

2009 Explanatory Notes
Office of Civil Rights

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OFFICE OF CIVIL RIGHTS

Purpose Statement

The Office of Civil Rights' (CR) mission is to facilitate the fair and equitable treatment of USDA customers and employees while ensuring the delivery and enforcement of the Departmental civil rights programs and activities. CR has one strategic goal and seven strategic objectives that contribute to the Department's management initiatives.

Equal Opportunity and Compliance Division (EOCD): CR's Equal Opportunity and Compliance Division monitors the implementation of settlement agreements, Final Agency Decisions (FADs), the Equal Employment Opportunity Commission (EEOC) orders and corrective compliance plans. These program activities assist in decreasing the number of non-compliance complaints filed; thereby ensuring that USDA provides fair and equitable services and benefits to all customers. CR requires agencies to submit compliance reports 60 days after the settlement agreement is signed, the FAD is issued, or the EEOC order is issued. EOCD develops the EEOC MD-715 plan to establish and maintains effective affirmative programs of equal employment opportunity under Section 717 of Title VII of the Civil Rights Act of 1964 and effective affirmative action program under section 501 of the Rehabilitation Act of 1973, and comply with the reporting requirements therein; and interact with other national and Federal organizations on issues affecting women, minorities and people with disabilities. CR conducts employment compliance reviews, develops compliance reports, monitors the implementation of recommendations and corrective actions, and monitors the implementation of Departmental and agency affirmative action/employment program plans. These program activities assist in ensuring that USDA provides fair and equitable services and benefits to all customers and upholds the civil rights of its employees.

CR's EOCD assesses and improves USDA's overall civil rights climate through: timely reviews and civil rights analysis on USDA program and administrative regulations; ensuring recommendations to agencies on potential impacts are implemented with no adverse civil rights consequences; strategic planning; and publishing new Civil Rights rules, Departmental Regulations and policies.

Program Complaints Division: Program Complaints Division performs intake and investigation functions for civil rights complaints filed against USDA agencies and USDA sponsored programs. The Complaints Adjudication Division prepares FADs for these cases. These program activities assist in the overall reduction in the average number of days to process program complaints; thereby ensuring that USDA provides fair and equitable services and benefits to all customers.

Employment Complaints and Complaints Adjudication Division: Pre-complaint processing is conducted by agency civil rights programs. Pre-complaint processing includes referring individuals to a Counselor and providing alternative dispute resolution (ADR). CR's Employment Complaints Division processes EEO complaints through the issuance of the Report of Investigation (ROI) and the Complaints Adjudication Division prepares EEO Final Decisions. These program activities assist in ensuring that USDA provides fair and equitable services and benefits to all customers and upholds the civil rights of its employees.

Data Management and Customer Service Division: CR's Data Management and Customer Service Division continues to support EEO and civil rights program complaint tracking and processing functions. CR has developed and is implementing a USDA-wide Civil Rights Enterprise System that provides an integrated data tracking solution for agency Civil Rights Offices, the Assistant Secretary for Civil Rights, and the Department's customers and stakeholders. The system provides consistent, accurate data to satisfy the Department's numerous reporting requirements consistent with the President's Management Agenda and legislation related to the Government Paperwork Elimination Act and eGovernment activities.

Conflict Prevention and Resolution: The Conflict Prevention and Resolution Center (CPRC) leads and coordinates conflict management and ADR efforts throughout USDA. ADR programs exist in all USDA agencies and mission areas, and vary in both scope and level of activity. ADR itself is applicable, in a variety of forms, to workplace disputes, EEO complaints, USDA program disputes, including civil rights complaints, and group interventions. CPRC maintains the USDA-wide focus on conflict management and resolution.

Outreach: The USDA Office of Outreach strengthens USDA outreach efforts to limited-resource farmers and ranchers and under-represented customers, coordinates program delivery outreach throughout USDA, and assists underserved customer groups in collaboration with the agency outreach coordinators and State outreach councils. Outreach develops policy, thereby enhancing the building of partnerships with universities/colleges, community/faith-based organizations and other groups, associations and organizations. Outreach provides leadership through policy guidance, high-level strategic planning and goal setting, performance measurement and feedback to USDA national, State and local outreach coordinators and councils. Outreach monitors, analyzes, and evaluates trends related to USDA programs and activities through mission area outreach plans, outreach coordinators, and State outreach councils. Outreach develops and provides training and education in outreach function models, best practices, policies, environmental justice, strategic plans and goals to USDA employees and stakeholders to provide an effective educational resource and linkage to internal and external customers regarding USDA-wide programs.

CR continues to provide specialized training to all USDA employees to promote understanding and appreciation of a diverse workforce. The newly formed Office of Diversity (OOD) focuses on ensuring specialized training to all USDA employees to promote understanding and appreciation of a diverse workforce. In addition to training, some of the goals of OOD include mandatory diversity awareness training for all employees, convening a disability training conference, establishing a diversity and inclusion forum to foster communication between senior management and employees of USDA, conducting employee perspective surveys/cultural assessment, and conducting a diversity speaker series. OOD works with the Office of Human Capital Management to conduct workforce analysis activities designed to assure that the composition of the USDA workforce is at least on par with the composition of the civilian workforce.

CR is located in Washington, D.C. As of September 30, 2007, there were 130 full-time permanent employees and 9 other than full-time permanent employees.

