



CIVIL RIGHTS DIVISION CIVIL RIGHTS DIVISION



CIVIL RIGHTS COMPLIANCE REVIEW GUIDE

4. Civil Rights Advisory Committee Advisor
5. Outreach Specialist
6. State Administrative Officer
7. Human Resource Specialist
8. Contract Officer
9. Public Affairs Specialist
10. Assistant State Conservationist for Operations
11. Assistant State Conservationist for Programs

B. Field Office Interviews:

12. District Conservationist
13. Resource Conservation and Development Coordinator
14. Landowners
15. Soil and Water Conservation District Board Members
16. RC&D Council Members

V. CLOSE OUT PROCESS

1. Required Action Non-Compliance Action Items
2. Proposed Implemented Corrective Actions
3. Responsible Person
4. Targeted Completion Dates
5. Status and Comments
6. Corrective Action Plan Template
7. Civil Rights Compliance Review Evaluation Form (See Attachment)

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

3. AUTHORITIES

A. Statutory

- (1) Title VI of the Civil Rights Act of 1964, as amended, 42 USC 2000d to 2000d-7.
- (2) Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC 794.
- (3) Title VIII, of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 USC 3601.
- (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, 15 USC 1691.
- (6) Title VII of the Civil Rights Act of 1964, as amended.
- (7) EEOC Regulation 29 CFR 1614.
- (8) Age Discrimination in Employment Act of 1967, as amended.
- (9) Rehabilitation Act of 1973, as amended.
- (10) Equal Pay Act of 1963.
- (11) American w/Disabilities Act (28CFR Part 35 Title II).
- (12) Architectural Barriers Act of 1968.
- (13) Civil Rights Restoration Act of 1987.
- (14) Title IX.

B. Regulatory and Executive Orders

- (1) 7 CFR Part 2, Subpart P, Delegation of Authority by the Assistant Secretary of Agriculture.

- (5) DR 4300-007, Processing EEO Complaints of Discrimination, dated March 3, 1999.
- (6) DR 4300-009, EEO Complaints, dated January 9, 2001.
- (7) DR 4330-001, Procedures for Processing Discriminations Complaints and Conducting Civil Rights Compliance Reviews in USDA Conducted Programs and Activities, dated October 18, 2001.
- (8) DR 4330-003, