

## 2020 USDA EXPLANATORY NOTES – OFFICE OF CIVIL RIGHTS

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***AGENCY-WIDE***

**PURPOSE STATEMENT**

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

OCR reviews agency standard operating procedures and employee performance standards to ensure that systems and workload analyses are in place to prevent future backlogs and to maintain the complaint inventory at a manageable level while working to meet all processing regulatory timeframes. OCR focuses Alternative Dispute Resolution (ADR) efforts solely on EEO and program conflicts that could evolve into discrimination complaints. This new focus allows more conflicts and/or disputes to be resolved prior to becoming discrimination complaints. Non-EEO conflicts will be addressed outside of OCR. OCR has incorporated a conciliation function that will provide follow up to ensure that all parties are managing their conflicts in a healthy and productive manner. OCR provides periodic ADR orientations, updates, and targeted conflict management training to USDA Subcabinet officials, recognized employee organizations, agency civil rights directors, and headquarters and agency employees.

As of September 30, 2018, there were 128 full-time permanent employees, including 124 located in Washington, D.C. and 4 located in the field.

**GAO Reports**

***Table OCR-1. In-Progress GAO Reports***

ID	Title
GAO-09-62	U.S. Department of Agriculture: Recommendations and Options to Address Management Deficiencies in the Office of the Assistant Secretary for Civil Rights

**AVAILABLE FUNDS AND STAFF YEARS***Table OCR-2. Available Funds and Staff Years (thousands of dollars, staff years (SY))*

Item	2017		2018		2019		2020	
	Actual	SY	Actual	SY	Estimate	SY	Budget	SY
Salaries and Expenses:								
Discretionary Appropriations .....	\$24,206	124	\$24,206	118	\$24,206	119	\$21,228	119
Lapsing Balances .....	-292	-	-50	-	-	-	-	-
Subtotal Obligations, OCR.....	23,914	124	24,156	118	24,206	119	21,228	119
Obligations Under Other USDA Appr.:								
Conflict .....	279	-	182	-	200	-	200	-
Employment Investigation .....	5,478	10	3,076	11	3,000	11	3,000	11
Employment Adjudication .....	1,098	-	188	-	200	-	200	-
Other OCR Reimbursables.....	184	-	435	-	500	-	500	-
Total Ob. Under Other USDA Appr.....	7,039	10	3,881	11	3,900	11	3,900	11
Total, OCR.....	30,953	134	28,037	129	28,106	130	25,128	130

**PERMANENT POSITIONS BY GRADE AND STAFF YEARS***Table OCR-3. Permanent Positions by Grade and Staff Years*

Item	2017			2018			2019			2020		
	Wash.		Actual Total	Wash.		Actual Total	Wash.		Estimate Total	Wash.		Budget Total
	DC	Field		DC	Field		DC	Field		DC	Field	
SES.....	4	-	4	4	-	4	4	-	4	4	-	4
GS-15.....	14	-	14	14	-	14	14	-	14	14	-	14
GS-14.....	20	3	23	20	3	23	20	3	23	20	3	23
GS-13.....	55	-	55	54	-	54	52	-	52	52	-	52
GS-12.....	8	-	8	8	-	8	8	-	8	8	-	8
GS-11.....	8	-	8	8	-	8	8	-	8	8	-	8
GS-9.....	3	-	3	3	-	3	3	-	3	3	-	3
GS-8.....	9	1	10	9	1	10	8	1	9	8	1	9
GS-7.....	9	-	9	9	-	9	8	-	8	8	-	8
GS-6.....	1	-	1	1	-	1	1	-	1	1	-	1
GS-4.....	2	-	2	2	-	2	-	-	-	-	-	-
GS-3.....	2	-	2	2	-	2	-	-	-	-	-	-
Total Permanent .....	135	4	139	134	4	138	126	4	130	126	4	130
Unfilled, EOY .....	6	-	6	10	-	10	-	-	-	-	-	-
Total Perm. FT EOY.....	129	4	133	124	4	128	126	4	130	126	4	130
Staff Year Est.....	130	4	134	125	4	129	126	4	130	126	4	130

**SHARED FUNDING PROJECTS***Table OCR-4. Shared Funding Projects (dollars in thousands)*

Item	2017 Actual	2018 Actual	2019 Estimate	2020 Estimate
<b>Working Capital Fund:</b>				
Administration:				
HR Enterprise System Management .....	\$1	\$2	\$2	\$2
Integrated Procurement Systems .....	92	62	45	48
Mail and Reproduction Services .....	289	285	256	238
Material Management Service Center .....	19	18	17	20
Procurement Operations Division .....	107	111	113	105
Subtotal .....	507	478	433	413
Communications:				
Creative Media & Broadcast Center .....	50	70	58	89
Finance and Management: .....				
Financial Shared Service .....	53	55	56	56
National Finance Center .....	41	42	41	43
Subtotal .....	94	98	97	99
Information Technology:				
Client Experience Center .....	618	583	939	958
Digital Infrastructure Service Center .....	55	68	28	28
Enterprise Network Services .....	29	32	89	93
Subtotal .....	702	684	1,056	1,079
Correspondence Management .....	21	19	20	20
Total, Working Capital Fund .....	1,373	1,348	1,665	1,700
<b>Department-Wide Shared Cost Programs:</b>				
1890's USDA Initiatives .....	5	-	-	-
Agency Partnership Outreach .....	-	10	10	10
Classified National Security Information .....	1	-	-	-
Continuity of Operations Planning .....	3	-	-	-
Emergency Operations Center .....	3	-	-	-
Facility and Infrastructure Review and Assessment .....	1	-	-	-
Faith-Based and Neighborhood Partnerships .....	1	-	-	-
Hispanic-Serving Institutions National Program .....	3	-	-	-
Human Resources Self-Service Dashboard .....	1	1	1	1
Human Resources Transformation .....	2	1	-	-
Identity and Access Management .....	9	-	-	-
Medical Services .....	9	8	3	3
Office of Customer Experience .....	-	3	4	5
People's Garden .....	1	1	-	-
Personnel and Document Security .....	-	5	5	5
Personnel Security Branch .....	3	-	-	-
Security Detail .....	4	6	6	6
Security Operations .....	-	14	13	13
TARGET Center .....	2	2	1	1
USDA 1994 Program .....	1	-	-	-
USDA Enterprise Data Analytics Services .....	-	-	-	7
Virtual University .....	3	1	-	-
Total, Department-Wide Reimbursable Programs .....	49	51	42	49
<b>E-Gov:</b>				
Enterprise Human Resources Integration .....	3	3	3	3
E-Rulemaking .....	2	2	2	-
Total, E-Gov .....	5	5	5	3
Agency Total .....	1,428	1,405	1,711	1,752

**ACCOUNT 1: SALARIES AND EXPENSES****LEAD-OFF TABULAR STATEMENT****Table OCR-5. Lead-Off Tabular Statement**

Item	Amount
2019 Annualized Continuing Resolution .....	\$24,206,000
Change in Appropriation .....	-2,978,000
Budget Estimate, 2020 .....	21,228,000

**APPROPRIATIONS LANGUAGE**

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

**Office of Civil Rights**

For necessary expenses of the Office of Civil Rights, \$21,228,000.

**PROJECT STATEMENT****Table OCR-6. Project Statement (thousands of dollars, staff years (SY))**

Item	2017		2018		2019		Inc. or Dec.	Chg Key	SY	2020	
	Actual	SY	Actual	SY	Estimate	SY				Budget	SY
Discretionary Appropriations:											
Office of Civil Rights.....	\$24,206	124	\$24,206	129	\$24,206	130	-\$2,978	(1)	-	\$21,228	130
Lapsing Balances .....	-292	-	-50	-	-	-	-	-	-	-	-
Total Obligations.....	23,914	124	24,156	129	24,206	130	-2,978	-	-	21,228	130

The Office of Civil Rights (OCR) facilitates the fair and equitable treatment of USDA customers and employees while ensuring the delivery and enforcement of Departmental civil rights programs and activities.