OIG Reports

#60601-04-Hy 07/06 Review of U.S. Department of Agriculture's Accountability for Actions Taken on Civil Rights Complaints

GAO Reports

#360777 11/10/06 USDA Civil Rights Performance

OFFICE OF CIVIL RIGHTS

Available Funds and Staff Years
2007 Actual and Estimated 2008 and 2009

Item	Actual 2007		Estimated 2008		Estimated 2009	
	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years
Direct Appropriation.....	\$20,019,910	119	\$20,496,000	144	\$21,551,000	144
Rescission.....	--	--	-143,000	--	--	--
Total, Agriculture Appropriations.....	20,019,910	119	20,353,000	144	21,551,000	144
<u>Obligations under other</u>						
<u>USDA appropriations:</u>						
1890 USDA Program...	2,384,009	5	2,456,000	5	2,529,000	5
Diversity Council.....	330,200	2	340,000	2	350,000	2
EEO Investigations.....	110,113	--	113,000	--	117,000	--
Am. Indian Higher Ed...	423,195	3	436,000	3	449,000	3
Misc. Reimbursements..	459,590	--	473,000	--	488,000	--
Total, Agriculture Appropriations.....	3,707,107	10	3,818,000	10	3,933,000	10
Total, Civil Rights.....	23,727,017	129	24,171,000	154	25,484,000	154

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Permanent Positions by Grade and Staff Year Summary
2007 Actual and Estimated 2008 and 2009

Grade	2007			2008			2009		
	Wash DC	Field	Total	Wash DC	Field	Total	Wash DC	Field	Total
Senior Executive Service	3	--	3	2	--	2	2	--	3
GS-15	14	--	14	16	--	16	16	--	16
GS-14	45	--	45	35	--	35	35	--	35
GS-13	56	--	56	47	--	47	47	--	47
GS-12	10	--	10	5	--	5	5	--	5
GS-11	5	--	5	11	--	11	11	--	11
GS-10	1	--	1	1	--	1	1	--	1
GS-9	5	--	5	12	--	12	12	--	12
GS-8	3	--	3	9	--	9	9	--	9
GS-7	10	--	10	13	--	13	13	--	13
GS-6	2	--	2	1	--	1	1	--	1
GS-5				2		2	2		2
Total Permanent Positions.....	154	--	154	154	--	154	154	--	154
Unfilled Positions End-of-year.....	-24	--	-24	--	--	--	--	--	--
Total, Permanent Full-Time Employment, end-of-year.....	130	--	130	154	--	154	154	--	154
Staff Year Estimate.....	129	--	129	154	--	154	154	--	154

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Appropriations Language

The estimates include appropriation language for this item as follows (new language underscored; deleted matter enclosed in brackets):

For necessary expenses of the Office of Civil Rights, [~~\$20,496,000~~] \$21,551,000.

LEAD-OFF TABULAR STATEMENT

Appropriations Act, 2008.....	\$20,496,000
Budget Estimate, 2009	<u>21,551,000</u>
Increase in Appropriation.....	<u>+1,055,000</u>
Adjustments in 2008:	
Appropriations Act, 2008	\$20,496,000
Rescission under P.L. 109-161 a/	<u>-143,000</u>
Adjusted base for 2008	20,353,000
Budget Estimate, 2009	<u>21,551,000</u>
Increase over adjusted 2008.....	<u>+ 1,198,000</u>

a/ The amount is rescinded pursuant to Division A, Title VII, Section 752 of P.L. 110-161.

Summary of Increases and Decreases
(On basis of adjusted appropriation)

<u>Item of Change</u>	2008 <u>Estimated</u>	<u>Pay Costs</u>	Program <u>Changes</u>	2009 <u>Estimated</u>
Civil Rights	\$20,353,000	+\$445,000	+\$753,000	\$21,551,000

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Summary of Increases and Decreases
(On basis of adjusted appropriation)

<u>Item of Change</u>	<u>2008 Estimate</u>	<u>Pay Costs</u>	<u>Program Changes</u>	<u>2009 Estimated</u>
Equal Opportunity and Compliance.....	\$4,828,000	+\$111,000	+\$543,000	\$5,482,000
Program Complaints.....	3,050,000	+78,000	+210,000	3,338,000
Employment Complaints and Complaints Adjudication.....	5,434,000	+124,000	--	5,558,000
Data Management and Customer Service.....	4,434,000	+65,000	--	4,499,000
Conflict Prevention and Resolution.....	945,000	+23,000	--	968,000
Outreach.....	1,662,000	+44,000		1,706,000
Total Available.....	<u>20,353,000</u>	<u>+445,000</u>	<u>+753,000</u>	<u>21,551,000</u>

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Project Statement
(On basis of adjusted appropriation)

	<u>2007 Actual</u>		<u>2008 Estimated</u>		Increase or <u>Decrease</u>	<u>2009 Estimated</u>	
	<u>Amount</u>	<u>Staff Years</u>	<u>Amount</u>	<u>Staff Years</u>		<u>Amount</u>	<u>Staff Years</u>
Equal Opportunity and Compliance.....	\$4,558,041	28	\$4,828,000	31	+\$654,000	\$5,482,000	32
Program Complaints.....	3,404,041	20	3,050,000	27	+288,000	3,338,000	27
Employment Complaints and Complaints Adjudication.....	5,622,041	34	5,434,000	41	+124,000	5,558,000	41
Data Management and Customer Service.....	3,164,041	19	4,434,000	25	+65,000	4,499,000	24
Conflict Prevention and Resolution.....	1,153,041	8	945,000	8	+23,000	968,000	8
Outreach.....	2,035,042	10	1,662,000	12	+44,000	1,706,000	12
Unobligated Balance.....	83,663	--	--	--	--	--	--
Total Available or Estimate.....	20,019,910	119	20,353,000	144	+1,198,000	21,551,000	144
Rescission.....	--	--	+143,000	--			
Total, Appropriation.....	20,019,910	119	20,496,000	144			

Justifications for Increases and Decreases

- (1) An increase of \$1,198,000 for the Office of Civil Rights consisting of:
- (a) An increase of \$445,000 to fund increased pay costs. These funds are necessary to continue the mission of the Office of Civil Rights which is to facilitate the fair and equitable treatment of USDA customers and employees while ensuring the delivery and enforcement of civil rights programs and activities. If pay costs is not funded then Civil Rights would not be able to maintain and improve the current effectiveness of staff.
 - (b) An increase of \$543,000 for compliance activities. The Office of Adjudication and Compliance is responsible for conducting mandatory compliance reviews on agency affirmative employment efforts and program delivery. Funding will be used to ensure that USDA agencies are complying with Federal laws and meet the affirmative employment goals of EEOC Management Directive 715. With this increase, 4 compliance reviews could be conducted.

