2018 President's Budget
Office of Civil Rights

Contents

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 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 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, 2016, there were 131 full-time permanent employees, all located in Washington, D.C.

OIG Reports – In Progress

| #50099-0001-12 | September 2015 | Review of Expenditures Made by the Office of the Assistant Secretary for Civil Rights |

GAO Reports – In Progress

| GAO-09-62 | August 2008 | U.S. Department of Agriculture: Recommendations and Options to Address Management Deficiencies in the Office of the Assistant Secretary for Civil Rights |

OFFICE OF CIVIL RIGHTS

Available Funds and Staff Years (SYs)
(Dollars in thousands)

Item	2015 Actual Amount	SYs	2016 Actual Amount	SYs	2017 Estimate Amount	SYs	2018 President's Budget Amount	SYs
Salaries and Expenses:								
Discretionary Appropriations..........	$24,070	119	$24,070	116	$24,024	124	$23,304	116
Lapsing Balances.................................	-177	-	-34	-	-	-	-	-
Subtotal Obligations, OCR................	23,893	119	24,036	116	24,024	124	23,304	116
Obligations under other USDA appropriations:								
EEO Investigation.................................	920	-	777	-	800	-	800	-
Administrative Solutions Project	3,163	10	3,870	8	3,800	10	3,800	10
Misc. Reimbursements...........................	155	-	154	-	150	-	150	-
Total, Other USDA...........................	4,238	10	4,801	8	4,750	10	4,750	10
Total, OCR...	28,131	129	28,837	124	28,774	134	28,054	126

Permanent Positions by Grade and Staff Year Summary

Item	2015 Actual Wash. D.C.	2016 Actual Wash. D.C.	2017 Estimate Wash. D.C.	2018 President's Budget Wash. D.C.
SES...	2	3	3	3
GS-15..	17	14	17	17
GS-14..	16	20	21	21
GS-13..	55	55	52	45
GS-12..	8	8	9	9
GS-11..	7	7	7	6
GS-10..	2	1	2	2
GS-9..	4	3	4	4
GS-8..	7	7	8	8
GS-7..	6	7	7	7
GS-6..	1	4	2	2
GS-4..	1	2	2	2
EOY...	126	131	134	126
Staff Year Est...............................	129	124	134	126

OFFICE OF CIVIL RIGHTS

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

Salaries and Expenses:
For necessary expenses of the Office of Civil Rights, [$24,070,000] $23,304,000.

Lead-Off Tabular Statement

Budget Estimate, 2018..	$23,304,000
2017 Annualized Continuing Resolution...	24,024,000
Change in Appropriation...	-720,000

Summary of Increases and Decreases
(Dollars in thousands)

	2015 Actual	2016 Change	2017 Change	2018 Change	2018 President's Budget
Discretionary Appropriations:					
Office of Civil Rights.................................	$24,070	-	-$46	-$720	$23,304

Project Statement
Adjusted Appropriations Detail and Staff Years (SYs)
(Dollars in thousands)

Program	2015 Actual		2016 Actual		2017 Estimate		Inc. or Dec.		2018 President's Budget	
	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs
Discretionary Appropriations:										
Office of Civil Rights	$24,070	119	$24,070	116	$24,024	124	-$720 (1)	-8	$23,304	116
Lapsing Balances........................	-177	-	-34	-	-	-	-	-	-	-
Total Obligations....................	23,893	119	24,036	116	24,024	124	-720	-8	23,304	116

OFFICE OF CIVIL RIGHTS

Project Statement
Obligations Detail and Staff Years (SYs)
(Dollars in thousands)

Program	2015 Actual		2016 Actual		2017 Estimate		Inc. or Dec.		2018 President's Budget	
	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs	Amount	SYs
Discretionary Obligations:										
Office of Civil Rights	$23,893	119	$24,036	116	$24,024	124	-$720 (1)	-8	$23,304	116
Lapsing Balances.................	177	-	34	-	-	-	-	-	-	-
Total Appropriation.........	24,070	119	24,070	116	24,024	124	-720	-8	23,304	116

Justification of Increases and Decreases

The base funds for OCR will provide overall leadership for Department-wide activities, including equal employment opportunity, program non-discrimination policy development, enforcement, adjudication, analysis, coordination and compliance. OCR is responsible for the Department's alternative dispute resolution process as well as providing services to all USDA agencies to conduct Equal Employment Opportunity investigations, final agency decisions and conflict cases on a reimbursable basis.

