



UNITED STATES DEPARTMENT OF AGRICULTURE



# **REPORT OF CIVIL RIGHTS COMPLAINTS, RESOLUTIONS AND ACTIONS FOR FISCAL YEAR 2020**

Food, Conservation, and Energy Act of 2008  
Section 14010  
September 30, 2021

Office of the Assistant Secretary for Civil Rights  
United States Department of Agriculture  
Washington, DC 20520



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

April 9, 2021

### USDA Civil Rights Policy Statement

At USDA, we are recommitting ourselves to the values of equity, inclusion, and equal opportunity for each other and those we serve. As Secretary, I will work with our dedicated team to actively advance racial justice and equity for one another. We will do so by rooting out systemic racism and strengthening civil rights programs while building trust within and outside the Department, ensuring transparency and the equitable delivery of quality programs and services, and holding ourselves accountable toward meeting those goals.

As a Department that operates with excellence in leadership, we must affirm and ensure USDA provides equal employment opportunity for all employees and applicants for employment, regardless of race, religion, color, sex (including pregnancy, gender identity and sexual orientation), national origin, age, genetic information, or disability. All employees have the freedom to compete on a fair and level playing field with equal opportunity for available employment and advancement opportunities. Equal employment opportunity covers all personnel/employment programs, management practices, and decisions, including recruitment/hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation. These civil rights principles are more than employees' rights by law—they are core values at the USDA.

USDA strives to become a leader in EEO and a model employer. All USDA applicants and employees have the right not only to be free from harassment and discrimination but also to raise an allegation of harassment or discrimination and not fear reprisal. I will continue to enforce zero tolerance toward any form of workplace harassment. Agencies are required to respond to, address, and correct any harassing conduct before it becomes severe or pervasive. USDA will continue to quickly process complaints of harassment, discrimination, and reprisal and provide robust EEO training to all employees.

I will hold all employees and managers accountable for doing their part to ensure all USDA applicants, customers, constituents, and stakeholders are provided equal access to all opportunities, programs, and services available through USDA. Accordingly, all senior leaders, managers, and supervisors must model values-based leadership and appropriate behavior, leading always by example, treating everyone with dignity and respect, and promoting an ethical, equitable, and inclusive culture. All employees must comply with EEO principles as we perform the Department's mission.

A handwritten signature in blue ink that reads "Thomas J. Vilsack".

Thomas J. Vilsack  
Secretary

# Table of Contents

<b>Annual Reporting Requirements</b> .....	i
<b>Executive Summary</b> .....	i
<b>PART I: Fiscal Years 2019-2020 USDA Program Complaint Data</b> .....	1
Section A – Number of Program Complaints Filed at USDA.....	2
Section B – Inventory of Program Complaints Processed at USDA.....	3
Section C – Top Three Most Frequently Alleged Bases in Formal Program Complaints Filed with USDA .....	5
Section D – Program Complaint Inventory by Agencies with the Highest Total Inventory .....	7
Section E – Program Complaint Inventory by Agencies with Highest Average Age of Inventory and Average Processing Time of Closed Cases .....	9
Section F – Program Complaints Resolved with a Finding of Discrimination .....	13
Section G – Program Complaints Resolved with a Settlement Agreement .....	14
<b>PART II: Fiscal Years 2019-2020 USDA Employment Complaint Data</b> .....	15
Section A – Number of Employment Complaints Filed at USDA.....	16
Section B – Inventory of Employment Complaints Processed at USDA.....	18
Section C – Top Three Most Frequently Alleged Bases in Formal Employment Complaints Filed with USDA .....	20
Section D – Employment Complaint Inventory by Agencies and Mission Areas with Highest Total Inventory .....	22
Section D-1 Employment Complaints Filed Per Capita .....	24
Section E – Employment Complaint Inventory by Agencies with Highest Average Age of Inventories and Average Processing Time of Closed Cases .....	25
Section F – Employment Complaints Resolved with a Finding of Discrimination .....	29
Section G – Personnel Actions Taken Following Resolution of Employment Complaints by Either a Settlement Agreement or Finding of Discrimination .....	30
Section H – Administrative Disciplinary Actions .....	31
<b>PART III: Fiscal Year 2020 Complaint Data Tables by USDA Agency</b> .....	32
Section I – Program Complaint Data .....	33
Section II – 2-1 Employment Complaint Data (Average Age of Inventory) .....	34
Section II – 2-2 Employment Complaint Data (Average Processing Time of Closed Cases) .....	35
<b>EXHIBITS:</b> .....	36
Exhibit 1: Fiscal Year 2020 USDA Program Complaint Inventory	
Exhibit 2: Fiscal Year 2020 USDA Employment Complaint Inventory	
Exhibit 2-1: Number and Types of Personnel Actions Taken Following Resolution of Employment Complaints	

## **Annual Reporting Requirements**

Section 14010 (1) of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill), mandates USDA to prepare an annual report on each of its agency's civil rights complaints, resolutions and actions. In accordance with that section, this report provides the:

- number of civil rights complaints filed that relate to USDA, including whether a complaint is a program complaint or an employment complaint;
- length of time USDA took to process each civil rights complaint to closure;
- number of proceedings brought against USDA, including the number of complaints (as described in Section 14010 (1)) resolved with a finding of discrimination; and
- number and types of personnel actions taken by USDA following the resolution of civil rights complaints.

The 2008 Farm Bill requires USDA submit a copy of this report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry, as well as make the report available to the public on USDA's website.

USDA agencies included in the report<sup>1</sup> are: Agricultural Marketing Service (AMS); Agricultural Research Service (ARS); Animal and Plant Health Inspection Service (APHIS); Economic Research Service (ERS); Farm Service Agency (FSA); Food and Nutrition Service (FNS); Food Safety and Inspection Service (FSIS); Foreign Agricultural Service (FAS); Forest Service (FS); National Agricultural Statistics Service (NASS); National Appeals Division (NAD)<sup>2</sup>; National Institute of Food and Agriculture (NIFA), Natural Resources Conservation Service (NRCS); Office of the Chief Financial Officer (OCFO); Office of Inspector General (OIG); Rural Development (RD); Risk Management Agency (RMA); Departmental Administration (DA);<sup>3</sup> and Office of the Assistant Secretary for Civil Rights (OASCR).

## **Executive Summary**

The Fiscal Year (FY) 2020 Farm Bill Report is an annual report on USDA's program and employment civil rights complaints, resolutions, and actions. The Farm Bill Report covers key OASCR accomplishments during FY 2020, the number of civil rights complaints filed, the average age of inventory, the length of time to process complaints to closure, the number of complaints resolved with a finding of discrimination, and the number and types of personnel actions taken by USDA following the resolution of complaints. Program discrimination complaints are those filed by participants in USDA's

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<sup>1</sup> On November 29, 2018, GIPSA was eliminated as a stand-alone agency and transferred to AMS. However, several complaints processed during Fiscal Year (FY) 2020 were reported under GIPSA. As a result, the employment exhibits in this report reflect GIPSA complaints separate from AMS complaints.

<sup>2</sup> In FY 2020, USDA did not process any NAD cases.

<sup>3</sup> DA complaints received prior to FY 2018 are reflected in this report under the previous name, Departmental Management (DM). Employment complaints initiated or filed against DA and other staff offices were processed by the OASCR's Conflict Complaints Division (CCD).

federally funded programs and activities and against recipients of USDA federal financial assistance programs. Employment discrimination complaints are filed by USDA employees, applicants or any specific class of individuals who believe they have suffered discrimination in terms, conditions, and/or privileges of employment.

## **Key OASCR Accomplishments:**

### **Program Complaints**

- In FY2020, USDA processed 100 percent (21) Equal Credit Opportunity Act (ECOA) final determinations in compliance with the statute of limitations (SOL) period.<sup>4</sup>
- At the beginning of FY 2020, the open program complaint inventory totaled 400 cases. During FY 2020, 243 program complaints were received, and 344 program complaints were closed, leaving an open program complaint inventory at the end of FY2020 of 299 cases.
- One finding of discrimination was issued in FY 2020. Three findings of discrimination were issued in FY 2019 (See. Part I, Section F).
- During FY 2020, 38 program cases resulted in settlements, the same number as FY2019.
- During FY2020, process improvements were implemented into the program complaint intake process. This pilot program established an “informal” pre-acceptance process to emphasis complaint counseling and resolution of issues prior to the implementation of the formal process.
- Approximately 97,000 pieces of correspondence (electronic, hard-copy and phone inquiries)e were received and processed in FY2020. This represents a 174% increase compared to FY 2019’s activity (35,396). The increase is attributed to customers easily accessing and submitting documents through USDA’s IT platforms.

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<sup>4</sup> The OASCR manages ECOA cases. These cases are program complaints accepted for investigation. ECOA cases become SOL cases when an investigation is not completed prior to expiration of the SOL. In FY 2020, 82 cases or 27 percent of the 299 ending cases inventory of program complaints are in SOL status.

## **EEO Complaints<sup>5</sup>**

- USDA experienced a decrease of 59 EEO complaints filed in FY 2020 as compared to FY 2019. A total of 377 cases were filed in FY 2020 and 436 cases in FY 2019. Data illustrating the decrease can be found in Part II, Section A.
- A total of 494 cases were closed in FY 2020 as compared to 476 cases in FY 2019. (See. Part II, Section B).
- At the beginning of FY 2020, the open employment complaint inventory totaled 756 cases. During FY 2020, 377 employment complaints were received. By the end of FY 2020, 494 employment complaints were closed, leaving an open employment complaint inventory of 637 cases.
- Ten (10) findings of employment discrimination were issued in FY 2020, an increase of seven findings as compared to three issued in FY 2019. (See Part II, Section F).
- A review of disciplinary actions taken against employees who violated Federal anti-discrimination laws and whistleblower protection statutes show in FY 2020, there were 14 disciplinary actions (See Part II, Section H) taken against employees, compared to three in FY 2019. The increase in disciplinary actions between FY 2019 and FY 2020 resulted from the continuation of USDA's Equal Opportunity Accountability initiative, which has strengthened procedures that measure and evaluate both organizational and individual accountability in providing fair and equitable treatment for all USDA employees.

## **USDA Accomplishments**

On April 9, 2021, the Secretary signed USDA's Civil Rights Policy Statement recommitting USDA's values of equity, inclusion, and equal opportunity for each other and those we serve. The Secretary committed to working with a dedicated team to actively advance racial justice and equity for one another. The Secretary reemphasized the goal to root out systemic racism and strengthen civil rights programs while building trust within and outside the Department, ensuring transparency and the equitable delivery of quality programs and services, and holding ourselves accountable toward meeting those goals.

OASCR accomplished the Secretary's goals for employment and program complaints by achieving the following:

- Monitored the sufficiency of settlement agreements, as well as the compliance efforts across the Department by providing oversight and guidance to 16 USDA agencies.
- Continued to manage the Civil Rights Enterprise System to meet the annual assessment and authorization requirements established by USDA's Office of Chief Information Officer.

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<sup>5</sup> Data from the certified FY 2020 462 Report dated October 30, 2020.