- (c) An increase of \$210,000 for EEO Complaints. The funds will assist in ensuring that USDA improves the provision of fair and equitable services and benefits which will reduce the average number of days to process EEO complaints to issuance of Report of Investigation and to reduce the average number of days to process EEO Final Agency Decisions.

Geographic Breakdown of Obligations and Staff Years
2007 Actual and Estimated 2008 and 2009

	2007		2008		2009	
	<u>Amount</u>	<u>Staff Years</u>	<u>Amount</u>	<u>Staff Years</u>	<u>Amount</u>	<u>Staff Years</u>
Washington, D.C.	19,936,247	119	20,353,000	144	21,551,000	144
Unobligated balance.....	83,663	--	--	--	--	--
Total, Available or Estimate.....	20,910,910	119	20,353,000	144	21,551,000	144

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Classification by Objects
2007 Actual and Estimated 2008 and 2009

	<u>2007</u>	<u>2008</u>	<u>2009</u>
Personnel Compensation:			
Washington, D.C.....	\$10,739,881	\$12,290,000	\$13,118,000
11 Total personnel compensation.....	10,739,881	12,290,000	13,118,000
12 Personnel benefits.....	2,514,288	3,072,000	3,192,000
Total pers. comp. and benefits.....	13,254,169	15,362,000	16,310,000
Other Objects:			
21 Travel and transportation of persons	180,086	264,000	458,000
22 Transportation of things	15,555	15,000	15,000
23.3 Communications, utilities, and misc. charges	150,742	158,000	158,000
24 Printing and reproduction.....	6,051	33,000	33,000
25.2 Other services.....	292,398	1,643,000	1,849,000
25.3 Purchases of goods and services from Government Accounts.....	5,526,644	2,483,000	2,344,000
26 Supplies and materials.....	310,125	261,000	250,000
31 Equipment	73,186	134,000	134,000
42 Insurance Claims and Indemnities	126,865	--	--
43 Interest.....	426	--	--
Total other objects.....	6,682,078	4,991,000	5,241,000
Total direct obligations	19,936,247	20,353,000	21,551,000
Position Data:			
Average Salary, ES positions.....	\$126,237	\$134,382	\$137,881
Average Salary, GS positions	\$82,295	\$86,901	\$90,169
Average Grade, GS positions.....	13.2	13.4	13.5

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STATUS OF PROGRAM

The Departmental Civil Rights' activities include: 1) timely and cost-effective complaint processing of equal employment opportunity (EEO) and program complaints; and 2) the implementation of initiatives to prevent EEO and program complaints through alternative dispute resolution (ADR), outreach, diversity and civil rights related activities.

Current Activities for the Office of Adjudication and Compliance:

Timely and Cost Effective Complaint Processing: The Office of Adjudication and Compliance (OAC) formerly known as Civil Rights continues to make progress towards a more efficient EEO and program complaint process by more efficient use of current staff and the use of contract attorneys. In addition, the Phase I (iComplaints) of the Civil Rights Enterprise System (CRES), covering the employment complaints tracking, Phase II, the program complaints tracking and Phase III, ADR tracking systems, has proven to be useful tools in monitoring complaint activity and tracking the efficiency of processes.

EEO and Program Complaint Inventory Reduction: Through the use of contract attorneys and the implementation of an Interagency Agreement (IA) with the U.S. Postal Service-National EEO Investigative Services, OAC has eliminated its program complaint backlog and will continue to use the contract attorneys for approximately 3 additional months to keep the program complaint inventory at a manageable level. In addition, OAC will use the IA to help reduce the backlog of employment complaints. The target date to eliminate the backlog of employment complaints is September 30, 2008.

EEO and Program Complaint Prevention Activities: In order to achieve a model EEO Program, OAC continues to implement the Equal Employment Opportunity Commission Management Directive 715 (MD-715). MD-715 uses quantitative and qualitative data to identify and aid in the removal of barriers to EEO. To be proactive and prevent program complaints, OAC partners with the Outreach and Diversity Programs such as the Annual Partners Meetings and the Mid-Year Partners Meeting scheduled for February 2008. ASCR continues to meet and partner with organizations representing the underserved populations, including minority and small and limited resource farmers.

Selected Examples of Recent Progress for the Office of Adjudication and Compliance:

Timely Processing of Program Complaints: OAC started FY 2007 with 944 pending program complaints, claims, inquires and appeals on hand. There were 412 new complaints that came in during the year and 1,356 program complaints remaining at the end of FY 2007. During the year, OAC closed 720 complaints that included program complaints on the merits, claims, inquiries and appeals. Over the course of FY 2007, the number of EEO cases pending in the intake phase decreased from 125 to 113 and during the same period, the number of final decisions issued increased from 343 to 360.

Timely processing of EEO complaints: Overall, USDA experienced a 2 percent decrease in the number of new EEO complaints filed during FY 2007 as compared to the prior year. The decrease in the EEO complaints is attributed to factors such as an overall decrease in the size of the workforce, increased usage of ADR to resolve disputes early, and improved compliance and accountability. In addition, there have been major reductions in the number and age of complaints pending notification and investigation. These trends are the result of a strong partnership with the USDA agencies' civil rights offices and commitment to completing Reports of Investigation (ROIs) within statutory time frames. The number of ROIs completed in a timely manner has steadily increased since the responsibility for preparing ROIs was delegated to the USDA agencies' civil rights offices. Only 1 percent of ROIs were timely during FY 2003. That figure increased by 32 percent from FY 2006 to FY 2007.

Processing Time	Number of Cases	
	2006	2007
ROIs completed in 180 days or less	181	239
ROIs completed in 181 to 360 days (statutory mandate)	199	158
ROIs completed in 361 days or more	32	31
Total	412	428

Program Complaint Prevention Activities: The Annual Partners Meeting serves as a principal outreach effort to organizations representing underserved populations, including minority and small and limited resource farmers. The meeting was highly successful and had over 400 participants. The meeting continues dialogue with USDA stakeholders, providing a forum through which the voices and concerns of underserved constituents are heard by USDA officials and program and outreach staff. The foundation for the 2007 and 2008 Partners Meetings will continue to use the “conversations” model so that reasoned discourse on sensitive and critical cross-cutting issues affecting the small and minority farm and ranch community can occur. The Partners Meeting is an important part of USDA’s framework for deriving solutions to long-held concerns about access, equity and accountability.

The CRES is an electronic database system that is now used by all USDA civil rights offices to track, process, and manage employment and program discrimination complaints as well as ADR matters. The system is fully operational for tracking and managing EEO complaints and has been very successful in meeting reporting deadlines to the Equal Employment Opportunity Commission (EEOC). The modules for managing and tracking program discrimination complaints and ADR cases were implemented on schedule during FY 2007. The modules consist of Phase I, iComplaints which was implemented and completed in May 2005; Phase II, program complaints which was completed in May 2007; and Phase III, ADR which was completed in July 2007.

Current Activities for the Office of Outreach and Diversity:

The Center for Minority Farmers (Center): The Center continues to be a one-stop Department-wide information and service program designed to assist small and limited resource minority farmers and landowners in seeking new market outlets for their produce, and learning more about the programs and services offered by USDA. In FY 2008, the Center’s customer service function will expand to include case work ombudsman services to assist farmers with access and program delivery issues. The strengthening and expansion of services will continue by working with agency coordinators, small farm coordinators, and staff in the Office of the Assistant Secretary for Civil Rights to determine how best to integrate program delivery activities of other USDA programs into the Center’s programmatic and operations portfolio, to eliminate duplication across the Department, and to leverage the Department’s resources. This will eliminate or reduce duplication of effort between agencies; improve outreach; and utilize the Department’s resources better. A coordinated, integrated and comprehensive approach affords easy identification of opportunities for the Center to facilitate appropriate technical assistance and training.

The Minority Farm Register (Register): The Register is used for identifying and reaching out to minority farmers, ranchers and landowners. The database of more than 2,500 non-duplicative names continues to grow. During FY 2008, use of the Register will be aggressively promoted internally to USDA agencies, and externally to minority-serving organizations and institutions, land-grant institutions and selected research institutes and foundations. Using community-based organizations and minority-serving institutions, the Office of Outreach staff will continue to identify minority farmers who might be encouraged to join the Register, and to issue regular communications to registrants.

The Agency Outreach Coordinators Working Group and Office of Outreach: The members and staff of both groups has focused on interagency communication, and a comprehensive and integrated Department-wide outreach plan, including coordinating and leveraging resources for travel, exhibits, conferences, training and technical efforts, and the development and dissemination of specialty outreach materials. Key activities in FY 2008 will include issuance and implementation of the first Departmental Regulation on

Outreach (DR/Outreach), and the development of a curriculum for comprehensive cultural competency/best outreach practices training for State and Federal agency outreach coordinators. The Departmental Regulation on Outreach was drafted by Outreach staff and Agency Outreach Coordinators in FY 2007; it awaits approval and issuance by the Secretary, anticipated in this fiscal year. At this juncture, implementation of the DR/Outreach will begin.

The USDA Memorandum of Understanding (MOU) with the U.S. Department of Health and Human Services (HHS) provides for the coordination of policies and activities directed toward improving socio-economic well-being of refugee families engaged in farming, agribusiness, and rural entrepreneurship. The USDA/HHS Interagency Working Group continues implementing the MOU Plan of Work. In FY 2007, the program was renamed the Refugee Agricultural Partnership Program (RAPP) to recognize both the rural and urban dimensions of the project. An interactive workshop on selected USDA programs (Food Stamps, Multi-Family Housing, Farm Loans, and Risk Management) was held at the National Refugee Program Consultation meeting from January 22-24, 2007. Briefings were held at the conference for agency outreach and small farm coordinators and other appropriate agency program staff. In FY 2008, USDA Outreach staff will participate in RAPP orientation and program sessions for the 2008 grantees (mutual assistance organizations); thereby bringing USDA program resources to bear on the needs of refugees. The Office of Outreach will also coordinate training geared towards marketing and risk management, and provide technical assistance for small and minority farmers with an emphasis on the refugee community.

The newly formed Office of Diversity (OOD) was created in April 2007 to assist with complaint prevention. OOD focuses on ensuring workplace diversity and inclusion as core values to its mission. Some goals of the OOD include mandatory diversity awareness training for all employees, convening a disability training conference, establishing a diversity and inclusion forum to foster communication between senior management and employees of USDA, conducting employee perspective surveys/cultural assessment, and conducting a diversity speaker series. The Office of Diversity will partner with the Office of Human Capital Management to conduct workforce analysis activities designed to assure that the composition of USDA workforce is at least on par with the composition of the civilian workforce.

