

U.S. Department of Agriculture

EEOC FORM 715-01 PART E

U.S. Equal Employment Opportunity Commission  
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT  
Department of Agriculture

For Period Covering October 1, 2006, to September 30, 2007.  
Executive Summary

## Executive Summary

### Introduction

The U.S. Department of Agriculture (USDA) submitted its first report under the EEO Management Directive 715 (MD-715) on January 31, 2005, covering Fiscal Year (FY) 2004. In that report, the Department conducted a critical analysis of its efforts in the areas of employment discrimination, complaint processing, and affirmative employment. For FY 2005, and in FY 2006, USDA's MD-715 responded to feedback received from EEOC on the previous year's report, refined the analyses of areas in which improvement could be made, and reported accomplishments in implementing the plans' objectives. In FY 2007, although USDA did not receive feedback from EEOC, it continued to make progress in all the above areas, and remains committed to achieving model employer status, as defined by MD-715. USDA submits this report that will address its achievements to date, workforce analysis, objectives, and planned activities.

### Department's Mission and Mission-Related Functions

The mission of the U.S. Department of Agriculture is to provide leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management.

The USDA strives to:

- Expand international trade for agricultural products and support international economic development;
- Expand domestic marketing opportunities for agricultural products and strengthen risk management, the use of financial tools, and the provision of sound information to help farmers and ranchers in their decision-making process;
- Further develop alternative markets for agricultural products and activities;
- Provide financing needed to help expand job opportunities and improve housing, utilities, and infrastructure in rural America;
- Enhance food safety by taking steps to reduce the prevalence of food borne hazards from farm to table, and safeguard agriculture from natural and intentional threats;
- Improve nutrition by providing food assistance and nutrition education and promotion; and
- Manage and protect America's public and private lands working cooperatively with other levels of government and the private sector.

## Summary of Department's Self-Assessment (Parts G and H)

Part G of MD-715 defines the 6 essential elements of a model EEO program through a list of 122 measurement items. This year after reviewing Part G, 16 objectives are discussed in Part H. The following summarizes USDA's efforts to meet the essential elements of a model EEO program.

### A. Demonstrated commitment from agency leadership

The Department's leadership continues to demonstrate a strong commitment to equal opportunity for all employees and applicants. Throughout FY 2007 USDA operated under the Civil Rights Policy Statement issued by then Secretary Mike Johanns that declared his commitment to ensuring the civil rights of all USDA employees and called for all employees to be treated with respect, dignity, and equality. Planned activities for FY 2008 include the continued evaluation of Agency heads and Staff Office Directors on their performance in promoting civil rights and equal opportunity, and the completion of Department-level compliance reviews of the hiring and promotion practices in selected USDA agencies.

Additionally, to promote a workplace environment that encourages equal employment opportunity and minimizes harassment and reprisal across the Department, the Assistant Secretary for Civil Rights in April 2007 created the Office of Diversity. Although various agencies engaged in diversity efforts, the Department did not have a centralized office that unified or coordinated these agency efforts. The Department's Office of Diversity seeks to establish diversity and inclusion as core values of the Department, to raise awareness about the importance of diversity through training, and to analyze the workforce to ensure that the USDA workforce is on par with the civilian labor force. Additionally, it seeks to ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications.

### B. Integration of EEO into the Agency's Strategic Mission

Communication to senior leadership of the effectiveness, efficiency and legal compliance of USDA's EEO program continues to be a priority. The Assistant Secretary of Civil Rights meets at least weekly with the senior leadership of the Department to ensure that they are kept apprised of current and pressing EEO issues. Senior leaders frequently serve as guest speakers at special emphasis observance events where commitment to equal opportunity and diversity is an integral part of their message. These actions ensure that senior leadership is an active participant and guiding force to promote a diverse environment free from discrimination, harassment intolerance, and reprisal, across all mission areas whether their mission is the protection of America's animal and plant resources, the improvement of health through a safe food supply, or the stewardship of our Nation's national forest and rangelands,

USDA continues to devote resources so that it can conduct a thorough barrier analysis of its workforce, including adequate data collection and tracking systems. For example, USDA has updated and improved its enterprise system for preparing the workforce data tables required to complete the MD-715 report. This information management system allows the Department and second-level reporting components to prepare more accurate, complete and consistent workforce data tables.