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

- (1) A decrease of \$2,978,000 (\$24,206,000 and 130 staff years available in 2019) in investigative contractual support.

The funding change is requested for the following items:

- A) A decrease of \$2,978,000 for the management of enforcement, adjudication and conflict resolution services for contractual support.

The funding reduction will be accomplished by leaving contractual vacancies to conduct Equal Opportunity investigations unfilled and reprioritizing this investigative work to civilian employees.

**GEOGRAPHIC BREAKDOWN OF OBLIGATIONS AND STAFF YEARS****Table OCR-7. Geographic Breakdown of Obligations and Staff Years (thousands of dollars, staff years (SY))**

State/Territory/Country	2017		2018		2019		2020	
	Actual	SY	Actual	SY	Estimate	SY	Budget	SY
District of Columbia.....	23,360	120	23,589	125	23,639	126	20,661	126
Florida.....	165	1	168	1	168	1	168	1
Georgia.....	71	1	75	1	75	1	75	1
Nevada.....	153	1	156	1	156	1	156	1
New Mexico.....	165	1	168	1	168	1	168	1
Obligations.....	23,914	124	24,156	129	24,206	130	21,228	130
Lapsing Balances .....	292	-	50	-	-	-	-	-
Total, Available .....	24,206	124	24,206	129	24,206	130	21,228	130

**CLASSIFICATION BY OBJECTS**

*Table OCR-8. Classification by Objects (thousands of dollars)*

Item No.	Item	2017 Actual	2018 Actual	2019 Estimate	2020 Budget
	Personnel Compensation:				
	Washington D.C. ....	\$12,364	\$12,529	\$12,704	\$12,779
	Personnel Compensation, Field .....	415	426	428	428
11	Total personnel compensation.....	12,779	12,955	13,132	13,207
12	Personal benefits .....	4,134	4,098	4,148	4,173
13.0	Benefits for former personnel.....	-	12	-	-
	Total, personnel comp. and benefits.....	16,913	17,065	17,280	17,380
	Other Objects:				
21.0	Travel and transportation of persons .....	174	70	100	75
22.0	Transportation of things .....	2	4	5	5
23.1	Rental payments to GSA .....	2,214	1,855	1,890	1,890
23.3	Communications, utilities, and misc. charges.....	306	616	600	300
24.0	Printing and reproduction .....	160	154	150	150
25.2	Other services from non-Federal sources .....	1,167	1,839	2,000	451
25.3	Other goods and services from Federal sources .....	2,889	2,434	2,076	913
26.0	Supplies and materials.....	85	105	100	50
31.0	Equipment .....	4	5	5	5
41.0	Grants, subsidies, and contributions .....	-	9	-	9
	Total, Other Objects .....	7,001	7,091	6,926	3,948
99.9	Total, new obligations .....	23,914	24,156	24,206	21,228
	DHS Building Security Payments (included in 25.3) .....	\$282	\$252	\$260	\$265
	Position Data:				
	Average Salary (dollars), ES Position .....	\$165,900	\$169,052	\$172,265	\$175,538
	Average Salary (dollars), GS Position.....	\$99,000	\$99,000	\$100,203	\$103,435
	Average Grade, GS Position.....	13.3	13.2	13.2	13.3

**STATUS OF PROGRAMS**

The Office of Civil Rights’ (OCR) activities include: 1) timely and cost-effective complaint processing of equal employment opportunity (EEO) and program complaints; and 2) providing overall leadership, coordination, and direction for the Department’s programs of civil rights, including program delivery, compliance, and equal opportunity.

**Current Activities**

OCR’s goal is to increase civil rights compliance through guidance and oversight provided to the agencies. The compliance assessment activities are designed to proactively evaluate the civil rights and equal opportunity policies, procedures, and practices of USDA agencies.