Selected Examples of Recent Progress for the Outreach and Diversity:

Effective outreach programs exist in every agency that strive for equal and timely access to all customers, especially the minority and underserved. The FY 2005 Annual Report of Participation Rates of Socially Disadvantaged Farmers and Ranchers in USDA Programs (Section 10708 Report), clearly demonstrates that each USDA agency strives to conduct effective outreach programs that reach minority and underserved customers. Further, increased inter-agency collaboration, such as the FY 2007 National Risk Management Conference for Small and Beginning Farmers and Ranchers held in Milwaukee, Wisconsin from September 12-15, 2007, demonstrates a new direction in and commitment to providing equal and timely access.

The USDA-wide Conference Coordination Initiative continues and enables the Department to leverage the resources devoted to participating in the annual meetings of sixteen national minority organizations. By coordinating participation across agencies, USDA's image is enhanced, opportunities to showcase programs and services are broadened, and information and materials receive wider dissemination. The Conference Coordination Initiative represents the minority groups Native American, African American, Asian American, and Hispanic American. In 2007, the conferences tracked from 500 to more than 20,000 participants.

The three-year USDA Office of Outreach/Marriott International, Inc. MOU was designed to help minority farmers remain viably engaged in agricultural enterprises through access to business opportunities in the hospitality industry, ended in March 2007. The Office of Outreach has examined the results of the MOU and will make appropriate recommendations for future agreements of this type, particularly with regards to the term of agreement and measurable goals and deliverables.

One result/benefit of the USDA/Marriott collaboration is that six small and minority farmers have earned Good Agricultural Practices certification and one minority owned processing plant has also earned Good Management Practices certification for the first time. This has led to a collaborative effort between three cooperatives to build a model where sales of niche produce occur year round.

Outreach staff and agency outreach coordinators continue to work with the Department of Energy and community based organizations to disseminate reconditioned, excess government computers to underserved communities and organizations.

The OOD has sought to build relationships with key stakeholders including recognized employee organizations, senior leadership, the Office of Human Capital Management, agency civil rights directors, and other special emphasis groups. To initiate the process of workforce analysis, OOD has begun the process of compiling the MD-715 report, which tracks the composition of the USDA workforce across grades, occupations, and other categories. This report was submitted to the EEOC on January 31, 2008 and will be used to identify trends and barriers to achieving diversity.

Current Activities for the Conflict Prevention and Resolution Center:

The Conflict Prevention and Resolution Center (CPRC): CPRC conducted an ADR Practitioners' Conference in FY 2007. The primary objective of conducting this training was to satisfy the continuing education requirement specified in the ADR regulation, and the associated training requirements set by the EEOC.

CPRC, along with the Alternative Dispute Resolution Leadership Group (ADRLG) plans to hold a Strategic Planning Forum/Retreat in FY 2008. CPRC and the ADRLG want to build on the "Partners for Outstanding Relationships" theme from the ADR Practitioners' Conference that was conducted in September 2007. The primary objective of the Forum/Retreat is to establish the FY 2009 ADRLG Strategic Plan. Some ADR activities planned by CPRC and the ADRLG for FY 2008 are to select and train high level management, a cadre to attempt resolution of EEO complaints, produce a mediation video, conduct a Department-wide ADR awareness survey, and provide an annual ADR Report using the ADR Enterprise System.

Selected Examples of Recent Progress for the Conflict Prevention and Resolution Center:

ADR is utilized as a tool to contribute to the prevention and early resolution of non-civil rights disputes. The Office of the Assistant Secretary for Civil Rights (ASCR) issued a revised Departmental Regulation (DR 4710-001) dated April 5, 2006, on the use of ADR. Among other significant changes from the original ADR regulation, this revision sets training and experience requirements for those mediating cases for the USDA. The regulation mandates the offer of ADR to all those pursuing informal EEO complaints, barring those situations "reasonably related to the complaint that involved workplace violence, sexual assault/battery, or other criminal activity." Also, if an agency of the USDA decides not to offer ADR at the formal complaint stage, the agency is required to document that decision.

CPRC along with trainers from the Government Accountability Office and the Farm Service Agency conducted four training sessions for ASCR employees. The trainings consisted of three major components: career development, communication, and conflict management. The training for ASCR employees is an initiative of the taskforce formed by the ASCR to begin addressing employee concerns with career development and is designed to equip employees with tools to address workplace conflict.

CPRC launched the ADR module of the CRES in July 2007 which is an electronic database system that will be used by CPRC to report to the Secretary and ASCR on the overall use of ADR in USDA. All USDA ADR programs received training in July 2007 on how to use the fully operational system and started using it on October 1, 2007. The ADR Enterprise System will be used to track, process, and manage employment and program conflict. CPRC will hold a users forum in FY 2008 to obtain feedback from the users to enhance the effectiveness of the system.