- Conducted an in-depth audit of its open inventory of cases which resulted in the identification of 90 complaints inaccurately reflecting an open status. Through a partnership with the Equal Employment Opportunity Commission (EEOC), OASCR closed 46 of the 90 cases.
- During FY 2020, USDA through OASCR, implemented the following initiatives to achieve Employment Opportunity standards for a model EEO program and strengthen civil rights activities:
  - Revised and posted civil rights and anti-harassment (AH) policy statements in accordance with the Equal Employment Opportunity Commission's (EEOC), Management Directive 715 requirements.
  - Developed and implemented USDA's revised Reasonable Accommodation and Personal Assistant Services (RA/PAS) Departmental Regulation (DR), 29 C.F.R. § 16.14.203(d)(3). The DR establishes USDA policy for providing a RA to qualified employees and applicants with disabilities. The DR will help provide qualified individuals with disabilities an equal opportunity to obtain and successfully perform a job to the same extent as employees without disabilities and enjoy the benefits and privileges of employment.
  - Established a USDA-wide task force to establish USDA's Anti-harassment Program through the development of a USDA Anti-harassment DR due to be issued in fiscal year 2022.
  - Established a USDA-wide task force to establish a OneUSDA approach to conducting compliance reviews for program and employment.
  - Developed an online civil rights app to ensure all employees and customers have access to critical civil rights information and know their legal rights. This new phone application and quick reference guide will be uploaded on every USDA employee's mobile device. This app will be updated regularly with current civil rights information.
- Strengthened USDA's ability to analyze civil rights impacts by:
  - Implementing a communication strategy to all USDA Mission Areas, agencies, and staff offices requiring compliance with DR 4300-004 (Civil Rights Impact Analysis), Section 8(a) (6-9) and realigning existing civil rights impact analysis (CRIA) procedures to the DR;
  - Developed and issued a comprehensive CRIA Guidebook to provide guidance on the preparation of the CRIA process and procedures in accordance with DR 4300-004, CRIA; and
  - Developed and implemented a CRIA Dashboard displays all CRIA actions across the department, providing OASCR leadership and users insight into CRIA operation and timeliness.

Based on the findings within the report, USDA will implement select mitigation and complaint prevention strategies annually. Specifically, OASCR will:

1. Conduct an enhanced assessment of USDA programs providing Federal financial assistance to states.
2. Collaborate with agency leadership to identify the origins and characteristics of program complaints filed by geographic location.
3. Schedule civil rights training and implement education modules to address complaint allegations on the bases of age, disability, race, sex, and retaliation.



# **PART I:**

## **Fiscal Years 2019 and 2020 USDA Formal Program Complaint Data**

## Section A — Number of Program Complaints Filed at USDA

### Introduction

Program discrimination complaints are filed by participants of USDA’s federally funded programs and activities conducted by USDA and administered through local USDA offices, (e.g., FSA’s Farm Loan and RD’s Single Family Housing Loan programs). Additionally, USDA receives program complaints filed against recipients of USDA’s Federal financial assistance programs (primarily State and local agencies and multi-family housing authorities), such as FNS’ Supplemental Nutrition Assistance Program and RD’s Multi-Family Housing Program.

This section contains comparative information regarding the number of formal Program complaints filed.

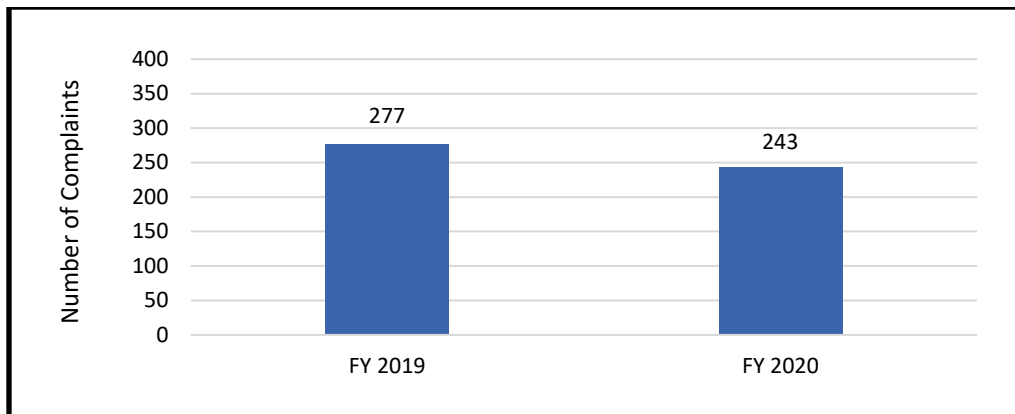
### Summary of Data

Table 1 below indicates the number of Program Complaints filed with USDA for two fiscal years. The data show the number of complaints filed in comparison to the previous year (See Graph 1). In FY 2020, 243 complaints were filed as compared to 277 in FY 2019. This represents an approximate 12.3 percent decrease in complaints filed from the previous year.

**Table 1**  
**Number of Program Complaints Filed at USDA**

Fiscal Year	Number
2019	277
2020	243

**Graph 1**  
**Number of Program Complaints Filed at USDA**



Source: Civil Rights Enterprise System

## Section B — Inventory of Program Complaints Processed at USDA

### Introduction

This section contains data regarding significant stages of the complaint inventory for program complaints processed during FYs 2019 and 2020. These stages are: (1) Beginning Inventory; (2) Complaints Filed; (3) Total USDA Inventory; (4) Complaints Closed, and (5) Ending Inventory.

### Summary of Data

At the beginning of FY 2020, USDA had an open inventory of 400 program complaints. During the fiscal year, USDA received an additional 243 complaints which totaled 643 program complaints. USDA closed a total of 344 complaints. At the end of the fiscal year, USDA had an inventory of 299 open program complaints.

In comparison, at the beginning of FY 2019, USDA had an open inventory of 412 program complaints. During the fiscal year, USDA received 277 complaints which totaled 689 program complaints. USDA closed a total of 297 complaints. At the end of the fiscal year, USDA had an inventory of 392 open program complaints.

Table 2 below provides the number of complaints at each stage of the complaint process for FY 2020 in comparison to the previous fiscal year. The data show a decrease in the complaints filed as well as in the beginning, total and ending inventories. The data also show an increase in complaints closed (See Graph 2).

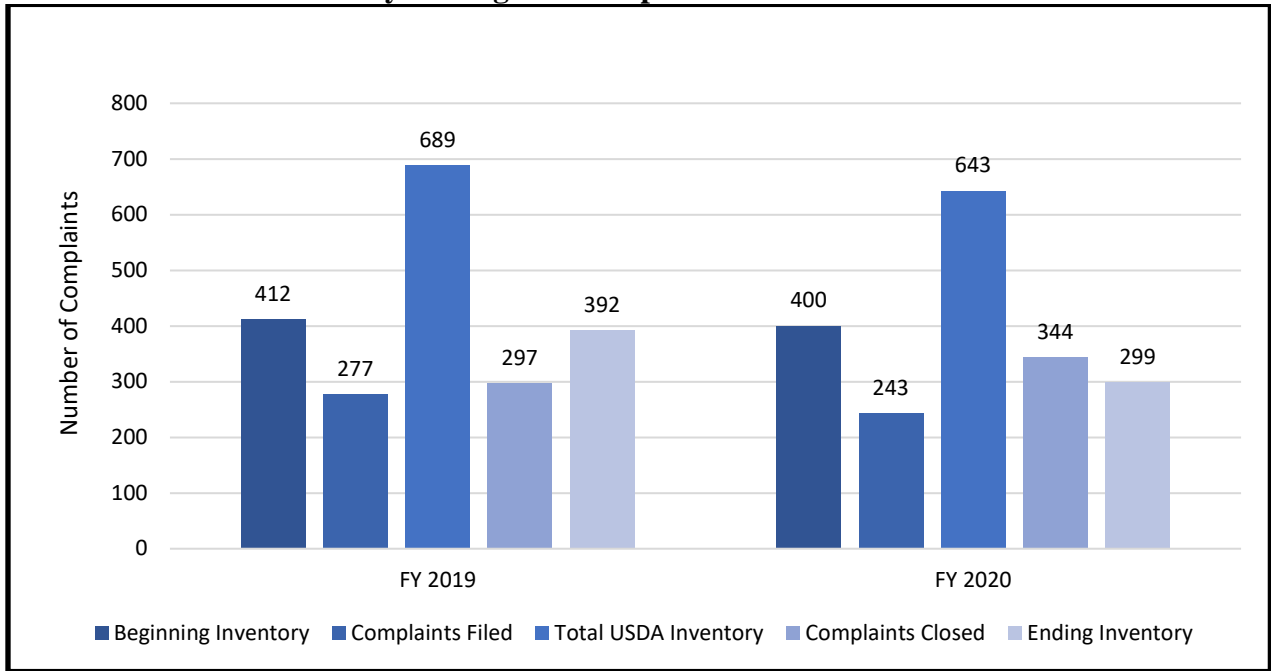
**Table 2**  
**Inventory of Program Complaints Processed at USDA**

<b>Fiscal Year</b>	<b>Beginning Inventory (A)</b>	<b>Complaints Filed (B)</b>	<b>A + B</b>	<b>Complaints Closed</b>	<b>Ending Inventory</b>
2019	412	277	689	297	392
2020	400 <sup>6</sup>	243	643	344	299

Source: Civil Rights Enterprise System

<sup>6</sup> The beginning inventory for FY 2020 is different from the ending inventory for FY 2019 due to database reconciliation.

**Graph 2**  
**Inventory of Program Complaints Processed at USDA**



Source: Civil Rights Enterprise System

## **Section C—Top Three Most Frequently Alleged Bases in Program Complaints Filed with USDA**

### **Introduction**

USDA prohibits discrimination on the basis of race, color, religion, sex, age, national origin, marital status, sexual orientation, familial status, disability, or because all or a part of an individual's income is derived from a public assistance program. In programs that receive Federal financial assistance from USDA, discrimination is prohibited on the basis of race, color, religion, sex, political beliefs, age, disability, or national origin (Not all bases apply to all programs). Reprisal is prohibited based on prior civil rights activity. Any person who believes they have experienced discrimination when obtaining services from USDA may file a program complaint with USDA.<sup>7</sup>

### **Summary of Data**

Table 3 provides data on the top three most frequently alleged bases in program complaints filed with USDA. The three most frequently cited bases in program complaints filed in FY 2020 are: (1) disability, (2) race, and (3) age. In FY 2019, the three most frequently alleged cited bases were: (1) disability, (2) age, and (3) race. These three bases are also illustrated in Graph 3, which shows a two-year trend.

### **Complaints Alleging Disability**

Disability was the most frequently alleged basis in program complaints filed against the Department. In FY 2020, 30 percent of program complaints cited disability as a basis compared to 32 percent in FY 2019.

### **Complaints Alleging Race**

Race was the second most frequently alleged basis in program complaints at USDA in FY 2020. In FY 2020, 17 percent of program complaints cited race as a basis compared to 16 percent in FY 2019.

### **Complaints Alleging Age**

Age was the third most frequently alleged basis in program complaints at USDA in FY 2020. In FY 2020, 15 percent of program complaints cited age as a basis compared to 27 percent in FY 2019.

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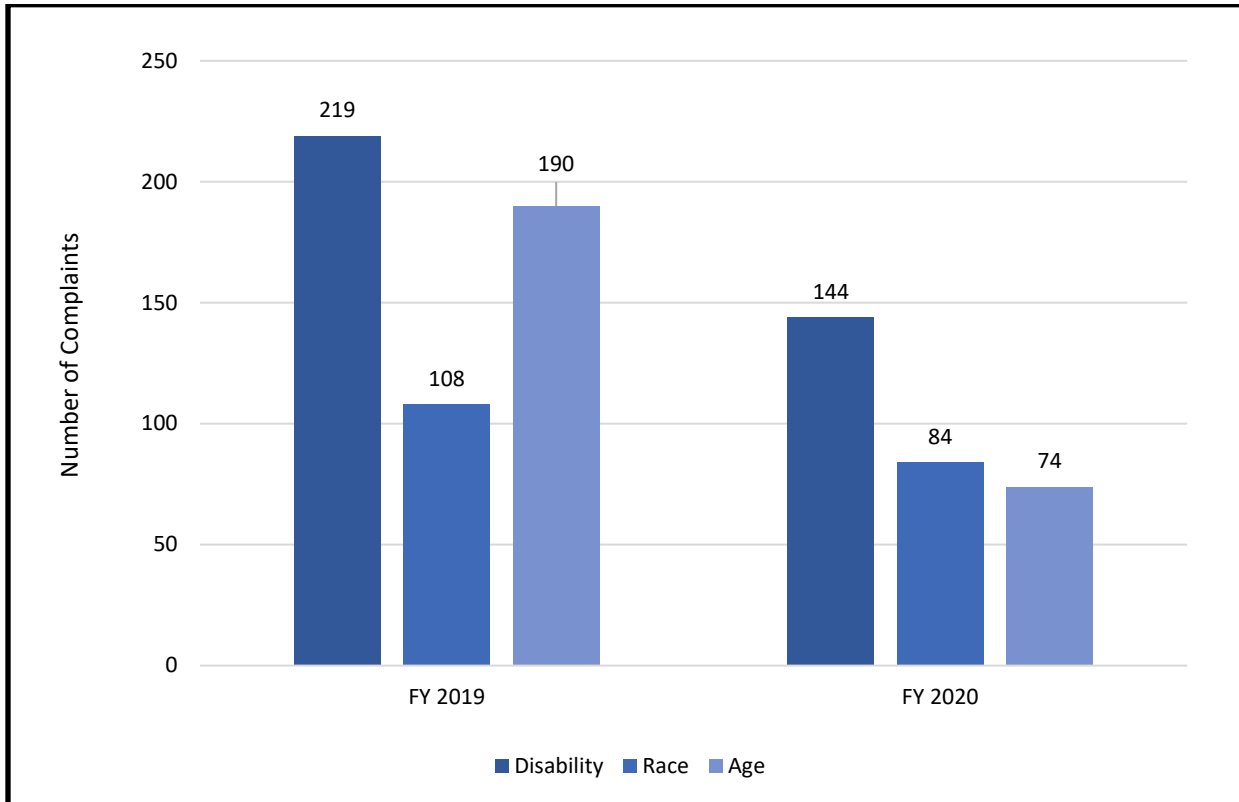
<sup>7</sup> Complainants may allege multiple bases in a single complaint.

