

**2022 USDA Explanatory Notes – EXECUTIVE OPERATIONS  
OFFICE OF CIVIL RIGHTS**

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**AGENCY-WIDE**

**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 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 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 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 conflicts will be addressed outside of OCR. OCR has incorporated a conciliation function that will provide follow up to ensure 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, 2020, there were 98 full-time permanent employees, including 96 located in Washington, D.C. and 2 located in the field.

**OIG AND GAO REPORTS**

**Table OCR-1. In-progress GAO Reports (pending closure)**

<b>ID</b>	<b>Title</b>
102958	Sexual Harassment In STEM Research: Agencies Have Taken Actions But Need Compliant Procedures, Overall Plans, and Better Collaboration (GAO-20-187)
102432	Environmental Justice: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress (GAO-19-543)

**AVAILABLE FUNDS AND FTES**

**Table OCR-2. Available Funds and FTEs (thousands of dollars, FTEs)**

<b>Item</b>	<b>2019</b>		<b>2020</b>		<b>2021</b>		<b>2022</b>	
	<b>Actual</b>	<b>FTE</b>	<b>Actual</b>	<b>FTE</b>	<b>Enacted</b>	<b>FTE</b>	<b>Budget</b>	<b>FTE</b>
Discretionary Appropriations:								
Office of Civil Rights.....	\$24,206	111	\$24,206	98	\$22,789	114	\$29,328	128
Transfers Out:								
Working Capital Fund.....	-	-	-200	-	-	-	-	-
Total Obligations.....	24,206	111	24,006	98	22,789	114	29,328	128
Other Funding:								
Conflict.....	299	-	175	-	200	-	-	-
Employment Investigation.....	2,908	10	2,166	7	3,000	14	-	-
Employment Adjudication.....	106	-	652	-	650	-	-	-
Other OCR Reimbursables Funds.....	1,420	-	2,170	-	2,170	-	-	-
Working Capital Fund.....	-	-	993	-	-	-	-	-
Total Obligations, Other funding.....	4,733	10	6,156	7	6,020	14	-	-
Total Available, OCR.....	28,939	121	30,162	105	28,809	128	29,328	128

**PERMANENT POSITIONS BY GRADE AND FTEs**

***Table OCR-3. Permanent Positions by Grade and FTEs***

	2019			2020			2021			2022		
	D.C.	Field	Total	D.C.	Field	Total	D.C.	Field	Total	D.C.	Field	Total
SES.....	4	-	4	3	-	3	3	-	3	3	-	3
GS-15.....	14	-	14	11	-	11	13	-	13	13	-	13
GS-14.....	20	3	23	17	1	18	20	1	21	20	1	21
GS-13.....	52	-	52	43	-	43	65	-	65	65	-	65
GS-12.....	8	-	8	6	-	6	8	-	8	8	-	8
GS-11.....	8	-	8	3	-	3	4	-	4	4	-	4
GS-9.....	3	-	3	2	-	2	2	-	2	2	-	2
GS-8.....	8	1	9	5	1	6	5	1	6	5	1	6
GS-7.....	8	-	8	5	-	5	5	-	5	5	-	5
GS-6.....	1	-	1	1	-	1	1	-	1	1	-	1
Total Permanent....	126	4	130	96	2	98	126	2	128	126	2	128
Total Perm. FT EOY.	126	4	130	96	2	98	126	2	128	126	2	128
FTE.....	117	4	121	103	2	105	126	2	128	126	2	128