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Summary of Budget and Performance
Statement of Goals and Objectives

USDA Strategic Goal	Agency Strategic Goal	Agency Objectives	Programs that Contribute	Key Outcome
		<p><u>Objective 1.4:</u> Ensure Program and EEO complaints are timely processed.</p> <p><u>Objective 1.5:</u> Ensure complaints are processed in an efficient and cost-effective manner.</p>	<p>Employment Complaints and Complaints Adjudication</p> <p>Program Complaints</p> <p>Data Management and Customer Service</p>	<p><u>Key Outcome 2:</u> Timely processing of Program and EEO complaints.</p> <p>a.) Reduction in the average number of days to process Program and EEO complaints to issuance of Report of Investigation. (Regulatory requirement is 120 days for Program and 180 days for EEO)</p> <p>b.) Reduction in the average number of days to process Program and EEO complaints to Final Agency Decisions. (60 days processing time for Program and 45 days processing time for EEO)</p> <p><u>Key Outcome 3:</u> Complaints are processed efficiently and cost-effectively.</p> <p>a.) Increase in the efficiency and cost-effectiveness of Program and EEO complaint processing.</p>

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Summary of Budget and Performance
Statement of Goals and Objectives

USDA Strategic Goal	Agency Strategic Goal	Agency Objectives	Programs that Contribute	Key Outcome
		<p><u>Objective 1.6:</u> Increase USDA-wide awareness and use of Alternative Dispute Resolution (ADR), and resolution of conflicts through ADR in the early stages of workplace and program disputes (non-civil rights).</p> <p><u>Objective 1.7:</u> Establish effective outreach programs in the Department to ensure equal and timely access to USDA programs and services for all customers, with special emphasis on the minority and underserved.</p>	<p>Conflict Prevention and Resolution</p> <p>Outreach</p>	<p><u>Key Outcome 4:</u> An increase in ADR usage.</p> <p>a.) Increase in total ADR usage USDA-wide.</p> <p>b.) Increase the number of direct ADR/conflict management services to the Office of the Secretary and others as requested.</p> <p><u>Key Outcome 5:</u> Improvement in minority, underserved, and socially disadvantaged participation in USDA programs and services.</p> <p>a.) Increase the number of minority, underserved, and socially disadvantaged persons made aware of USDA programs and services.</p>

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Strategic Objective 1.1: Ensure employees and applicants are provided equal opportunities in all aspects of employment activities.

Strategic Objective 1.2: Ensure USDA employment activities are conducted in a nondiscriminatory manner and agencies comply with the CR/EEO laws, rules and regulations related to women, minorities, and persons with disabilities.

Strategic Objective 1.3: Ensure equal access to USDA programs.

Strategic Objective 1.4: Ensure Program and EEO complaints are timely processed.

Strategic Objective 1.5: Ensure complaints are processed in an efficient and cost effective manner.

Strategic Objective 1.6: Increase USDA-wide awareness and use of Alternative Dispute Resolution (ADR) and resolution of conflicts through ADR in the early stages of workplace and program disputes (non-civil rights).

Strategic Objective 1.7: Establish effective outreach programs in the Department to ensure equal and timely access to USDA programs and services for all customers, with special emphasis on the minority underserved.

Strategic Goal and Funding Matrix
(On basis of adjusted appropriation)

	<u>2007 Actual</u>		<u>2008 Estimated</u>		Increase or Decrease	<u>2009 Estimated</u>	
	<u>Amount</u>	<u>Staff Years</u>	<u>Amount</u>	<u>Staff Years</u>		<u>Amount</u>	<u>Staff Years</u>
Equal Opportunity and Compliance	\$4,557,985	28	\$4,828,000	31	+\$654,000	\$5,482,000	32
Program Complaint	3,403,985	20	3,050,000	27	+288,000	3,338,000	27
Employment Complaints and Complaints Adjudication	5,705,985	34	5,434,000	41	+124,000	5,558,000	41
Data Management and Customer Service	3,163,985	19	4,434,000	25	+65,000	4,499,000	24
Conflict Prevention and Resolution	1,152,985	8	945,000	8	+23,000	968,000	8
Outreach	2,034,985	10	1,662,000	12	+44,000	1,706,000	12
Total, Available	20,019,910	119	20,353,000	144	+1,198,000	21,551,000	144

Selected Accomplishments Expected at the FY 2009 Proposed Resource Level:

- Equal Opportunity and Compliance -- Decrease in the number of individual EEO complaints filed.
- Employment Complaints and Complaints Adjudication -- Reduction in the average number of days to process EEO complaints to issuance of Report of Investigation and a reduction in the average number of days to process EEO Final Decisions.
- Program Complaints Division -- Reduction in the number of Program complaints filed. Reduction in the average number of days to process Program complaints to issuance of Report of Investigation and a reduction in the average number of days to process Program complaints to FAD.
- Data Management and Customer Service Center – Percent increase in the efficiency and cost-effectiveness of EEO and Program complaint processing.
- Conflict Prevention and Resolution -- Increase in ADR usage USDA-wide and increase the number of direct ADR/conflict management services to the Office of the Secretary and others as requested.
- Outreach – Increase the number of minority, underserved, and socially disadvantaged persons made aware of USDA programs and services.

Summary of Budget and Performance
Key Performance Outcomes and Measures

Goal 1: Ensure USDA provides fair and equitable services and benefits to all customers and upholds the civil rights of its employees.

Key Outcome 1: EEO and Program Complaint reduction and prevention.

Key Performance Measure: Decrease in the number of individual EEO and Program Complaints filed.

Key Outcome 2: Timely processing of Program and EEO complaints.

Key Performance Measure: Reduction in the average number of days to process Program and EEO complaints to issuance of Report of Investigation and to Final Agency Decisions.

Key Outcome 3: Complaints are processed efficiently and cost-effectively.

Key Performance Measure: Increase in the efficiency and cost-effectiveness of Program and EEO complaint processing.

Key Outcome 4: An increase in ADR usage.

Key Performance Measure: Increase the total ADR usage USDA-wide and increase the number of direct ADR/conflict management services to the Office of the Secretary and others as requested.

Key Outcome 5: Improvement in minority, underserved, and socially disadvantaged participation in USDA programs and services.

Key Performance Measure: Increase the number of minority, underserved, and socially disadvantaged persons made aware of USDA programs and services.