**Table 3**  
**Top Three Most Frequently Alleged Bases in Program Complaints Filed with USDA**

<b>Fiscal Year</b>	<b>Disability</b>	<b>Race</b>	<b>Age</b>
2019	219	108	190
2020	144	84	74

Source: Civil Rights Enterprise System

**Graph 3**  
**Top Three Most Frequently Alleged Bases in Program Complaints Filed with USDA**



Source: Civil Rights Enterprise System

## Section D – Program Complaint Inventory by Agencies with Highest Inventory

### Introduction

This section contains data regarding the top three USDA agencies with the highest inventory and the number of complaints filed against them.

### Summary of Data

In FY 2020, the program complaint inventory of FNS, RD and FSA accounted for approximately 94 percent (606 complaints) of the total USDA complaint inventory (643). Out of the 243 program complaints filed with USDA during FY 2020, the respective top three agencies had the following totals: FNS accounted for 99 complaints; RD accounted for 106; and FSA accounted for 25 complaints filed.

In comparison, the FY 2019 program complaint inventory of FNS, RD and FSA accounted for approximately 91 percent (629 complaints) of the total USDA complaint inventory (689). Out of the 277 program complaints filed with USDA during FY 2019, the respective top three agencies had the following totals: FNS accounted for 129 complaints; RD accounted for 110 complaints; and FSA accounted for 24 complaints.

Table 4 below provides data on the top three agencies with the highest total program complaint inventory. The data show that FNS, RD and FSA were consistently among the top three agencies with the highest inventories for the two-year period (See Graphs 4A and 4B).

**Table 4**  
**Program Complaint Inventory by Agencies with Highest Inventory**

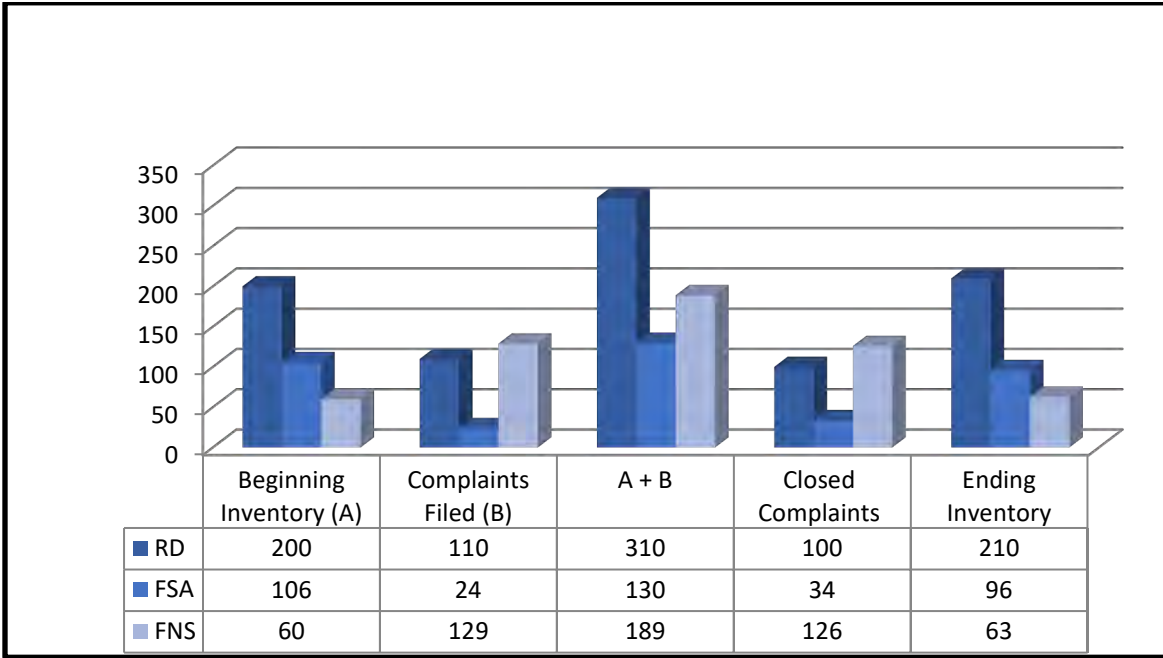
<b>Fiscal Year</b>	<b>Agency</b>	<b>Beginning Inventory (A)</b>	<b>Complaints Filed (B)</b>	<b>A + B</b>	<b>Closed Complaints</b>	<b>Ending Inventory</b>
2019	FNS	60	129	189	126	63
	RD	200	110	310	100	210
	FSA	106	24	130	34	96

Source: Civil Rights Enterprise System

<b>Fiscal Year</b>	<b>Agency</b>	<b>Beginning Inventory (A)</b>	<b>Complaints Filed (B)</b>	<b>A + B</b>	<b>Closed Complaints</b>	<b>Ending Inventory</b>
2020	FNS	79	99	178	131	47
	RD	213	106	319	166	153
	FSA	84	25	109	33	76

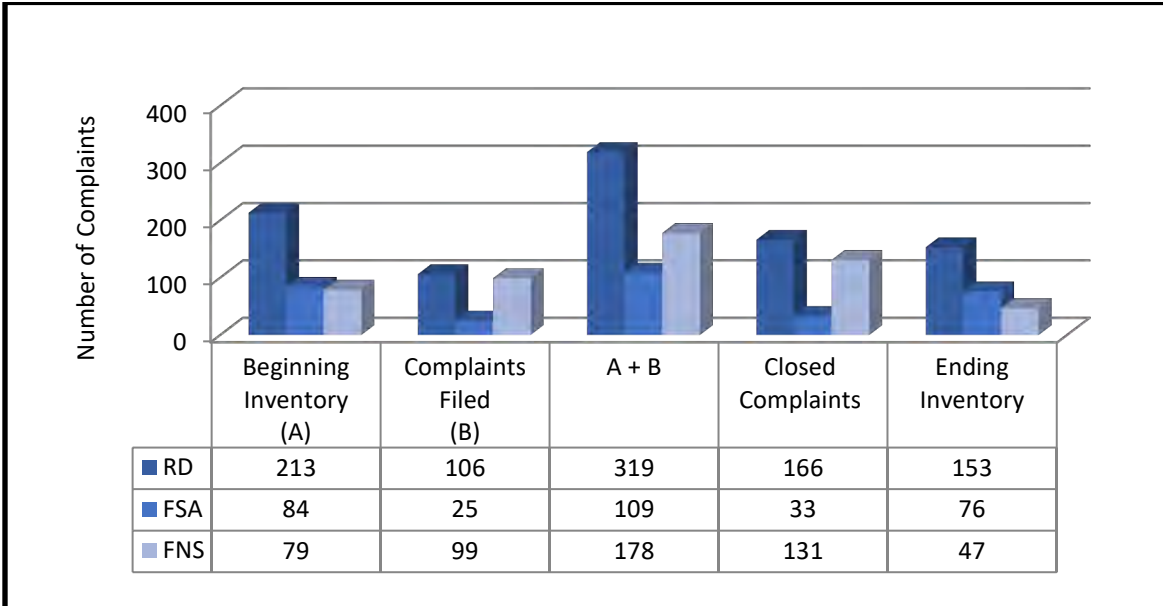
Source: Civil Rights Enterprise System

**Graph 4A**  
**FY 2019 Program Complaint Inventory by Agencies with Highest Inventory**



Source: Civil Rights Enterprise System

**Graph 4B**  
**FY 2020 Program Complaint Inventory by Agencies with Highest Inventory**



Source: Civil Rights Enterprise System



## **Section E – Program Complaint Inventory by Agencies with Average Age of Inventory and Average Processing Time of Closed Cases**

### **Introduction**

For FY 2020, OASCR clarified the distinction between program complaint average processing time and the age of the program complaint inventory to reflect more detailed program complaint processing information.

The Average Age of Inventory for program complaints is calculated by the sum of the age of the complaints in the inventory (days on hand) divided by the number of complaints in the inventory.

In addition, this section provides data regarding the top three USDA agencies with the highest average age for their respective total complaint inventory (See Part III, Section I, Program Complaint Data by USDA Agency for a complete listing).

For complaints closed during the fiscal year, the average age was calculated based on the time between the formal filing date (regardless of the fiscal year) and the date of closure. Of the complaints that remained in open status by the end of the fiscal year, the average age was calculated based on the time between the formal filing date (regardless of the fiscal year) and the end of the fiscal year (September 30, 2020).

### **Average Age of Inventory:**

For FY 2020, the average age of 643 total program complaints in inventory which includes Statute of Limitation (SOL) complaints is 895 days. In FY 2020, 82 cases or 13 percent of the 299-ending case inventory of program complaints are in SOL status.

### **Summary of Data**

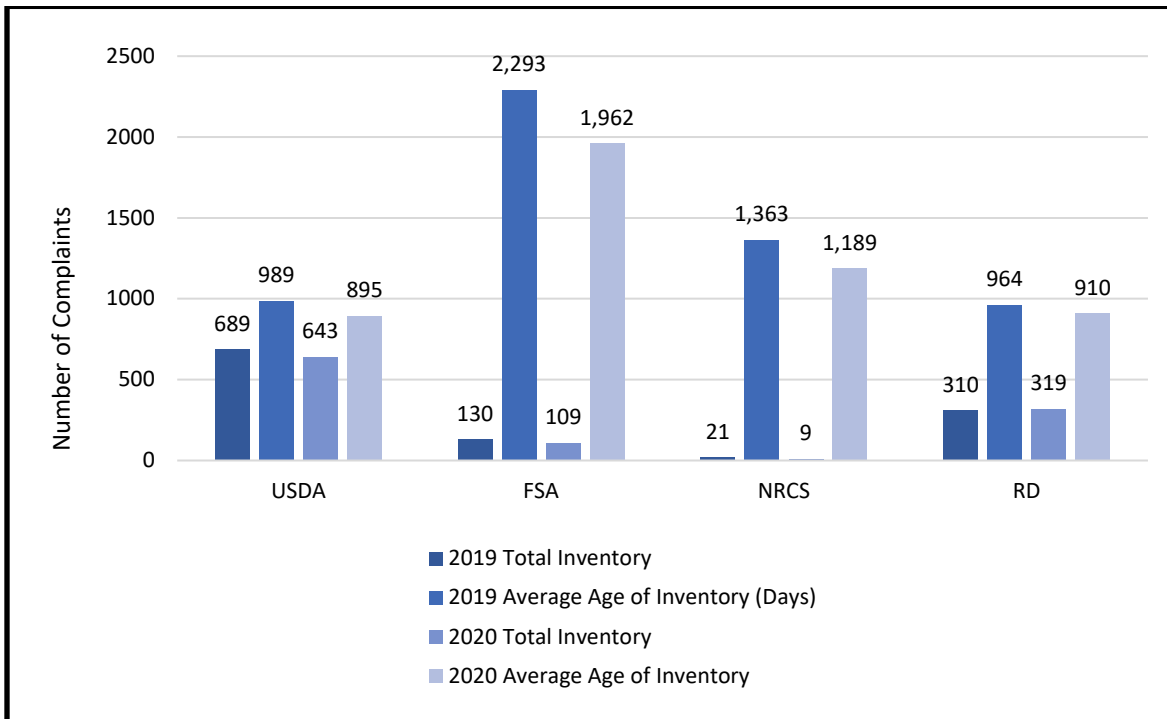
Table 5A below provides data on the top three agencies with the highest average age, in contrast with the average processing time of the total USDA complaint inventory for FY 2020. The data show that FSA, NRCS and RD were consistently one of the top three agencies with the highest average age of inventory for FY 2020 (See Table 5A and Graph 5A).

