

2013 Explanatory Notes

Office of Civil Rights

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## OFFICE OF CIVIL RIGHTS

Purpose Statement

The Office of Civil Rights' (OCR) 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. OCR seeks innovative methods to make progress towards meeting the regulatory standards for processing the Department's Equal Employment Opportunity (EEO) and program complaints, as well as to become a more efficient and effective operation. OCR utilizes assigned staff and contract attorneys to assist with the final agency decision (FAD) workload. In addition, OCR utilizes contract services and detailed staff to assist with the elimination of the program and EEO complaint inventory.

OCR 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. OCR focuses Alternative Dispute Resolution (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 OCR. OCR 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. OCR 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, 2011, there were 121 full-time permanent employees, all located in Washington, D.C.

OCR did not have any Office of Inspector General or Government Accountability Office evaluation reports during the past year.

## OFFICE OF CIVIL RIGHTS

Available Funds and Staff Years  
(Dollars in thousands)

Item	<u>2010 Actual</u>		<u>2011 Actual</u>		<u>2012 Estimate</u>		<u>2013 Estimate</u>	
	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years
<b>Salaries and Expenses:</b>								
Discretionary Appropriations.....	\$23,922	132	\$22,737	128	\$21,000	134	\$22,692	134
Rescission.....	-	-	-45	-	-	-	-	-
Total Available.....	23,922	132	22,692	128	21,000	134	22,692	134
Lapsing Balances.....	-108	-	-4	-	-	-	-	-
Obligations.....	23,814	132	22,688	128	21,000	134	22,692	134
<b>Obligations under other USDA appropriations:</b>								
EEO Investigations.....	220	-	652	-	500	-	600	-
Misc. Reimbursements.....	1,363	-	-	-	-	-	-	-
Total, Agriculture Appropriations....	1,583	-	652	-	500	-	600	-
Total, OCR.....	25,397	132	23,340	128	21,500	134	23,292	134

Permanent Positions by Grade and Staff Year Summary

Item	<u>2010 Actual</u>		<u>2011 Actual</u>		<u>2012 Estimate</u>		<u>2013 Estimate</u>	
	Wash D.C.	Wash D.C.	Wash D.C.	Wash D.C.	Wash D.C.	Wash D.C.	Wash D.C.	Wash D.C.
SES.....	2	2	2	2	2	2	2	2
GS-15.....	21	23	22	22	22	22	22	22
GS-14.....	24	27	26	26	26	26	26	26
GS-13.....	49	50	48	48	48	48	48	48
GS-12.....	14	15	14	14	14	14	14	14
GS-11.....	6	6	6	6	6	6	6	6
GS-10.....	2	2	2	2	2	2	2	2
GS-9.....	5	4	4	4	4	4	4	4
GS-8.....	10	4	4	4	4	4	4	4
GS-7.....	12	4	4	4	4	4	4	4
GS-6.....	2	2	2	2	2	2	2	2
Total Perm. Pos.....	147	139	134	134	134	134	134	134
Unfilled, EOY.....	16	18	-	-	-	-	-	-
Total, Perm. Full Time, EOY.....	131	121	134	134	134	134	134	134
Staff Year Est.....	132	128	134	134	134	134	134	134

## OFFICE OF CIVIL RIGHTS

The estimates include appropriation language for this item as follows (new language underscored; deleted matter in brackets):

Salaries and Expenses:

For necessary expenses of the Office of Civil Rights, [\$21,000,000] \$22,692,000.

Lead-Off Tabular StatementSalaries and Expenses – Current Law

Appropriations Act, 2012.....	\$21,000,000
Budget Estimate, 2013 .....	<u>22,692,000</u>
Change from 2012 Appropriation .....	<u>+1,692,000</u>

Salaries and Expenses – Proposed Legislation

Budget Estimate, Current Law 2013 .....	\$22,692,000
Change due to proposed legislation .....	<u>+40,000,000</u>
Net Request, President's 2013 Budget Request .....	<u>62,692,000</u>

Summary of Increases and Decreases - Current Law

(Dollars in thousands)

