

2010 Explanatory Notes
Office of Civil Rights

Table of Contents

	<u>Page</u>
Purpose Statement	5-1
Statement of Available Funds and Staff Years	5-3
Permanent Positions by Grade and Staff Year	5-3
Appropriation Language	5-4
Lead-off Tabular Statement	5-4
Project Statement	5-5
Justifications	5-5
Geographic Breakdown of Obligations and Staff Years	5-6
Classification by Objects	5-7
Status of Program	5g-1
Summary of Budget and Performance	
Statement of Goals and Objectives	5-8
Key Performance Outcomes and Measures	5-10
Full Cost by Strategic Objective	5-18

OFFICE OF CIVIL RIGHTS

Purpose Statement

The Office of Civil Rights' (CR) mission is to facilitate the fair and equitable treatment of USDA customers and employees while ensuring the delivery and enforcement of the Departmental civil rights programs and activities.

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

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

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

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

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

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

Outreach: Under the provisions of the 2008 Farm Bill, a separate Office of Advocacy and Outreach will be established. The Office of Civil Rights will partner with the new office to ensure that USDA outreach efforts to limited-resource farmers and ranchers and under-represented customers, coordinates program delivery outreach throughout USDA, and assists underserved customer groups in collaboration with the agency outreach coordinators and State outreach councils. Outreach develops policy, thereby enhancing the building of partnerships with universities/colleges, community/faith-based organizations and other groups, associations and organizations. Outreach provides leadership through policy guidance, high-level strategic planning and goal setting, performance measurement and feedback to USDA national, State and local outreach coordinators and councils. Outreach monitors, analyzes, and evaluates trends related to USDA programs and activities through mission area outreach plans, outreach coordinators, and State outreach councils. Outreach develops and provides training and education in outreach function models, best practices, policies, environmental justice, strategic plans and goals to USDA employees and stakeholders to provide an effective educational resource and linkage to internal and external customers regarding USDA-wide programs.

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

CR is located in Washington, D.C. As of September 30, 2008, there were 127 full-time permanent employees.

OIG Reports

60-801-001 HQ	09/30/98	Evaluation of the Civil Rights' Efforts to Reduce the Backlog of Program Complaints, Phase V
60-801-003 HQ	03/10/00	Office of Civil Rights Management of Employment Complaints, Phase VII
60-801-004 HQ	03/10/00	Office of Civil Rights Management of Program Complaints, Phase VII
60-601-04 HY	05/01/07	Review of U.S. Department of Agriculture's Accountability for Actions Taken on Civil Rights

GAO Reports

GAO-09-02	10/08	U.S. Accountability Final Report Recommendations and Options to Address Management Deficiencies in the Assistant Secretary for Civil Rights
		The Office of Civil Rights is currently working to address these recommendations.

OFFICE OF CIVIL RIGHTS

Available Funds and Staff Years
2008 Actual and Estimated 2009 and 2010

Item	Actual 2008		Estimated 2009		Estimated 2010	
	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years
Direct Appropriation.....	\$20,496,000	113	\$21,551,000	115	\$23,922,000	117
	-143,472	--	--	--	--	--
Rescission.....						
Total, Direct.....	20,352,528	113	21,551,000	115	23,922,000	117
<u>Obligations under other</u>						
<u>USDA appropriations:</u>						
1890 USDA Program.....	2,395,614	4	2,425,000	5	2,473,000	5
Diversity Council.....	477,800	1	513,000	2	523,000	2
EEO Investigations.....	134,157	--	137,000	--	140,000	--
Am. Indian Higher Ed.....	511,361	2	580,000	3	591,000	3
Misc. Reimbursements.....	681,507	--	479,000	--	487,000	--
Total, Reimbursements.....	4,200,439	7	4,134,000	10	4,214,000	10
Total, Civil Rights.....	24,552,967	120	25,685,000	125	28,136,000	127

Permanent Positions by Grade and Staff Year Summary
2008 Actual and Estimated 2009 and 2010

Grade	2008	2009	2010
	Washington, D.C.	Washington, D.C.	Washington, D.C.
Senior Executive Service.....	2	2	2
GS-15.....	15	16	16
GS-14.....	33	38	38
GS-13.....	51	47	48
GS-12.....	7	7	8
GS-11.....	7	5	5
GS-10.....	1	1	1
GS-9.....	9	4	4
GS-8.....	10	3	3
GS-7.....	8	1	1
GS-6.....	5	1	1
Total Permanent Positions.....	148	125	127
Unfilled Positions End-of-Year.....	-21	--	--
Total, Permanent Full-Time Employment, End-of-Year.....	127	125	127
Staff Year Estimate.....	120	125	127

OFFICE OF CIVIL RIGHTS

Appropriation Language

For necessary expenses of the Office of Civil Rights, [\$21,551,000] \$23,922,000.

