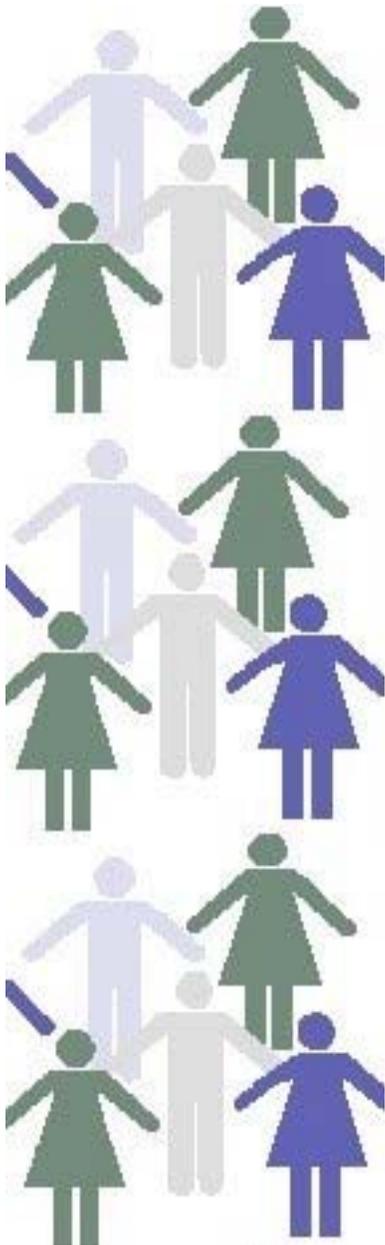




CIVIL RIGHTS DIVISION CIVIL RIGHTS DIVISION



CIVIL RIGHTS COMPLIANCE REVIEW GUIDE

Table of Contents

INTRODUCTION

1. Purpose and Scope
2. Policy
3. Authorities
4. Notice

TITLE VI - PROGRAM DELIVERY

CIVIL RIGHTS MANAGEMENT

Requirements and Questions for:

1. Civil Rights Responsibilities and Records
2. Training
3. Public Notification
4. Outreach
5. Complaints of Discrimination
6. Evaluation of Program Delivery
7. Partnership Responsibility
8. Access to all NRCS Facilities by Persons with Disabilities

TITLE VII – EQUAL EMPLOYMENT OPPORTUNITY

EEO MANAGEMENT

Requirements and Questions for:

1. Workforce Analysis
2. Promotions
3. Recruitment
4. Employee Awareness
5. Awards and Recognition
6. Civil Rights Advisory Committee
7. Interviews (Sample Questions)

INTRODUCTION

1. PURPOSE AND SCOPE

This guide provides direction and procedures to be followed by the Civil Rights Division and NRCS National Headquarters, Regional, State, and Field when conducting Civil Rights compliance reviews of all USDA conducted programs and activities.

2. POLICY

It is USDA policy to ensure that no person is subjected to prohibited discrimination in USDA conducted programs and activities based on race, color, national origin, sex, religion, age, disability, marital status, family status, parental status, sexual orientation or because all or a part of an individual's income is derived from any public assistance program. The policy, in part, is enforced by:

- Measuring the effectiveness of compliance in Program Delivery (Title VI) and NRCS Equal Opportunity (Title VII) in State Offices and selected Field Offices (RC&D, Soil Survey, Engineering Design Units, Institutes and Centers,
- Recognizing commitment, leadership, creative and innovative management of the Civil Rights Program,
- Ensuring that programs are administered in a fair and equitable manner to all NRCS customers,
- Determining the extent that State Office and Field Office employees understand their program delivery and equal opportunity responsibilities and programs,
- Identifying program delivery and equal opportunity deficiencies, and
- Providing assistance and guidance to fulfilling NRCS program delivery and equal opportunity goals and objectives.
- Systematically evaluating whether and the extent to which USDA conducts its programs and activities are in a manner consistent with applicable Federal and USDA Civil Rights requirements.

No person shall be subjected to reprisal or harassment because he or she filed a discrimination complaint, participated in or contributed to the identification, investigation, prosecution or resolution of a Civil Rights violation in or by any USDA conducted program or activity; or otherwise aided or supported the enforcement of Federal or USDA Civil Rights laws, rules, regulations or policies.

Any person who believes that he or she or any specific class of individuals has been subjected to discrimination by any USDA agency may personally or through a designated representative file a complaint.

3. AUTHORITIES

A Statutory

- (1) Title VI of the Civil Rights Act of 1964, as amended, 42 USC 200d to 200d-7
- (2) Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC 794.
- (3) Title VIII, Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 USC 3601 et seq.
- (4) 5 USC 301, Authority to Prescribe Departmental Regulations.
- (5) Equal Credit Opportunity Act of 1974, Title VII of the Consumer Protection Act of 1974 (as amended), Section 701 of the Equal Credit Opportunity Act of 1974, Public Law 93-49, tit. V, 88 Stat. 1500, 15 USC 1691 -1691f.

B Regulatory and Executive Orders

- (1) 7 CFR Part 2, Subpart P, Delegation of Authority by the Assistant Secretary of Agriculture.
- (2) 7 CFR Part 15d, Nondiscrimination in Programs or Activities Conducted by the United States Department of Agriculture.
- (3) 7 CFR Part 15e, Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the United States of Department of Agriculture.
- (4) 12 CFR Part 202, Equal Credit Opportunity Regulation B.
- (5) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- (6) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.
- (7) Executive Order 13160, Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Parental Status in Federally Conducted Education and Training Programs.
- (8) Executive Order 13125, Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs.