	<u>2010</u> <u>Actual</u>	<u>2011</u> <u>Change</u>	<u>2012</u> <u>Change</u>	<u>2013</u> <u>Change</u>	<u>2013</u> <u>Estimate</u>
Discretionary Appropriations:					
Office of Civil Rights.....	\$23,814	-\$1,230	-\$1,692	+\$1,692	\$22,692

Project Statement

(On basis of appropriations)

(Dollars in thousands)

Program	<u>2010 Actual</u>		<u>2011 Actual</u>		<u>2012 Estimate</u>		<u>Change</u>		<u>2013 Estimate</u>	
	Amount	Staff	Amount	Staff	Amount	Staff	Amount	Staff	Amount	Staff
Discretionary Appropriations:										
Office of Civil Rights.....	\$23,922	132	\$22,692	128	\$21,000	134	+\$1,692 (1)	-	\$22,692	134
Total Adjusted Approp.....	23,922	132	22,692	128	21,000	134	+1,692	-	22,692	134
Rescission and Transfers (Net).....	-	-	45	-	-	-	-	-	-	-
Total Appropriation.....	23,922	132	22,737	128	21,000	134	+1,692	-	22,692	134
Rescission.....	-	-	-45	-	-	-	-	-	-	-
Total Available.....	23,922	132	22,692	128	21,000	134	+1,692	-	22,692	134
Lapsing Balances.....	-108	-	-4	-	-	-	-	-	-	-
Total Obligations.....	23,814	132	22,688	128	21,000	134	+1,692	-	22,692	134

## OFFICE OF CIVIL RIGHTS

Project Statement  
(On basis of obligations)  
(Dollars in thousands)

Program	2010 Actual		2011 Actual		2012 Estimate		Change		2013 Estimate	
	Staff Amount	Staff Years								
Discretionary Obligations:										
Office of Civil Rights.....	\$23,814	132	\$22,688	128	\$21,000	134	+\$1,692 (1)	-	\$22,692	134
Total Obligations.....	23,814	132	22,688	128	21,000	134	+1,692	-	22,692	134
Lapsing Balances.....	108	-	4	-	-	-	-	-	-	-
Total Available.....	23,922	132	22,692	128	21,000	134	+1,692	-	22,692	134
Rescission.....	-	-	45	-	-	-	-	-	-	-
Total Appropriation.....	23,922	132	22,737	128	21,000	134	+1,692	-	22,692	134

Justification of Increases and Decreases

The base funds will continue to support OCR's mission 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. OCR 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.

(1) An increase of \$1,692,000 for the Office of Civil Rights (\$21,000,000 and 134 staff years available in 2012) consisting of:

- a) An increase of \$64,000 to fund increased for pay costs.  
These funds are necessary to continue the mission of OCR 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. If pay costs are not funded, then OCR will not be able to maintain and improve the current effectiveness of staff.
- b) An increase of \$536,000 for administrative and paralegal contractors (\$1,194,000 and 11 staff years available in 2012).  
OCR is proposing to hire contractors to provide administrative and paralegal personnel to assist OCR to meet its mission critical goals and objectives for the fair and equitable treatment of all USDA customers and employees. Six of the current contract employees write employment adjudication final agency decisions and the remaining five provide administrative support for OCR staff. These contract employees will ensure employment complaints are processed timely.
- c) An increase of \$550,000 to support program complaint investigations (\$400,000 available in 2012).  
An increase in program complaint investigations funding would reduce the time it takes to meet regulatory standards for processing program discrimination complaints. Investigators require travelling within States, which averages about \$5,000 per investigation.
- d) An increase of \$242,000 for Management Solutions Consulting Group (\$1,000,000 available in 2012).  
This increase will fund services that USDA can provide to meet statutory deadlines and reduce or cancel EEOC sanctions for the Department.

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- e) An increase of \$300,000 for Compliance review and training (\$400,000 available in 2012).  
 Compliance reviews are a primary tool by which USDA polices itself on civil rights regulations and policies. Under the Secretary’s leadership, the number of compliance reviews doubled. This increase will allow OCR to conduct compliance reviews to ensure that the issues and concerns raised in the EEO and program complaint activity of selected agencies are being addressed aggressively and proactively. This increase will enable OCR to conduct five civil rights compliance reviews and approximately five additional civil rights training sessions.

