

EEOC FORM
715-01

Executive Summary

PART E

EEOC FORM 715-01 PART E	<i>U.S. Equal Employment Opportunity Commission</i> FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT
U.S. Department of Agriculture	For period covering October 1, 2008, to September 30, 2009.
EXECUTIVE SUMMARY	
<p><i>MISSION:</i> We provide leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management.</p> <p><i>VISION:</i> We want to be recognized as a dynamic organization that is able to efficiently provide the integrated program delivery needed to lead a rapidly evolving food and agriculture system.</p> <p><i>DEPARTMENTAL STRATEGIC GOALS AND MANAGEMENT INITIATIVES:</i> Executives in the USDA are accountable for supporting the mission of the Department and their Agency in providing leadership in food, agriculture, and natural resources, rural development and related issues based on sound public policy, the best available science, and efficient management.</p> <p>Strategic Goals:</p> <ol style="list-style-type: none"> 1. Assist rural communities to create prosperity so they are self-sustaining, repopulating, and economically thriving. 2. Ensure our national forests and private working lands are conserved, restored, and made resilient to climate change, while enhancing our water resources. 3. Help America promote sustainable agricultural production and biotechnology exports as America works to increase food security. 4. Ensure that all of America's children have access to safe, nutritious, and balanced meals. <p>Management Initiatives:</p> <ul style="list-style-type: none"> • Engage USDA employees to transform USDA into a model agency. • Provide civil rights services to Agriculture employees and customers. • Coordinate outreach and improve consultation and collaboration efforts to increase access to USDA programs and services. • Leverage USDA Departmental Management to increase performance, efficiency, and alignment. • Optimize Information Technology (IT) policy and applications. 	

- Optimize USDA “green” or sustainable operations.
- Enhance USDA homeland security and emergency preparedness to protect USDA employees and the public.
- Enhance the USDA Human Resources process to recruit and hire skilled, diverse individuals to meet the program needs of USDA.

INTRODUCTION

The U.S. Department of Agriculture (USDA) is a diverse and complex organization with programs that touch the lives of all Americans every day. More than 100,000 employees deliver more than \$96.5 billion in public services through USDA’s more than 300 programs worldwide, leveraging an extensive network of Federal, State, and local cooperators.

Founded by President Abraham Lincoln in 1862, when more than half of the Nation’s population lived and worked on farms, USDA’s role has evolved with the economy. Today, USDA improves the Nation’s economy and quality of life by:

- Enhancing economic opportunities for U.S. farmers and ranchers;
- Ensuring a safe, affordable, nutritious, and accessible food supply;
- Caring for public lands and helping people care for private lands;
- Supporting the sound, sustainable development of rural communities;
- Expanding global markets for agricultural and forest products and services; and
- Working to reduce hunger and improve America’s health through good nutrition.

Addressing these timeless concerns in the modern era presents its share of challenges. America’s food and fiber producers operate in a global, technologically advanced, rapidly diversifying, and highly competitive business environment driven by sophisticated consumers.

REORGANIZATION OF THE USDA AND THE CREATION OF THE NEW USDA DEPARTMENTAL MANAGEMENT

On October 1, 2009, Secretary Tom Vilsack announced the reorganization of Departmental Staff Offices, Departmental Administration, and the Office of the Assistant Secretary for Civil Rights (ASCR) under the newly named “Departmental Management,” led by the Assistant Secretary for Administration (ASA). The purpose of this reorganization is to reduce fragmentation, increase efficiency, improve quality of services, streamline processes, enhance skills, and make better use of resources (economies of scale) within a transparent environment. As a result of the reorganization, the Assistant Secretary for Civil Rights reports directly to the Assistant Secretary for Administration. Reversing the tide of civil rights programs and employee complaints is a top priority for Secretary Vilsack. Including the Office of the Assistant Secretary for Civil Rights (OASCR) in the new Departmental Management will improve efficiency in the processing of complaints of discrimination by focusing on the early resolution of EEO complaints and providing civil rights training to Agency field operations. The OASCR will coordinate outreach activities with the new Office of Advocacy and Outreach and personnel functions with the

Office of Human Resources Management.