**Table 5A: Program Complaint Inventory by Agencies with Highest Average Age of Inventory**

<b>Fiscal Year</b>	<b>Agency</b>	<b>Inventory</b>	<b>Average Age of Inventory (Days)</b>
2019	<b>USDA</b>	<b>689</b>	<b>989</b>
	FSA	130	2,293
	NRCS	21	1,363
	RD	310	964
<b>Fiscal Year</b>	<b>Agency</b>	<b>Inventory</b>	<b>Average Age of Inventory (Days)</b>
2020	<b>USDA</b>	<b>643</b>	<b>895</b>
	FSA	109	1962
	NRCS	9	1189
	RD	319	910

Source: Civil Rights Enterprise System

**Graph 5A  
FY 2020 Program Complaint Inventory by Agencies with Highest Average Age of Inventory**



Source: Civil Rights Enterprise System

**Reporting Average Processing Time of Closed Cases:**

The Average Processing Time (APT) for program complaints is calculated by including complaints that have been processed to closure within the respective fiscal year. Complaints processed are interpreted as complaints that have been received, accepted for processing, and resolved through a determination in compliance with Departmental regulations. The date the complaint was resolved (Final Agency Decision or Closure) minus the date the complaint was accepted is the method of computation of the APT.

**Average Processing Time of Closed Cases:**

The average processing time for 203<sup>8</sup> complaints resolved in FY 2020 was 369 days. The average processing time without 75 FNS cases in FY 2020 was 472 days. The average processing time for 192<sup>9</sup> complaints resolved in FY 2019 was 574 days.

Table 5B and Graph 5B show the number of complaints resolved at USDA, by each agency for FY 2020.

**Table 5B  
Average Processing Time of Closed Cases for  
USDA and Agencies**

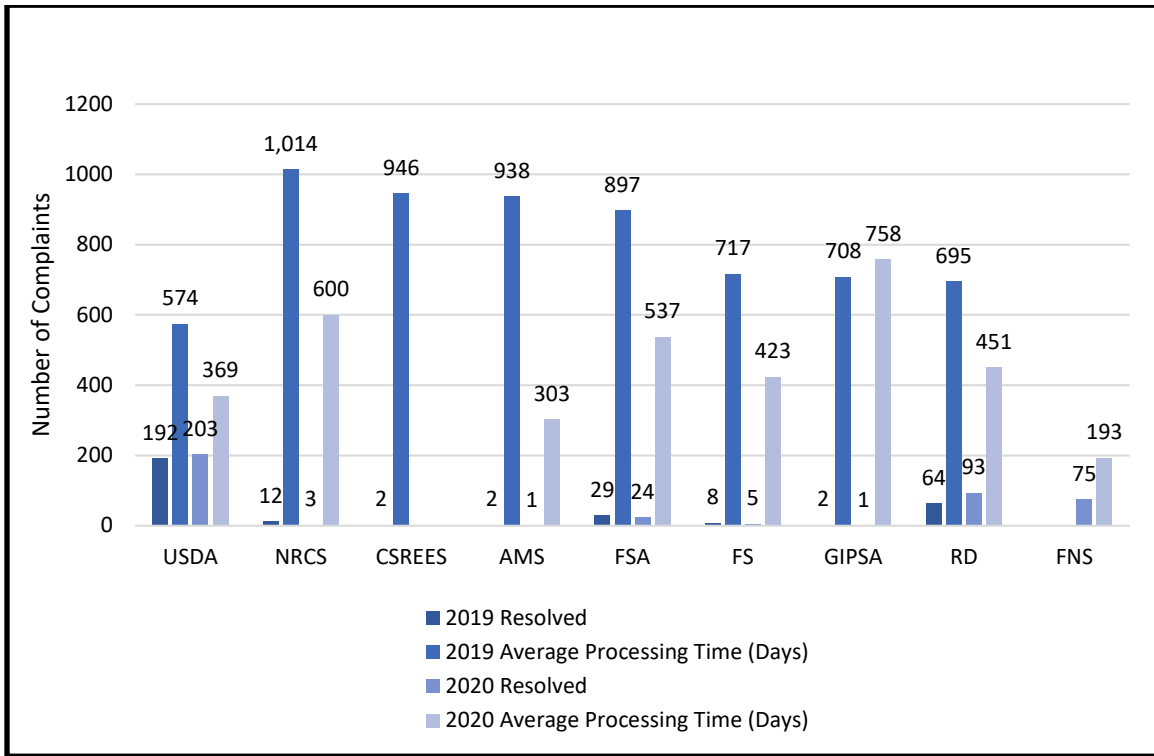
<b>Fiscal Year</b>	<b>Agency</b>	<b>Resolved</b>	<b>Average Processing Time (Days)</b>
<b>2019</b>	<b>USDA</b>	<b>192</b>	<b>574</b>
	NRCS	12	1,014
	CSREES	2	946
	AMS	2	938
	FSA	29	897
	FS	8	717
	GIPSA	2	708
	RD	64	695
<b>2020</b>	<b>USDA</b>	<b>203</b>	<b>369</b>
	GIPSA	1	758
	NIFA	1	632
	NRCS	3	600
	FSA	24	537
	RD	93	451
	FS	5	423
	AMS	1	303
	FNS	75	193

Source: Civil Rights Enterprise System

<sup>8</sup> The cases resolved with following closure codes were used to calculate the average processing time: Finding, No Finding; Filed in Court; HUD Decision; Settlement; and Withdrawal. The following closure codes were omitted from calculating the average processing time: Failure to Pursue; Failure to State a Claim; Lack of Jurisdiction; and Untimely Filing.

<sup>9</sup> Same closure codes used for FY 2020 were used for FY 2019 average processing time of closed cases. In addition to the closure codes omitted in FY 2019 as in FY 2020, the closure code, Compliance Review End, was also omitted for FY 2019.

**Graph 5B**  
**Average Processing Time**  
**Cases Resolved by USDA and Agencies**



Source: Civil Rights Enterprise System

## Section F - Program Complaints Resolved with a Finding of Discrimination

### Introduction

Final Agency Actions involving a finding of discrimination are issued on the record. The final actions involving a finding of discrimination may include complaints with a variety of bases and issues.

### Summary of Data

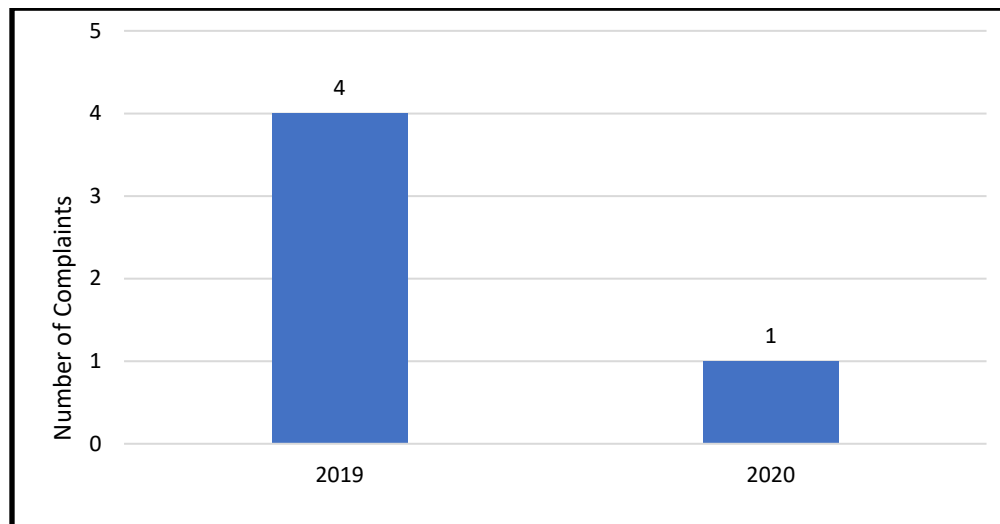
Table 6 and Graph 6 show a decrease of three in the number of findings of discrimination from FY 2019 to FY 2020.

**Table 6**  
**Program Complaints Resolved with a Finding of Discrimination**

Fiscal Year	Number
2019	4
2020	1

Source: Civil Rights Enterprise System

**Graph 6**  
**Program Complaints Resolved with a Finding of Discrimination**



Source: Civil Rights Enterprise System

**Section G -- Program Complaints Resolved with a Settlement Agreement**

**Introduction**

This section contains data regarding the number of program complaints resolved with a settlement agreement for FYs 2019 and 2020.

**Summary of Data**

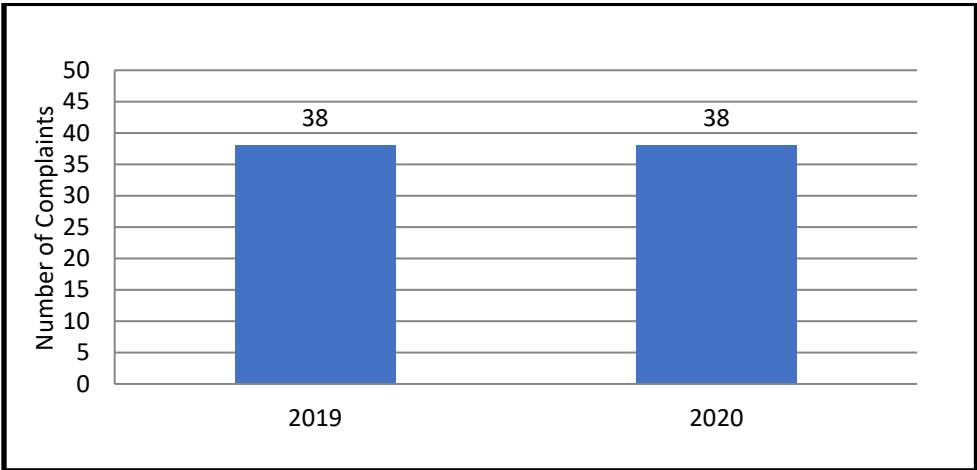
Table 7 and Graph 7 show the number of complaints resolved by a settlement agreement remained the same for FY 2019 and FY 2020.

**Table 7  
Program Complaints Resolved with a Settlement Agreement**

<b>Fiscal Year</b>	<b>Number</b>
2019	38
2020	38

Source: Civil Rights Enterprise System

**Graph 7  
Program Complaints Resolved with a Settlement Agreement**



Source: Civil Rights Enterprise System

## **PART II:**

# **Fiscal Years 2019 and 2020 USDA Pre-Complaint and Formal Employment Complaint Data**

## Section A – Number of Employment Complaints Filed at USDA

### Introduction

Employment discrimination complaints are filed by USDA employees, applicants or any specific class of individuals who believe they have suffered discrimination in terms, conditions, and/or privileges of employment. USDA encourages the use of Alternative Dispute Resolution to resolve all discrimination complaints as early as possible.

This section contains comparative information regarding Pre-complaint data on ADR and the number of formal EEO complaints filed.

### Summary of Data

Table 1 shows FY 2019 and FY 2020 Pre-complaint EEO ADR data. In FY 2019, 606 aggrieved persons were offered ADR and 260 (43%) agreed to participate, resulting in five settlement agreements. In FY 2020, 624 aggrieved persons were offered ADR and 267 (43%) agreed to participate, resulting in forty-eight settlement agreements. USDA will continue to embark upon a robust early resolution initiative to improve resolution rates (See Graph 1).