Summary of Increases and Decreases – Proposed Legislation  
 (Dollars in thousands)

<u>Item of Change</u>	2013		
	<u>Current Law</u>	<u>Program Changes</u>	<u>President’s Request</u>
Office of Civil Rights.....	\$22,692	+\$40,000	\$62,692

Explanation of proposed legislation: This proposal would increase funding by \$40,000,000 to provide settlements for discrimination claims filed under the Equal Credit Opportunity Act (ECOA) filed between July 1, 1997 and October 31, 2009 arising out of the delivery of USDA credit programs. Based upon analysis conducted by the USDA Civil Rights Task Force (Task Force), the Department has determined that many claims were inadequately resolved during the applicable two-year Statute of Limitations (SOL) period under ECOA. As a result, USDA is requesting the funding above and will also request necessary legislative authority to extend the SOL for these ECOA claims so the claims can be properly resolved.

The \$40 million request is based upon the findings of the analysis conducted by the Task Force during the last three years. During that time, the Task Force reviewed more than 14,000 claims of discrimination that were filed with the Department during the time period above. As part of its case review process, the Task Force examined the evidence associated with each claim to determine which claims have merit for further processing and resolution. Out of the more than 14,000 claims that were filed, USDA anticipates that no more than 600 will need to be settled under this action based upon the task Force’s work.

The funding needed to settle these 600 cases is based upon the average settlement costs for claimants under other civil rights class action lawsuits against USDA, most notably *Pigford v. Vilsack*. Based upon the USDA experiences in resolving these class actions, the Department has determined that \$40,000,000 will be sufficient to provide the necessary support for compensatory damages to the claimants. As part of the settlement process, claimants will be required to provide evidence of damages resulting from the discriminatory acts in question, including information regarding the associated USDA debt burden for each claimant. The Department will then utilize this information to reach a settlement agreement with the affected parties, thereby furthering the Department’s efforts to address the long-standing civil rights issues that have plagued the Department.

## OFFICE OF CIVIL RIGHTS

Geographic Breakdown of Obligations and Staff Years  
(Dollars in thousands)

Item	<u>2010 Actual</u>		<u>2011 Actual</u>		<u>2012 Estimate</u>		<u>2013 Estimate</u>	
	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years	Amount	Staff Years
District of Columbia.....	\$23,814	132	\$22,688	128	\$21,000	134	\$22,692	134
Lapsing balance.....	108	-	4	-	-	-	-	-
Total, Available.....	<u>23,922</u>	<u>132</u>	<u>22,692</u>	<u>128</u>	<u>21,000</u>	<u>134</u>	<u>22,692</u>	<u>134</u>

Classification By Objects  
(Dollars in thousands)

	<u>2010 Actual</u>	<u>2011 Actual</u>	<u>2012 Estimate</u>	<u>2013 Estimate</u>
<b>Personnel Compensation:</b>				
Washington, DC.....	\$11,854	\$12,204	\$13,427	\$13,578
11.0 Total personnel compensation.....	11,854	12,204	13,427	13,578
12.0 Personal benefits.....	2,975	3,471	3,524	3,566
13.0 Benefits for former personnel.....	100	-	-	-
Total, personnel comp. and benefits.....	<u>14,929</u>	<u>15,675</u>	<u>16,951</u>	<u>17,144</u>
<b>Other Objects:</b>				
21.0 Travel and transportation of persons.....	773	272	223	400
22.0 Transportation of things.....	18	1	15	15
23.3 Communications, utilities, and misc. charges.....	216	139	216	130
24.0 Printing and reproduction.....	8	218	1	-
25.2 Other services from non-Federal sources.....	2,613	1,574	2,469	3,426
25.3 Other purchases of goods and services from Federal sources.....	5,164	4,342	1,056	1,518
26.0 Supplies and materials.....	57	121	40	32
31.0 Equipment.....	17	8	10	8
33.0 Investments and loans.....	19	338	19	19
Total, Other Objects.....	<u>8,885</u>	<u>7,013</u>	<u>4,049</u>	<u>5,548</u>
99.9 Total, new obligations.....	<u>23,814</u>	<u>22,688</u>	<u>21,000</u>	<u>22,692</u>
<b>Position Data:</b>				
Average Salary (dollars), ES Position.....	\$144,446	\$162,000	\$162,000	\$162,000
Average Salary (dollars), GS Position.....	\$93,850	\$94,969	\$100,904	\$100,904
Average Grade, GS Position.....	13.3	13.3	13.5	13.5