#### C. Management and Program Accountability

The annual Agency Head assessment criteria were again reviewed and revised in FY 2007 to more accurately evaluate and assess the civil rights accomplishments of USDA's top-level executives. The Department continues to refine and strengthen its civil rights training programs, making use of information technology tools to ensure that the training is accessible by all employees.

In FY 2006, USDA issued a new Departmental Regulation, "Civil Rights Accountability Policy and Procedures." The regulation sets forth the policy and procedures for carrying out the Department's commitment to ensure that appropriate disciplinary or corrective actions are taken when discrimination or civil rights related misconduct occurs. In FY 2008, a planned activity is for the Office of Adjudication and Compliance (OAC) to promote the following objectives: 1) evaluate managers and supervisors on their contributions to USDA's commitment to civil rights/equal opportunity and diversity awareness through requiring a civil rights/equal opportunity/diversity critical element with specific performance standards; 2) require that all employees be evaluated on a specific civil rights element; and 3) ensure that the annual performance appraisals take into account the Annual Agency Heads Assessment process along with the disposition of the disciplinary actions resolved.

#### D. Proactive Prevention of Unlawful Discrimination

The Office of the Assistant Secretary for Civil Rights took steps in FY 2007 to place greater emphasis on the coordination and monitoring of subcomponent Alternative Dispute Resolution (ADR) programs to ensure that all programs are effective and in compliance with external requirements. The Conflict Prevention and Resolution Center (CPRC) within the Office of the Assistant Secretary for Civil Rights are responsible for this effort. In addition to the new ADR Departmental Regulation released in FY 2006, CPRC conducted a number of training sessions including a 2 ½ day Alternative Dispute Resolution conference for over 200 participants. Other training addressed the role and responsibility of the resolving official involved in mediation and settlement conferences as well as what agencies/mission areas could do to stay in compliance with the newly issued ADR Regulation.

Additionally this year, the Office of Adjudication and Compliance conducted compliance reviews of the following four USDA agencies: Farm Service Agency, Rural Housing, National Agricultural Statistics Service, and Grain Inspection, Packers and Stockyards Administration. These compliance reviews help to prevent discrimination and other related unlawful activity by closely reviewing policies, practices and complaints related to hiring, training, promotion, employee awards, disciplinary actions.

The Office of Diversity will be responsible for conducting trend analysis of workforce profiles by race, national origin, sex, and disability across major occupations, by grade level, and by compensation and reward systems.

## Efficiency

USDA continues to make progress in improving the efficiency of its complaint processing. The percentage of timely EEO investigations increased to 50.02 percent in FY 2007, as compared with 49.0 percent in FY 2006. Other improvements are evident in the pending inventory: for instance, the number of complaints pending written notification decreased from 127 in FY 2006 to 109 in FY 2007. The average age of the complaints pending written notification decreased from 104.17 days in FY 2006 to 102.00 days in FY 2007. There was a slight increase in the number of complaints pending investigation: the number pending increased from 226 in FY 2006 to 273 in FY 2007, and the average age increased from 231.28 days in FY 2006 to 282.00 days in FY 2007. The increases in the pending investigatory inventory resulted from an increase in the number of complaints filed, from 535 in FY 2006 to 542 in FY 2007.

The data regarding the timeliness of final agency decisions (FADs) demonstrate some improvement. Greater attention was focused on issuing consistent, high-quality final agency decisions on EEO complaints, and a significant effort was made to address aged complaints and multi-issue complaints. In addition, USDA implemented procedures to ensure that final orders on decisions by EEOC Administrative Judges were issued within the regulatory period of 40 days.

In FY 2007, to boost efficiency and productivity in the processing of FADs, the following efforts, as discussed in more detail in Part H, were made: (1) Contract Attorneys were brought on board to address the short-term processing needs of the Complaints Adjudication Division; (2) ASCR has set up a MOU with the United States Postal Service to address the backlog of EEO complaints pending Final Agency Decision and to continue assisting the Complaints Adjudication Division (CAD) adjudicating FADs that can be issued within the statutory time frames, (3) revised written instructions were provided to each Agency Civil Rights offices, (4) internal procedures were established within CAD, so that draft decisions were completed and issued within the statutory time frames and (5) model decisions and a CAD style guide were developed to increase productivity, ensure greater uniformity and improve quality.

