

2011 Explanatory Notes  
Office of Civil Rights

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## DEPARTMENTAL MANAGEMENT

## OFFICE OF CIVIL RIGHTS

Purpose Statement

The Office of Civil Rights' (CR) mission is to facilitate the fair and equitable treatment of USDA customers and employees while ensuring the delivery and enforcement of the Departmental civil rights programs and activities. CR seeks innovative methods to make progress towards meeting the regulatory standards for processing the Department's EEO and program complaints, as well as to become a more efficient and effective operation. CR utilizes assigned staff, contract attorneys and the services of the U.S. Postal Service (U.S. Postal Service-National EEO Investigative Services) to assist with the final agency decision (FAD) workload. In addition, CR utilizes contract services and detailed staff to assist with the elimination of the program and EEO complaint inventory.

CR reviews agency standard operating procedures and employee performance standards to ensure that systems and workload analyses are in place to prevent future backlogs and to maintain the complaint inventory at a manageable level while working to meet all processing regulatory timeframes. CR focuses ADR efforts solely on EEO and program conflicts that could evolve into discrimination complaints. This new focus allows more conflicts and/or disputes to be resolved prior to becoming discrimination complaints. Non-EEO and program discrimination conflicts will be addressed outside of CR. CR has incorporated a conciliation function that will provide follow up to ensure that all parties are managing their conflicts in a healthy and productive manner. CR provides periodic ADR orientations, updates, and targeted conflict management training to USDA Subcabinet officials, recognized employee organizations, agency civil rights directors, and headquarters and agency employees.

As of September 30, 2009, there were 132 full-time permanent employees, with 130 located in Washington, D.C. and 1 located in Crow Agency, MT and 1 located in Fort Yates, ND.

Office of Inspector General 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

Government Accountability Office 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.

## DEPARTMENTAL MANAGEMENT

## OFFICE OF CIVIL RIGHTS

Available Funds and Staff Years  
2009 Actual and Estimated 2010 and 2011

Item	Actual 2009		Estimated 2010		Estimated 2011	
	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years
Office of Civil Rights.....	\$21,350,606	120	\$23,922,000	131	\$24,133,000	131
Assistant Secretary for Civil Rights.....	--	--	--	--	907,000	5
Total, Direct Appropriation...	21,350,606	120	23,922,000	131	25,040,000	136
<u>Obligations under other</u>						
<u>USDA appropriations:</u>						
EEO Investigations.....	67,071	--	100,000	--	100,000	--
1890 USDA Program.....	2,297,104	4	--	--	--	--
Diversity Council.....	368,061	1	--	--	--	--
Am. Indian Higher Ed.....	543,647	5	--	--	--	--
Independent Analysis.....	7,971,853	--	--	--	--	--
Misc. Reimbursements.....	710,043	--	915,000	3	919,000	3
Total, Reimbursements.....	11,957,779	10	1,015,000	--	1,019,000	--
Total, Civil Rights.....	33,308,385	130	24,937,000	134	26,059,000	139

## DEPARTMENTAL MANAGEMENT

## OFFICE OF CIVIL RIGHTS

Permanent Positions by Grade and Staff Year Summary  
2009 Actual and Estimated 2010 and 2011

Grade	2009			2010			2011		
	Wash DC	Field	Total	Wash DC	Field	Total	Wash DC	Field	Total
Senior Executive Service	2	--	2	2	--	2	4	--	4
GS-15	18	--	18	19	--	19	22	--	22
GS-14	21	--	21	24	--	24	24	--	24
GS-13	46	--	46	43	--	43	43	--	43
GS-12	14	--	14	16	--	16	16	--	16
GS-11	13	1	14	10	--	10	10	--	10
GS-10	2	--	2	2	--	2	2	--	2
GS-9	5	1	6	3	--	3	3	--	3
GS-8	10	--	10	6	--	6	6	--	6
GS-7	11	--	11	6	--	6	6	--	6
GS-6	3	--	3	3	--	3	3	--	3
Total Permanent Positions	145	2	147	134	--	134	139	--	139
Unfilled Positions end-of-year	-15	--	-15	--	--	--	--	--	--
Total, Permanent Full-time Employment, end-of-year	130	2	132	134	--	134	139	--	139
Staff Year Estimate	128	2	130	134	--	134	139	--	139

Note: This chart includes CR Direct and CR Reimbursement positions.

## DEPARTMENTAL MANAGEMENT

## OFFICE OF CIVIL RIGHTS

Appropriation Language

For necessary expenses of the Office of Civil Rights, [\$23,922,000] \$24,133,000.