**Table 1**  
**Number of EEO Pre-Complaint Resolutions at USDA**

Fiscal Year	Offered ADR	Accepted ADR	Resolved /Settlement Agreements	Resolution Rate
2019	606	260	5	0.008
2020	624	267	48	0.077

Source: FY 2019 data from FY 2019 Farm Bill Report; and FY 2020 data from FY 2020 462 Report.

**Graph 1**  
**Number of EEO Pre-Complaint Resolutions at USDA**

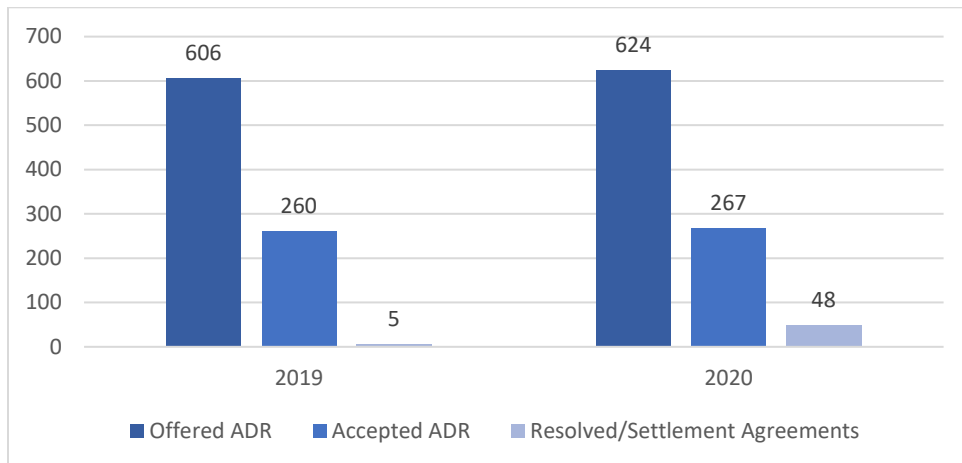




Table 2 indicates the number of formal EEO complaints filed with USDA for two fiscal years. The data show the number of complaints filed in comparison to the previous year. In FY 2020, 397 complaints were filed as compared to 436 in FY 2019. This represents an 8.9 percent decrease in complaints filed (See Graph 2).

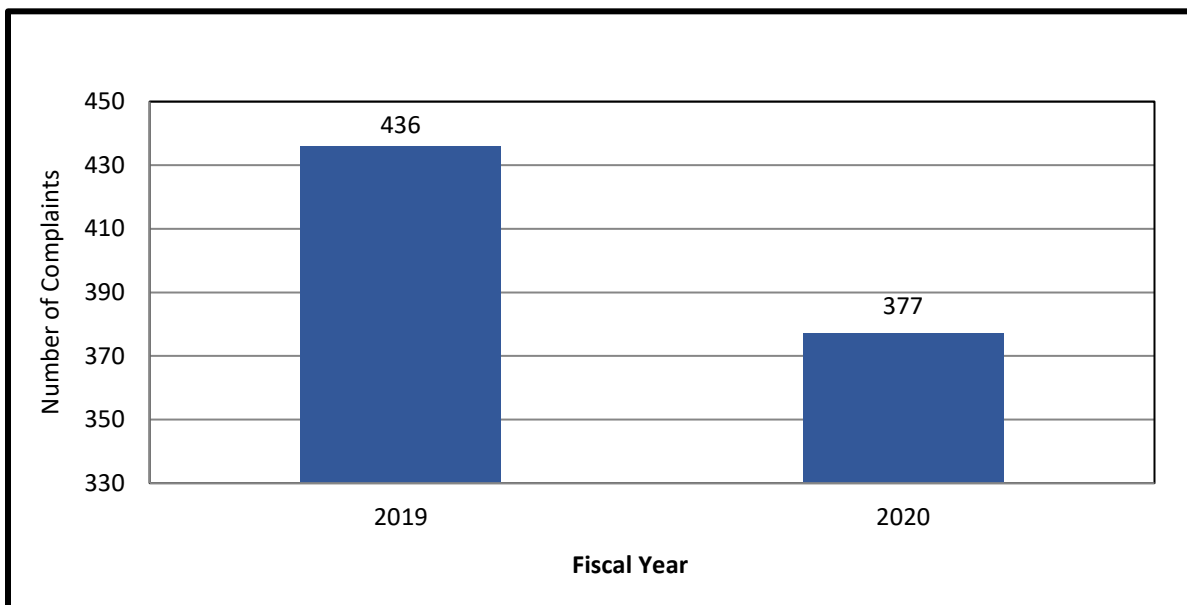
**Table 2**  
**Number of Employment Complaints Filed at USDA**

<b>Fiscal Year</b>	<b>Number</b>
2019	436
2020	377

Source: FY 2019 data from FY 2019 Farm Bill Report; and FY 2020 data from FY 2020 462 Report.

**Graph 2**

**Number of Employment Complaints Filed at USDA**



Source: FY 2019 data from FY 2019 Farm Bill Report; and FY 2020 data from FY 2020 462 Report.

## Section B – Inventory of Employment Complaints Processed at USDA

### Introduction

This section contains data regarding significant stages of the complaint inventory for formal EEO complaints processed during FYs 2019 and 2020. These stages are: (1) Beginning Inventory; (2) Complaints Filed; (3) Total USDA Inventory; (4) Complaints Closed; and (5) Ending Inventory.

### Summary of Data

At the beginning of FY 2020, USDA had an open employment complaint inventory of 756 cases. During the fiscal year, USDA received an additional 377 employment complaints which totaled 1,145 complaints. USDA closed a total of 494 employment complaints. At the end of the fiscal year, USDA had an inventory of 637 open employment complaints.

In comparison, at the beginning of FY 2019, USDA had an open inventory of 835 employment complaints. During the fiscal year, USDA received an additional 436 complaints which totaled 1,271 employment complaints. USDA closed a total of 476 employment complaints. At the end of the fiscal year, USDA had an inventory of 795 open employment complaints.

Table 3 below provides the number of complaints in the inventory for FY 2020 in comparison to the previous fiscal year. The data show a decline in inventory at each of the significant stages of the employment complaint inventory (See Graph 3).

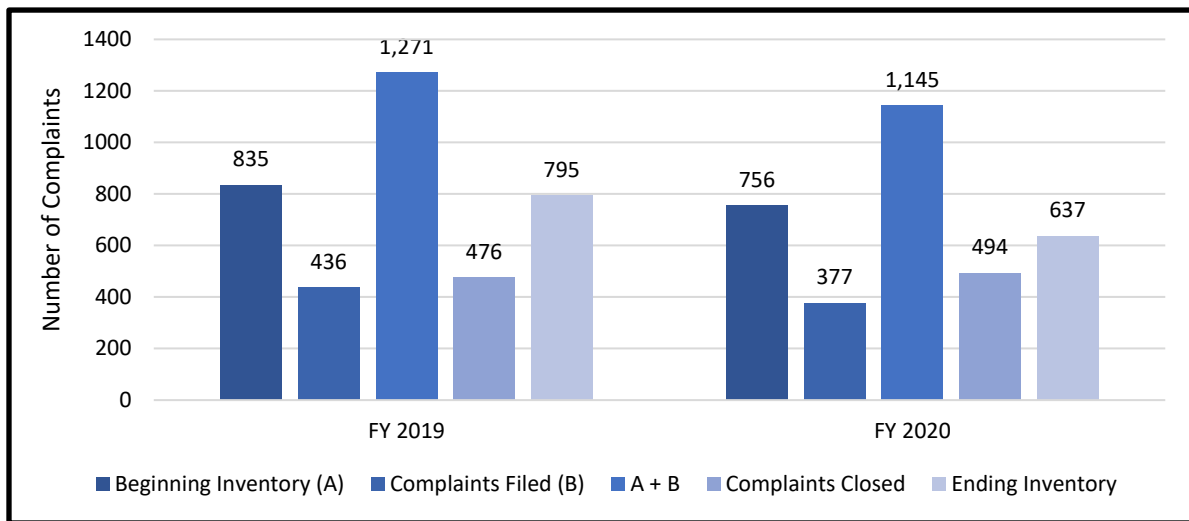
**Table 3**  
**Inventory of Employment Complaints Processed at USDA**

<b>Fiscal Year</b>	<b>Beginning Inventory (A)</b>	<b>Complaints Filed (B)</b>	<b>Total A + B</b>	<b>Complaints Closed</b>	<b>Ending Inventory</b>
2019	835	436	1,271	476	795
2020 <sup>10</sup>	756	377	1,145	494	637

Source: FY 2019 data from FY 2019 Farm Bill Report; and FY 2020 data from FY 2020 462 Report.

<sup>10</sup> The data are from the certified FY 2020 462 report dated Oct 30, 2020. The data from FY 2020 Farm Bill Report Data Tables from USDA Civil Rights Enterprise System dated July 14, 2021 show the following: 772 as Beginning Balance, 397 as Complaints Filed totaling 1,169. 529 as Complaints Closed, and 640 as Ending Inventory. The differences are due to data reconciliation in the USDA Civil Rights Enterprise System.

**Graph 3**  
**Inventory of Employment Complaints Processed at USDA**



Source: FY 2019 data from FY 2019 Farm Bill Report; and FY 2020 data from FY 2020 462 Report.

## **Section C – Top Three Most Frequently Alleged Bases in Formal Employment Complaints Filed with USDA**

### **Introduction**

USDA prohibits discrimination on the basis of race, color, national origin, age (40 or older), mental and/or physical disability, sex (including pregnancy, sexual orientation, or gender identity), genetic information, religion, reprisal/retaliation, marital status, parental status, or political beliefs. It is also USDA's policy to process complaints of employment discrimination in a fair, equitable, and timely manner.<sup>11</sup>

### **Summary of Data**

Table 4 provides data on the top three most frequently alleged bases<sup>12</sup> in formal EEO complaints filed with USDA. The three most frequently cited bases in formal EEO complaints filed in FY 2020 are: (1) retaliation; (2) race; and (3) sex. In FY 2019, the three most frequently cited bases in formal EEO complaints filed were: (1) retaliation; (2) race; and (3) sex. These three bases are also illustrated in Graph 3, which shows a two-year trend.

#### **Complaints Alleging Retaliation**

Retaliation was the most frequently alleged basis in formal EEO complaints at USDA for both FYs 2020 and 2019. In FY 2020, 57 percent of complaints cited retaliation as a basis as compared to 59 percent in FY 2019.

#### **Complaints Alleging Race Discrimination**

Race was the second most frequently alleged basis in formal EEO complaints at USDA in FY 2020. In FY 2020, 43 percent of complaints cited race as a basis as compared to 55 percent in FY 2019.

#### **Complaints Alleging Sex Discrimination**

Sex was the third most frequently alleged basis in formal EEO complaints at USDA in FY 2020. In FY 2020, 42 percent of complaints cited sex as a basis compared to 61 percent in FY 2019.

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<sup>11</sup> Complainants may allege multiple bases in a single complaint.