Lead-off Tabular Statement

Appropriations Act, 2009	\$21,551,000
Budget Estimate, 2010.....	<u>23,922,000</u>
Increase in Appropriation	<u>+2,371,000</u>

Summary of Increases and Decreases

(On basis of appropriation)

<u>Item of Change</u>	<u>2009 Estimated</u>	<u>Pay Costs</u>	<u>Program Changes</u>	<u>2010 Estimated</u>
Civil Rights.....	\$21,551,000	+\$371,000	+\$2,000,000	\$23,922,000

Summary of Increases and Decreases

(On basis of appropriation)

<u>Item of Change</u>	<u>2009 Estimate</u>	<u>Pay Costs</u>	<u>Program Changes</u>	<u>2010 Estimated</u>
Equal Opportunity and Compliance.....	\$4,369,000	+\$67,000	--	\$4,436,000
Program Complaints.....	3,431,000	+63,000	+\$250,000	3,744,000
Employment Complaints and Complaints Adjudication.....	6,456,000	+118,000	+250,000	6,824,000
Data Management and Customer Service.....	2,074,000	+33,000	+1,000,000	3,107,000
Conflict Prevention and Resolution.....	1,291,000	+22,000	+500,000	1,813,000
Outreach.....	<u>3,930,000</u>	<u>+68,000</u>	--	<u>3,998,000</u>
Total Available.....	<u>21,551,000</u>	<u>+371,000</u>	<u>+2,000,000</u>	<u>23,922,000</u>

OFFICE OF CIVIL RIGHTS

Project Statement
(On basis of appropriation)

	<u>2008 Actual</u>		<u>2009 Estimated</u>		<u>Increase or Decrease</u>	<u>2010 Estimated</u>	
	<u>Amount</u>	<u>Staff Years</u>	<u>Amount</u>	<u>Staff Years</u>		<u>Amount</u>	<u>Staff Years</u>
Equal Opportunity and Compliance.....	\$4,443,064	25	\$4,369,000	21	+\$67,000	\$4,436,000	21
Program Complaints.....	3,047,209	18	3,431,000	20	+313,000	3,744,000	22
Employment Complaints and Complaints Adjudication.....	5,975,840	33	6,456,000	37	+368,000	6,824,000	37
Data Management and Customer Service.....	1,834,991	12	2,074,000	12	+1,033,000	3,107,000	12
Conflict Prevention and Resolution.....	1,192,676	7	1,291,000	7	+522,000	1,813,000	7
Outreach.....	3,771,998	18	3,930,000	18	+68,000	3,998,000	18
Unobligated Balance.....	86,750	--	--	--	--	--	--
Total Available or Estimate.....	20,352,528	113	21,551,000	115	+2,371,000	23,922,000	117
Rescission.....	+143,472	--	--	--			
Total, Appropriation.....	20,496,000	113	21,551,000	115			

Justifications for Increases and Decreases

- (1) An increase of \$2,371,000 and two staff years for the Office of Civil Rights (\$21,551,000 available in 2009) consisting of:
- (a) An increase of \$371,000 to fund increased pay costs. These funds are necessary to continue the mission of the Office of Civil Rights which is to facilitate the fair and equitable treatment of USDA customers and employees while ensuring the delivery and enforcement of civil rights programs and activities. Funds are needed for increases in pay and benefits to maintain and improve the current effectiveness of staff.
- (b) An increase of \$250,000 for Alternative Dispute Resolution (ADR) training. Proper use of ADR is instrumental in reducing the number of complaints filed. Funding is necessary to conduct ADR training for USDA agencies. A contractor will be procured to develop training that includes briefings on ADR awareness, conflict management, and ADR techniques and tools that are effective in enhancing the skills of managers and employees in managing conflict. If not funded, the number of managers and employees that are offered ADR will be limited, increasing the potential for future complaints. Funding will allow USDA to meet the recommendation outlined in the Government Accountability Office (GAO) October 2008 audit.
- (c) An increase of \$250,000 to standardize ADR programs. Funding will be used to procure a contractor to

develop a standardized ADR program within USDA and for program administration. This will include mediating cases, coaching, consultation on ADR practices, and group dynamic interventions, which focuses on awareness and prevention. These efforts will standardize how ADR programs are delivered within USDA agencies and eliminate inconsistent practices across USDA. Funding will allow USDA to meet the recommendations outlined in the GAO October 2008 audit