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, [\$895,000] \$907,000.

Lead-off Tabular Statement

Appropriations Act, 2010.....	\$23,922,000
Budget Estimate, 2011 .....	<u>25,040,000</u>
Increase in Appropriation .....	<u>+1,118,000</u>

Summary of Increases and Decreases

(On basis of appropriation)

<u>Item of Change</u>	<u>2010 Estimated</u>	<u>Pay Costs</u>	<u>Program Changes</u>	<u>2011 Estimated</u>
Civil Rights.....	\$23,922,000	+\$223,000	+\$895,000	\$25,040,000

Project Statement

(On basis of appropriation)

	<u>2009 Actual</u>		<u>2010 Estimated</u>		<u>Increase or Decrease</u>	<u>2011 Estimated</u>	
	<u>Amount</u>	<u>Staff Years</u>	<u>Amount</u>	<u>Staff Years</u>		<u>Amount</u>	<u>Staff Years</u>
Civil Rights.....	\$21,350,606	120	\$23,922,000	131	+\$1,118,000	\$24,133,000	131
Assistant Secretary for Civil Rights.....	--	--	--	--	--	907,000	5
Unobligated Balance.....	+200,394	--	--	--	--	--	--
Total Available or Estimate.....	<u>21,551,000</u>	<u>120</u>	<u>23,922,000</u>	<u>131</u>	<u>+1,118,000</u>	<u>25,040,000</u>	<u>136</u>

## DEPARTMENTAL MANAGEMENT

## OFFICE OF CIVIL RIGHTS

Justifications for Increases and Decreases

- (1) An increase of \$1,118,000 for the Office of Civil Rights (\$23,922,000 available in 2010) consisting of:
- (a) An increase of \$223,000 to fund increased pay costs of which \$211,000 is for the Office of Civil Rights and \$12,000 is for the Assistant Secretary for Civil Rights. 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 \$895,000 for the Assistant Secretary for Civil Rights. This office was transferred to Departmental Management as part of an overall transformation project in USDA to increase efficiency and avoid unnecessary costs. In fiscal year 2010, funds were appropriated for this account under the Office of the Secretary.

Geographic Breakdown of Obligations and Staff Years  
2009 Actual and Estimated 2010 and 2011

	2009		2010		2011	
	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years
Washington, D.C.....	\$21,350,606	120	\$23,922,000	131	\$25,040,000	136
Unobligated balance.....	+200,394	--	--	--	--	--
Total, Available or Estimate.....	21,551,000	120	23,922,000	131	25,040,000	136

## DEPARTMENTAL MANAGEMENT

## OFFICE OF CIVIL RIGHTS

Classification by Objects  
2009 Actual and Estimated 2010 and 2011

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Personnel Compensation:			
Washington, D.C. ....	\$11,363,169	\$12,535,000	\$13,339,000
11 Total personnel compensation.....	11,363,169	12,535,000	13,339,000
12 Personnel benefits .....	2,732,433	3,510,000	3,763,000
Total pers. comp. and benefits.....	14,095,602	16,045,000	17,102,000
Other Objects:			
21 Travel and transportation of persons .....	266,985	568,000	570,000
22 Transportation of things .....	13,200	18,000	19,000
23.3 Communications, utilities, and misc. charges .....	310,768	186,000	224,000
24 Printing and reproduction.....	8,303	28,000	38,000
25.2 Other services.....	149,560	3,595,000	3,624,000
25.3 Purchases of goods and services from Government Accounts .....	5,734,599	3,158,000	3,122,000
26 Supplies and materials.....	255,620	214,000	226,000
31 Equipment .....	15,131	110,000	115,000
42 Insurance Claims and Indemnities.....	406,573	--	--
43 Interest.....	94,265	--	--
Total other objects.....	7,255,004	7,877,000	7,938,000
Total direct obligations .....	21,350,606	23,922,000	25,040,000
<u>Position Data:</u>			
Average Salary, ES positions.....	\$144,446	\$146,469	\$145,806
Average Salary, GS positions .....	\$93,850	\$94,569	\$97,372
Average Grade, GS positions.....	13.3	13.3	13.4

## DEPARTMENTAL MANAGEMENT

## 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 the use of alternative dispute resolution (ADR), and civil rights related activities.

Current Activities:

Timely and Cost Effective Complaint Processing. This office continues to seek innovative methods to make progress towards meeting the regulatory standards for processing the Department's EEO and program complaints, as well as to become a more efficient and effective operation. The office utilizes assigned staff, contract attorneys and the services of the U.S. Postal Service (U.S. Postal Service-National EEO Investigative Services) to assist with the final agency decision (FAD) workload.