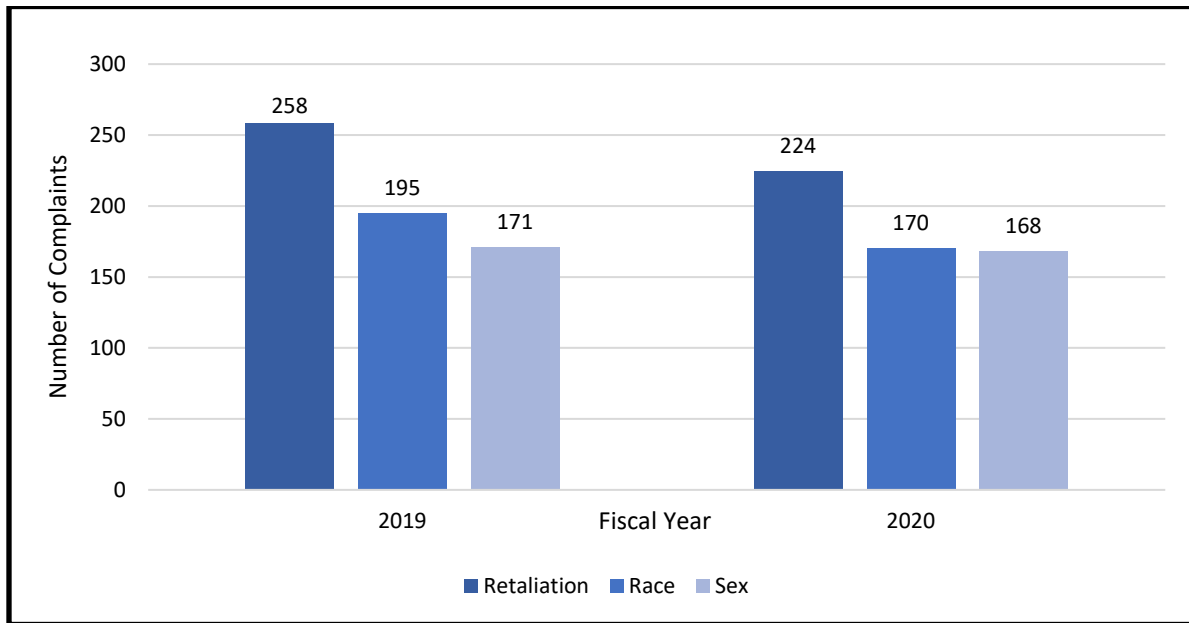
<sup>12</sup> Source: FY 2020 data from FY 2020 No FEAR Report

**Table 4**  
**Top Three Most Frequently Alleged Bases in**  
**Formal Complaints Filed with USDA<sup>13</sup>**

<b>Fiscal Year</b>	<b>Retaliation</b>	<b>Race</b>	<b>Sex</b>
2019	258	195	171
2020	224	170	168

Source: FY 2019 data from FY 2019 Farm Bill Report; and FY 2020 data from FY 2020 462 Report.

**Graph 4**  
**Top Three Most Frequently Alleged Bases in Formal Employment**  
**Complaints Filed with USDA**



Source: FY 2019 data from FY 2019 Farm Bill Report; and FY 2020 data from FY 2020 462 Report.

<sup>13</sup> Source: FY 2020 data from FY 2020 No FEAR Act Report.

## Section D – Employment Complaint Inventory by Agencies and Mission Areas with Highest Inventory

### Introduction

This section contains data regarding the top three USDA agencies and/or Mission Areas with the highest inventory and the number of complaints filed against them.

### Summary of Data

In FY 2020, the employment complaint inventory of FS, FPAC, and FSIS accounted for approximately 53 percent (618 complaints) of the total USDA complaint inventory<sup>14</sup> (1,169). Out of the 397 employment complaints filed with USDA during FY 2020, the respective top three agencies had the following totals: FS accounted for 73 complaints; FPAC accounted for 65 complaints; and FSIS accounted for 57 complaints.

In comparison, the FY 2019 employment complaint inventory of FS, FPAC and FSIS accounted for approximately 54 percent (689 complaints) of the total USDA complaint inventory (1,271). Out of the 436 employment complaints filed with USDA during FY 2019, the respective top three agencies had the following totals: FS accounted for 100 complaints; FPAC accounted for 62 complaints; and FSIS accounted for 59 complaints.

Table 5 below provides data on the top three agencies and/or Mission Areas with the highest total employment complaint inventory. The data show FS, FPAC and FSIS were consistently the top three agencies with the highest inventory for the two-year period (See Graphs 4A and 4B).

**Table 5: Employment Complaint Inventory by Agencies and Mission Areas with Highest Inventory<sup>15</sup>**

<b>Fiscal Year</b>	<b>Agency</b>	<b>Beginning Inventory (A)</b>	<b>Complaints Filed (B)</b>	<b>Total A + B</b>	<b>Closed Inventory</b>	<b>Ending Inventory</b>
2019	FS	268	100	368	161	207
	FPAC	122	62	184	61	123
	FSIS	78	59	137	50	87

Source: FY 2019 data from FY 2019 Farm Bill Report

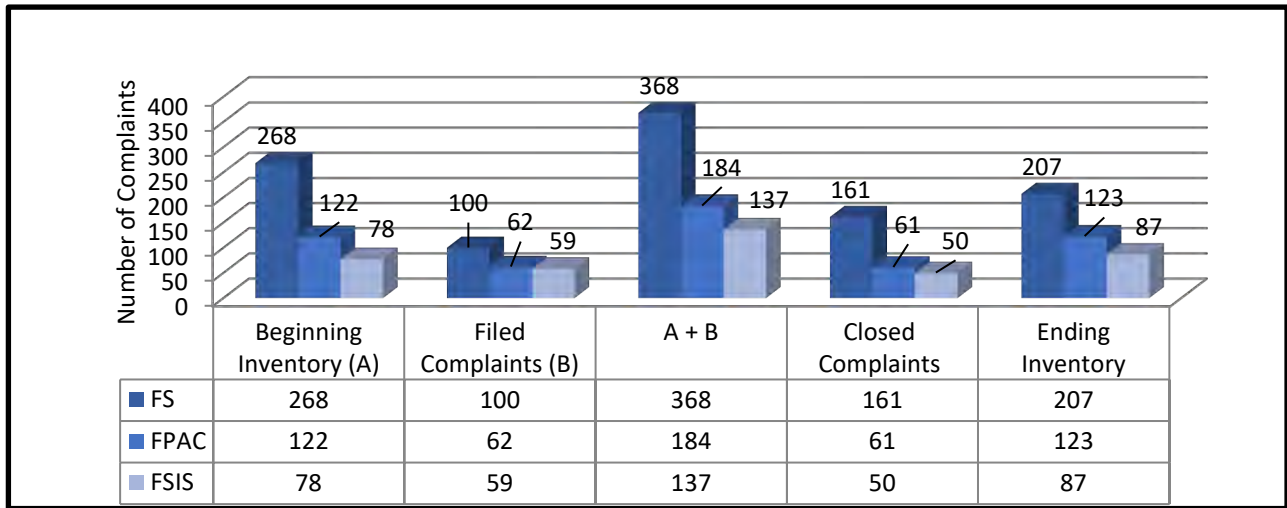
<sup>14</sup> FY 2020 data from Farm Bill Report Data Tables. The data from FY 2020 Farm Bill Report Data Tables from USDA Civil Rights Enterprise System dated July 14, 2021 shows the following: 772 as Beginning Balance, 397 as Complaints filed totaling 1,169 cases in inventory. 529 as Complaints closed, and 640 as Ending Inventory.

<sup>15</sup> The approximate total workforce for the agencies with the highest inventory in FY 2020 is: FS - 28,894 employees, FSIS - 8,617 employees, and FPAC – 14,572 employees. In FY 2019, the approximate total workforce for the agencies with the highest inventory in FY 2019 is: FS - 34, 863 employees, FSIS - 9, 052 employees, and FPAC - 12, 625 employees. Source: FY 2020 Management Directive-715, A-2 Workforce Data Tables.

Fiscal Year	Agency	Beginning Inventory (A)	Complaints Filed (B)	Total A + B	Closed Inventory	Ending Inventory
2020	FS	210	73	283	114	169
	FPAC	125	65	190	87	103
	FSIS	88	57	145	77	68

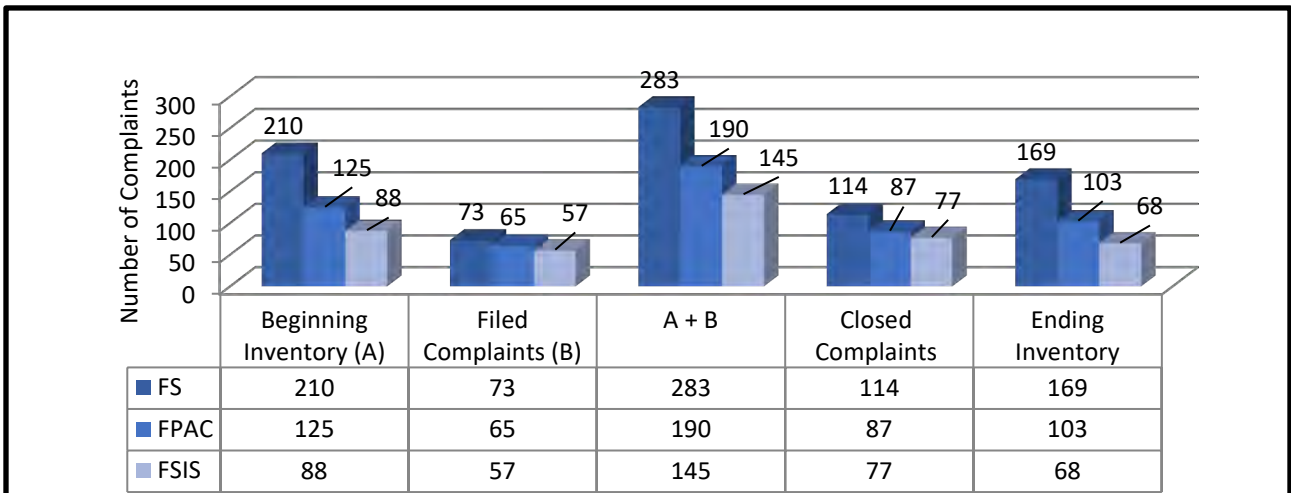
Source: FY 2020 Farm Bill Report Data Tables. The data includes conflict cases.

**Graph 5A**  
**FY 2019 Employment Complaint Inventory by Agencies and Mission Areas with Highest Inventory**



Source: FY 2019 Farm Bill Report

**Graph 5B**  
**FY 2020 Employment Complaint Inventory by Agencies and Mission Areas with Highest Inventory**



Source: FY 2020 Farm Bill Report Data Tables

## Section D.1 – Employment Complaints Filed Per Capita in Top Three Agencies with Highest Inventories

### Introduction

This section contains data and information for the top three USDA agencies and/or Mission Areas with the highest inventory and the number of EEO complaints filed per capita.

### Summary of Data

In FY 2020, the USDA agencies with the highest employment complaint inventories were FS, FPAC, and FSIS. The number of complaints filed as a percent of their individual agency’s total work force (per capita 1,000 employees) indicates FS at 2.5, FPAC at 4.5 and FSIS 6.6, respectively.

The same agencies, FS, FPAC, and FSIS also had the highest employment complaint inventories in FY 2019. The number of complaints filed as a percent of their individual agency’s total work force (per capita 1,000 employees) indicates FS at 2.9, FPAC at 4.9 and FSIS 6.5.

Table 5 below displays data observation of those agencies with the highest inventories and their respective complaints filed per capita (per 1,000 employees).

**Table 5.1**  
**Formal Employment Complaints Filed Per Capita in**  
**Top Three Agencies with Highest Inventories**

USDA Agency	Agency Total Workforce <sup>1</sup>	Number Complaints Filed <sup>2</sup>	Number of Complaints Filed as % of Total Work Force	Per Capita (per 1,000)
<b>FY 2019</b>				
FS	34,863	100	0.29%	2.9
FPAC <sup>3</sup>	12,625	62	0.49%	4.9
FSIS	9,052	59	0.65%	6.5
<b>FY 2020</b>				
FS	28,894	73	0.25%	2.5
FPAC <sup>3</sup>	14,572	65	0.45%	4.5
FSIS	8,617	57	0.66%	6.6
FY 2020 Department-wide <sup>4</sup>	90,713	377	0.42%	4.2
FY 2019 Government-wide <sup>5</sup>	3,002,119	15,070	0.50%	5.0

Source:

<sup>1</sup> MD-715 Workforce Table A-2

<sup>2</sup> FY 2020 Farm Bill Report Data Tables. Data includes conflict cases.

<sup>3</sup> Does not include FPAC Business Center Employees

<sup>4</sup> FY 2020 MD715, Table A-1

<sup>5</sup> EEOC FY 2019 Federal Sector Report Data--Table B-1. FY 2020 Government-wide data is currently unavailable.