OFFICE OF CIVIL RIGHTS  
STATUS OF PROGRAM

The Office of Civil Rights' (OCR) 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 including training and compliance.

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 and contract attorneys 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 EEO and program 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 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 OCR. A conciliation function has been developed 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.

Selected Examples of Recent Progress:

Timely Processing of Program Complaints. This office is working with the Office of the Chief Information Officer and agency civil rights staff to utilize LEAN Six Sigma (LSS) methodology to improve the program discrimination complaint process as part of the USDA Process Improvement Transformation Initiative. As part of the LSS project, the team developed a standard USDA program discrimination complaint form to be used throughout USDA agencies to ensure that USDA collects consistent information in a timely manner, therefore reducing delays and errors in determining USDA jurisdiction. The next phase of the LSS process will look at program investigations.

The Program Adjudication Division (PAD) implemented new standards and procedures that radically improved case processes and reduced the number of complaints in inventory from 298 to 199, despite receiving 270 new cases during 2011.

Timely Processing of EEO Complaints. The Equal Employment Opportunity Commission (EEOC) reported in its *Federal Work Force for Fiscal Year 2009* report that out of a total of 6,905 Federal employment complaints closed on the merits, about 3 percent resulted in findings of discrimination. During 2004 thru 2008 at USDA, out of 1,677 EEO complaints closed on the merits (judgment rendered through analysis and adjudication of the factual issues presented), only 20 complaints (1.19 percent) resulted in findings of discrimination. This office is in line with the Federal Government-wide average in finding merit in complaints of unlawful employment discriminatory practices. In 2009, this office reported that out of 466 EEO complaints closed on the merits, 11 (3.13 percent) resulted in findings of discrimination. In 2010, 22 complaints (3.6 percent) were found to have merit and in 2011, 30 complaints (6.3 percent) were found to have merit.

EEO Complaint Prevention Activities. ADR efforts have been increased in the area of EEO disputes to aid in the prevention of future EEO complaints.

Alternative Dispute Resolution (ADR). The Early Resolution and Conciliation Division's (ERCD) goal is to create an environment that encourages the early intervention and resolution of workplace disputes and EEO complaints. ERCD has taken numerous steps to increase the availability and usage of ADR within USDA. During 2011, ERCD handled a total of 47 ADR cases. ERCD provided 61 early intervention consultations to USDA employees and customers who experienced workplace conflict with a peer and/or supervisor/manager. Consultations were also provided to members of the public who may have had questions or concerns regarding services they received from USDA. The number of ADR cases processed in ERCD increased 292 percent over the number of ADR cases processed during 2010. The number of consultations ERCD provided increased 103 percent over the number of consultations provided in 2010.

Training is an essential aspect of the ERCD mission. During 2011, ERCD focused on training USDA employees and providing outreach to make them aware of ADR and the different techniques available to address workplace as well as customer complaints. As a result of focusing on training and outreach, ERCD coordinated 10 conflict management workshops during 2011. Approximately 5,750 employees attended and/or participated in the 10 workshops in 2011; however, in 2010, 4,500 employees attended and/or participated in the 10 workshops ERCD coordinated. An increase in employee attendance and/or participation during 2011 in the 10 workshops equaled 1,250 (or 28 percent). ERCD attributes this to an increased awareness of available early resolution and conflict management techniques and services.

This office conducts monthly ADR training workshops and other activities for USDA employees and officially sanctioned employee organizations. The workshops focus on communication, conflict management, and generational influences on workplace conflicts. The workshops are presented to live audience and via webinar and teleconference to include employees located outside of the Washington D.C. metropolitan area.

