaints inventory to a more manageable level and will enhance the perception of equal opportunity within the Department.

Central to this initiative is CR's plan to engage the services of an outside consultant and contractor to conduct a detailed analysis of the workforce and develop a plan of action to address identified barriers to employment opportunities within the USDA. Additionally, CR will analyze the current complaints inventory to identify the types of management actions, personnel policies, practices and procedures most likely to result in the filing of a discrimination complaint. Once identified, appropriate management actions and changes will be enacted to ensure that all employees and applicants will be afforded equal access to employment opportunities and will share the perception that the USDA is an equal opportunity employer.

The Assistant Secretary for Civil Rights and Agency Heads will receive quarterly reports on employment and complaint trends so that problem areas and corrective action can be taken in a more timely fashion.

## Benefits and Outcomes

- Ensure that Equal Employment Opportunity objectives and considerations are an integral part of all USDA management and personnel policies, practices and decisions.
- Allow USDA to take proactive steps to correct prior practices of exclusion and discrimination.
- Identify systemic causes of employment discrimination resulting in fewer employment complaints of discrimination.
- Increase employment opportunities and participation at all grade levels for employees and applicants.
- Create a more harmonious and productive working environment.
- Stakeholders will consider the USDA as an Equal Opportunity Employer thereby reducing the number of new complaints annually.
- Reduce the number of newly filed complaints each year, enabling CR to more efficiently and effectively provide services to employees and applicants.

# Implementation of the NoFEAR Act

## Description

Within the Department of Agriculture (USDA), the Office of Civil Rights (CR) is taking the lead in implementing the Notification and Federal Employment Antidiscrimination and Retaliation (NoFEAR) Act of 2002, Public Law 107-174. The NoFEAR Act requires Federal agencies to be held accountable for violations of Antidiscrimination protection laws and to require each Federal agency to post quarterly, on its public website, certain statistical data relating to Federal sector equal employment opportunity (EEO) complaints filed with such agency.

## Benefits and Outcomes

- Potentially avert the filing of EEO complaints.
- Make USDA and its agencies accountable by requiring agencies to reimburse the Department of Treasury's Judgment Fund for claims of discrimination pursued in Federal Courts.
- Provide updated information to the public on statistical data on EEO cases.
- Provide written notification to employees, former employees, and applicants for employment, on their rights and protections under Antidiscrimination laws.
- Provide employees training on their rights and remedies under the Antidiscrimination laws

CR has created the:

- USDA NoFEAR Act Working Group (NFAWG) to coordinate the overall coordination of the annual report under Title II, Federal Employee Discrimination and Retaliation, under the NoFEAR Act. The annual report will include the summary statistical data provided under Title III of the NoFEAR Act. The NFAWG has representatives from CR, the Office of the Chief Financial Officer, the Office of Human Resources Management, Agency Civil Rights Directors, the Office of Inspector General, and the Office of General Counsel.
- CR Internal NFAWG to coordinate the submission of the requirements under Title II of the NoFEAR Act. The CR Internal NFAWG has created a draft of the format of the website data posting requirements. The draft format has been sent to the Equal Employment Opportunity Commission (EEOC) for review and comment;

- Agency Civil Rights NoFEAR Act Support Group to provide assistance from our 17 program agencies in preparing and reconciling numbers for the posting of EEO complaint data on our website.

# Implementing an Accountability Policy in Personnel Actions

## **Description**

The Office of Civil Rights and the Office of Human Resources Management will implement an Accountability Policy in personnel actions that establishes specific corrective and disciplinary actions for USDA employees who engage in discriminatory practices.

## **Benefits and Outcomes**

- Hold employees accountable.
- Decrease repetitive incidents of discrimination.
- Reduce complaints.

# Establishing an Annual Civil Rights Forum

## **Description**

The Office of Civil Rights (CR) proposes to establish an annual Civil Rights Forum to train managers and civil rights professionals on the latest changes and issues affecting the civil rights arena. Civil rights professionals, program managers, and decision makers must communicate with each other to determine the impact of programmatic changes, policy actions, and staffing changes on USDA customers and employees.

Lack of funding has precluded CR from conducting this training effort for civil rights professionals, limiting their efforts to reduce complaints and to proactively address civil rights policy concerns.

## **Benefits and Outcomes**

- Avert the filing of program and employment complaints.
- Enhance communication and dialogue amongst agency civil rights professionals on significant civil rights issues.
- Provide updated information on statutory and case law affecting agency programs and employment.
- Provide civil rights professionals the opportunity to identify proactive solutions for eliminating perceived barriers in agency programs and employment.