SUMMARY OF WORK FORCE PROFILES INCLUDING NET CHANGE

All USDA employees are included in this report. The data is based on information as of September 30, 2009. It represents the workforce demographics of USDA's permanent workforce by race, gender, and disability in the format required by EEOC Management Directive 715.

Due to the size and complexity of USDA and its broad scope, mission, and organization, the report summarizes the USDA's EEO program in general terms. The information provided in this report is an aggregated summation of the entire Department.

The individual recruitment actions and EEO program operations at the Agencies' National Headquarters and state offices have a more direct impact on shaping the demographic profiles than the broader agency aggregated summarization level report.

Based on the EEOC classifications, USDA's reportable employee population is displayed in the following table. The population change shown for the larger race/national origin (RNO) groups cannot be directly discerned from global USDA data, but action items will be created to ask subordinate reporting entities to identify EEO-related issues related to demographic changes.

	08 Population	09 Population	Net Change
White Men	46,987	48,887	4.04%
White Women	31,978	32,757	2.44%
African American Men	3,890	3,922	0.82%
African American Women	7,341	7,299	-0.57%
Hispanic Men	3,855	3,610	-6.36%
Hispanic Women	2,560	2,461	-3.87%
Asian Men	1,685	1,685	0%
Asian Women	1,224	1,252	2.29%
American Indian/Alaska Native Men	1,361	1,306	-4.04%
American Indian/Alaska Native Women	960	952	-0.83%
Pacific Islander Men	73	98	34.25%
Pacific Islander Women	42	57	35.71%
Two or More Races Men	317	445	40.38%
Two or More Races Women	257	347	35.02%
Total Population	102,534	105,112	2.51%

The overall population change is based on RNO and gender. White men followed by White women constitute the largest racial group in the USDA, followed by African American men and women and Hispanic men. In comparison to the Civilian Labor Force (CLF), the data indicates that overall, White men, African American women, American Indians, and Alaska Natives are above parity; Hispanic men and women, White women, African American men, Asian men and women, and Pacific Islanders are not

at parity. The overall parity evaluation does not eliminate the results of more detailed evaluations by occupational series and grades which may change the evaluation.

SUMMARY OF DEPARTMENT'S SELF ASSESSMENT (PARTS G AND H)

This report provides information on USDA's core performance measures as described in EEOC MD-715, "Establishing a Model EEO Program."

Part G of MD-715 defines the six essential elements of a model EEO program through a list of 122 measureable items. The following summarizes USDA's effort to meet the Commission's six essential elements:

ESSENTIAL ELEMENT A- DEMONSTRATED COMMITMENT FROM AGENCY LEADERSHIP

On January 21, 2009, Tom Vilsack was sworn in as the 30th Secretary of the U.S. Department of Agriculture. Appointed by President Barack Obama, Mr. Vilsack received unanimous support for his confirmation by the U.S. Senate.

The Secretary along with the Department's leadership continues to demonstrate a strong commitment to equal opportunity for all employees and applicants. The Secretary issued his USDA Civil Rights Policy Statement on February 25, 2009, declaring that improving civil rights throughout USDA is one of his top priorities and charging all USDA employees to respect and adhere to USDA civil rights, equal employment opportunity, and diversity policies. On April 21, 2009, further highlighting his commitment to civil rights, Secretary Vilsack released a memorandum detailing an aggressive plan to promote civil rights and equal access at USDA. The Secretary is taking definitive action to improve the Department's record on civil rights and to move USDA into a new era as a model employer and premier service provider.

On July 7, 2009, Secretary Vilsack implemented an Equal Employment Opportunity (EEO) complaint resolution initiative to begin resolving all open EEO complaints in the Department. The Secretary, through a memo, directed the Under and Assistant Secretaries to begin resolving all open EEO complaints using a full range of delegated resolving authorities including offering Alternative Dispute Resolution (ADR). The Secretary delegated the Assistant Secretary for Civil Rights to take the lead on this initiative. This initiative was created to place the Department on par to begin a new fiscal year with a manageable EEO complaint workload.