C Departmental Regulations/Policy

- (1) DR 4330-3, Nondiscrimination in USDA Conducted Programs and Activities, dated March 3, 1999.
- (2) DR 4300-5, Agency Civil Rights Programs, dated January 14, 1998.
- (3) DR 4300-3, Equal Opportunity Public Notification Policy, dated February 25, 1998.
- (4) DR 4300-6, Civil Rights Policy for USDA, dated March 16, 1998.
- (5) DR 5600-2, Environmental Justice, dated December 15, 1997.
- (6) Secretary's Memorandum 1010-4, Restructuring Departmental Administration, dated May 16, 1997.

3. **NOTICE**

This guide will be updated periodically. Please send comments and/or suggested revisions to: USDA, NRCS, Civil Rights Division, Attn: Policy Branch, 5601 Sunnyside Avenue, Room 1-2144, Mailstop 5472, Beltsville, MD 20705.

The United States Department of Agriculture (USDA) prohibits discrimination in its programs on the bases of race, color, national origin, sex, religion, age, disability, marital status, family status, parental status, sexual orientation, and/or political beliefs. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audio tape, etc.) should contact the USDA Office of Communications at (202) 720-2791.

To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C., 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an Equal Employment Opportunity employer.

TITLE VI - PROGRAM DELIVERY

CIVIL RIGHTS MANAGEMENT

1. CIVIL RIGHTS RESPONSIBILITIES AND RECORDS

Requirements

Executive Order 12250 and the Department of Agriculture's regulation (7 CFR Part 15) require agencies to develop plans, procedures, and directives necessary to manage its Civil Rights program. Departmental Regulation 4330-1 requires that program delivery and equal opportunity files be maintained. NRCS offices are required to manage their Civil Rights activities through the following:

- **Handbooks**
- **Reports**
- **Notices**
- **Correspondence**
- **The National Civil Rights Implementation Plan**
- **The State Civil Rights Implementation Plan**

NOTE: Examine the status on whether Civil Rights files have been established and updated to include NRCS Civil Rights Management directives, policies, bulletins, memos, complaints, etc.

Sample Questions:

- What Civil Rights responsibilities are in your job description?
- How do you measure civil rights objectives, goals, and action items in your office's operating plan?
- Do you comply with the USDA policy of not assisting and/or attending meetings of organizations or groups that exclude minorities, women, and persons with disabilities from membership or participation?

2. TRAINING

Requirements

The Departmental Regulation 4330-1 and NRCS GM 230 Part 405 provides directions on the responsibilities for providing training on Civil Rights laws and regulations to all staff members.

Sample Questions:

- Have new employees hired in the past 12 months received training in Civil Rights Compliance in Program Delivery?
- Do you have an Individual Development Plan (IDP)?
- Have new employees hired in the past 12 months received training in:
 - a) Equal Employment Opportunity
 - b) Prevention of Sexual Harassment
 - c) EEO Counseling, Mediation, and Complaints
 - d) Special Emphasis/Disability Employment Program
 - e) Civil Rights Advisory Committee Responsibilities
- Does your state have a formal mentor program?
- What assistance have your new employees received from their mentor?
- How do you document staff and district employee training?
- Have district employees received any training in the last three years?
- Are your employees aware of the Employee Assistance Program (EAP)?
- Do you have employees who have participated in EAP?
- Have you received any training in the prevention of sexual harassment within the past three years?

3. PUBLIC NOTIFICATION

Requirements

The Department of Justice’s regulation (28 CFR 42.405), the Department of Agriculture’s regulation (7 CFR 15.5), Departmental Regulation 4300-3, and the NRCS GM 230 Part 405 requires offices to inform and provide guidance about changes in the EO policy and NRCS programs and activities. Examples of how notification is provided include:

- | | | |
|---------------------|-----------------|---------------|
| * publications | * news releases | * posters |
| * personal contacts | * meetings | * newsletters |
| * electronic media | * fact sheets | * videos |

Sample Questions:

- How do you inform potential and non-traditional program beneficiaries (*particularly minorities, females, and persons who are physically challenged*) about NRCS programs and activities?
- Do you prepare news articles?
- Does the district publish a district newsletter?
- Do you and your staff hold and participate in public meetings discussing USDA programs?
- Does your staff work with communities through grassroots organizations?
- Are you using the nondiscrimination statement when you disseminate program information?
- Where can your customers find the nondiscrimination statement in your district newsletter, fact sheets, and publications?
- Over the past 12 months, how many NRCS civil rights success stories have you published in your local news outlets?
- Where is the “*And Justice for All*” poster displayed?

- Is it visible to customers that receive service from your field office?
- Do you work with any of the following?
 1. 1862/1890 Colleges & Universities
 2. media outlets catering to females, minorities, or specially-challenged people

4. **OUTREACH**

Requirements

The Department of Agriculture regulation (7 CFR 15.5), Departmental Regulation 4300-3, and the NRCS GM 230 Part 405 requires the establishment of outreach programs at the local level to ensure that all persons, especially those who previously may not have participated fully, know about the availability of, and how to use NRCS program services effectively and are encouraged to participate.