A net decrease of $720,000 for the Office of Civil Rights ($24,024,000 and 134 staff years available in FY 2017).

An increase of $303,000 for pay cost ($82,000 for annualization of the 2017 pay increase and $221,000 for the 2018 pay cost increase).

This increase is needed to maintain the current level of staffing to ensue OCR staffs will continue its mission to facilitate the fair and equitable treatment of USDA customers and employees while ensuring the delivery and enforcement of civil rights programs and activities.

A decrease of $1,023,000 and 8 staff years for unfilled vacant positions.

The Office of Civil Rights will not fill critical vacancies, resulting in a reduction of eight staff years. These positions are in the program and employment complaint area, and their caseloads will be distributed to onboard employees.

OFFICE OF CIVIL RIGHTS

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

State/Territory	2015 Actual		2016 Actual		2017 Estimate		2018 President's Budget	
	Amount	Staff SYs	Amount	Staff SYs	Amount	Staff SYs	Amount	Staff SYs
District of Columbia.................	$23,893	119	$24,036	116	$24,024	124	$23,304	116
Lapsing Balances......................	177	-	34	-	-	-	-	-
Total Available......................	24,070	119	24,070	116	24,024	124	23,304	116

Classification by Objects
(Dollars in thousands)

		2015 Actual	2016 Actual	2017 Estimate	2018 President's Budget
Personnel Compensation:					
	Washington D.C...	$12,286	$12,260	$12,488	$12,119
11	Total personnel compensation.........................	12,286	12,260	12,488	12,119
12	Personal benefits..	3,752	3,853	3,928	3,880
13.0	Benefits for former personnel........................	3	20	20	20
	Total, personnel comp. and benefits............	16,041	16,133	16,436	16,019
Other Objects:					
21.0	Travel and transportation of persons................	224	395	395	415
22.0	Transportation of things....................................	6	45	45	45
23.1	Rental Payment to GSA....................................	2,281	1,494	2,355	1,978
23.3	Communications, utilities, and misc. charges	458	448	448	448
24.0	Printing and reproduction................................	221	185	185	185
25.2	Other services from non-Federal sources.......	2,037	1,183	1,171	1,298
25.3	Other purchases of goods and services from Federal sources....................................	2,410	3,926	2,762	2,689
26.0	Supplies and materials.....................................	94	105	105	105
31.0	Equipment..	-	77	77	77
42.0	Insurance Claims...	121	45	45	45
	Total, Other Objects....................................	7,852	7,903	7,588	7,285
99.9	Total, new obligations.................................	23,893	24,036	24,024	23,304
DHS Building Security Payments (included in 25.3)....		$351	$258	$261	$263
Position Data:					
Average Salary (dollars), SES Position.......................		$162,700	$165,900	$169,200	$172,400
Average Salary (dollars), GS Position.........................		$97,769	$101,400	$96,616	$100,016
Average Grade, GS Position...		13.2	13.4	12.8	13.2

OFFICE OF CIVIL RIGHTS

(Dollars in thousands)

	2015 Actual	2016 Actual	2017 Estimate	2018 President's Budget
Working Capital Fund:				
Adminstration:				
Materiel Management Service Center	$14	$19	$19	$17
HR Enterprise System Management	-	1	1	2
Mail and Reproduction Management	250	252	288	287
Procurement Operations	108	106	107	111
Integrated Procurement System	40	92	92	116
Subtotal	412	470	507	533
Communications:				
Creative Media & Broadcast Center	55	62	50	73
Finance and Management:				
NFC/USDA	39	42	41	37
Financial Management Service	27	28	52	51
Subtotal	66	70	93	88
Information Technology:				
Client Technology Service	744	612	618	581
NITC/USDA	119	60	55	68
Telecommunications Services	28	38	29	31
Subtotal	891	710	702	680
Correspondence Management	15	16	21	19
Total, Working Capital Fund	1,439	1,328	1,373	1,393
Departmental Shared Cost Programs:				
1890's USDA Initiatives	4	4	4	4
Classified National Security Information	1	1	1	1
Continuity of Operations Planning	3	2	3	2
Identity & Access Management (HSPD-12)	9	9	9	8
Emergency Operations Center	3	3	3	3
Facility and Infrastructure Review and Assessment	1	1	1	1
Faith-Based & Neighborhood Partnerships	-	-	1	-
Hispanic-Serving Institutions National Program	2	2	2	2
Human Resources Transformation (inc. Diversity Council)	2	2	2	2
Medical Services	10	10	12	11
People's Garden	1	1	1	1
Personnel Security Branch (PDSD)	1	1	3	3
Pre-authorizing Funding	5	5	5	4
Retirement Processor/Web Application	1	1	1	1
TARGET Center	2	2	2	2
USDA 1994 Program	1	1	1	1
Virtual University	3	2	3	2
Total, Departmental Shared Cost Programs	49	47	54	48
E-Gov:				
Enterprise Human Resources Intigration	3	3	3	3
E-Rulemaking	1	2	2	2
E-Training	4	3	-	-
Integrated Acquisition Environment - Loans and Grants	2	-	-	-
Integrated Acquisition Environment	1	2	-	-
Total, E-Gov	11	10	5	5
Agency Total	1,499	1,385	1,432	1,446