The ASCR evaluated the Agency Heads and Staff Office Directors on their overall performance in promoting civil rights and equal opportunity. The assessment contains goals, performance objectives, and goal indicators addressing four categories:

- 1) leadership and strategic plan integration;
- 2) proactive management and legal compliance;
- 3) EEO program/proactive management and legal compliance; and
- 4) Procurement.

The ASCR provided to the Under Secretaries (1) a written summary of the Agency Heads overall evaluation, (2) recommendations for improvement of their civil rights programs, and (3) the final summary evaluations.

The OASCR Agency Head Assessment Team continues to revise the Agency Head Assessment criteria and scoring matrix to more accurately evaluate and assess agency civil rights accomplishments. The scoring key was adjusted to parallel the 5-tier rating system used in performance management: *Outstanding, Superior, Fully Successful, Marginal, and Unacceptable*. The point variance for an Outstanding score was reduced from a 35-point variance to a 15-point variance. In addition, of the 18 indicators, the following three were "critical":

- Conduct Compliance Reviews;
- Submit timely EEO Counselors' Reports; and
- Submit timely Reports of Investigations.

To receive an overall rating of fully successful or higher, an Administrator must receive a rating of satisfactory or higher for all three critical indicators.

As a further example of the commitment of USDA's agency leadership, the OASCR plans to continue to evaluate Agency Heads and staff office directors on their performance in promoting civil rights, equal opportunity, diversity, and the hiring and promotion practices in selected agencies. In FY 2010, the OASCR plans to conduct five compliance reviews of sub-agencies' civil rights programs.

Diversity in hiring continues to be an emphasis of USDA's human capital accountability program, which was implemented in FY 2007. As part of the Office of Human Resources Management (OHRM), formerly known as the Office of Human Capital Management (OHCM), accountability reviews or audits, race/national origin data is tracked in analyzing agencies' hiring practices. In addition, through employee/supervisor focus groups and one-on-one interviews, OHRM auditors examined the role diversity played in the hiring process. They also examined the role the Human Resources Office (HRO) played and reviewed various strategies employed by the agency HROs to increase diversity. The agencies' accountability systems or methods of measuring the success of their diversity efforts were reviewed and feedback was provided.

The OHRM fulfilled its obligations under USDA's Departmental Regulation "Civil Rights Accountability Policy and Procedures" (DR 4300-010), reviewing and conducting follow-up action on reports of discrimination findings and settlements to ensure agency and staff management officials were taking appropriate administrative action. Summary reports of disciplinary and non-disciplinary actions are prepared and forwarded to the ASCR on a quarterly basis. Reports were summarized annually to be used in conjunction with the No Fear Act reporting requirements, and in part to assess agency heads in their Civil Rights/EEO performance element.

ESSENTIAL ELEMENT 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 USDA priority. Notwithstanding USDA's reorganization, the OASCR will continue to have regular communication and access to the agency's senior leadership to ensure that

they are kept apprised of current and pressing EEO issues. The OASCR and the OHRM will continue to work together to improve their partnership and commit to working jointly to develop strategies that impact recruitment, workforce planning, succession planning, and programs to advance the workforce.

In managing its human capital and delivering its services to customers, USDA will continue to focus on ensuring civil rights and equal employment opportunity for everyone, regardless of race, color, national origin, gender, religion, age, sexual orientation, disability, political belief, marital or familial status, or any other factor. The Department is committed to continuous civil rights progress in the workplace, program delivery, and processing complaints timely and efficiently.

USDA Strategic Plan for FY 2005–2010 Management Initiatives include:

- Using workforce planning and hiring flexibilities to recruit, retain, and reward employees while developing a high-performing and accountable workforce;
- Ensuring employment opportunities for all members of the workforce, while implementing programs targeted towards critical occupations with projected skill gaps and groups with low participation; and
- Ensuring the timely resolution of program and employment civil rights complaints.