Examples of how notification is provided include:

- √ Newsletters
- √ Publications
- √ News releases
- √ Meetings
- √ Posters
- √ Personal contacts
- √ Electronic media
- √ Fact sheets
- √ Videos
- √ Through Grassroots Organizations representing minorities, women, and persons with disabilities.

NOTE: Ask to see a copy of the outreach strategy plan?

Sample Questions:

- How does your partnership with grassroots organizations in your county help NRCS in reaching nontraditional and under-served customers?
- Please give me examples of your outreach activities for minorities, women, and physically challenged persons?
- Have the State Civil Rights Advisory Committee identified a need for bilingual staffing assistance for your office?
- What materials have been developed for you to meet the needs of bilingual and physically challenged producers in your county?

5. COMPLAINTS OF DISCRIMINATION

Requirements

The Department of Justice’s regulations (28 CFR 42.408), the Department of Agriculture’s regulations (7 CFR 15.6), the NRCS GM 230 Part 405, and the “And Justice for All” poster provides the instructions for customers filing complaints of discrimination in program and/or service delivery when they (customers) feel they have been denied program benefits or services based on any one of the prohibited factors. These regulations and handbooks should be on file along with the poster displayed in a prominent location, and the Form AD-1126 available for use.

Sample Questions:

- Explain how civil rights discrimination complaints are processed.
- Where do you keep these instructions?
- Can all employees explain how to process a civil rights discrimination complaint?
- How many complaints of program discrimination have you received in the past two years?
- Do you and other employees know the difference between a Program Delivery complaint (Title VI) and an Equal Employment Opportunity complaint (Title VII)?
- Have you discussed the complaint procedures with your staff?
- Who is your EEO counselor?
- Do employees know how to contact an EEO counselor?
- Have you received any information within the past three years informing you that complaints of sexual harassment are covered by EEO/Civil Rights?
- When was the last time you received a notice informing you of your rights to file an EEO complaint of discrimination?

6. EVALUATION OF PROGRAM DELIVERY

Requirements

The Department of Justice’s Regulations (28 CFR Parts 42.406, 42.407, and 42.408), the Department of Agriculture’s Regulation (7 CFR Part 15.5), Departmental Regulation 4330-2, and the NRCS GM 230 Part 405, requires the monitoring and evaluation of programs in order to ensure that they are administered in a nondiscriminatory manner.

The Department of Agriculture's regulation (7 CFR Part 15.5), the Departmental Regulation 4330-2, and the NRCS GM 230 Part 405, also requires the collection and evaluation of RSNO participation and eligibility data for programs.

This data is necessary to determine both quantitatively and qualitatively how effectively Agency programs are reaching all potential beneficiaries and to provide input for management analysis.

Sample Questions:

- How do you determine the number of potential eligible program beneficiaries and on-farm/off-farm customer groups?
- What type of data do you collect?
- How do you analyze the data?
- How does your field office determine potential eligible program beneficiaries?
- Has the field office established a potential eligible data file?
- Do you have a list of potentially eligible program participants by Race, Sex, National Origin and Persons with Disabilities?
- Does the program participation data reflect participation by women, minorities and persons with disabilities?
- Does the data collected reflect parity in program participation?
- How long are you retaining program data after the end of a program year?
- In findings of disparities, what actions have you taken to correct them?

Please provide the following information for the last three years by Race, Sex, National Origin and Disability (RSNOD):

- a) The number of on-farm eligible program beneficiaries established in your database.
- b) The number of non-farm eligible program beneficiaries established in your database.
- c) The number of on-farm program beneficiaries with farm plans receiving technical assistance.
- d) The number of non-farm eligible program beneficiaries receiving technical assistance.
- e) The number of on-farm eligible program beneficiaries who received technical assistance and applied recommended conservation practices on their lands.
- f) The number of on-farm eligible program beneficiaries receiving “minimal effect” determinations for wetlands?
- g) The number of on-farm eligible program beneficiaries' requests that were rejected for “minimal effect” determinations for wetlands?
- h) The number of on-farm eligible program beneficiaries that received good faith determinations on wetlands.
- i) The number of on-farm beneficiaries that were granted a variance because of economic hardship.
- j) The number of on-farm program beneficiaries that were granted a variance regarding highly erodible cropland.
- k) The number of on-farm program beneficiaries who were denied USDA program benefits for being out of compliance.
- l) The number of on-farm program beneficiaries that received continual technical assistance regarding long-term contracts during last fiscal year.
- m) The make-up of your Conservation District Board.
- n) The make-up of your RC&D Council.
- o) The make-up of your State Technical Committee.

- p) The make-up of the locally led work group.
- q) The make-up of other decision making bodies relative to conservation work.

Please provide the number of landusers receiving USDA program payments last fiscal year for installing conservation practices and participating in any of the following programs.