OFFICE OF CIVIL RIGHTS

Status of Programs

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 and Selected Examples of Recent Progress:

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. In FY 2016, OCR reduced its aged inventory while processing the current inventory of cases timely and efficiently.

USDA received 529 EEO complaints in FY 2016—a 4 percent increase from FY 2015 (507 received EEO complaints), of which 478 were accepted for processing—a 9 percent increase from FY 2015 (439 accepted complaints). OCR closed 492 EEO complaints, including issuing 2 findings of discrimination.

The Employment Investigation Division (EID) processed 411 investigations in FY 2016. This was a slight decrease in comparison to the 426 that were closed in FY 2015 and a slight increase to the 396 closed in FY 2014. This caused an impact to the timeliness rate which decreased to 58 percent in FY 2016 compared to 75 Percent in FY 2015. The average cost of an investigation in FY 2016 was $3,208, an increase of $1,165 from FY 2015 due to the number of investigations accepted late, multiple issues accepted and/or that needed to be expedited. EID continues to maintain a cost savings with the investigations. There was a total savings in FY 2016 of $682,472.

The Conflict Complaints Division (CCD), formerly the Corporate Services Division, is responsible for processing conflict of interest and highly sensitive complaints for the Department. In FY 2016, CCD streamlined its processes and developed new procedures to track and monitor conflict of interest EEO complaints. As a result, 100 percent of CCD's investigations were timely issued during the fiscal year.

In FY 2016, the Employment Adjudication Division reduced its case load to an average of 96 cases and for the second year in a row achieved the lowest case load in 20 years (the case load in FY 2015 was 98 cases).

USDA received 1,577 program discrimination complaints in FY 2016—a 18 percent increase from FY 2015 (1,333 received program discrimination complaints)—of which 351 were accepted for processing—a 9 percent increase from FY 2015 (321 accepted complaints). OCR closed 241 program complaints, including 4 findings of discrimination.

The Program Investigation Division reduced the processing time by 39 percent from 541 days to 328 days and the investigation inventory increased 10 percent from 207 to 228.

In FY 2016, the Program Adjudication Division began with an inventory of 94 cases and ended the year with an inventory of 88 cases (6 percent decrease). Additionally, the division reduced its average processing time by 58 percent (189 days).

EEO and Program Complaint Inventory Reduction.
The Early Resolution and Conciliation Division (ERCD) reviewed standard operating procedures and employee performance standards to ensure systems and workload analyses were in place to prevent future backlogs and to maintain the complaint inventory at a manageable level while working to meet all regulatory timeframes for processing.

OFFICE OF CIVIL RIGHTS

OCR 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 all parties are managing their conflicts in a 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, and headquarters and agency employees. In addition, working in collaboration with the ADR Leadership Group, OCR revised the current ADR regulation and conduct monthly ADR training sessions.

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).
ERCD's goal is to create an environment that encourages the early intervention and resolution of workplace disputes and Program and EEO complaints. ERCD has taken numerous steps to increase the availability and usage of ADR within USDA.