EEO and Program Complaint Inventory Reduction. This office utilizes contract services and detailed staff to assist with the elimination of the program and EEO complaint inventory. They review standard operating procedures and employee performance standards to ensure that systems and workload analyses are in place to prevent future backlogs and to maintain the complaint inventory at a manageable level while working to meet all processing regulatory timeframes.

This office is focusing efforts solely on EEO and program conflicts that could evolve into discrimination complaints. This new focus allows more conflicts and/or disputes to be resolved prior to becoming discrimination complaints. Non-EEO and program discrimination conflicts will be addressed outside of the Office of Civil Rights. There has been incorporated a conciliation function that will provide follow up to ensure that all parties are managing their conflicts in a healthy and productive manner.

This office provides periodic ADR orientations, updates, and targeted conflict management training to USDA Subcabinet officials, recognized employee organizations, agency civil rights directors, headquarters and agency employees. In addition, working in collaboration with the alternative dispute resolution Leadership Group, this office will revise the current ADR Regulations and conduct monthly ADR training sessions. A new ADR video is being developed to show a typical workplace conflict mediation for viewing on monitors in USDA field offices. This office will disseminate a Department-wide ADR awareness survey, conduct ADR compliance reviews, and provide an annual ADR Report using the ADR Entellitrak database.

Selected Examples of Recent Progress:

Timely Processing of Program Complaints. During fiscal year 2009, the Secretary created a Task Force to review over 14,000 program discrimination complaints which were filed or closed from fiscal years 2000 through 2008. The Task Force reviewed 11,000 of these complaints of which 4,000 field level (Farm Service Agency, Rural Development, and Natural Resources Conservation Service) complaints had been closed without a complete investigation or for reasons other than merit. An additional 7,000 complaints were not identified by agency. The review determined that 2,000 of these complaints were not USDA-related complaints and another 2,500 complaints were form letters written from 1950 through 1960. These 4,500 complaints have been removed from the list of USDA complaints because they do not meet the criteria of a USDA program discrimination complaint. Twenty-seven hundred of the 11,000 complaints reviewed have been reopened in addition to 1,100 complaints that are new or had not been processed for a total of 3,800 USDA field level complaints that require additional consideration.

Timely Processing of EEO Complaints. The reduction in reports of investigation (ROIs) processed for fiscal year 2009 is 31. While this is a slight reduction, it is an improvement from the previous fiscal year. Forty-four percent of the ROIs were processed within 180 days, 48 percent were processed within 180 to 360 days, and 8 percent were processed later than 360 days.

Processing Time	Number of Cases	
	2008	2009
ROIs completed in 180 days or less	206	155
ROIs completed in 181 to 360 days (statutory mandate)	148	172
ROIs completed in 361 days or more	33	29
Total	387	356

EEO Complaint Prevention Activities. ADR efforts have been increased in both the area of EEO disputes to aid in the prevention of future EEO complaints. One such initiative that has aided in complaint prevention is the EEO Complaint Early Resolution Task Force.

This office has conducted several training sessions for USDA employees and officially sanctioned employee organizations dealing with communication, conflict management, and generational influences on workplace conflicts. The training on "How to have Crucial Conversations to Resolve Conflict - Making It Safe," was very successful with over 100 employees in attendance and 500 telephone lines dedicated for access to the seminar.

## DEPARTMENTAL MANAGEMENT

## OFFICE OF CIVIL RIGHTS

Summary of Budget and Performance  
Statement of Goals and Objectives

The Office of Civil Rights has one strategic goal and one strategic objective that contribute to all of the strategic goals of the Department.

USDA Strategic Goal	Agency Strategic Goal	Agency Objectives	Programs that Contribute	Key Outcome
The Office of Civil Rights supports all strategic goals of the Department.	Agency Goal 1: Ensure USDA provides fair and equitable services and benefits to all customers and upholds the civil rights of its employees.	<u>Objective 1:</u> Ensure Program and Equal Employment Opportunity (EEO) complaints are timely processed.	Civil Rights	<u>Key Outcome 1:</u> Program and EEO complaint reduction and prevention.

Selected Accomplishments Expected at the FY 2011 Proposed Resource Level: Greater efficiency and cost effectiveness will allow shifting of resources from complaint prevention and other proactive programs such as ADR, civil rights training, and implementation of compliance review reports designed to meet the mandate of becoming a model equal opportunity employer.

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: Program and EEO complaint reduction and prevention.