- CTA -- Conservation Technical Assistance
- EQIP -- Environmental Quality Incentives Program
- SSP -- Soil Survey Programs
- WRP -- Wetland Reserve Program
- SSWSP - Snow Survey and Water Supply Forecasting
- WHIP -- Wildlife Habitat Incentives Program
- CRP -- Conservation Reserve Program
- CPGL -- Conservation of Private Grazing Land Initiative
- CPMC -- Conservation Plant Material Center
- CFO -- Conservation Farm Option
- RAMP -- Rural Abandoned Mine Program
- EWP -- Emergency Watershed Protection
- FPP -- Farmland Protection Program
- FRR -- Flood Risk Reduction Program
- FIP -- Forestry Incentives Program
- WSP -- Watershed Surveys and Planning
- RC&D-- Resource Conservation & Development Program

7. PARTNERSHIP RESPONSIBILITY

Requirements

The Department of Agriculture regulations (7 CFR, Part 15.5), Departmental Regulation 4330-2 and the NRCS GM 230 Part 405 set forth the recipients responsibility in program delivery.

Sample Questions (District Board Members only):

- How did you develop your outreach activities to encourage eligible females and minorities to seek an elected or appointed office as a board member?
- What are the qualifications for elections or being appointed to the board?
- How do you inform the public about the appointments and election process?
- Does the current board's makeup reflect the community's makeup?
- How have you encouraged the board to recruit and or appoint minorities, females, or persons with disabilities to serve on the board?
- Do you have on file a copy of the county's demographics?
- How have you encouraged minorities and female participation in the electoral process?
- What are your ideas for getting minorities and females more involved in the election process?

8. ACCESS TO ALL NRCS FACILITIES BY PERSONS WITH DISABILITIES

Requirements

Section 504 of the Rehabilitation Act of 1973 (as amended, 7 CFR, part 15b. 4) requires all offices to be accessible to disabled persons.

Sample Questions:

- Have you observed efforts to increase the employment of persons with disabilities at NRCS?
- Do you believe your workspace accommodates persons with disabilities such as wheel chair bound, hearing impaired, visually impaired?
- How confident are you that NRCS would make reasonable accommodations for you if you developed a disability?

Checklist:

- **Entrances**
 - a) Are ramps or lowered curbs provided from the street, sidewalk or parking area?
 - b) Are wheelchair entrances provided from the street, sidewalk, and parking area to every reasonable subdivision of space where a physically challenged person may visit or work?
 - c) Are entrances used by a customer in a wheelchair wide enough for the person to enter and maneuver comfortably in the office?
 - d) Is there at least one main entrance?
 - e) Are door handles operated by a single effort? (I.e., lever-operated or push type mechanism.)
 - f) Are any doors operated electronically?
 - g) Are the door handles easy to push/pull?
- **Parking**
 - a) Are parking spaces clearly designated for use by the physically challenged and are these spaces closest to your building?
 - b) Are the spaces at least 8-feet wide with a 5-foot access aisle to sidewalks and ramps?
 - c) Are the designated spaces designed to ensure that physically challenged individuals do not have to wheel or walk behind cars?
- **Curb Ramps**
 - a) Are curb ramps provided where an accessible route crosses a curb?
 - b) Is the minimum width of a curb ramp 36 inches, exclusive of flared sides?
 - c) Are flared sides provided if a curb ramp is not protected by handrails or guard rails?
 - d) Are built up curb ramps located so that they do not project into vehicle traffic lanes?

- **Water Fountains**
 - a) Are water fountains accessible to and usable by the physically challenged?
 - b) Do they have an up-front spout and control switch which is located no higher than 36 inches above the floor?

- **Restrooms**
 - a) Do public toilet rooms have accessible fixtures, accessories, doors and adequate maneuvering clearances for the physically challenged?
 - b) Do the doors swing away from the floor space required by any fixture?
 - c) Are flush controls hand-operated or automatic and mounted no more than 44 inches above the floor?
 - d) Are urinals stall-type or wall hung with an elongated rim at the maximum of 17 inches above the floor?
 - e) Are sinks mounted with the counter or rim no higher than 34 inches above the floor?
 - f) Is knee clearance at least 27 inches high, 30 inches wide, and 19 inches deep provided underneath sinks?
 - g) Is each sink a maximum of 6.5 inches deep?
 - h) Is faucet mechanism a lever-operated, push-type or electronically controlled?

- **Switches**
 - a) Are switches and controls for lights, heat, fire alarms, and similar controls of frequent or essential use placed no higher than 54 inches above the floor?
 - b) Are switches located on columns or walls by door openings?

- **Interior Doors and Offices**
 - a) Are doors at least 36 inches with the minimum opening of 32 inches and of sturdy construction?
 - b) Are door operated by a single effort?
 - c) Do handles, pulls, latches, locks, and other operating devices on accessible doors have a shape that is easy to grasp with one hand and does not require light grasping, tight pinching, or wrist twisting to operate?

TITLE VII – EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT

1. WORKFORCE ANALYSIS

Requirements

Executive Order 11478 and 29 CFR 1614 requires that the head of each agency exercise personal leadership by establishing, maintaining, and carrying out plans, procedures, and directives necessary to manage an effective EEO program that promotes equality in employment, development, advancement, and treatment of employees. NRCS offices are required to manage their EO activities through the following:

- √ Handbooks
- √ Directives
- √ Reports
- √ Notices
- √ Correspondence
- √ The National Civil Rights Implementation Plan
- √ The State Civil Rights Implementation Plan

Sample Questions:

- What kind of EEO discussions do you have with your staff members?
- How are employees informed about vacancy announcements?
- What is the time period between receiving a vacancy announcement from the state office and posting the announcement?
- Where do you post vacancy announcements?
- How long do you maintain employment applications on file?
- How many people have you hired in the past year?
- How did the applicants learn of the vacancies?