In FY 2016, ERCD processed 232 cases (136 employment and 96 programmatic [Title VI] cases) compared to 288 cases in FY 2015. In addition, OCR completed 573 consultations. ERCD provided early intervention consultations to 351 USDA employees and customers who experienced workplace conflict with a peer and/or supervisor/manager and also provided 222 consultations to members of the public who had questions or concerns regarding services they received from USDA. ERCD received 140 programmatic (Title VI) cases. ERCD closed 103 programmatic (Title VI) cases accordingly: 43 settlements and 60 via withdrawal or unsuitability determination for Program-ADR.

Training is an essential aspect of the ERCD mission. During FY 2016, 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. ERCD coordinated 6 conflict management workshops and approximately 2,715 employees attended and/or participated in the workshops. Additionally, ERCD hosted 27 sessions on "A Brief Introduction to ADR," reaching a total of 163 attendees. Although ERCD calculates the total number of attendees to its trainings to equal 2,715 the actual number may be greater due to group registrations, employees not completing surveys to receive credit, and some employees not registering but attending the training.

Lastly, OCR conducts bi-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 a live audience, via webinar and teleconference to include employees located outside of the Washington, DC metropolitan area.

FY 2016 Civil Rights Training.
OCR places a high priority on and is actively engaged in educating and training all USDA employees (including supervisors, managers, and political appointees) at all USDA locations. Training addresses topics including civil rights laws, problematic, systemic and emerging trends, customer service requirements and employee rights and responsibilities. Summary complaint data and case studies illustrate: 1) impacts of unintentional actions and 2) expected EEO and customer service practice when interacting with the public. Survey results suggest that the training is meaningful, well received and delivered in a non-confrontational manner, especially when addressing sensitive topics such as sexual orientation and gender identity/expression. OCR utilized e-learning technology to efficiently deliver training to the greatest number of employees. OCR's civil rights education program is resulting in more wide spread recognition that all USDA employees are protected by civil rights laws.

In FY 2016, OCR conducted 33 training sessions, reaching 2,850 employees, at 14 USDA agencies and staff offices across the country. Training topics included, *Lesbian, Gay, Bisexual, and Transgender (LGBT) Nondiscrimination*, *Conflict Resolution*, *Dealing with Conflict Due to Cultural Differences*, *How to Deal with Workplace Bullying*, *Team Building and Communications*, *What's My Communication Style*, *Ouch!, That Stereotype Hurts*, *History of LGBT Pride*, and *Anti-Harassment Training*. Through the FY 2016 Civil Rights Training Road Tour, training was

held in Louisiana, Maine, Missouri and New Mexico for employees, managers and supervisors of the Office of the Chief Financial Officer, Grain Inspection, Parkers and Stockyards Administration, Rural Development, Farm Service Agency, and National Resources Conservation Service. Training topics included the EEO complaint process, reasonable accommodation, harassment, reprisal, alternative dispute resolution, and LGBT issues.

In addition, OCR developed and launched two online training courses on AgLearn: Lesbian, Gay, Bisexual and Transgender (LGBT) Nondiscrimination in the Federal Workplace and Anti-Harassment Training. LGBT nondiscrimination was the mandatory civil rights training topic in FY 2016 based on recent decisions by the U.S. Equal Employment Opportunity Commission which expanded Title VII's definition of sex discrimination to include gender identity and sexual orientation. The training was developed in April 2016 and in September 2016 over 90,000 USDA employees had completed the LGBT training. The second training course on Anti-Harassment was launched in July 2016 and by September 30, 2016, over 40,000 USDA employees had completed the online training.

Civil Rights Policy.
OCR revised three policies for USDA: DR 4300-004, Civil Rights Impact Analysis; DR 4120-001, Annual Departmental Civil Rights Training; and DR 4300-007, Processing Equal Employment Opportunity (EEO) Complaints of Discrimination. In addition, throughout the year OCR worked with USDA Agencies with conducted programs to ensure language services, such as translation of materials and interpretation were available for Limited English Proficient customers.

Civil Rights Impact Analysis (CRIA).
During fiscal year 2016, OCR reviewed over 130 major CRIAs and worked collaboratively with Agency civil rights and program staff to ensure planned actions did not adversely impact protected groups. OCR worked with agencies to ensure Farm Bill regulations included outreach strategies to increase minority participation in statutorily mandated programs. OCR consistently provided technical assistance to Agencies, as needed, when preparing CRIA's for regulations, advisory committees and/or reorganizations.