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Summary of Budget and Performance
Key Performance Outcomes and MeasuresKey Performance Targets:

<u>Performance Measure</u>	<u>2004 Actual</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Target</u>	<u>2009 Target</u>
Performance Measure #1.1.1: The number of individual EEO complaints filed. (FY 2002 Baseline is 765 complaints per year.)						
a. Units (# of EEO complaints filed)	658 per year	662 per year	536 per year	526 per year	500 per year	490 per year
b. Dollars	\$1,462,871	\$1,118,989	\$4,531,979	\$4,557,985	\$4,852,000	\$5,482,000
Performance Measure #1.1.2: The number of Program complaints filed. (FY 2002 Baseline is 90 complaints per month.)						
a. Units (# of Program complaints filed)	136 per month	49 per month	55 per month	45 per month	35 per month	25 per month
b. Dollars	\$922,936	\$1,118,988	\$1,692,492	\$1,701,995	\$1,592,000	\$1,652,000

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Summary of Budget and Performance
Key Performance Outcomes and MeasuresKey Performance Targets:

<u>Performance Measure</u>	<u>2004 Actual</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Target</u>	<u>2009 Target</u>
Performance Measure #1.2.1: Reduction in the average number of days to process Program complaints to issuance of Report of Investigation (ROI). (Regulatory requirement is 120 days). (FY 2002 Baseline is 354 days)						
a. Units (Days to process a Program complaint to issuance of ROI)	654 days	366 days	387 days	161 days <u>1/</u>	120 days	120 days
b. Dollars	\$4,003,418	\$5,182,738	\$846,246	\$850,995	\$741,000	\$843,000

OFFICE OF CIVIL RIGHTS

Summary of Budget and Performance
Key Performance Outcomes and MeasuresKey Performance Targets:

<u>Performance Measure</u>	<u>2004 Actual</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Target</u>	<u>2009 Target</u>
Performance Measure #1.2.2: Reduction in the average number of days to process Program complaints to Final Decisions. (60 days processing time is the desired target (no regulatory timeframe). (FY 2002 Baseline is 89 days)						
a. Units (average # days to process a Program complaint to Final Decision)	114 days	108 days	256 days	395 days <u>1/</u>	90 days	60 days
b. Dollars	\$1,000,854	\$1,649,024	\$846,246	\$850,995	\$741,000	\$843,000

OFFICE OF CIVIL RIGHTS

Summary of Budget and Performance
Key Performance Outcomes and MeasuresKey Performance Targets:

<u>Performance Measure</u>	<u>2004 Actual</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Target</u>	<u>2009 Target</u>
Performance Measure #1.2.3: The average number of days to process EEO complaints to issuance of Report of Investigation (ROI). (Regulatory requirement is 180 days). (FY 2002 Baseline is 458 days).						
a. Units (# days to process an EEO complaint to issuance of ROI)	407 days	258 days	215 days	205 days	200 days	180 days
b. Dollars	\$3,675,364	\$5,064,947	\$4,256,231	\$4,279,492	\$4,060,500	\$4,179,500

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Summary of Budget and Performance
Key Performance Outcomes and MeasuresKey Performance Targets:

<u>Performance Measure</u>	<u>2004 Actual</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Target</u>	<u>2009 Target</u>
Performance Measure #1.2.4: The average number of days to process EEO Final Agency Decisions. (Regulatory requirement is 45 days). (FY 2002 Baseline is 210 days).						
a. Units (# days to process an EEO Final Agency Decision)	190 days	402 days	547 days	803 days <u>2/</u>	420 days	380 days
b. Dollars	\$1,501,205	\$2,473,557	\$1,418,743	\$1,426,493	\$1,302,500	\$1,378,500
Performance Measure #1.3: Increase in the efficiency and cost-effectiveness of Program and EEO complaint processing.						
a. Units (TBD) <u>3/</u>	N/A	TBD	TBD	TBD	TBD	TBD
b. Dollars	\$855,995	\$1,060,072	\$3,145,986	\$3,163,985	\$4,434,000	\$4,499,000

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Summary of Budget and Performance
Key Performance Outcomes and MeasuresKey Performance Targets:

<u>Performance Measure</u>	<u>2004 Actual</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Target</u>	<u>2009 Target</u>
Performance Measure #1.4.1: Increase in the total ADR usage USDA-wide.						
a. Units (# of people offered ADR)	29,000	30,000	31,000	31,500	32,000	32,500
b. Dollars	\$209,883	\$353,350	\$572,998	\$576,492	\$472,500	\$484,000

OFFICE OF CIVIL RIGHTS
 Summary of Budget and Performance
 Key Performance Outcomes and Measures

Key Performance Targets:

<u>Performance Measure</u>	<u>2004 Actual</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Target</u>	<u>2009 Target</u>
Performance Measure #1.4.2: Increase in the number of Direct ADR/conflict management services to OSEC and others as requested.						
a. Units (# of conflicts served)	0	50	75	75	100	125
b. Dollars	\$209,883	\$353,350	\$572,997	\$576,493	\$472,500	\$484,000
Performance Measure #1.5: Increase in the number of minority, underserved, and socially disadvantaged persons made aware of USDA programs and services.						
a. Units (# of participants)	N/A	850,000	112,000	120,000	132,000	145,000
b. Dollars	\$1,133,644	\$1,338,387	\$2,024,000	\$2,034,985	\$1,685,000	\$1,706,000

1/ The Office of Civil Rights attribute the increases in average processing time to the review and closure of aged program discrimination complaints. Phase II of the Civil Rights Enterprise System was implemented in May 2007.