OCR also has a gay, lesbian, bisexual, and transgender diversity program and OCR conducts training workshops that address sexual orientation and gender identity to employees throughout the country.

#### Other Civil Rights Activities

OCR places a high priority and is actively engaged in educating and training all USDA employees (including supervisors, managers and political appointees) at all USDA locations. Training addresses civil rights laws, problematic and systemic trends, appropriate behavior, and customer service requirements. Actual summary complaint data (masked for confidentiality) and case studies illustrate: 1) impacts of unintentional actions 2) and expected EEO and customer service practice when interacting with the public. According to overall survey results, the training is meaningful, well received and delivered in a non-confrontational manner. OCR's civil rights education program is resulting in more wide spread recognition that all USDA employees are protected by civil rights laws, and the words "civil rights" is not bad nor should it instill fear. Employees have a heightened awareness about civil rights laws, personal responsibilities and liabilities, complaints avoidance actions, and good customer service practices.

#### 2011 Civil Rights Training

- Trained State leaders and staff, most often in locations where several USDA agencies are located. OCR subject matter experts addressed general and specific civil rights topics highlighting issues of concerns for that location. The training was conducted in locations that included Little Rock, Arkansas and Stillwater, Oklahoma, where a large audience of USDA service center agencies employees in the Natural Resources Conservation Service, Rural Development and Farm Service Agency participated.
- Launched the No FEAR Comprehensive Training on November 6, 2010. During 2011 approximately 27,000 USDA employees completed Comprehensive No FEAR training. All USDA employees, and contractors, are required to complete the comprehensive training within 90 days of hiring. OCR continues to work with agencies to maintain high completion rates.

- Launched the No FEAR Refresher course on August 1, 2011, two months ahead of schedule, allowing ample time for all USDA employees to complete it before the December 30, 2011 deadline. A paper version was provided to agencies where there are temporary, intermittent and other employees without access to computers. Teamed with AgLearn managers to host meetings with all USDA agency representatives to announce launching, explain and clarify the process, determine logistics and plot a course of action for successful completion by all USDA employees. Established a comprehensive communications plan, vetting it through the No FEAR team (OCR and AgLearn) before posting it to the OCR web site and sharing it with other USDA agencies. The refresher training was populated in the learning records of 102,857 USDA employees on August 4, 2011 and as of September 22, 2011, 32,730 employees have completed the training.
- Trained 178 Farm Service Agency (FSA) senior managers in Washington, DC during two training sessions on March 24, 2011.
- Trained 15 employees in the USDA Office of Homeland Security and Emergency Coordination in Washington, DC on July 21, 2011.
- Trained 38 managers in the Risk Management Agency in Kansas City, MO on September 19, 2011.
- Trained 91 new USDA employees at the Departmental Management sponsored onboard orientations at multiple locations. OCR staff rotates to conduct the ongoing monthly presentations.
- Conducted two lunch series open to all USDA employees in the Washington, DC metropolitan area: Bullying was presented on June 28 to 50 employees and July 25 to 8 employees. An official memorandum denouncing bullying was signed this year.
- Hosted a lunch series entitled "Generational Differences" on August 23, 2011 where 50 USDA employees attended.
- Provided leadership for gay, lesbian, bisexual and transgender training at USDA and throughout the Federal government for over 460 Federal employees, including 60 USDA employees.
- Announced "targeted disabilities" as the 2011 civil rights training emphasis aligning USDA's selection with the Office of Personnel Management priority. All USDA organizations were notified of this selection and provided supplemental training materials.

#### Civil Rights Policy

USDA civil rights policies and procedures have been rewritten and currently await final publishing approval. New policies provide up-to-date direction on Federal mandates, as well as delegate to OCR greater civil rights enforcement authority.

#### Civil Right Impact Analysis (CRIA)

Prior to 2009, agencies often did not prepare a CRIA and/or by-passed the OCR concurrence and approval process when submitting proposed and final rule, therefore, OCR was unable to provide proper counsel about proposed or implemented changes. Some EEO and program complaints arose from unsupported changes.