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. In FY 2016, OCR conducted 9 compliance reviews, two of which were technical assistance reviews in collaboration with USDA Agencies to administer the Agency's Civil Rights/EEO compliance reviews.

Cultural Transformation.
In FY 2016, OCR's Training and Cultural Transformation staff conducted or collaborated in the implementation of 21 activities, among them: Co-sponsorship of 12 departmental heritage month and special emphasis observances, including the Federal Inter-Agency Holocaust Remembrance Program; a work-life balance forum, and two documentary film screenings: Rosenwald and Walking in Oak Creek. At both screenings, employees received program materials on the civil rights history and implications associated with events highlighted in the films.

Data and Records Management.
OCR archived all program and employment files. The Data and Records Management Division completed the OCR web site and program complaint management system redesign in FY 2016.

Program Reviews Conducted.
OCR responded to Office of Inspector General (OIG) requests for documents under OIG Audit 50099-0001-12 (involving a review of all procurement activities within OCR). OIG issued its final recommendations in September 2016.

OFFICE OF CIVIL RIGHTS

Summary of Budget and Performance

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 program and enforcement of civil rights. OCR ensures compliance with applicable laws, regulations, and policies for USDA customers and employees.

The Department will be revising the USDA Strategic Plan later in the spring and expects to release it with the FY 2019 President's Budget.

Key Performance Measures:

Data Records and Management Division (DRMD)							
	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Actual	2017 Target	2018 Target
Disposition Century past & closed paper-based files for transfer to the Federal Records Center (number of EEO and Program files transferred to the Federal Records Center)	n/a	n/a	n/a	30,000	30,000	6,000	5,000
Convert open case files to electronic format	n/a	n/a	n/a	30,000	30,000	6,000	5,000
EEO Formal Complaint Processing (EEO)							
EEO informal cases received-Corporate Services Division (Conflict Cases)	n/a	43	24	30	30	30	30
EEO formal cases received- Employment Complaints Division	550	546	480	507	521	500	500
Number of days to complete an employment investigation process	n/a	199	196	159	193	159	159
EEO inventory of complaints pending Final adjudication	197	179	111	122	111	136	160
Early Resolution and Conciliation Division (ERCD)							
Number of complaints handled through ADR	93	120	140	130	145	130	140
Hours saved by using early intervention & training	2,863	5,000+	2,000+	3,000+	3,000+	3,000+	3,000+
Program ADR cases received	n/a	23	59	117	116	160	160
PADR settlement agreements	n/a	17	15	20	18	24	24
PADR settlement rates	n/a	74%	25%	17%	16%	15%	15%
Office of Compliance, Policy, Training & Cultural Transformation (OCPTCT)							
Number of compliance reviews	n/a	120	140	130	166	130	135
Number of CRIA's reviewed	50	60	90	75	194	75	194
Number of civil rights departmental regulations reviewed	n/a	2	8	7	7	3	3
Number of trainings conducted	n/a	n/a	50	63	33	15	40
Number of employees trained across the Department	n/a	n/a	3,000	3,780	2,850	90,000	93,000
Mandatory certifications and accreditations completed	100%	100%	100%	100%	100%	100%	100%

Program Complaint Processing							
	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Actual	2017 Target	2018 Target
Intake average case processing days	14	52	35	44	31	20	15
Investigations conducted per investigator	5	6	7	8	8	12	12
Processing time in days for reports of investigations	508	483	969	716	450	365	270
Overall Agency position statements received	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Overall number of program investigations	291	158	115	207	257	250	250
Overall number of program adjudications	155	125	102	94	88	90	100

Selected Past Accomplishments Toward the Achievement of the Key Outcome:

- USDA received 521 EEO complaints in FY 2016, a three percent increase from the 2015 figure (507), of which 473 were accepted for processing, a seven percent increase from the 2015 figure (440). OCR closed 482 EEO complaints in 2016, including 8 findings of discrimination. There was a slight (ten percent) decline in the timeliness of EEO investigations from 73 percent in 2015 to 63 percent in 2016. The inventory of EEO complaints pending final agency decisions (FAD) increased slightly (12 percent) from 98 in 2015 to 111 in 2016, due to a large influx of requests for FADs resulting from EEO investigations and the EEOC returning a large inventory of cases to the Department for a final agency decision in lieu of a hearing.
- The number of Civil Rights Impact Analysis reviews includes 114 Forest Service Secure Rural Schools Resource Advisory Committee submitted for renewal every other year and 16 Regulations from other Federal agencies i.e. HUD, DOJ, DOT, etc.
- OCR conducted 33 classroom instructor-led training sessions, reaching 2,850 employees, at 14 USDA agencies and staff offices across the country. Training topics included *Conflict Resolution, Dealing with Conflict Due to Communications, What's My Communication Style, Ouch! That Stereotype Hurt; Lesbian, Gay, Bisexual, and Transgender (LGBT) Nondiscrimination, History of LGBT Pride, and Anti-Harassment*.
- In 2016 OCR developed and launched two online training courses on AgLearn*: LGBT Nondiscrimination in the Federal Workplace and Anti-Harassment*. Both courses were also available for classroom instructor-led presentation. By September 30, 2016, over 90,000 USDA employees have completed LGBT training. Feedback about the course content and delivery method was positive. By September 30, 2016, over 40,000 USDA employees completed the online anti-harassment training. Using AgLearn to deliver civil rights training reduced the number of training presentations conducted by staff during the year, but increased the number of employees trained across the department.

Selected Accomplishments Expected at the FY 2018 Proposed Resource Level:

- OCR will focus efforts on reducing the inventory and processing time of EEO and program discrimination complaints through enhanced technology and reassignment of essential resources to this mission critical function.
- Data Records Management Division will complete the transfer of 5,000 of the remaining closed paper-based files to the Federal Records Center by FY 2017. By the end of the fiscal year all closed OCR EEO and program complaints, with the exception of litigation holds will be stored electronically per the General Records Schedule.

OFFICE OF CIVIL RIGHTS

Annual Plan and Performance Report Information

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 program and enforcement of civil rights. OCR ensures compliance with applicable laws, regulations, and policies for USDA customers and employees.

The Department will be revising the USDA Strategic Plan later in the spring and expects to release it with the FY 2019 President's Budget.

Analysis of Results

Annual Performance Indicator and Trends	2012	2013	2014	2015	Fiscal Year 2016			Target 2017	Target 2018
					Target	Actual	Result		
Data Records and Management Division (DRMD)									
Disposition Century past & closed paper-based files for transfer to the Federal Records Center (number of EEO and Program files transferred to the Federal Records Center)	n/a	n/a	n/a	30,000	15,000	30,000	Met	6,000	5,000
Convert open case files to electronic format	n/a	n/a	n/a	30,000	15,000	30,000	Met	6,000	5,000
EEO Formal Complaint Processing (EEO)									
EEO informal cases received-Corporate Services Division (Conflict Cases)	n/a	43	24	30	30	30	Met	30	30
EEO formal cases received-Employment Complaints Division	550	546	480	507	510	521	Met	500	500
Number of days to complete an employment investigation process	n/a	199	196	159	180	193	Unmet	159	159
EEO inventory of complaints pending Final adjudication	197	179	111	122	120	111	Met	136	160
Early Resolution and Conciliation Division (ERCD)									
Number of complaints handled through ADR	93	120	140	130	130	145	Met	130	140
Hours saved by using early intervention & training	2,863	5,000+	2,000+	3,000+	3,000+	3,000+	Met	3,000+	3,000+
Program ADR cases received	n/a	23	59	117	128	116	Met	160	160
PADR settlement agreements	n/a	17	15	20	19	18	Met	24	24
PADR settlement rates	n/a	74%	25%	17%	15%	16%	Met	15%	15%

OFFICE OF CIVIL RIGHTS

Annual Performance Indicator and Trends	2012	2013	2014	2015	Fiscal Year 2016			Target 2017	Target 2018
					Target	Actual	Result		
Office of Compliance, Policy, Training & Cultural Transformation (OCPTCT)									
Number of compliance reviews	n/a	120	140	130	130	166	Met	130	135
Number of CRIA's reviewed	50	60	90	75	75	194*	Met	75	194*
Number of civil rights departmental regulations reviewed	n/a	2	8	7	7	7	Met	3	3
Number of trainings conducted	n/a	n/a	50	63	79	33	Not Met	15	40
Number of employees trained across the Department	n/a	n/a	3,000	3,780	5,520	2,850*	Not Met	90,000	93,000
Mandatory certifications and accreditations completed	100%	100%	100%	100%	100%	100%	Met	100%	100%
Program Complaint Processing									
Intake average case processing days	14	52	35	44	30	31	Met	20	15
Investigations conducted per investigator	5	6	7	8	8	8	Met	12	12
Processing time in days for reports of investigations	508	483	969	716	700	450	Met	365	270
Overall Agency position statements received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Overall number of program investigations	291	158	115	207	206	257	Met	250	250
Overall number of program adjudications	155	125	102	94	92	88	Met	90	100
Allowable Data Range for Met Target is considered met if within 5% of target.									