**SHARED FUNDING PROJECTS****Table OCR-4. Shared Funding Projects (dollars in thousands)**

Item	2019 Actual	2020 Actual	2021 Enacted	2022 Budget
<b>Working Capital Fund:</b>				
Administrative Services:				
Material Management Service.....	\$17	\$20	\$22	\$1
Mail and Reproduction Services.....	256	238	244	124
Integrated Procurement Systems.....	45	48	47	47
Procurement Operations Services.....	113	105	110	99
Human Resources Enterprise Management Systems	2	2	1	1
Subtotal.....	433	413	424	272
Communications:				
Creative Media & Broadcast Center.....	58	89	2	4
Finance and Management:				
National Finance Center.....	41	43	34	33
Financial Management Support Services.....	56	38	36	36
Subtotal.....	97	81	70	69
Information Technology:				
Client Experience Center.....	939	958	839	1,013
Department Administration Information Technology	28	28	332	333
Digital Infrastructure Services Center.....	-	-	42	77
Enterprise Network Services.....	89	93	37	37
Subtotal.....	1,056	1,079	1,250	1,460
Correspondence Management Services.....				
Office of the Executive Secretariat.....	20	20	18	18
Total, Working Capital Fund.....	1,664	1,682	1,764	1,823
<b>Department-Wide Shared Cost Programs:</b>				
Agency Partnership Outreach.....	9	10	9	-
Human Resources Self-Service Dashboard.....	1	1	-	-
Medical Services.....	2	1	8	8
Office of Customer Experience.....	3	7	12	11
Personnel and Document Security Program.....	5	5	6	-
Physical Security.....	-	8	5	-
Security Detail.....	5	6	6	6
Security Operations Program.....	13	8	8	-
TARGET Center.....	2	1	2	-
TARGET Center NCR Interpreting Services.....	-	-	5	-
USDA Enterprise Data Analytics Services.....	-	10	6	-
Total, Department-Wide Reimbursable Programs.....	40	57	67	25
<b>E-Gov:</b>				
Enterprise Human Resources Integration.....	3	2	1	1
E-Rulemaking.....	2	-	-	-
Total, E-Gov.....	5	2	1	1
Agency Total.....	1,709	1,741	1,832	1,849

**OFFICE OF CIVIL RIGHTS: SALARIES AND EXPENSES**

**LEAD-OFF TABULAR STATEMENT**

**Table OCR-5. Lead-Off Tabular Statement**

<b>Item</b>	<b>Amount</b>
2021 Enacted.....	\$22,789,000
Change in Appropriation.....	+ 6,539,000
Budget Estimate, 2022.....	<u>29,328,000</u>

**APPROPRIATIONS LANGUAGE**

The appropriations language follows (new language underscored; deleted matter enclosed in brackets):

For necessary expenses of the Office of Civil Rights, [\$22,789,000] \$29,328,000.

**PROJECT STATEMENTS**

**Table OCR-6. Project Statement (thousands of dollars, FTEs)**

Item	2019		2020		2021		Inc. or Dec.	Chg Key	2022		
	Actual	FTE	Actual	FTE	Enacted	FTE			FTE	Budget	FTE
Discretionary Appropriations:											
Office of Civil Rights.....	\$24,206	111	\$24,206	98	\$22,789	114	+\$6,539	(1)	+14	\$29,328	128
Transfers Out:											
Working Capital Fund.....	-	-	-200	-	-	-	-	-	-	-	-
Total Obligations.....	<u>24,206</u>	<u>111</u>	<u>24,006</u>	<u>98</u>	<u>22,789</u>	<u>114</u>	<u>+6,539</u>	<u>+14</u>	<u>29,328</u>	<u>128</u>	

**Table OCR-7. Project Statement (thousands of dollars, FTEs)**

Item	2019		2020		2021		Inc. or Dec.	FTE	2022		
	Actual	FTE	Actual	FTE	Enacted	FTE			FTE	Budget	FTE
Discretionary Obligations:											
Office of Civil Rights.....	\$24,206	111	\$24,006	98	\$22,789	114	+\$6,539	+14	\$29,328	128	
Transfers Out:											
Working Capital Fund.....	-	-	200	-	-	-	-	-	-	-	
Total Appropriation.....	<u>24,206</u>	<u>111</u>	<u>24,206</u>	<u>98</u>	<u>22,789</u>	<u>114</u>	<u>6,539</u>	<u>14</u>	<u>29,328</u>	<u>128</u>	

**JUSTIFICATIONS OF INCREASES AND DECREASES**

Base funds for OCR will continue to provide Department-wide activities, including Equal Employment Opportunity (EEO), program non-discrimination policy development, civil rights enforcement, coordination, analysis, adjudication, alternative dispute resolution, and compliance. OCR is responsible for providing services to all USDA agencies to conduct Equal Employment Opportunity investigations, final agency decisions and conflict of interest cases.