The OCR initiated individual and group conversations with Under Secretaries, agency heads and staff. The message was "one USDA", encouraging employees to work together across organizational boundaries and ensure important interests are advanced while being prudent in addressing proposed actions where potentially adverse impact was imminent.

In 2011, OCR provided training on the policies, procedures, and the proper process for developing CRIAs to Civil Rights and program staff in FSA, Natural Resources Conservation Service, Animal and Plant Health Inspection Service, and to the Diversity Federal Officers from the aforementioned agencies as well as those representing the Agricultural Marketing Service, Agricultural Research Service, Food and Nutrition Service, Foreign Agricultural Service, Food Safety and Inspection Service, Forest Service, Grain Inspection Packers and Stockyards Administration, National Agricultural Statistics Service, and the National Institute of Food and Agriculture. The demand for CRIA training has increased significantly and the OCR continues to offer training.

OCR screened 95 major CRIA plans and worked collaboratively with agency civil rights and program staff to ensure that proposals and planned actions were sound and did not subject the USDA to obvious and potential EEO and program complaints. The total number of CRIA reviews increased by 34 percent with a 75 percent increase in non-concurrence/contingent concurrence findings due to adherence to the CRIA regulation requirements.

#### Compliance Reviews

Compliance reviews are used – both proactively and reactively – to evaluate the civil rights and equal opportunity policies, procedures, practices of an agency within USDA. OCR has more than doubled the number of compliance reviews completed to evaluate the effectiveness of selected agencies regarding compliance with civil rights regulations and policies.

OFFICE OF CIVIL RIGHTS

Summary of Budget and Performance  
Statement of Agency Goals and Objectives

The Office of Civil Rights’ (OCR) mission is to provide overall leadership, coordination, and direction for USDA’s civil rights programs, including matters related to program delivery, compliance and equal employment opportunity. OCR provides leadership and direction for the fair and equitable treatment of all USDA customers and employees while ensuring the delivery of quality programs and enforcement of civil rights. OCR ensures compliance with applicable laws, regulations, and policies for USDA customers and employees.

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

USDA Strategic Goal	Agency Strategic Goal	Agency Objective	Program that Contribute	Key Outcome
Civil Rights supports all USDA Strategic Goals.	Ensure that all USDA programs and activities are accessible and accountable.	Enable and ensure equitable access to all USDA programs.	Civil Rights	Program and EEO complaint reduction and prevention.

**Key Outcome:** Program and EEO complaint reduction and prevention.

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

**Select Past Accomplishments Toward Achievement of the Key Outcome:** Civil Rights Enterprise System (CRES) - in furtherance of the Administration’s transparency and modernization goals, significant steps were taken to improve the functions, reliability, and accuracy of the data and information in CRES. Specifically, the following actions were taken on the CRES modules: (1) Program Complaints Management System (PCMS) - new Business Rules were established to ensure data fields are populated with accurate data and information; additional data fields were added to allow documentation of critical data pertaining to civil rights complaints administration and adjudication; a suite of standardized reports was developed, tested and added to the production environment to allow better measurement of progress and monitoring of processing times. (2) Alternative Dispute Resolution (ADR) System - a complete review of system requirements and functionality was conducted, with recommendations for significant improvements. The proposed enhancements— establish an interface/communication between the iComplaints and ADR modules, enhance the ability of the system to capture and report on the cost of doing business, and enhance the quarterly and annual reports to comport with regulatory requirements—were approved and implemented. (3) iComplaints Employment Tracking System - a standard suite of management reports was developed and placed in production further enabling the measurement of progress in reducing inventories, the identification of major issues and bases giving rise to complaints of discrimination and monitoring processing times. Additional events were added to the Civil Action Module to enable complete documentation of the process. (4) E-Document Management System - approximately 15,000 program complaint records (85 percent) were organized, indexed, tabbed and scanned into digitized portable document files.

OCR staff has conducted 10 planned Alternative Dispute Resolution (ADR) Awareness training sessions. In addition, all open OIG audit recommendations have been closed.

**Select Accomplishments expected at the 2013 Proposed Resource Level:** OCR will continue 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 will utilize assigned staff and contract attorneys to assist with the final agency decision (FAD) workload.