- (d) An increase of \$250,000 and two staff years for program investigations. Funding is needed for the Office of Adjudication and Compliance for travel costs to conduct 20 on-site program investigations where a telephone investigation is not feasible. These investigations will assist USDA with providing fair and equitable services and benefits to all customers. If not funded, the Department will be limited in processing program discrimination complaints within the statutory timeframes and a possible increase in the number of program complaints in the inventory.
- (e) An increase of \$250,000 for the implementation of the business transformation recommendations and findings for USDA. A business transformation analysis of USDA’s Civil Rights mission area is being conducted in FY 2009. This analysis will address concerns outlined in reports by GAO and USDA’s Office of Inspector General (OIG). The additional \$250,000 in FY 2010 is to procure a contractor to implement the business transformation recommendations and findings resulting from this analysis. The implementation will address, in full, the concerns of the GAO and OIG auditors and will improve business processes. The recommendations will include standard operating procedures to delineate workforce responsibilities. Additionally, a new performance metrics will be aligned with responsiveness to work requirements and alignment with strategic business plans that enhance internal controls.
- (f) An increase of \$1,000,000 to address deficiencies identified in a recent GAO audit. Access and retrieval of employment and program complaint data is critical to the office’s ability to process employment and program complaints timely and efficiently. In a recent GAO audit, several deficiencies were identified with the current records management system. Funding will be used to procure contractors to conduct an analysis of how the office can transition to a digital complaints record system, develop an improved disaster recovery plan, and provide real-time access to documents. Funding will also be used to acquire digital equipment and systems software. This will aid in decreasing case processing time. The Office of Civil Rights will develop a Department policy and training for agency civil rights directors to ensure the proper and consistent use of the system, create correspondence management policy, and create a correspondence management plan for the Office of Civil Rights and all offices reporting to it. If not funded, the Office of Civil Rights will be unable to address and implement the “New” Civil Rights Strategy as identified by the Secretary of Agriculture to design and implement management controls to ensure that complaints are received, stored, and processed in a consistent manner and within specific timeframes.

Geographic Breakdown of Obligations and Staff Years
2008 Actual and Estimated 2009 and 2010

	2008		2009		2010	
	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years
Washington, D.C.....	\$20,265,778	113	\$21,551,000	115	\$23,922,000	117
Unobligated balance.....	+86,750	--	--	--	--	--
Total, Available or Estimate.....	20,352,528	113	21,551,000	115	23,922,000	117

OFFICE OF CIVIL RIGHTS

Classification by Objects
2008 Actual and Estimated 2009 and 2010

	<u>2008</u>	<u>2009</u>	<u>2010</u>
Personnel Compensation:			
Washington, D.C.	\$10,604,693	\$11,841,000	\$12,450,000
11 Total personnel compensation.....	10,604,693	11,841,000	12,450,000
12 Personnel benefits	2,547,349	3,011,000	3,159,000
Total pers. comp. and benefits	13,152,042	14,852,000	15,609,000
Other Objects:			
21 Travel and transportation of persons	378,215	514,000	614,000
22 Transportation of things	24,006	15,000	15,000
23.3 Communications, utilities, and misc. charges	239,827	158,000	158,000
24 Printing and reproduction.....	6,819	32,000	32,000
25.2 Other services.....	310,682	2,592,000	4,289,000
25.3 Purchases of goods and services from Government Accounts	5,963,859	2,993,000	2,810,000
26 Supplies and materials.....	170,551	261,000	261,000
31 Equipment	8,111	134,000	134,000
42 Insurance Claims and Indemnities	4,343	--	--
43 Interest	7,323	--	--
Total other objects.....	7,113,736	6,699,000	8,313,000
Total direct obligations.....	20,265,778	21,551,000	23,922,000
<u>Position Data:</u>			
Average Salary, ES positions	\$140,239	\$144,306	\$148,202
Average Salary, GS positions	\$93,011	\$102,234	\$105,683
Average Grade, GS positions	13.3	14.1	14.2

OFFICE OF CIVIL RIGHTS

STATUS OF PROGRAM

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

Current Activities for the Office of Adjudication and Compliance:

Timely and Cost Effective Complaint Processing: The Office of Adjudication and Compliance (OAC), formerly the Office of Civil Rights, continues to make progress towards meeting the regulatory standards for processing its EEO and program complaints as well as becoming a more efficient and effective operation. OAC continues to use its assigned staff and contract attorneys and has used the services of the U.S. Postal Service (U.S. Postal Service-National EEO Investigative Services) for the past several months to assist with the final agency decision (FAD) workload. Now that the Civil Rights Enterprise System (CRES) is fully implemented and operating smoothly as the Department-wide complaint tracking system, OAC continues to realize efficiencies from this system.

EEO and Program Complaint Inventory Reduction: Since eliminating the program complaint backlog on December 31, 2007, OAC has subsequently met its target date (September 30, 2008) through its Backlog Elimination Project to eliminate the backlog of employment complaints. OAC will continue to use assigned staff, contract attorneys and the U.S. Postal Service-National EEO Investigative Services to prevent future backlogs and to maintain the complaint inventory at a manageable level while working to meet all processing regulatory timeframes.

EEO and Program Complaint Prevention Activities: In its quest to achieve a model EEO Program, OAC partners with the Office of Workplace Diversity and Inclusion (formerly the Office of Diversity) to implement the Equal Employment Opportunity Commission Management Directive 715 (MD-715). The Office of Workplace Diversity and Inclusion (OWDI) continue to refine its methodologies and approach to use quantitative and qualitative data to identify and assist agencies in the removal of barriers to EEO. OAC continues to partner with the Office of Outreach and OWDI programs in both the Mid-Year and Annual Partners Meetings. OAC also continues to meet and partner with organizations representing the underserved populations, including minority and small and limited resource farmers to provide technical assistance and training.