2. PROMOTIONS

Requirements

Equal Employment Opportunity Commission Regulations 29 CFR Part 1614.101(a), requires the head of each Agency to exercise personal leadership in establishing, maintaining, and carrying out a continuing Affirmative Employment Program.

This program is designed to promote equal opportunity in every aspect of Agency personnel policy and practice in the employment, development, advancement, and treatment of employees.

Sample Questions:

- What mechanisms do you use to fill vacant positions?
- What mechanisms do you use to increase the number of women and minorities in the applicant pool?
- Have you received a copy of the agency's Affirmative Employment Plan (AEP)?

3. RECRUITMENT

Requirements

The Equal Employment Opportunity Commission regulation (29 CFR 1614.102(a)(4)), and the NRCS GM 230 Part 400 requires Agencies to communicate its EEO policies, program, and employment needs to all sources of job candidates without regard to age, color, disability, national origin, race, religion, sex, political beliefs, sexual orientation, and/or marital and family status. These regulations also require the Agency to solicit assistance in the recruitment of minorities, women, and persons with disabilities.

Sample Questions:

- Is the Equal Employment Opportunity nondiscrimination statement in all vacancy announcements?
- What methods do you use to announce vacancies? (Ask for examples.)
- How do you inform organizations with minorities, women, and individuals about vacancy announcements?
- Do you recruit at the following institutions:
 - a) 1862 Colleges and Universities?
 - b) 1890 Colleges and Universities?
 - c) HACU Schools?
 - d) Asian American/Pacific Islander Schools?
 - e) Native American/Alaskan Native Schools?

4. EMPLOYEE AWARENESS

Requirements

The Equal Employment Opportunity Commission regulations (29 CFR 1614.102(a)(13) and (b)(3)) hold Agencies responsible for communicating Equal Employment Opportunity policies, programs, and employment needs to all employees.

- √ NRCS Civil Rights Policy Statement
- √ USDA Civil Rights Mission Statement
- √ Posters
- √ Pamphlets
- √ Sexual Harassment Policy Statement

Sample Questions (Can be asked of District Conservationist):

- Is the NRCS sexual harassment poster displayed so that staff members and customers may easily see it?
- Is the EEO Counselor information posted in the office where it is easily accessible by employees?
- Are the following NRCS Policy Statements prominently displayed in the offices where applicants, employees, and producers can easily see them?
 - a) EEO
 - b) Prevention of Sexual Harassment
- How often do you discuss the following with your staff members?
 - a) EEO policy
 - b) Prevention of Sexual Harassment
 - c) Civil Rights policy relative to employment
- How often do you discuss the following with your district board members?
 - a) EEO policy
 - b) Prevention of Sexual Harassment
 - c) Civil Rights policy relative to employment

5. AWARDS AND RECOGNITION

Requirements

Equal Employment Opportunity Commission regulations, 29 CFR 1614.102(a)(5)(10)(13), requires Agencies to:

- √ **Review, evaluate, and control managerial and supervisory performance in such a manner to ensure a continuing affirmative application and vigorous enforcement of the policy of equal opportunity,**
- √ **Provide orientation, training, and advice to managers/supervisors to assure their understanding and implementation of EEO policies and programs,**
- √ **Provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in EEO, and**
- √ **Inform its employees and recognized employee organizations of the Affirmative EEO policy and program and enlist their cooperation.**

Sample Questions:

- Have you received an award or recognition for outstanding achievements in EEO or CR activities?

- Have you recognized an employee or nominated any one for outstanding achievements in EEO or CR activities?

6. **CIVIL RIGHTS ADVISORY COMMITTEE**

Requirements

The NRCS GM 230 Part 403 and 404 of the handbook requires the establishment of Equal Opportunity Advisory Committees and Special Emphasis Program Managers to assist and enhance opportunities for designated groups that may include but not limited to under representation in recruitment, employment, and/or personal advancement and development.

Opportunities include (*but not limited to*):

- a) Recruitment**
- b) Employment**
- c) Personal development advancement**

Sample Questions:

- Do you know what special emphasis programs are administered in your state?
- Do you see SEP information from program managers in your state?
- How are you notified about special emphasis program activities?
- Are all offices in the state included in SEP activities?
- What does your office do to promote SEP activities?

7. INTERVIEWS

**SAMPLE QUESTIONS
FOR
SPECIAL EMPHASIS PROGRAM MANAGERS (SEPM)**

TITLE _____

GRADE _____

1. WHAT SPECIAL EMPHASIS PROGRAM DO YOU MANAGE?
2. HOW LONG HAVE YOU BEEN A SPECIAL EMPHASIS PROGRAM MANAGER?
3. ARE YOU FAMILIAR WITH 29, CFR PART 1614 AND GM 230 PARTS 401 THROUGH 405?
4. WHAT PERCENTAGE OF YOUR TIME IS ALLOTTED FOR IMPLEMENTATION OF THE PROGRAM?
5. WHAT IS YOUR INPUT IN DEVELOPING THE AEP AND FEORP PLAN FOR YOUR STATE?
6. IS YOUR POSITION DESCRIPTION AMENDED TO INCLUDE YOUR SEPM RESPONSIBILITIES?
7. WHAT ARE THE OBJECTIVES OF THE SPECIAL EMPHASIS PROGRAM YOU MANAGE IN YOUR STATE?
8. WHAT DO YOU SEE AS THE GREATEST OBSTACLE(S) TO GETTING YOUR JOB DONE?
9. WHAT KIND OF TRAINING/ORIENTATION DID YOU RECEIVE?
10. ARE YOU A MEMBER OF THE STATE CIVIL RIGHTS ADVISORY COMMITTEE?
11. ARE SUPERVISORS AND MANAGERS AWARE OF THE SPECIAL EMPLOYMENT CONCERNS AND NEEDS OF THE GROUP YOU SERVE ?