ESSENTIAL ELEMENT C- MANAGEMENT AND PROGRAM ACCOUNTABILITY

For FY 2010, USDA will continue to refine and strengthen its civil rights training programs, making use of technology tools to ensure training is accessible to all employees. USDA will conduct compliance reviews which will evaluate the civil rights and employment policies and practices of the agencies to determine their compliance with applicable civil rights statutes, regulations, and policies.

In FY 2009, the OASCR's Office of Compliance, Policy and Training (OCPT) completed compliance reviews of the Forest Service (FS) and the Farm Service Agency (FSA) in California and North Carolina, respectively.

In FY 2010, the OASCR's OCPT will continue to engage the USDA agencies' civil rights responsibilities by conducting EEO compliance reviews to include: Agricultural Marketing Service, Economic Research Service, Food Safety and Inspection Service (FSIS), Food and Nutrition Service, and FS. 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, and disciplinary actions.

USDA Departmental Regulation, "Civil Rights Accountability Policy and Procedures," continues to set forth the policy and procedures for carrying out USDA's commitment to ensure that appropriate disciplinary or corrective actions are taken when discrimination or civil rights related misconduct occurs.

ESSENTIAL ELEMENT D- PROACTIVE PREVENTION OF UNLAWFUL DISCRIMINATION

The OASCR is revising DR 4300-010, "Civil Rights Accountability Policy and Procedures." DR 4300-010 is a management tool that will enable managers and supervisors to take corrective actions on identified barriers that may hinder progress in creating and maintaining an environment free from discrimination, and harassment on all protected bases, including, but not limited to, sexual harassment or intimidation of an employee or an applicant for employment.

In FY 2009, on October 16, 2008, CPRC observed Conflict Resolution Day: An Annual International Celebration at USDA. Staffers from FSA, Agricultural Research Service, Food Safety Inspection Services (FSIS,) Rural Development (RD), Research, Education and Economics (REE), and the Office of Inspector General (OIG) participated, dispensing literature, showing videos, and asking those who stopped by to solve a puzzle for prizes. This marked the second such observance at USDA, and is a good opportunity to publicize the constructive ways to handle conflict.

In FY 2009, the Alternative Dispute Resolution Leadership Group (ADRLG) Retreat was held November 5-7, 2008, with ADR Program Leaders across USDA. The ADRLG created a strategic plan for FY 2009 and FY 2010.

On May 12, 2009, the Conflict Prevention and Resolution Center (CPRC) partnered with the FSA's Early Intervention Program to conduct ADR Awareness and Conflict Management Training for the Foreign Agricultural Service new employees. The CPRC staff conducted a "Mock" Mediation. The training provided attendees with the knowledge and skills to deal with conflict in an effort to reduce the filing of complaints.

The CPRC conducted an ADR briefing for New Schedule C employees (June 17, 2009 and July 21, 2009). The briefing provided information on the use of ADR within USDA and the function and services CPRC provides.

On June 26, 2009, CPRC provided selected senior management officials with Resolving Official Training. This training provided information to the participants on the role and responsibilities of the resolving official involved in mediation and settlement conferences.

On August 4, 2009, CPRC participated in a FAS International Visitors Panel Discussion on the use of ADR globally.

On August 11, 2009, CPRC provided ADR training to new USDA Political Appointees. The training provided information on the use of ADR within the agencies and CPRC's roles and responsibilities.

On September 30, 2009, CPRC partnered with Natural Resources Conservation Service (NRCS) to provide training entitled "How to Deal with Conflict Due to Organizational Changes" to USDA employees. FY 2010, the OASCR will continue to emphasize ADR training for supervisors and managers in planned activities.

An online ADR survey has been developed for dissemination USDA-wide. There are plans to gain approval to conduct the ADR survey in the 3rd quarter of FY 2010.

The ADR Database has been successfully linked with the EEO iComplaints system (USDA's complaint database) to capture both employment and program ADR related activities of the Department. Additionally, CPRC is currently working on the reporting section of the database to be able to retrieve quarterly and annual data on the use of ADR within USDA, to be used for the end of the year report. The quarterly reports will be provided to the ASCR. An annual report indicating the overall status of ADR within the agencies will be provided to the Secretary and the ASCR.