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

Timely Processing of Program Complaints: OAC began fiscal year (FY) 2008 with an inventory of 1,356 pending program complaints, claims, inquiries and appeals on hand. OAC received 1,262 new complaints during the year and had an inventory of 961 program complaints remaining at the end of FY 2008. During the year, OAC closed 1,657 complaints (including merit complaints, inquiries, and appeals). Over the course of FY 2008, the number of EEO cases pending in the intake phase decreased from 113 to 108 and during the same period, the number of FADs issued decreased slightly from 360 to 348.

Timely Processing of EEO Complaints: Overall, USDA experienced a 3.4 percent decrease in the number of new EEO complaints filed during FY 2008 as compared to the prior year. The decrease in the number of EEO complaints is attributed to factors such as an overall decrease in the size of the workforce, increased usage of ADR to resolve disputes early, increased training at the agency level, and improved compliance and accountability. The quality of Reports of Investigation (ROIs) and the number of timely submissions of ROIs continues to improve. During FY 2008, 88 percent of the ROIs were submitted on time.

Processing Time	Number of Cases	
	2007	2008
ROIs completed in 180 days or less	239	206
ROIs completed in 181 to 360 days (statutory mandate)	158	148
ROIs completed in 361 days or more	31	33
Total	428	387

Program Complaint Prevention Activities: The 3-day Annual Partners Meeting continues to serve as a principal outreach effort to organizations representing underserved populations, including minority and small and limited resource farmers and ranchers, and rural communities. In FY 2008, an invitational Mid-Year (February) Partners Assessment and Planning Meeting was held at which 32 representatives of community-based organizations and 40 USDA and 1890 Land-Grant institutions engaged in 2 days of deliberations to assess the results of the previous partners meetings, define a process for a year-round process for partnering, identify/prioritize areas where technical assistance is needed, identify aspects of the 2008 Farm Bill proposals that affect small, minority and socially disadvantaged producers, and recommend areas of concern needing discussion at the Annual Partners Meeting. The FY 2008 Annual Partners meeting was highly successful, with approximately 500 participants. It opened and fostered dialogue with USDA stakeholders, providing a forum through which the voices and concerns of underserved constituents are heard by USDA officials and program and outreach staff. A proposed structure for year-round partnering with USDA was developed by the community-based organizations and presented to USDA for review and discussion. The foundation for the 2009 and 2010 Partners Meetings will build on this structure proposal and continue to use the interactive “conversations” model so that reasoned discourse on sensitive and critical cross-cutting issues affecting the small and minority farm and ranch community can occur. Plans are well on the way for the Annual Partners Meeting in August 2009. The Partners Meeting is an important part of USDA’s framework for deriving solutions to long-held concerns about access, equity and accountability.

Current Activities for the Office of Outreach and Diversity:

The Center for Minority Farmers (Center): The Center continues to be a one-stop Department-wide information and service program designed to assist small and limited resource minority farmers and landowners in seeking new market outlets for their produce, and learning more about the programs and services offered by USDA. In FY 2008, the Center’s customer service function was expanded to include case work ombudsman-type services to assist farmers with access and program delivery issues. In this instance, staff attempt to obtain information on the origins and context of concerns of constituents who communicate with the Center; staff then inform the appropriate agency or office of the concern, and serve as a point-of-contact for the inquirer while the issue is being settled. The goal is to improve constituent service, increase access, and ultimately reduce the number of filings of program complaints against the Department, while at the same time demonstrate impartiality to the constituent. This strengthening and expansion of services will continue in FY 2009 by working with agency coordinators, small farm coordinators, and staff in the Office of Civil Rights to determine how best to integrate program delivery activities of other USDA programs into the Center’s programmatic and operations portfolio, to eliminate duplication across the Department, and to leverage the Department’s resources. This will eliminate or reduce duplication of effort between agencies; improve outreach; and utilize the Department’s resources better. A coordinated, integrated and comprehensive approach affords easy identification of opportunities for the Center to facilitate appropriate technical assistance and training.

The Minority Farm Register (Register): The Register is used for identifying and reaching out to minority farmers, ranchers and landowners. The database of more than 3,000 non-duplicative names continues to grow. During FY 2009, staff will continue to aggressively promote use of the Register internally to USDA agencies, and externally to minority-serving organizations and institutions, land-grant institutions and selected research institutes and foundations. Using community-based organizations and minority-serving institutions, the Office of Outreach staff will continue to identify minority farmers and ranchers who might be encouraged to join the Register, and to issue regular communications to registrants. The staff will also carefully monitor use of the Register by those requesting it.