Civil Rights Compliance Review Guide

12. ARE YOU AWARE OF THE SPECIAL EMPLOYMENT CONCERNS AND NEEDS OF THE GROUP YOU SERVE IN THIS STATE? CAN YOU GIVE A FEW EXAMPLES?
13. DO YOU RECEIVE PROGRAM GUIDANCE AND DIRECTION FROM REGIONAL AND/OR OFFICE EEO OFFICIALS?
14. WHEN WAS YOUR LAST CONTACT WITH A MEMBER OF THE REGIONAL AND/OR NATIONAL OFFICE EEO STAFF? WHAT WAS THE PURPOSE OF THIS CONTACT?
15. IS THE CIVIL RIGHTS & EEO PROGRAM EFFECTIVE IN YOUR STATE?
16. HAVE YOU PREPARED WORKPLAN DETAILING ACTIVITIES TO PROMOTE THE PROGRAM YOU HAVE RESPONSIBILITIES FOR?
17. DO YOU MAINTAIN A LIBRARY RELATED TO THIS PROGRAM?
18. HOW DO YOU COMMUNICATE WITH EMPLOYEES OF YOUR STATE ABOUT THE PROGRAM YOU MANAGE?
19. DO YOU PARTICIPATE IN ANY RECRUITMENT ACTIVITIES?
20. TO WHOM DO YOU REPORT IN MATTERS RELATING TO YOUR FUNCTION?

**SAMPLE QUESTIONS
FOR
ADVISORY COMMITTEE CHAIRPERSON**

TITLE _____ GRADE _____

1. HOW LONG HAVE YOU BEEN A CIVIL RIGHTS ADVISORY COMMITTEE MEMBER?
2. HOW LONG HAVE YOU BEEN THE CHAIRPERSON?
3. WHAT ARE YOUR RESPONSIBILITIES AS A CHAIRPERSON OF THE CIVIL RIGHTS ADVISORY COMMITTEE?
4. WHAT HAS THE COMMITTEE ACCOMPLISHED IN THE PAST TWO YEARS? (GIVE EXAMPLES)
5. WHAT IS THE COMPOSITION OF THE CIVIL RIGHTS ADVISORY COMMITTEE?

FEMALES _____ MALES _____ MINORITIES _____

6. WHAT ARE THEIR GRADE LEVELS AND JOB TITLES?
7. HOW ARE CIVIL RIGHTS EEO ADVISORY COMMITTEE MEMBERS SELECTED? (EXPLAIN)
8. HOW ARE EMPLOYEES INFORMED OF THE CIVIL RIGHTS ADVISORY COMMITTEE MEETINGS? (EXPLAIN)
9. DO YOU THINK THE CIVIL RIGHTS PROGRAM IS EFFECTIVE IN YOUR STATE? (EXPLAIN)
10. DO YOU THINK THE CIVIL RIGHTS ADVISORY COMMITTEE IS EFFECTIVE IN YOUR STATE? (EXPLAIN)
11. WHAT RECOMMENDATIONS CAN YOU OFFER TO INCREASE DIVERSITY IN YOUR STATE?

**SAMPLE QUESTIONS
FOR
ADVISORY COMMITTEE ADVISOR**

TITLE _____ GRADE _____

1. HOW LONG HAVE YOU BEEN THE STATE CIVIL RIGHTS ADVISORY COMMITTEE ADVISOR?
2. TO WHOM DO YOU REPORT MATTERS RELATING TO YOUR FUNCTION?
3. WHAT PERCENT OF YOUR TIME IS ALLOTTED TO CIVIL RIGHTS COMMITTEE ACTIVITIES?
4. DO YOU PROVIDE ORIENTATION TRAINING TO NEW COMMITTEE MEMBERS?
5. IS YOUR POSITION DESCRIPTION AMENDED TO INCLUDE YOUR RESPONSIBILITIES TO THE CIVIL RIGHTS PROGRAM?
6. WHAT ARE THE OBJECTIVES OF THE CIVIL RIGHTS PROGRAM IN YOUR STATE?
7. ARE THE CIVIL RIGHTS PROGRAM ACTIVITIES INCLUDED IN THE STATE'S BUSINESS PLAN?
8. WHAT IS YOUR INPUT INTO THE STATE AFFIRMATIVE EMPLOYMENT AND FEORP PLAN FOR EEO?
9. HOW DO YOU COMMUNICATE WITH EMPLOYEES IN YOUR STATE ABOUT CIVIL RIGHTS ACTIVITIES?
10. WHAT DO YOU SEE AS THE GREATEST OBSTACLE(S) TO GETTING YOUR JOB DONE?
11. DO YOU PARTICIPATE IN ANY RECRUITMENT ACTIVITIES?
12. ARE YOU AWARE OF ANY EMPLOYMENT CONCERNS AND AREAS OF UNDERREPRESENTATION IN YOUR STATE?