## **Section E: Employment Complaint Inventory by Agencies with Highest Average Age of Inventories and Average Processing Time of Closed Cases**

### **Introduction**

For FY 2020, OASCR clarified the distinction between employment complaint average processing time and the age of the employment complaint inventory to reflect more detailed complaint processing information.

The Average Age of Inventory for employment complaint is calculated by sum of the age of the complaints in the inventory (days on hand) divided by the number of complaints in the inventory (on hand). In addition, this section provides data regarding the top five USDA agencies with the highest average age for their respective total complaint inventory (See Part III, Section II, Employment Complaint Data by USDA Agency for a complete listing).

For complaints closed during the fiscal year, the average age was calculated based on the time between the formal filing date (regardless of the fiscal year) and the date of closure. Of the complaints that remained in open status by the end of the fiscal year, the average age was calculated based on the time between the formal filing date (regardless of the fiscal year) and the end of the fiscal year (September 30, 2020).<sup>16</sup>

### **Average Age of Inventory:**

For FY 2020, the average age of 1,169 total employment complaints in inventory is 686 days. For FY 2019, the average age of 1,271 total employment complaints in inventory is 683.<sup>17</sup> days.

### **Summary of Data**

Table 6A and Graph 6A below provide data on the top five agencies with the highest average age of inventory for FY 2020. The data show USDA, GIPSA, FAS, FS and APHIS were agencies with the highest average age of inventory in FY 2020. (See Table 6A and Graph 6A).

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<sup>16</sup> The complaint inventory also includes remanded complaints. A remand is an employment complaint returned to the agency by the EEOC for further action based on an appellate decision. Average age of inventory for these complaints was calculated based on the time between the remand date (regardless of the fiscal year) and the date of the remand closure. For remanded complaints that remained in open status by the end of FY 2020, the average age in inventory was calculated based on the time between the remand date (regardless of the fiscal year) and the end of FY 2020 (September 30, 2020).

<sup>17</sup> The average processing time of all cases in inventory reported in FY 2019 Farm Bill Report has been renamed as the Average Age of Inventory in FY 2020 Farm Bill Report.

**Table 6A: Employment Complaint Inventory by Agencies with Highest Average Age of Inventory (Days)**

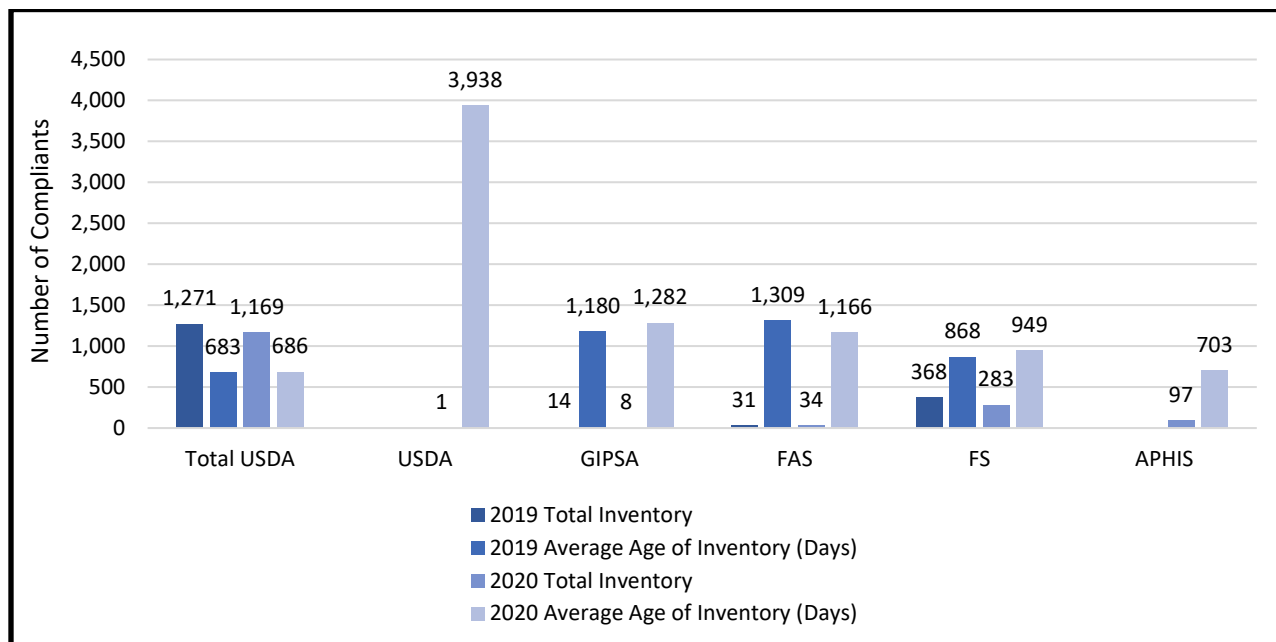
Fiscal Year	Agency	Inventory	Average Age of Inventory (Days) <sup>18</sup>
2019	<b>Total USDA</b>	<b>1,271</b>	<b>683</b>
	FAS	31	1,309
	GIPSA	14	1,180
	FS	368	868

Fiscal Year	Agency	Inventory	Average Age of Inventory (Days)
2020	<b>Total USDA</b>	<b>1,169</b>	<b>686</b>
	USDA	1	3,938
	GIPSA	8	1,282
	FAS	34	1,166
	FS	283	949
	APHIS	97	703

Source: FY 2019 Farm Bill Report and FY 2020 Farm Bill Report Data Tables.

Note: Agency conflict cases are included in each agency's data.

**Graph 6A: FY 2019 and 2020 Employment Complaint Inventory by Agencies with Highest Average Age of Inventory (Days)**



Source: FY 2019 Farm Bill Report; and FY 2020 Farm Bill Report Data Tables.

Note: Agency conflict cases are included in each agency's data.

<sup>18</sup> The average processing time of all cases in the inventory reported in the FY 2019 Farm Bill Report has been renamed as the Average Age of Inventory in FY 2020 Farm Bill Report to title the computation accurately.

**Reporting Average Processing Time of Closed Cases:**

The Average Processing Time (APT) for employment complaints is calculated by identifying complaints that have been processed to closure within a fiscal year. Complaints processed are those that have been received, accepted for processing, and resolved through a final determination in compliance with Departmental regulations. The date the complaint was resolved (All Closure Codes in the Civil Rights Enterprise System) minus the date the complaint was accepted is the method of calculating average processing time.

**Average Processing Time of Closed Cases:**

The average processing time<sup>19</sup> for 529 complaints resolved in FY 2020 was 628 days. The average processing time for 476 cases resolved in FY 2019 was 598 days.

Table 6B and Graph 6B show the number of complaints resolved and the average processing time to close cases at USDA. Data on six agencies with highest average processing time to close cases is also provided.

**Table 6B: Highest Average Processing Time of Closed Cases for USDA and Agencies**

<b>Fiscal Year</b>	<b>Agency</b>	<b>Closed / Resolved</b>	<b>Average Processing Time to Close Cases (Days)</b>
2019	<b>Total USDA</b>	<b>476</b>	<b>598</b>
	GIPSA	6	1,245
	OIG	6	855
	ERS	3	826
	FS	161	679
	RD	37	670

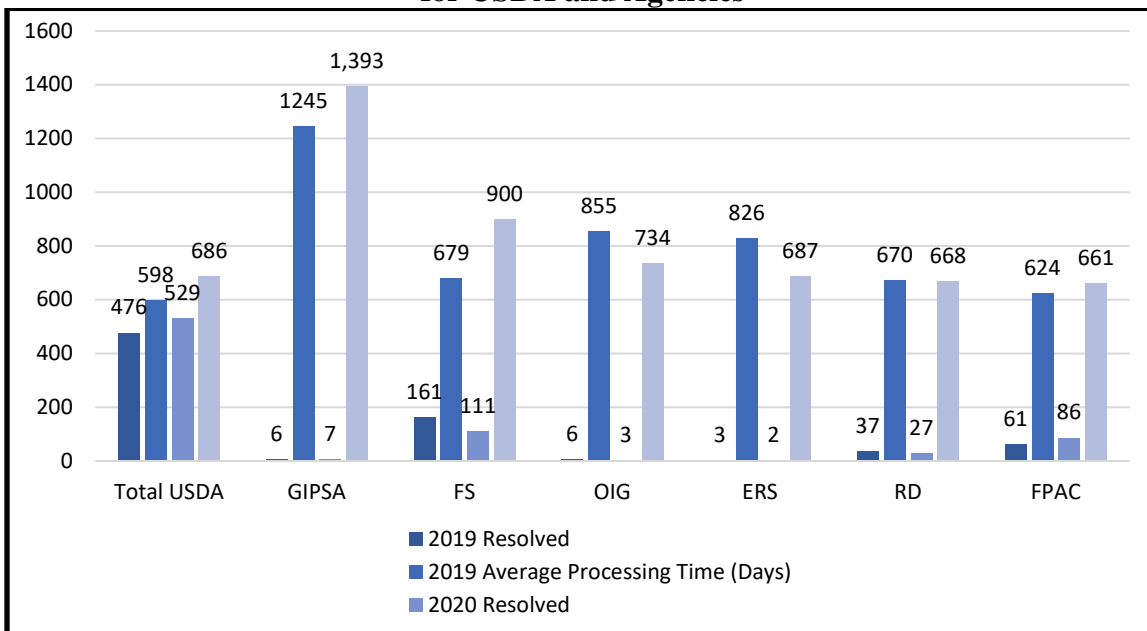
<b>Fiscal Year</b>	<b>Agency</b>	<b>Closed / Resolved</b>	<b>Average Processing Time to Close Cases (Days)</b>
2020	<b>Total USDA</b>	<b>529</b>	<b>628</b>
	GIPSA	7	1,393
	FS	111	900
	OIG	3	734
	ERS	2	687
	RD	27	668
	FPAC	86	661

Source: FY 2019 and 2020 Farm Bill Report Data Tables.

Note: Agency conflict cases are excluded from Agency data.

<sup>19</sup> FY 2020 Farm Bill Report Data Table was used to calculate the average processing time of closed cases for FY 2020. The FY 2020 Farm Bill Report Data Table identified 529 cases as closed, however, the FY 2020 462 Report identified 494 cases as closed. Data discrepancy is due to data reconciliation from October 2020 to July 2021.

**Graph 6B**  
**Highest Average Processing Time of Closed Cases**  
**for USDA and Agencies**



Source: FY 2019 and 2020 Farm Bill Report Data Tables.

Note: Agency conflict cases are excluded from Agency data.

## Section F – Employment Complaints Resolved with a Finding of Discrimination

### Introduction

Final Agency Actions involving a finding of discrimination may be issued on the record or following an EEOC Administrative Hearing. The final actions involving a finding of discrimination may include complaints with a variety of bases and issues.

### Summary of Data

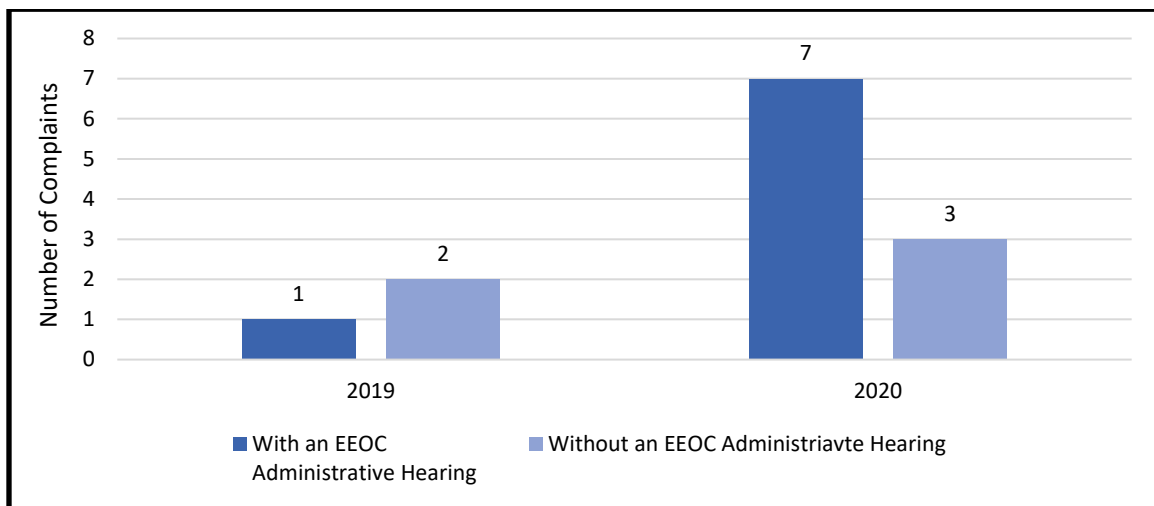
Table 7 and Graph 7 show that from FY 2019 to FY 2020, the number of findings of discrimination issued with an EEOC Administrative Hearing increased by five, and the number of findings without an EEOC Administrative Hearing increased by two during FY 2020.