The Agency Outreach Coordinators Working Group and Office of Outreach: The members and staff of both groups has focused on interagency communication, and a comprehensive and integrated Department-wide outreach plan, including coordinating and leveraging resources for travel, exhibits, conferences, training and technical efforts, and the development and dissemination of specialty outreach materials. Key activities in FY 2009 will include issuance and implementation of the first Departmental Regulation on Outreach (DR/Outreach), and the development of a curriculum for comprehensive cultural competency/best outreach practices training for Federal and State agency outreach coordinators.

The USDA Memorandum of Understanding (MOU) with the U.S. Department of Health and Human Services (DHHS) provides for the coordination of policies and activities directed toward improving socio-economic well-being of refugee families engaged in farming, agribusiness, and rural entrepreneurship. The USDA/DHHS Interagency Working Group continues implementing the MOU Plan of Work. In FY 2007, the program was renamed the Refugee Agricultural Partnership Program (RAPP) to recognize both the rural and urban dimensions of the project. In FY 2008, USDA Outreach staff participated in RAPP orientation and program sessions for the grantees (mutual assistance organizations); thereby bringing USDA program resources to bear on the needs of refugees. Outreach staff also participated with DHHS project staff in an eight-day on-the-ground-review of grantee programming in Vermont, New Hampshire and Massachusetts; lessons learned from this evaluation will be used to improve outreach efforts to all populations served by the office. In FY 2009, the Office of Outreach will also coordinate training geared towards marketing and risk management, and provide technical assistance for small and minority farmers with an emphasis on the refugee community.

Selected Examples of Recent Progress for the Office of Outreach and Diversity:

Effective outreach programs that strive for equal and timely access to all customers, especially the minority and underserved, exist in every agency. Increased inter-agency collaboration continues, and demonstrates a new direction in and commitment to providing equal and timely access. For example, in response to requests from the Community-based Organization (CBO) community, and in recognition of the changing grant-making processes at USDA, a small USDA Interagency Working Group on Grant Writing was established in FY 2008 to plan and deliver a series of grant writing training workshops. The goal of the workshops is to strengthen the capacity of community- and faith-based organizations, Tribal communities, minority institutions and other minority-serving non-profits to become more successful in the competitive grants process. The workshops focus on grants offered by selected USDA programs such as Sustainable Agriculture Research and Education (SARE), the 2501 Program, Value-Added Producer Grant Program, Farmers Market Promotion Program, and the Community Outreach and Assistance Partnership Programs. To date, five workshops have been held-- in Orangeburg, South Carolina (South Carolina State University); Tuskegee, Alabama (Tuskegee University and the Professional Agricultural Workers); Yakima, Washington (Center for Latino Farmers and the Northwest Regional Conference); Petersburg, Virginia (Virginia State University); a session was also held at the 2008 Annual Partners Meetings. USDA works with community-based organization partners and minority serving institutions of higher education to plan and conduct these workshops. USDA agency participants include Office of Civil Rights, Risk Management Agency, Rural Development, Farm Service Agency, Natural Resources Conservation Service and the National Institute of Food and Agriculture. These workshops will continue in FY 2009 and 2010.

In FY 2008, an initiative to define core principles of outreach, identify outreach best practices, and begin the development of an outreach training curriculum for outreach headquarters and field outreach staff was launched. A USDA Interagency Working Group has been established, and the first brainstorming and focus group sessions have been held. The goal of the initiative is to use best practices to enhance the delivery of USDA's programs and services. The curriculum will be field-tested and ultimately made available for on-line training programs. The training is expected to begin in FY 2010.

The USDA-wide Conference Coordination Initiative continues to enable the Department to leverage the resources devoted to participating in the annual meetings of sixteen national minority organizations. By coordinating participation across agencies, USDA's image is enhanced, opportunities to showcase programs and services are broadened, and information and materials receive wider dissemination. The Conference Coordination Initiative represents the minority groups of Native American, African American, Asian American, and Hispanic American. In FY 2008, the conferences included over 500 to more than 20,000 participants.

The three-year USDA Office of Outreach/Marriott International, Inc. MOU was designed to help minority farmers remain viably engaged in agricultural enterprises through access to business opportunities in the hospitality industry, ended in March 2007. The Office of Outreach, in collaboration with the Office of Civil Rights and agency staff, examined the results of the MOU and made appropriate recommendations for future agreements and measurable goals and deliverables. One result/benefit of the USDA/Marriott collaboration is that small and minority farmers in Arkansas, Georgia, and Mississippi have earned Good Agricultural Practices certification and minority-owned cooperative processing facilities have for the first time earned Good Handling and Good Agricultural Practices certifications from the Agricultural Marketing Service. Earning these certifications allows the producers to have a greater access to and acceptance in wholesale fresh food market channels, and signals to the consumer that food from these farms and processing facilities is safe. From the 2006 Arkansas experience, a model was developed and has been successfully replicated in Georgia and Mississippi: 12 minority producers and two minority-owned processing facilities have been certified.