Furthermore, a real time, Web-based Civil Rights Enterprise System (CRES) for tracking and monitoring employment discrimination complaints was fully implemented in December 2007. In FY 2007, two new system components were added to CRES to process program complaints and alternative dispute resolution (ADR) cases. The implementation of this Department-wide enterprise system has resulted in greater transparency, better coordination, more accurate data, and improved reporting.

## F. Responsiveness and Legal Compliance

Our self-assessment has not identified any deficiencies in this area in either the present report or in prior reports. EEOC recommended that some priority be given

to compliance processes, which was consistent with the FY 2007 initiatives of the Assistant Secretary for Civil Rights. USDA plans to focus greater attention in the areas of diversity, ADR and compliance as it continues to reduce its complaint processing workload.

Also, as mentioned above, compliance review of four agencies were completed this year to ensure legal compliance. Compliance review teams ensured that the Department's anti-discrimination posters were placed in obvious locations and are current. Furthermore, staff members at all levels were interviewed to assess the workplace climate. The compliance team provided the findings of their investigation as well as recommendations for corrective action.

### Summary of Activities Undertaken in Connection with FY 2007 Self-Assessment

Data analysis focused on the following USDA workforce groups: Women, American Indian/Alaska Natives (AI/AN), Asian American/Pacific Islanders (AA/PI), Blacks, and Hispanics, and employees with targeted disabilities. To identify potential barriers to employment, the data were analyzed by studying (1) the overall analysis of workforce profiles, (2) change in total population and representation compared to civilian labor force rates, (3) the impact of hires and separations on overall representation, (4) representation among USDA agencies and staff offices, (5) data analysis by occupational groups, (5) data analysis by major occupations, (6) data analysis by grade levels, and (7) analysis of employees with targeted disabilities.

#### *Overall Analysis of Workforce Profiles*

At the close of FY 2007, USDA's total employment was 105,269; including 86,112 permanent and 19,157 temporary employees (see Table 1 below and Table A1). The permanent workforce of 86,112 consisted of 48,593 (56.4 percent) men and 37,519 (43.6 percent) women.

Collectively, white women and groups with minorities made up 54.2 percent of the FY 2007 permanent workforce— 37,519 (43.6 percent) women, 5,215 Hispanic employees (6.1 percent), 9,452 Black employees (11 percent), 2,032 American Indian/Alaska Native employees (AI/AN) (2.4 percent), and 2,389 Asian American/Pacific Islander employees (AA/PI) (2.8 percent). Table 1						
Permanent, Temporary, and Total Employment, FY 2007 and FY 2006 Number/(Percent)						
Permanent		Temporary		Total		
FY 2007	FY 2006	FY 2007	FY 2006	FY 2007	FY 2006	
Total All	86,112 (100.0)	88,072 (100.0)	19,157 (100.0)	13,720 (100.0)	105,269 (100.0)	101,792 (100.0)
Total Men	48,593 (56.4)	49,640 (56.3)	11,369 (59.4)	7,448 (54.3)	59,962 (57.0)	57,088 (56.1)
Total Women	37,519 (43.6)	38,432 (43.6)	7,788 (40.1)	6,272 (45.7)	45,307 (43.0)	44,704 (43.9)
Hispanic Men	3,227 (3.7)	3,236 (3.7)	893 (4.7)	677 (4.9)	4,120 (3.9)	3,913 (3.8)
Hispanic Women	1,988 (2.3)	2,038 (2.3)	694 (3.6)	629 (4.6)	2,682 (2.6)	2,667 (2.6)
White Men	39,442 (45.8)	40,633 (46.1)	9,120 (47.6)	5,784 (42.2)	48,562 (46.1)	46,417 (45.6)
White Women	27,582 (32.0)	28,504 (32.4)	5,304 (27.7)	3,946 (28.8)	32,886 (31.2)	32,450 (31.9)