CPRC will conduct monthly ADR training sessions to enhance the importance and usefulness of ADR as an effective, fair, and fast alternative process for assisting USDA employees in resolving workplace conflict, including complaints of discrimination and achieving long-term solutions to such problems.

At the Secretary's direction, the ASCR convened a team to study the use of an ombudsman and ADR services in USDA and make recommendations for establishing an ombudsman program and strengthening the ADR function within USDA. After reviewing four agencies' ombudsman program, the committee recommended that an ombudsman program be established within USDA. As noted earlier, the ASCR continues to take action to strengthen the ADR function at USDA.

FY 2010, the OASCR will sponsor a Civil Rights and Diversity Training Conference for USDA executives, managers, supervisors, ADR, and civil rights professionals. The training conference will address the task of strengthening equal opportunity in programs and employment practices and the importance of diversity.

FY 2010, the OASCR, in collaboration with other USDA agencies will develop and conduct Civil Rights Program and Employment training modules. Some of the agencies under consideration to receive FY 2010 training are FS, FSA, NRCS, and RD. These training sessions will be geared to help prevent discrimination and other related unlawful activities by providing managers, employees, and committees with a fuller understanding of roles and responsibilities related to policies, practices, and complaints regarding hiring, training, promotion, employee awards, and disciplinary actions.

ESSENTIAL ELEMENT E- EFFICIENCY

FY 2009, USDA continued to make progress in improving the efficiency of its complaint processing.

I. Counseling

- a. USDA timely processed 94.5% of the 1,048 pre-complaint counseling completed in FY 2009.
- b. Individual agencies are responsible for the training of investigators and counselors. The Department will continue to monitor the agencies' counselor training requirements.
- c. ADR training for managers and supervisors is the responsibility of individual agencies and sub-components.
- d. The Early Resolution and Conciliation Division, formerly CPRC, will continue to work

with agencies through their ADR managers and agency Civil Rights directors to develop the appropriate training programs.

II. Bases of Complaints Filed

- a. The bases of alleged discrimination most raised were: (1) reprisal; (2) sex; (3) age; and (4) race.
- b. Of the 524 complaints filed at USDA, 109 contained allegations of race (Black/African American) discrimination, 30 contained allegation of race (White) discrimination, 13 contained allegations of race (Asian) discrimination, 8 contained allegations of race (American Indian/Alaska Native) discrimination, 43 contained allegations of color discrimination, 33 contained allegations of Hispanic/Latino (National Origin) discrimination, and 103 contained allegations of disability discrimination.

III. Complaint Processing Times

- a. Of the 356 completed investigations 46.1% were timely. USDA's average time for completing an investigation was 248 days.
- b. USDA's average processing time for all complaint closures increased from 802 days in FY 2008 to 834 days in FY 2009.

IV. Cost

- a. USDA agreed to pay \$431,297 for 144 pre-complaint settlements of which 29 were monetary settlements averaging \$11,059.
- b. USDA expended a total of \$1,232,646 for 356 complaint investigations for an average expenditure of \$3,462.49.

Outcome of Counseling Completed in FY 2009						
Pre-Complaint Counseling Outcomes	Completed by EEO Counselor		Completed Using ADR		All Completed Counseling	
	#	%	#	%	#	%
Pre-Complaint Counseling:	930		118		1,048	
Settlements	117	11.16%	70	6.6%	187	17.8%
Withdrawals or No Complaints Filed	400	38.16%	63	6%	463	44.17%
Complaints Filed*					501	47.8%
Decision to File Complaint Pending at End of Fiscal Year					30	2.8%

*Includes only complaints filed in FY 2009 where counseling was also completed during FY 2009.