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

The Office of Workplace Diversity and Inclusion's (OWDI) mission is to create a culture of change at USDA to ensure its place as a model employer within the Federal Government. To track USDA's progress toward this goal, the OWDI is responsible for the preparation and submission of the Management Directive-715 (MD-715) to the Equal Employment Opportunity Commission. The MD-715 requires each Federal agency by January 31, 2009, to report on the annual status of their activities regarding the creation, maintenance and operation of a model equal employment opportunity program. Through workforce analysis, the OWDI monitors the composition of the USDA workforce across grade levels, occupational groups and other categories to identify barriers to the achievement of workplace diversity for inclusion in the report.

In the future, the OWDI will promote workplace programs that emphasize the importance of a diverse and inclusive workplace. As part of this Reinventing Diversity Initiative, the OWDI will continue to build relationships with key stakeholders including recognized employee organizations, senior leadership, the Office of Human Capital Management, agency civil rights directors, and other special emphasis groups. The OWDI will maintain best practices for building diversity awareness through formal training courses, the Diversity Lunch Series, special observance events, and participation in employee forums at national employment conferences.

Current Activities for the Conflict Prevention and Resolution Center:

The Conflict Prevention and Resolution Center (CPRC): CPRC will conduct an ADR Practitioners' Conference in FY 2009. The primary objective of conducting this training is to satisfy the continuing education requirement specified in the ADR regulation, and the associated training requirements set by the Equal Employment Opportunity Commission.

CPRC hosted a strategic planning meeting with the USDA ADR managers in November 2008. The primary objective of this meeting was to establish the FY 2009/2010 Alternative Dispute Resolution Leadership Group (ADRLG) Strategic Plan. Some ADR activities planned by CPRC and the ADRLG are to select and train high level management officials to serve in the role of Revolving Officials in attempts to resolve discrimination complaints, produce a new ADR video that will include a depiction of a typical workplace conflict medication, conduct a Department-wide ADR awareness survey, conduct ADR compliance reviews, and provide an annual ADR Report using the ADR function of the Civil Rights Enterprise System.

CPRC has an initiative that started on October 1, 2008, to capture both employment and program ADR related activities of the Department. It is currently working with the Office of Adjudication and Compliance and the contractor to modify and adapt the ADR database to facilitate this data gathering and reporting and is expected to be completed by September 30, 2009.

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

CPRC conducted several training sessions for USDA employees and officially sanctioned employee organizations. The trainings consisted of three major components: communication, conflict management, and generational influences on workplace conflicts. In addition, CPRC led two Webinar training sessions on May 1, 2008 and September 25, 2008 and joined with several agency ADR programs in an observance of National Conflict Resolution Day.

OFFICE OF CIVIL RIGHTS

Summary of Budget and Performance
Statement of Goals and Objectives

Agency Strategic Goal	Agency Objectives	Programs that Contribute	Key Outcome
	<p><u>Objective 1.5:</u> Ensure complaints are processed in an efficient and cost-effective manner.</p> <p><u>Objective 1.6:</u> Increase USDA-wide awareness and use of Alternative Dispute Resolution (ADR), and resolution of conflicts through ADR in the early stages of workplace and program disputes (non-civil rights).</p> <p><u>Objective 1.7:</u> Establish effective outreach programs in the Department to ensure equal and timely access to USDA programs and services for all customers, with special emphasis on the minority and underserved.</p>	<p>Data Management and Customer Service</p> <p>Conflict Prevention and Resolution</p> <p>Outreach</p>	<p><u>Key Outcome 3:</u> Complaints are processed efficiently and cost-effectively.</p> <p>a.) Increase in the efficiency and cost-effectiveness of Program and EEO complaint processing.</p> <p><u>Key Outcome 4:</u> An increase in ADR usage.</p> <p>a.) Increase in total ADR usage USDA-wide.</p> <p>b.) Increase the number of direct ADR/conflict management services to the Office of the Secretary and others as requested.</p> <p><u>Key Outcome 5:</u> Improvement in minority, underserved, and socially disadvantaged participation in USDA programs and services.</p> <p>a.) Increase the number of minority, underserved, and socially disadvantaged persons made aware of USDA programs and services.</p>

Selected Accomplishments Expected at the FY 2010 Proposed Resource Level:

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

USDA programs and services.

- Records Management System -- Design an automated records management system to improve current processes.

Summary of Budget and Performance
Key Performance Outcomes and Measures

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

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

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

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

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

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

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

Key Outcome 4: An increase in ADR usage.