Data Assessment of Data Records and Management Division (DRMD)
Data source – Physical count of employment and program discrimination complaint files which are located at a contracted facility.
Completeness of Data – Complete and final.
Reliability of Data – None at this time.
Quality of Data – None at this time; there are no issues.

Data Assessment of EEO Formal Complaint Processing (EEO)
Data source – USDA/OASCR/Civil Rights Enterprise System, iComplaints Database.
Completeness of Data – 100 percent.
Reliability of Data – Submitted by Agency Personnel and verified by the Office of the Director.
Quality of Data – Verified by using data integrity reporting tools.

Data Assessment of Early Resolution and Conciliation Division (ERCD)
Data source – Entellitrak (Alternative Dispute Resolution (ADR) data is input directly by USDA agencies).
Completeness of Data – Complete and final.
Reliability of Data – In FY 2017, Entellitrak was made the mandatory tracking mechanism for equal employment opportunity and workplace ADR. The reliability of the data is based on the input into the system from agency personnel.
Quality of Data – Based on agency input and there are no issues at this time.

Data Assessment of Office of Compliance, Policy, Training & Cultural Transformation (OCPTCT)
Data source – Monthly reports to the Secretary; AgLearn data on employee completions; annual accomplishments reports; agency reports on employee attendance at civil rights led training; and trend data.
Completeness of Data – In FY 2016, focus was on improving efficiency of delivery training throughout the Department. Utilizing AgLearn, two online training courses were released. Both were mandatory training courses to be completed by all employees. By September 30, 2016, almost 91,000 employees completed the mandatory LGBT Nondiscrimination training and 40,000 employees completed the mandatory Anti-Harassment training.
Reliability of Data – Employees completing the training are tracked through AgLearn including on-line, face-to-face, and instructor-led training.
Quality of Data – Small margin of error reflected in numbers presented since data is tracked in AgLearn, and by agencies, staff offices, and civil right's training and cultural transformation division.

Data Assessment of Program Complaint Processing
Data source – USDA/OASCR/Civil Rights Enterprise System, Program Complaints Management System Database.
Completeness of Data – 100 percent.
Reliability of Data – 90 percent, pursuant to the Data Integrity analysis of the Program Complaint Management System.
Quality of Data – 90 percent, verified by using data integrity analysis and reporting tools.

Actions for Unmet Measures:

DRMD - Agencies were informed in writing and via open forums such as the Civil Right Directors Meeting and the ADR Leadership Group Meetings that Entellitrak is the sole mechanism to report and track ADR metrics. These metrics are used to provide trend analysis and reporting to USDA leadership on the trends in conflict throughout the USDA. Furthermore, USDA agency personnel have been trained to use Entellitrak and they are required to input their agency data so that OASCR can report to USDA leadership on the quantity of disputes throughout the Department.

OCPTCT - The 2016 Performance Indicator and Trends for the Training Division had a target of 79 classroom sessions – training 5,520 employees. The Training Division only conducted 33 classroom sessions – training 2,850 employees. The Training Division's focus on improving efficiency by utilizing online training via AgLearn actually reduced training costs while greatly exceeding the number of employees trained. Although the 2016 Performance Indicator and Trends appear to show that the Training Division targets were not met, they were actually exceeded.

- OCR will provide periodic ADR orientations, updates and targeted conflict management training to USDA employees. In addition, working in collaboration with the ADR Leadership Group, OCR will revise the current ADR regulations and conduct monthly ADR training sessions.
- Additional Forest Service Secure Rural Schools Resource Advisory Committee renewals will be submitted by the end of FY 2018.
- OCR will develop and launch an online training course on AgLearn during FY2018. The anticipated course, *Limited English Proficiency*, will be assigned to approximately 93,000 USDA employees.