- (1) An increase of \$6,539,000 and 14 FTEs (\$22,789 and 114 FTEs available in 2021).
  - A) An increase of \$448,000 which includes \$305,000 for pay inflation and \$143,000 for FERS.  
This increase will support a 2.7 percent Cost of Living pay increases for civilian employees, and a 1.1 percent increase to cover the expenses for the mandated increase of USDA’s contribution to FERS.
  - B) An increase of \$6,091,000 and 14 FTEs to enable the transition from reimbursable funding to appropriated funding.  
OCR is requesting appropriated funding in place of reimbursable funding because the reimbursable funding to provide Department-wide support for EEO complaint processing is never received in a timely manner, and the existing OCR appropriation is inadequate to independently fund this work. The current funding process significantly hampers timely EEO complaint processing, and requires an

overly cumbersome, labor intensive, and inconsistent financial management process. Without a reliable funding source to support Department formal complaint processing, the Department is at risk of being sanctioned by the Equal Employment Opportunity Commission (EEOC) for unfunded and/or the late completion of the EEO Process. Sanctions have historically been made against USDA by the EEOC and Federal Courts.

### **GEOGRAPHIC BREAKDOWN OF OBLIGATIONS AND FTEs**

**Table OCR-8. Geographic Breakdown of Obligations and FTEs (thousands of dollars, FTEs)**

	2019		2020		2021		2022	
	Actual	FTE	Actual	FTE	Enacted	FTE	Budget	FTE
District of Columbia.....	\$23,807	108	\$23,775	96	\$22,552	112	\$29,091	126
Florida.....	168	1	-	-	-	-	-	-
Georgia.....	75	1	75	1	77	1	77	1
Nevada.....	156	1	156	1	160	1	160	1
Total, Available.....	24,206	111	24,006	98	22,789	114	29,328	128

### **CLASSIFICATION BY OBJECTS**

**Table OCR-9. Classification by Objects (thousands of dollars, FTEs)**

Item No.	Item	2019 Actual	2020 Actual	2021 Enacted	2022 Budget
	Personnel Compensation:				
	Washington D.C.....	\$12,704	\$10,572	\$12,971	\$14,173
	Personnel Compensation, Field.....	428	358	430	442
11	Total personnel compensation.....	13,132	10,930	13,401	14,615
12	Personal benefits.....	4,148	3,595	4,236	4,769
13.0	Benefits for former personnel.....	-	4	-	-
	Total, personnel comp. and benefits.....	17,280	14,529	17,637	19,384
	Other Objects:.....				
21.0	Travel and transportation of persons.....	100	14	55	100
22.0	Transportation of things.....	5	-	5	5
23.1	Rental payments to GSA.....	1,777	1,267	6	6
23.3	Communications, utilities, and misc. charges.....	600	525	150	500
24.0	Printing and reproduction.....	150	119	90	250
25.2	Other services from non-Federal sources.....	2,113	2,693	2,000	3,350
25.3	Other goods and services from Federal sources.....	2,076	4,685	2,794	5,563
26.0	Supplies and materials.....	100	19	47	150
31.0	Equipment.....	5	2	5	20
42.0	Insurance Claims and Indemnities.....	-	153	-	-
	Total, Other Objects.....	6,926	9,477	5,152	9,944
99.9	Total, new obligations.....	24,206	24,006	22,789	29,328
	DHS Building Security Payments (included in 25.3).....	\$297	\$237	\$27	\$27
	Information Technology Investments:.....				
	Name of Major Investment.....	SO-OASCR-Office of Assistant Secretary of Civil Rights			
	External Labor (Contractors).....	-	-	\$43	-
	Mission Area Standard Investment Totals.....	-	-	741	\$487
25.3	Mission Area WCF Transfers.....	-	\$1,706	1,366	1,366
	Position Data:				
	Average Salary (dollars), ES Position.....	\$172,265	\$175,538	\$178,171	\$180,844
	Average Salary (dollars), GS Position.....	\$100,203	\$103,435	\$104,987	\$106,562
	Average Grade, GS Position.....	13.2	13.2	13.3	13.3

**STATUS OF PROGRAMS**

The Office of Civil Rights (OCR) activities include 1) managing the six elements of a model EEO program (Demonstrated commitment from agency leadership, Integration of EEO into the agency's strategic mission, Management and program accountability, Proactive prevention of unlawful discrimination, Efficiency, and Responsiveness and legal compliance), including timely processing EEO complaints; 2) managing compliance with civil rights in agriculture programs, including timely processing program complaints; 3) implementing proactive prevention programs, such as special emphasis programs, diversity and inclusion, Limited English Proficiency Program, training, policy, alternate dispute resolution program, and compliance; and 4) providing leadership and oversight to USDA subcomponents to ensure a OneUSDA approach to effectively managing EEO, civil rights and proactive prevention programs.