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

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

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

Summary of Budget and Performance
Key Performance Outcomes and Measures

Key Performance Targets:

<u>Performance Measure</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Actual</u>	<u>2009 Target</u>	<u>2010 Target</u>
Performance Measure #1.1.1: The number of individual EEO complaints filed. (FY 2002 Baseline is 765 complaints per year.)						
a. Units (# of EEO complaints filed)	662 per year	536 per year	526 per year	508 per year	490 per year	475 per year
b. Dollars	\$1,118,989	\$4,531,979	\$4,557,985	\$4,443,064	\$4,369,000	\$4,436,000
Performance Measure #1.1.2: The number of Program complaints filed. (FY 2002 Baseline is 90 complaints per month.)						
a. Units (# of Program complaints filed)	49 per month	55 per month	45 per month	35 per month	25 per month	25 per month
b. Dollars	\$1,118,988	\$1,692,492	\$1,701,995	\$1,523,605	\$1,715,500	\$1,872,000

OFFICE OF CIVIL RIGHTS

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

<u>Performance Measure</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Actual</u>	<u>2009 Target</u>	<u>2010 Target</u>
Performance Measure #1.2.1: Reduction in the average number of days to process Program complaints to issuance of Report of Investigation (ROI). (Regulatory requirement is 120 days). (FY 2002 Baseline is 354 days)						
a. Units (Days to process a Program complaint to issuance of ROI)	366 days	387 days	161 days	120 days	120 days	120 days
b. Dollars	\$5,182,738	\$846,246	\$850,995	\$761,802	\$857,750	\$936,000

Summary of Budget and Performance
Key Performance Outcomes and Measures

Key Performance Targets:

<u>Performance Measure</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Actual</u>	<u>2009 Target</u>	<u>2010 Target</u>
Performance Measure #1.2.2: Reduction in the average number of days to process Program complaints to Final Decisions. (60 days processing time is the desired target (no regulatory timeframe). (FY 2002 Baseline is 89 days)						
a. Units (average # days to process a Program complaint to Final Decision)	108 days	256 days	395 days	90 days	60 days	60 days
b. Dollars	\$1,649,024	\$846,246	\$850,995	\$761,802	\$857,750	\$936,000

OFFICE OF CIVIL RIGHTS

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

<u>Performance Measure</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Actual</u>	<u>2009 Target</u>	<u>2010 Target</u>
Performance Measure #1.2.3: The average number of days to process EEO complaints to issuance of Report of Investigation (ROI). (Regulatory requirement is 180 days). (FY 2002 Baseline is 458 days).						
a. Units (# days to process an EEO complaint to issuance of ROI)	258 days	215 days	205 days	212 days	180 days	180 days
b. Dollars	\$5,064,947	\$4,256,231	\$4,279,492	\$4,481,880	\$4,842,000	\$5,118,000

OFFICE OF CIVIL RIGHTS

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

<u>Performance Measure</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Actual</u>	<u>2009 Target</u>	<u>2010 Target</u>
Performance Measure #1.2.4: The average number of days to process EEO Final Agency Decisions. (Regulatory requirement is 45 days). (FY 2002 Baseline is 210 days).						
a. Units (# days to process an EEO Final Agency Decision)	402 days	547 days	803 days	789 days	120 days	60 days
b. Dollars	\$2,473,557	\$1,418,743	\$1,426,493	\$1,493,960	\$1,614,000	\$1,706,000
Performance Measure #1.3: Increase in the efficiency and cost-effectiveness of Program and EEO complaint processing.						
a. Units (TBD) <u>1/</u>	TBD	TBD	TBD	TBD	TBD	TBD
b. Dollars	\$1,060,072	\$3,145,986	\$3,163,985	\$1,834,991	\$2,074,000	\$3,107,000

OFFICE OF CIVIL RIGHTS

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

<u>Performance Measure</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Actual</u>	<u>2009 Target</u>	<u>2010 Target</u>
Performance Measure #1.4.1: Increase in the total ADR usage USDA-wide.						
a. Units (# of people offered ADR)	30,000	31,000	31,500	32,000	34,240	41,773
b. Dollars	\$353,350	\$572,998	\$576,492	\$596,338	\$645,500	\$906,500

OFFICE OF CIVIL RIGHTS

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

<u>Performance Measure</u>	<u>2005 Actual</u>	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Actual</u>	<u>2009 Target</u>	<u>2010 Target</u>
Performance Measure #1.4.2: Increase in the number of Direct ADR/conflict management services to OSEC and others as requested.						
a. Units (# of conflicts served)	50	75	75	90	96	117
b. Dollars	\$353,350	\$572,997	\$576,493	\$596,338	\$645,500	\$906,500
Performance Measure #1.5: Increase in the number of minority, underserved, and socially disadvantaged persons made aware of USDA programs and services. <u>2/</u>						
a. Units (# of participants)	850,000	112,000	120,000	132,000	145,000	145,000
b. Dollars	\$1,338,387	\$2,024,000	\$2,034,985	\$3,771,998	\$3,930,000	\$3,998,000

1/ Implementation of the Civil Rights Enterprise System began in fiscal year 2005 for employment complaints. While Phase I of the system is fully implemented, Phase II, which encompasses modules, managing and program discrimination complaints, and ADR cases, was implemented on schedule in May 2007. Now that the system has been implemented, we are revisiting codes in the system and doing quality control on the data. Once completed, we will be able to establish target estimates.