13. ARE SUPERVISORS AND MANAGERS AWARE OF ANY EMPLOYMENT CONCERNS AND AREAS OF UNDERREPRESENTATION?
14. DO YOU RECEIVE PROGRAM GUIDANCE FROM REGIONAL AND/OR NATIONAL OFFICE CIVIL RIGHTS & EEO OFFICIALS?
15. WHEN WAS YOUR LAST CONTACT WITH A MEMBER OF THE REGIONAL AND/OR NATIONAL OFFICE CIVIL RIGHTS & EEO STAFF? WHAT WAS THE PURPOSE OF THIS CONTACT?
16. HOW EFFECTIVE IS THE CIVIL RIGHTS & EEO PROGRAM EFFECTIVE IN YOUR STATE?
17. ARE WORKPLANS PREPARED DETAILING ACTIVITIES TO PROMOTE CIVIL RIGHTS & EEO IN THIS STATE?
18. IS THERE A LIBRARY WITH CIVIL RIGHTS & EEO INFORMATION AVAILABLE TO EMPLOYEES AT YOUR OFFICE?
19. ARE YOU FAMILIAR WITH 29 CFR PART 1614 ?
20. ARE YOU FAMILIAR WITH GENERAL MANUAL 230 PART 401 THRU 405

SAMPLE QUESTIONS

**FOR
ADVISORY COMMITTEE MEMBERS**

TITLE _____ GRADE _____

1. WHAT PERCENT OF YOUR TIME IS ALLOTTED TO COMMITTEE ACTIVITIES?
2. WHAT DOES YOUR COMMITTEE PLAN TO ACCOMPLISH THIS YEAR? (GIVE A COUPLE EXAMPLES)
3. ARE COMMITTEE MINUTES CIRCULATED TO EMPLOYEES?
4. DO YOU EVER GET FEEDBACK FROM EMPLOYEES?
5. DOES THE CIVIL RIGHTS ADVISORY COMMITTEE UTILIZE SUBCOMMITTEES TO ACCOMPLISH LARGE TASKS?
6. WHAT IS THE DATE OF THE LAST CIVIL RIGHTS EEO ADVISORY COMMITTEE MEETING?
7. HOW OFTEN DOES THE COMMITTEE MEET?
8. WHAT SPECIAL RECRUITMENT EFFORTS ARE MADE TO LOCATE QUALIFIED MINORITIES AND FEMALES FOR EMPLOYMENT?
9. HAVE THE COMMITTEE IDENTIFIED WHAT GROUPS ARE UNDERREPRESENTED IN MANAGEMENT AND LEADERSHIP POSITION?
10. DOES CIVIL RIGHTS ADVISORY COMMITTEE MEMBERS PARTICIPATE IN RECRUITMENT TRIPS?
11. DO YOU FEEL THE SPECIAL EMPHASIS PROGRAM MANAGERS ARE EFFECTIVE?
12. DO YOU THINK SUFFICIENT RESOURCES ARE ALLOCATED TO CIVIL RIGHTS AND EEO?
13. DOES THE COMMITTEE DISCUSS AND OR EVALUATE PROGRAM DELIVERY EFFORTS?

SAMPLE QUESTIONS

**FOR
PERSONNEL OFFICERS
(Can send in advance)**

1. HAVE YOU UTILIZED ANY OF THE FOLLOWING PROGRAMS DURING THE PAST TWO (2) YEARS?

SEEP (STUDENT EDUCATION EMPLOYMENT PROGRAM)

SUMMER INTERNS

WORKER TRAINEE

STUDENT TRAINEE

JUNIOR FELLOWS

CAREER ENHANCEMENT (UPWARD MOBILITY)
2. WERE ANY STUDENTS PLACED IN PERMANENT POSITIONS IN THE PAST 12 MONTHS FROM ANY OF THE ABOVE PROGRAM?
3. HOW MANY DISABLED EMPLOYEES WERE HIRED IN THE PAST 12 MONTHS?
4. HOW MANY DISABLED EMPLOYEES ARE CURRENTLY ON BOARD?
5. IS THERE A FORMAL WRITTEN CAREER ENHANCEMENT PLAN?
6. DOES THE STATE HAVE A MENTORING PLAN?
7. WHAT SCHOOLS OR INSTITUTIONS DO YOU NORMALLY RECRUIT FROM?
8. DID ANY RECRUITMENT VISITS RESULT IN ACTUAL HIRES? IF SO, PLEASE LIST EMPLOYEES BY RACE/SEX.
9. HAVE YOU IDENTIFIED ANY AREAS OF UNDERREPRESENTATION?
10. PLEASE FURNISH COPIES OF POSITIONS DESCRIPTIONS OF TWO (2) SUPERVISORY EMPLOYEES. (REVIEW POSITION DESCRIPTIONS FOR ACCURACY AND IF THEY CONTAIN AN EEO PERFORMANCE ELEMENT.)