**Current Activities**

The OCR has taking steps to strengthen compliance in the six essential elements of a model EEO program by improving its compliance percentage from 69 percent in FY 2019 to 77 percent in FY 2020. The OCR manages all steps of the EEO complaint processing for staff offices, and the steps in the formal complaint process for subcomponent agencies. The OCR also manages the Resolving Official Program and the Alternate Dispute Resolution (ADR) Program to address employees concerns at the lowest possible level. The OCR is exploring methods for improving resolution rates and timeliness of program complaint processing, including a pilot with Rural Development in addition to creating an effective tracking system for civil rights complaints. The OCR conducts EEO and civil rights training and updated the Department's Reasonable Accommodation and Personal Assistance Services Departmental Regulation in partnership with the Office of Human Resources Management, as well as aligning certain outreach, partnership and tribal activities to civil rights outcomes. Finally, the OCR is taking steps to standardize the USDA's approach to managing certain functions with the creation of an enterprise wide civil rights impact analysis dashboard.

**Selected Examples of Recent Progress**

**EEO Program** - The number of EEO complaints filed decreased from 396 to 360 (9percent) between FY 2019 and FY 2020 as a result of additional emphasis on proactive prevention and training. The average number of days to conduct an EEO investigation increased from 144 to 177 days (18.5percent) during this time. The increase in number of days (33) is attributed to the government shutdown in early FY 2020.

<b>FORMAL EEO COMPLAINTS</b>	<b>FY18 Actual</b>	<b>FY19 Actual</b>	<b>FY20 Actual</b>	<b>FY21 Estimate</b>	<b>FY22 Estimate</b>
Number of Complaints	522	396	360	507	521
Average Days: Investigation	143	144	177	150	150

**Civil Rights Program** - Strengthening civil rights in agriculture programs is a top customer service priority for the OCR. In FY20, the OASCR Call Center processed 9,852 telephone and written inquiries, of which 79 percent referred to food programs, and 3 percent were in Spanish. The number of program complaints increased from 355 to 405 (12.5 percent) between FY19 and FY20, while the number of days to investigate program complaints decreased from 420 to 309 (26.4 percent) during this timeframe. The OCR is implementing a pilot program to attempt early resolution of program complaints, considering procurement options to support this function, and acquiring a more effective complaint system to manage and track program complaints in FY21.

<b>PROGRAM COMPLAINTS</b>	<b>FY18 Actual</b>	<b>FY19 Actual</b>	<b>FY20 Actual</b>	<b>FY21 Estimate</b>	<b>FY22 Estimate</b>
Number of Program Complaints	405	355	405	410	410
Average Days: Investigation	594	420	309	300	300

**Proactive Prevention** - The OCR is implementing an aggressive approach in proactive prevention, both to prevent complaints and increase compliance with a model EEO program from 70 percent in FY19 to 79 percent in FY 2020. These efforts include the development of the USDA Diversity Strategic Plan, the USDA Affirmative Employment Plan, the innovative American Diversity Month, and several training sessions aimed at enhancing the analytic and evaluation skills of civil rights professionals in the USDA and its subcomponents.

<b>MODEL EEO PROGRAM</b>	<b>FY18 Actual</b>	<b>FY19 Actual</b>	<b>FY20 Enacted</b>	<b>FY21 Estimate</b>	<b>FY22 Estimate</b>
Compliance Rate	61%	70%	79%	90%	99%

In FY20, the OCR oversaw zero (0) subcomponent compliance reviews and completed zero (0) compliance reviews, providing mission areas with recommendations to strengthen their EEO and civil rights programs. The OCR standardized the methodology for conducting barrier analyses and civil rights impact analyses (CRIA), conducted analytic training for USDA OCR and subcomponent staff, resulting in process improvements that reduced CRIA review time from 6 weeks to 10 days. The OCR established Departmental Regulation 4120-001, Annual Department Civil Rights Training and completed a draft Departmental Regulation 4300-008, Reasonable Accommodation and Personal Assistance Services.