2/ Performance Measure# 1.5 will transition to the new Office of Advocacy and Outreach.

Full Cost by Strategic Goal

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

PROGRAM	PROGRAM ITEMS	Dollars in thousands		
		FY 2008	FY 2009	FY 2010
Equal Opportunity and Compliance				
	Salary and Benefits	\$2,641	\$2,669	\$2,767
	Departmental Central Charges	1,568	493	469
	Staff Development	96	55	55
	Travel	38	311	311
	Contracts	24	707	700
	Administrative Costs	76	134	134
	Total Costs	4,443	4,369	4,436
	FTEs	25	21	21
	Performance Measure: The number of individual EEO complaints filed.			
	BY Performance	508 per year	490 per year	475 per year
	Unit Cost	\$9	\$9	\$9
Program Complaints				
	Salary and Benefits	\$2,109	\$2,553	\$2,828
	Departmental Central Charges	825	355	301
	Staff Development	29	44	36
	Travel	17	47	147
	Contracts (Compliance Reviews)	18	324	324
	Administrative Costs	49	108	108
	Total Costs	3,047	3,431	3,744
	FTEs	18	20	22
	Performance Measure: The number of Program complaints filed.			
	BY Performance	35 per month	25 per month	25 per month
	Unit Cost	\$87	\$137	\$150
	Performance Measure: Reduction in the average number of days to process Program complaints to issuance of Report of Investigation. (Regulatory requirement is 120 days)			
	BY Performance	120 days	120 days	120 days
	Unit Cost	\$25	\$29	\$31
	Performance Measure: Reduction in the average number of days to process Program complaints to Final Agency Decisions. (60 days processing time is the desired target – no regulatory timeframe)			
	BY Performance	90 days	60 days	60 days
	Unit Cost	\$34	\$57	\$62

Full Cost by Strategic Goal

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

PROGRAM	PROGRAM ITEMS	Dollars in thousands		
		FY 2008	FY 2009	FY 2010
Employment Complaints and Complaints Adjudication				
	Salary and Benefits	\$4,257	\$4,719	\$4,897
	Departmental Central Charges	1,512	878	830
	Staff Development	52	65	65
	Travel	32	74	74
	Contracts (Final Decisions)	32	550	788
	Administrative Costs	91	170	170
	Total Costs	5,976	6,456	6,824
	FTEs	33	37	37
	Performance Measure: The average number of days to process EEO complaints to issuance of Report of Investigation. (Regulatory requirement is 180 days)			
	BY Performance	212 days	180 days	180 days
	Unit Cost	\$28	\$36	\$38
	Performance Measure: The average number of days to process EEO Final Agency Decisions. (Regulatory timeframe is 45 days)			
	BY Performance	789 days	120 days	60 days
	Unit Cost	\$8	\$54	\$114
Data Management and Customer Service				
	Salary and Benefits	\$1,210	\$1,298	\$1,357
	Departmental Central Charges	550	275	275
	Staff Development	19	41	41
	Travel	12	42	42
	Contracts	12	320	1,294
	Supplies	14	42	42
	Administrative Costs	18	56	56
	Total Costs	1,835	2,074	3,107
	FTEs	12	12	12
	Performance Measure: Increase in the efficiency and cost-effectiveness of EEO and Program complaint processing.			
	BY Performance	TBD	TBD	TBD
	Unit Cost	\$1,835	\$2,074	\$3,107

Full Cost by Strategic Goal

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

PROGRAM	PROGRAM ITEMS	Dollars in thousands		
		FY 2008	FY 2009	FY 2010
Conflict Prevention and Resolution				
	Salary and Benefits	\$797	\$849	\$887
	Departmental Central Charges	321	275	259
	Contracts	6	99	599
	Administrative Costs	69	68	68
	Total Costs	1,193	1,291	1,813
	FTEs	7	7	7
	Performance Measure: Increase in the total ADR usage USDA-wide.			
	BY Performance	32,000	34,240	41,773
	Unit Cost	\$37	\$38	\$43
	Performance Measure: Increase in the number direct ADR/conflict management services to OSEC and others as requested.			
	BY Performance	90	96	117
	Unit Cost	\$13	\$13	\$16
Outreach				
	Salary and Benefits	\$2,138	\$2,764	\$2,873
	Departmental Central Charges	1,188	717	676
	Contracts	18	350	350
	Administrative Costs	428	99	99
	Total Costs	3,772	3,930	3,998
	FTEs	18	18	18
	Performance Measure: Increase in the number of minority, underserved, and socially disadvantaged persons made aware of USDA programs and services.			
	BY Performance	132,000	145,000	145,000
	Unit Cost	\$29	\$27	\$28
	Total for Strategic Goal 1			
	Total Costs	\$20,266	\$21,551	\$23,922
	FTEs	113	115	117

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