Agency Use of ADR for EEO Dispute Resolution in FY 2009		
	Counseling	Complaint
Completed/Ended Counseling/Complaint Closures	1,048	126
Total Number Offered ADR	977	126
ADR Offer Rate	93.3%	100%
ADR Participation Rate	27.4%	43.7%
Total ADR Settlements	70	16
Total ADR Settlements Amount	\$145,531.00	\$129,824.63

Timeliness in FY 2009						
	Total #	#Timely	%Timely	FY2009	ADP	%Change
All Pre-Complaint Counseling	1,048	995	94.9%			
All Investigations	356	164	46.1%	213	248	8.5%
All Complaint Closures	751			802	834	9.6%
Merit Decisions (no AJ)	289	6	2.1%	1,159	727	-37.3%
Dismissal Decisions (no AJ)	39			283	269	-4.9%

*APD = Average Processing Days

Outcomes of Complaints in FY 2009									
	Complaint Closures		Final Agency Decision (no AJ Decision)		Final Order (AJ Decision Fully Implemented)		Final Order (AJ Decision Not Fully Implemented)		
	#	%	#	%	#	%	#	%	
Total Complaints Filed	524								
Total Closures	751								
Settlements	218	29%							
Withdrawals	46	6.018%							
Total Final Agency Decisions	509	67.7%	371	72.8%	99	19.4%	0	0%	
Dismissals	39	4.7%	39	100%	0	0%	0	0%	
Merit Decisions	470	62.6%	371	78.9%	99	21.1%	0	0%	
Finding Discrimination	16	2.1%	13	81.3%	3	18.7%	0	0%	
Finding No Discrimination	454	60.5%	358	78.9%	96	21.1%	0	0%	

The OASCR continues to place a high priority on issuing consistent, high-quality EEO final agency decisions. Significant effort is being made towards the reduction of complaints being processed outside of the regulatory timeframe of complaints and EEOC Administrative Law Judge's decisions. To ensure that complaints are being processed within the regulatory timeframes, the Department has employed the use of contract attorneys to deal with the staff losses within the Adjudication Division that has seriously affected the complaint process.

NOTE: Complaint processing data is based on the 462 report retrieved on December 18, 2009.

ESSENTIAL ELEMENT F- RESPONSIVENESS AND LEGAL COMPLIANCE

USDA continues to focus on the area of compliance as a mechanism to reduce its complaint processing workload.

SUMMARY OF EEO PLAN OBJECTIVES TO ELIMINATE BARRIERS (PART I)

1. *Increase Representation of Minorities and Women in the Workforce*

Work with agency personnel directors to develop targeted recruiting efforts to increase the representation of minorities and women in the workforce. Encourage managers to take affirmative steps to recruit, hire, train, and promote employees from diverse backgrounds. Undertake comprehensive equal opportunity compliance review activities to monitor employment policies and practices.

2. *Improve Retention of Minorities*

Identify factors contributing to the net decline of Hispanic men and women, African American women, American Indian/Alaska Native men and women, and develop a strategy for addressing these factors within the Department's control.

3. *Increase Advancement Opportunities for Minorities and Women*

Ensure that promotions are made in an even-handed and non-discriminatory fashion, and that developmental assignments and training are provided to assist with career mobility.

4. *Meet Hiring and Retention Goals for Employees with Targeted Disabilities (TD)*

Assist USDA components in setting goals for hiring of individuals with TDs by networking with professional and nonprofit organizations. Continue to provide disability awareness training for managers and supervisors to improve recruitment, employment, advancement and retention of persons with TDs.

5. *Improve Timeliness in Complaint Processing*

Institutionalize lessons learned from EEO complaint process initiatives in prior years; apply to FY 2010 and beyond. Identify prior successful management control used to achieve inventory reduction results and duplicate the same. Process EEO complaints filed during FY 2010 within statutory timeframes.

6. *Promote a Workforce Free of Reprisal or Harassment*

Provide civil rights training to managers, supervisors, and other employees. Encourage the use of ADR techniques to resolve workplace disputes. Develop and implement an accountability process. Promote a climate of tolerance, mutual respect, and cultural sensitivity.

SUMMARY OF EEO PROGRAM PLAN FOR EMPLOYEES WITH TDS (PART J)

1. Establish a 3 percent hiring goal for employees with TDs;
2. Meet monthly with Agency Disability Employment Program Managers (DEPM's) to discuss methods of outreach, hirings, and promotion strategies;
3. Focus on internal and external recruitment initiatives; and
4. Improve promotion and retention of employees with TDs.

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