Long-term Performance Measure: Decrease in the number of individual program and EEO complaints filed.

Selected Past Accomplishments toward Achievement of the Key Outcome: The Secretary created a Task Force to review over 14,000 program discrimination complaints which were filed or closed from fiscal years 2000 through 2008. The Task Force reviewed 11,000 of these complaints of which 4,000 field level (Farm Service Agency, Rural Development, and Natural Resources Conservation Service) complaints had been closed without a complete investigation or for reasons other than merit. An additional 7,000 complaints were not identified by agency. The Task Force review determined that 2,000 of these complaints were not USDA-related complaints and another 2,500 complaints were form letters written from 1950 through 1960. These 4,500 complaints have been removed from the list of USDA complaints because they do not meet the criteria of a USDA program discrimination complaint. Twenty-seven hundred of the 11,000 complaints reviewed have been reopened in addition to 1,100 complaints that are new or had not been processed for a total of 3,800 USDA field level complaints that require additional consideration.

Additionally, the reduction in reports of investigation (ROIs) processed for fiscal year 2009 is 31. While this is a slight reduction, it is an improvement from the previous fiscal year. Forty-four percent of the ROIs were processed within 180 days, 48 percent were processed within 180 to 360 days, and 8 percent were processed later than 360 days.

## DEPARTMENTAL MANAGEMENT

## OFFICE OF CIVIL RIGHTS

This office has conducted several training sessions for USDA employees and officially sanctioned employee organizations dealing with communication, conflict management, and generational influences on workplace conflicts.

Summary of Budget and Performance  
Key Performance Outcomes and Measures

Key Performance Targets:Performance Measure

	<u>2006 Actual</u>	<u>2007 Actual</u>	<u>2008 Actual</u>	<u>2009 Actual</u>	<u>2010 Target</u>	<u>2011 Target</u>
Performance Measure #1.1: Percent reduction in the inherited backlog of program civil rights complaint reports of investigation and agency position statements.						
a. Units	N/A	N/A	N/A	10%	15%	15%
b. Dollars	N/A	N/A	N/A	\$2,135,100	\$3,588,300	\$3,756,000
Performance Measure #1.2: Percent reduction in the inherited backlog of program civil rights complaint final agency decisions.						
a. Units	N/A	N/A	N/A	10%	15%	15%
b. Dollars	N/A	N/A	N/A	\$2,135,100	\$3,588,300	\$3,756,000
Performance Measure #1.3: Percent reduction in the inherited backlog of EEO reports of investigation.						
a. Units	N/A	N/A	N/A	20%	25%	25%
b. Dollars	N/A	N/A	N/A	\$4,270,200	\$5,980,500	\$6,260,000
Performance Measure #1.4: Percent reduction in the inherited backlog of EEO final agency decisions.						
a. Units	N/A	N/A	N/A	20%	25%	25%
b. Dollars	N/A	N/A	N/A	\$4,270,200	\$5,980,500	\$6,260,000

## DEPARTMENTAL MANAGEMENT

## OFFICE OF CIVIL RIGHTS

Summary of Budget and Performance  
Full Cost by Strategic Goal

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

	Dollars in Thousands		
	<u>2009</u>	<u>2010</u>	<u>2011</u>
Office of Civil Rights			
Salary and Benefits	\$14,096	\$16,045	\$17,102
Departmental Central Charges	5,735	3,158	3,122
Staff Development	110	244	273
Travel	267	568	570
Contracts	39	3,351	3,351
Administrative Costs	1,104	556	622
Total Costs	21,351	23,922	25,040
FTEs	120	131	136
Performance Measure 1.1: Percent reduction in the inherited backlog of program civil rights complaint reports of investigation and agency position statements.			
BY Performance	10 percent	15 percent	15 percent
Unit Cost	\$2,135,100	\$3,588,300	\$3,756,000
Performance Measure 1.2: Percent reduction in the inherited backlog of program civil rights complaint final agency decisions.			
BY Performance	10 percent	15 percent	15 percent
Unit Cost	\$2,135,100	\$3,588,300	\$3,756,000
Performance Measure 1.3: Percent reduction in the inherited backlog of EEO reports of investigation.			
BY Performance	20 percent	25 percent	25 percent
Unit Cost	\$4,270,200	\$5,980,500	\$6,260,000
Performance Measure 1.4: Percent reduction in the inherited backlog of EEO final agency decisions.			
BY Performance	20 percent	25 percent	25 percent
Unit Cost	\$4,270,200	\$5,980,500	\$6,260,000