11. PLEASE FURNISH COPIES OF POSITION DESCRIPTIONS FOR TWO (2) NON SUPERVISORY EMPLOYEES. (REVIEW POSITION DESCRIPTIONS FOR ACCURACY AND IF THEY CONTAIN AN EEO PERFORMANCE ELEMENT.)
12. PLEASE FURNISH COPIES OF THE EEO POLICY STATEMENT, THE STATEMENT ON THE PREVENTION OF SEXUAL HARASSMENT, AND THE STATEMENT ON DISABLED EMPLOYEES.
13. WHAT IS YOUR INPUT TO THE STATE AEP AND FEORP PLAN?
14. HOW DO YOU COMMUNICATE WITH EMPLOYEES ABOUT JOB VACANCIES?
15. ARE YOU FAMILIAR WITH 29 CFR PART 1614?
16. DO YOU ATTEND STATE CIVIL RIGHTS ADVISORY COMMITTEE MEETINGS?
17. ARE ADVISORY COMMITTEE MEMBERS AND SPECIAL EMPHASIS PROGRAM MANAGERS PROVIDED COPIES OF DN-714 REPORTS?

**SAMPLE QUESTIONS
FOR
LANDOWNERS**

1. Gender: Male Female
2. How long have you been a Landowner?
3. Identify type of farming operation:
4. Familiar with USDA programs? Yes No
5. Are you participating in USDA programs or have participated in USDA programs? List Programs:
6. Have you been denied participation in any USDA Programs?
7. Do you feel that you have been treated fair by USDA Field Staff?
8. How often do you visit the NRCS Service Center?
9. Have you received any newsletters or literature from NRCS regarding USDA Programs?
10. If you believe that you were discriminated by Field Staff would you file a complaint?
11. Do you know where to file a complaint?
12. Are you satisfied with Field Office staff work ethics, performance and helpfulness?
13. Are you satisfied with the services from Field Staff?

**SAMPLE QUESTIONS
FOR
EMPLOYEES**

Prepared by _____
Date Prepared _____
Reviewed by _____
Date Reviewed _____

ALL EMPLOYEE INTERVIEW

1. Gender: Male Female

2. Ethnicity: (check all that apply)

Asian American Indian/Alaskan Native

Black or African American Hispanic

Native Hawaiian/Pacific Islander

White Other (Specify) _____

3. National Origin: U.S. Other (Specify) _____

4. Disabled: Yes No

5. Grade: _____ Series: _____

6. Official Title: _____

7. Have you ever seen the policy statements on EEO, the prevention of sexual harassment, and the disabled?

YES _____ NO _____ (PLEASE EXPLAIN)

8. Are you familiar with the agency's Special Emphasis Programs? Can you name any of them?
 - a. What efforts have you observed to increase the employment of people identified by the Special Emphasis Programs?

- b. Do you believe these programs promote awareness, appreciation, and understanding of people of diversity?

Yes No Not Applicable Non Responsive

Explanation of response:

9. Accommodation of Disabilities:

- a. Have you observed efforts to increase the employment of persons with disabilities at NRCS?

- b. Do you believe your workspace accommodates persons with disabilities such as wheel chair bound, hearing impaired, visually impaired?

- c. How confident are you that NRCS would make reasonable accommodations for you if you developed a disability?

Very Confident Somewhat Confident Not at All Confident

Explain:

10. In your opinion, does NRCS make reasonable accommodation for your family circumstances (i.e., children, elderly parents, and illness of a family member)?

Yes No Non Responsive

11. How fair has your treatment been in NRCS in selections for promotions, training, detail assignments, career enhancing assignments, and awards?

Generally Fair Generally Unfair (Explain Below) Non Responsive

Fair Except as Explained Below

Explanation:

12. If you believed you were discriminated against, would you filing an EEO complaint?

Yes No Non Responsive

If not, what are the main reasons why you wouldn't file?

a.) Would you feel comfortable discussing an EEO issue with an EEO counselor?

YES _____ NO _____(Please Explain)

b.) In you opinion, how well does the complaint system/process work in NRCS?

13. Do you have an Individual Development Plan (IDP)?

Yes No Not Applicable Non Responsive

a.) If so, has it been implemented?

Yes No Not Applicable Non Responsive

Comments:

b.) Is the plan beneficial to your career?

Yes No Not Applicable Non Responsive

Comments:

14. How would you define sexual harassment in the workplace?

a.) How frequently do you think sexual harassment occurs in your workplace?

Frequently Sometimes Rarely Never

Explain:

b.) Does management at NRCS work to prevent harassment, condone it, or neither one?

Work to prevent Condone it Neither one

Explain:

15. How would you define employment discrimination in your workplace?

a.) How frequently do you believe employment discrimination occurs in your workplace?

Frequently Sometimes Rarely Never

Explain:

b.) Does management at NRCS work to prevent discrimination, condone it, or neither one?

Work to prevent Condone it Neither one

Explain:

16. In general, do you believe employees receive equal (fair) treatment at NRCS without regard to race, color, age, national origin, gender, religion, marital/family status, sexual orientation, disability, or participation in a union?

Yes No Non Responsive

Explain:

17. Have you received training in the prevention of sexual harassment in the last three years?

18. When was the last time you received a notice informing you of your right to file an EEO complaint?

Civil Rights Compliance Review Guide

19. Did you receive any information in the last three years informing you that EEO/Civil Rights cover complaints of sexual harassment?
20. Are there any general comments about Equal Employment Opportunity that you would like to make?