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

Non-EEO and program discrimination conflicts will be addressed outside of OCR. A conciliation function has been developed to ensure that all parties are managing their conflicts in a healthy and productive manner.

This office will provide periodic ADR orientations, updates, and targeted conflict management training to USDA Subcabinet officials, recognized employee organizations, agency civil rights directors, head-quarters 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.

**Strategic Goal Funding Matrix**  
(Dollars in thousands)

Program Items	2010 Actual	2011 Actual	2012 Estimate	Change	2013 Estimate
<b>Agency Strategic Goal: Ensure that all USDA programs and activities are accessible and accountable.</b>					
Office of Civil Rights.....	\$23,814	\$22,688	\$21,000	+\$1,692	\$22,692
Staff Years.....	132	128	134	-	134

**Summary of Budget and Performance**  
**Key Performance Outcomes and Measures**

**Agency Strategic Goal:** Ensure that all USDA programs and activities are accessible and accountable.

**Key Outcome:** Program and EEO complaint reduction and prevention.

**Key Performance Measures:**

- Measure #1.1: Percent reduction in the USDA backlog of program civil rights complaint reports of investigation and agency position statements.
- Measure #1.2: Percent reduction in the USDA backlog of program civil rights complaint final agency decisions.
- Measure #1.3: Percent reduction in the USDA backlog of EEO reports of investigation.
- Measure #1.4: Percent reduction in the USDA backlog of EEO final agency decisions.

**Key Performance Targets**

Performance Measure	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Actual	2012 Target	2013 Target
Percent reduction in the USDA backlog of program civil rights complaint reports of investigation and agency position statements	N/A	N/A	10%	15%	15%	15%	15%
Dollars (in Thousands)	N/A	N/A	\$2,135	\$3,572	\$3,403	\$3,150	\$3,404
Percent reduction in the USDA backlog of program civil rights complaint final agency decisions.	N/A	N/A	10%	15%	15%	15%	15%
Dollars (in Thousands)	N/A	N/A	\$2,135	\$3,572	\$3,403	\$3,150	\$3,404
Percent reduction in the USDA backlog of EEO reports of investigation.	N/A	N/A	20%	25%	25%	25%	25%
Dollars (in Thousands)	N/A	N/A	\$4,270	\$5,953	\$5,672	\$5,250	\$5,673
Percent reduction in the USDA backlog of EEO final agency decisions.	N/A	N/A	20%	25%	25%	25%	25%
Dollars (in Thousands)	N/A	N/A	\$4,270	\$5,953	\$5,672	\$5,250	\$5,673

## OFFICE OF CIVIL RIGHTS

Full Cost by Agency Strategic Goal  
(Dollars in thousands)**Agency Strategic Goal: Ensure that all USDA programs and activities are accessible and accountable.**

Program Item	2010 Actual	2011 Actual	2012 Estimate	2013 Estimate
Administrative costs (direct).....	\$14,929	\$15,675	\$16,951	\$17,160
Indirect costs.....	8,885	7,013	4,049	5,532
<b>Total Costs.....</b>	<b>23,814</b>	<b>22,688</b>	<b>21,000</b>	<b>22,692</b>
FTEs.....	132	128	134	134
<b>Performance Measure:</b>				
Percent reduction in the USDA backlog of program civil rights complaint reports of investigation and agency position statements.				
Measure.....	15%	15%	15%	15%
Cost per Measure (unit cost).....	3,572	3,403	3,150	3,404
<b>Performance Measure:</b>				
Percent reduction in the USDA backlog of program civil rights complaint final agency decisions.				
Measure.....	15%	15%	15%	15%
Cost per Measure (unit cost).....	3,572	3,403	3,150	3,404
<b>Performance Measure:</b>				
Percent reduction in the USDA backlog of EEO final agency decision.				
Measure.....	25%	25%	25%	25%
Cost per Measure (unit cost).....	5,953	5,572	5,250	5,673
<b>Performance Measure:</b>				
Percent reduction in the USDA backlog of EEO reports of investigation.				
Measure.....	25%	25%	25%	25%
Cost per Measure (unit cost).....	5,953	5,572	5,250	5,673