**Selected Examples of Recent Progress:**

**Timely and Cost-Effective Complaint Processing**

This office continues to seek innovative methods to make progress towards meeting the regulatory standards for processing the Department’s EEO and program complaints. The office continues to become a more efficient and effective operation. During FY 2018, OCR began transitioning to a reorganization that became effective on October 1, 2018. The office used permanent federal staff, detailed federal staff, and contract attorneys to assist with the final agency decision workload. The organization built upon a lean six sigma process improvement initiative that was conducted during the previous year and participated in additional process improvement activities associated with the reimbursable funding process on which the organization relies heavily to provide employment investigations and final agency decisions on employment discrimination matters arising throughout the Department. By the end of FY 2018, the organization completed investigations with an average processing time of 147 days (the regulatory requirement is only 180 days) and issued final agency decisions with an average processing time of 52 days (the regulatory requirement is only 60 days).

<b>Average Processing Times (APT; number of days)</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY2018</b>
<b>Accept/Dismiss</b>	<b>73</b>	<b>74</b>	<b>38</b>	<b>14</b>
<b>Reports of Investigation (ROI)</b>	<b>161</b>	<b>193</b>	<b>142</b>	<b>147</b>
<b>Final Agency Decisions (FAD)</b>	<b>129</b>	<b>106</b>	<b>107</b>	<b>52</b>

Furthermore, the program directorate enjoyed record numbers in processing program discrimination matters to completion.

	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Investigations Conducted for Programs Adjudication</b>	<b>43</b>	<b>50</b>	<b>90</b>	<b>105</b>
<b>Final Agency Decisions Issued in Program Matters</b>	<b>51</b>	<b>51</b>	<b>40</b>	<b>103</b>

In FY 2018, OCR received 522 EEO complaints and closed 541 EEO complaints, including 1 finding of discrimination.

The Employment Investigations Division (EID) processed 360 investigations in FY 2018. Timeliness was at 98 percent, which was an 11 percent increase in timeliness as compared to FY 2017, when timeliness was at 89 percent.

The Conflict Complaints Division (CCD), formerly the Corporate Services Division, is responsible for processing conflict of interest and highly sensitive complaints for the Department. In FY 2018, CCD streamlined its processes and developed new procedures to track and monitor conflict of interest EEO complaints. In FY 2018, CCD processed 71 informal EEO complaints - a decrease of 11 percent from the previous fiscal year. CCD also processed 51 formal complaints, accepted 37 complaints for investigation, and issued 22 reports of investigation. Additionally, 100 percent of CCD’s complaints were processed timely. CCD has maintained a 100 percent timeliness rate since FY 2015.

## Policy

OCR continues to place a high priority on and is actively engaged in educating and training all USDA employees (including supervisors, managers, and political appointees) at all USDA locations. To further strengthen and emphasize the importance of civil rights training throughout the Department, OCR established Departmental Regulation (DR) 4120-001, “Annual Departmental Civil Rights Training”. As a result, orientation sessions for civil rights staff of 15 agencies and staff offices were conducted on the new departmental regulation. The interactive sessions provided critical information on new reporting and training requirements for agencies, staff offices, and the Office of the Assistant Secretary for Civil Rights, including collaboration.

## Compliance Reviews

Compliance reviews are used – both proactively and reactively – to evaluate the civil rights and equal opportunity policies, procedures, practices of an agency within USDA. OCR dedicated resources to finalize four compliance review reports. In addition, OCR monitored the sufficiency of compliance efforts across the Department by evaluating 19 compliance reviews conducted by the agencies, four Orders of Relief issued on cases with findings of discrimination, and four settlement and conciliation agreements.

## Data and Records Management

The Data Management and Customer Service Division (DMCSD), formerly the Data and Records Management Division, instituted system updates to the Civil Rights Enterprise System (CRES) which allow for the electronic filing of employment complaints of discrimination. Working with the data warehouse vendor, DMCSD initiated establishing an executive dashboard to display real-time information on employment and program complaint processing. In addition, DMCSD worked with the vendor to incorporate an EEO Counselor form into CRES for use USDA-wide.