2/ The number provided for average processing time for EEO Final Decisions remains an estimate. Actual data will be provided at a later date.

3/ Implementation of the Civil Rights Enterprise System began in fiscal year 2005 for employment complaints. While Phase I of the system is fully implemented, Phase II, which encompasses modules, managing and program discrimination complaints, and ADR cases, was implemented on schedule in May 2007. Now that the system has been implemented, unit data will be determined later.

OFFICE OF CIVIL RIGHTS
Full Cost by Strategic Goal

Goal 1: Ensure USDA provides fair and equitable services and benefits to all customers and upholds the civil rights of its employees.

PROGRAM	PROGRAM ITEMS	Dollars in thousands		
		FY 2007	FY 2008	FY 2009
Equal Opportunity and Compliance				
	Salary and Benefits	\$3,602	\$3,804	\$4,129
	Departmental Central Charges	662	671	888
	Staff Development	56	56	56
	Travel	59	69	170
	Contracts	40	89	100
	Administrative Costs	139	139	139
	Total Costs	4,558	4,828	5,482
	FTEs	28	31	32
	Performance Measure: The number of individual EEO complaints filed.			
	BY Performance	526 per year	500 per year	490 per year
	Unit Cost	\$9	\$10	\$11
Program Complaints				
	Salary and Benefits	\$2,624	\$2,698	\$2,806
	Departmental Central Charges	566	121	152
	Staff Development	46	44	81
	Travel	40	46	83
	Contracts (Compliance Reviews)	32	32	69
	Administrative Costs	96	109	147
	Total Costs	3,404	3,050	3,338
	FTEs	20	27	27
	Performance Measure: The number of Program complaints filed.			
	BY Performance	45 per month	35 per month	25 per month
	Unit Cost	\$76	\$87	\$134
	Performance Measure: Reduction in the average number of days to process Program complaints to issuance of Report of Investigation. (Regulatory requirement is 120 days)			
	BY Performance	161 days	120 days	170 days
	Unit Cost	\$21	\$25	\$20
	Performance Measure: Reduction in the average number of days to process Program complaints to Final Agency Decisions. (60 days processing time is the desired target – no regulatory timeframe)			
	BY Performance	395 days	90 days	60 days
	Unit Cost	\$9	\$34	\$56

OFFICE OF CIVIL RIGHTS
Full Cost by Strategic Goal

Goal 1: Ensure USDA provides fair and equitable services and benefits to all customers and upholds the civil rights of its employees.

PROGRAM	PROGRAM ITEMS	Dollars in thousands		
		FY 2007	FY 2008	FY 2009
Employment Complaints and Complaints Adjudication				
	Salary and Benefits	\$4,059	\$4,191	\$4,365
	Departmental Central Charges	1,095	885	835
	Staff Development	69	66	66
	Travel	62	72	72
	Contracts (Final Decisions)	46	48	48
	Administrative Costs	291	172	172
	Total Costs	5,622	5,434	5,558
	FTEs	34	41	41
	Performance Measure: The average number of days to process EEO complaints to issuance of Report of Investigation. (Regulatory requirement is 180 days)			
	BY Performance	205 days	200 days	180 days
	Unit Cost	\$27	\$27	\$31
	Performance Measure: The average number of days to process EEO Final Agency Decisions. (Regulatory timeframe is 45 days)			
	BY Performance	803 days	420 days	380 days
	Unit Cost	\$7	\$13	\$15
Data Management and Customer Service				
	Salary and Benefits	\$2,337	\$2,252	\$2,351
	Departmental Central Charges	573	788	754
	Staff Development	41	139	139
	Travel	36	41	41
	Contracts	29	1,116	1,116
	Supplies	46	42	42
	Administrative Costs	102	56	56
	Total Costs	3,164	4,434	4,499
	FTEs	19	25	24
	Performance Measure: Increase in the efficiency and cost-effectiveness of EEO and Program complaint processing.			
	BY Performance	TBD	TBD	TBD
	Unit Cost	\$3,164	\$4,434	\$4,523

OFFICE OF CIVIL RIGHTS
Full Cost by Strategic Goal

Goal 1: Ensure USDA provides fair and equitable services and benefits to all customers and upholds the civil rights of its employees.

PROGRAM	PROGRAM ITEMS	Dollars in thousands		
		FY 2007	FY 2008	FY 2009
Conflict Prevention and Resolution				
	Salary and Benefits	\$757	\$848	\$883
	Departmental Central Charges	199	31	23
	Contracts	8	11	11
	Administrative Costs	189	55	51
	Total Costs	1,153	945	968
	FTEs	8	8	8
	Performance Measure: Increase in the total ADR usage USDA-wide.			
	BY Performance	31,500	32,000	32,500
	Unit Cost	\$37	\$30	\$30
	Performance Measure: Increase in the number direct ADR/conflict management services to OSEC and others as requested.			
	BY Performance	75	100	125
	Unit Cost	\$15	\$9	\$8
Outreach				
	Salary and Benefits	\$1,431	\$1,569	\$1,370
	Departmental Central Charges	447	22	12
	Contracts	14	14	244
	Administrative Costs	143	57	80
	Total Costs	2,035	1,662	1,706
	FTEs	10	12	12
	Performance Measure: Increase in the number of minority, underserved, and socially disadvantaged persons made aware of USDA programs and services.			
	BY Performance	120,000	132,000	145,000
	Unit Cost	\$17	\$13	\$12
	Total for Strategic Goal 1			
	Total Costs	\$19,936	\$20,353	\$21,551
	FTEs	119	144	144

Note: All CR' division performance measures include a pro-rated amount for indirect costs for the Director/Staff (12 FTEs) and Administrative and Financial Management support and services (17 FTEs).