**Table 7**  
**Employment Complaints Resolved with a Finding of Discrimination**

<b>Fiscal Year</b>	<b>With an EEOC Administrative Hearing</b>	<b>Without an EEOC Administrative Hearing</b>
2019	2	1
2020	7	3

Source: FY 2020 No FEAR Act Annual Report

**Graph 7**  
**Employment Complaints Resolved with a Finding of Discrimination**



Source: FY 2020 No FEAR Act Annual Report

**Section G – Personnel Actions Taken Following Resolution of Employment Complaint by Either a Settlement Agreement or Finding of Discrimination**

In FY 2020, 92 complaints were voluntarily resolved by a settlement agreement and with 10 findings of discrimination. The total number of personnel actions taken by USDA agencies following the resolution of employment complaints was 103 (See Table 8). In comparison, in FY 2019 there were 81 complaints voluntarily resolved by a settlement agreement and three (3) findings of discrimination. The total number of personnel actions taken was 145. The types of personnel actions taken included monetary and non-monetary. Detailed information regarding the number and types of personnel actions taken following the resolution of each complaint in FY 2020 is provided in Part III, Exhibit 2-1: Number and Type of Personnel Actions Taken Following Resolution of Employment Complaints.

**Table 8  
Personnel Actions Taken Following Resolution of Employment Complaints by Either a Settlement Agreement or Finding of Discrimination**

<b>FY 2020</b>	
<b>Agency</b>	<b>Number of Personnel Actions</b>
AMS	5
APHIS	7
ARS	2
CCD	14
DEPT	2
ERS	0
FAS	1
FNS	6
FPAC	14
FS	25
FSIS	9
GIPSA	1
NIFA	0
OCFO	7
OIG	3
RD	6
Total USDA	102*

Source: FY 2020 Farm Bill Report Data Tables

Note: \*The table omits one (1) corrective action noted as “null” in the Source document. The Source document reflects a total of 103 personnel actions.

## Section H – Administrative Disciplinary Actions

### Summary of Data

Table 9 below reflects the number of disciplinary actions taken against employees found to have committed prohibited acts of discrimination, retaliation, harassment, or prohibited personnel practices (including those acts discovered in conjunction with investigations of whistleblower protection or civil rights complaints).

**Table 9**  
**USDA Disciplinary Actions for**  
**Fiscal Years 2019–2020**

TYPE OF ACTION	FY 2019						FY 2020					
	DISC.	RET.	HAR.	PPP	WBP	TOTAL	DISC.	RET.	HAR.	PPP	WBP	TOTAL
REMOVAL	0	0	1	0	0	1	0	0	0	0	0	0
15 DAY OR MORE	0	0	0	0	0	0	0	0	0	0	0	0
14 DAY OR LESS	1	0	1	0	0	2	1	2	5	0	1	9
REDUCTION IN GRADE	0	0	0	0	0	0	0	0	0	0	0	0
REDUCTION IN PAY	0	0	0	0	0	0	0	0	0	0	0	0
LOR	0	0	0	0	0	0	1	0	4	0	0	5
<b>TOTAL DISCIPLINE</b>	0	0	0	0	0	3	2	2	9	0	1	14

Source: FY 2019 data from FY 2019 Farm Bill Report; and  
FY 2020 data from FY 2020 No FEAR Act Annual Report.

**Table Abbreviations:**

Disc. = Discrimination;  
Ret. = Retaliation;  
Har. = Harassment;  
PPP = Prohibited Personnel Practice;  
WBP = Whistleblower Protection Act; and  
LOR = Letter of Reprimand.

## **PART III**

# **Fiscal Year 2020 Complaint Data Tables by USDA Agency**



## Section I – Program Discrimination Complaint Data by USDA Agency

### Summary of Data

This section provides summary data for program complaints in FY 2020 for each USDA agency. References are made to the exhibits section of this report regarding detailed program complaint data for each USDA agency.

**Table 1  
Program Complaints Inventory During FY 2020**

Agency	Beginning Complaint Inventory	Complaints Filed	Total Complaint Inventory During FY 2020	Closed	Ending Complaint Inventory	Complaint Average Age of Inventory (Days)	Exhibit 1 Page(s)
AMS	2	2	4	1	3	337	1
APHIS	0	1	1	0	1	27	1
FNS	79*	99	178	131	47	261	1-8
FS	9	5	14	5	9	522	8-9
FSA	84*	25	198	33	76	1962	9-14
GIPSA	1	0	1	1	0	791	13
NIFA	2*	3	5	2	3	435	13
NRCS	7	2	9	4	5	1189	14
Other Government Agency <sup>20</sup>	3*	0	3	1	2	705	14
RD	213*	106	319	166	153	910	14-27
Total USDA	400*	243	643	344	299	895	1-27

\*This number differs from the FY 2019 Farm Bill Report ending inventory due to database reconciliation.

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<sup>20</sup> Other Government Agency refers to those complaints over which both USDA and another Federal Agency have jurisdiction.

## Section II – Employment Complaints Data by USDA Agency

### Summary of Data

This section provides summary data for employment complaints in FY 2020 for each USDA agency. Table 2-1 provides data on the Average Age of Inventory and Table 2-2 on the Average Processing Time of Closed Cases. References are made to the exhibits section of this report regarding detailed employment complaint data for each USDA agency.

**Table 2-1: Employment Complaints  
Average Age of Inventory for FY 2020**

Agency	Beginning Complaint Inventory*	Complaints Filed	Total Complaint Inventory During FY 2020	Closed	Ending Complaint Inventory	Complaint Average Age of Inventory (Days)	Exhibit 2 Page(s)
AMS	33	22	55	32	23	439	1-2
APHIS	62	35	97	29	68	703	2-5
ARS	23	14	37	20	17	587	5-6
CCD**	49	39	88	36	52	574	6-8
ERS	3	1	4	2	2	468	8
FAS	22	12	34	13	21	1,166	8-9
FNS	32	19	51	24	27	627	9-11
FPAC	125	65	190	87	103	641	11-16
FS	210	73	283	114	169	949	16-24
FSA***	***		2***	***		629	24
FSIS	88	57	145	77	68	499	24-28
GIPSA	8	0	8	7	1	1,282	33
NASS	4	2	6	4	2	450	28
NIFA	2	1	3	2	1	343	28
NRCS***	***		2***	***		641	28
OCFO	42	31	73	46	27	316	28-30
OIG	5	6	11	3	8	520	30-31
RD	56	19	75	28	47	620	31-33
RMA***	***		4***	***		1,345	33
Unassigned**	7***	1***	***	5***	3***	***	***
USDA	1	0	1	1	1	3,938	33
Total USDA	772*	397	1,169	529	640	686	1-33

Source: FY 2020 Farm Bill Report Data Tables.

Notes:

\*Data from FY 2020 Farm Bill Report. Agency's data includes its conflict cases.

\*\*For FY2020, CCD data includes CCD and DEPT cases. Agency conflict cases have been excluded from CCD data. CCD had 49 cases in inventory with 675 average inventory days and DEPT had 39 cases with 446 average inventory days, totaling to 88 cases with 574 days as the average age of inventory.

\*\*\*The "Summary section" of the FY 2020 Farm Bill Report Data Tables showed eight (8) cases without agency designation but with other relevant information such as Beginning Inventory, Complaint Filed, Closed, and Ending Inventory. Details of the eight (8) cases are listed in the "Unassigned" category above. However, none of the unassigned cases were shown in the "Details by Agency" section of the FY 2020 Farm Bill Report Data Tables. In the "Details by Agency" section, eight (8) cases, without relevant data, were identified as cases in three agencies in in the FPAC Mission Area (2 from FSA, 2 from NRCS, and 4 from RMA) and were counted in the total 1,169 cases.

**Table 2-2: Employment Complaints  
Average Processing Time of Closed Cases for FY 2020**

Agency	Beginning Complaint Inventory (A)	Complaints Filed (B)	A + B	Closed	Ending Complaint Inventory	Average Processing Time of Closed Cases (Days)	Exhibit 2 Page(s)
AMS	33	22	55	32	23	411	1-2
APHIS	60	34	94	28	66	647	2-5
ARS	18	14	32	15	17	314	5-6
CCD**	94	56	150	57	86	566	6-8
ERS	3	1	4	2	2	687	8
FAS	20	11	31	12	19	301	8-9
FNS	27	19	46	21	25	715	9-10
FPAC	125*	63	188	86	102	661	10-16
FS	210*	70	276*	111	165	900	16-23
FSA***	***		2***	***			23
FSIS	85*	56	141	77	64	478	23-27
GIPSA	8	0	8	7	1	1,393	32
NASS	4	2	6	4	2	565	27
NIFA	1*	0	1	1	0	226	27
NRCS***	***		2***	***			27
OCFO	34*	27	61	39	22	299	27-29
OIG	5	6	11	3	8	734	29-30
RD	56*	19	68	27	41	668	30-32
RMA***	***		4***	***			32
Unassigned**	7***	1***	***	5***	3***	***	***
Total USDA*	772*	397	1,169	529	640	628	1-32

Source: FY 2020 Farm Bill Report Data Tables. For FY 2020, CCD data includes Agency's conflict and DEPT cases.

Notes:

\*This number differs from the FY 2019 Farm Bill Report ending inventory due to database reconciliation.

\*\*Data from the CCD's certified FY 2020 462 report dated 10/27/2020. CCD reported 566 average processing days to close 57 cases during FY 2020. Per FY 2020 Farm Bill Data Tables, CCD data is as follows: 86 cases for Beginning Complaint Inventory, 56 Complaints Filed, 146 as Total Complaint Inventory During FY 2020, 64 as Closed, and 82 as Ending Complaint Inventory. In addition, the average processing time to close 64 cases per the FY 2020 Farm Bill Data Table is 600 days.

\*\*\*The "Summary section" of the FY 2020 Farm Bill Report Data Tables showed eight (8) cases without agency designation but with other relevant info such as Beginning Inventory, Complaint Filed, Closed, and Ending Inventory. Details of the eight (8) cases are listed in the "Unassigned" category above. However, none of the unassigned cases were shown in the "Details by Agency" section of the FY 2020 Farm Bill Report Data Tables. In the "Details by Agency" section, eight (8) cases, without relevant data, were identified as cases in three agencies in FPAC Mission Area (2 from FSA, 2 from NRCS, and 4 from RMA) and were counted as part of the total 1,169 cases.

## EXHIBITS

- Exhibit 1: FY 2020 USDA Program Complaint Inventory**
- Exhibit 2: FY 2020 USDA Employment Complaint Inventory**
- Exhibit 2-1: Number and Type of Personnel Actions Taken Following Resolution of Employment Complaints**

The exhibits listed above will be made available on our website. In the interim, you may obtain a copy of the exhibits by contacting the Office of the Assistant Secretary for Civil Rights, Information Research Service, at (202) 401-0005 or (800) 795-3272 (toll free) or by sending an email request to [SM.OASCR.Info@ascr.usda.gov](mailto:SM.OASCR.Info@ascr.usda.gov).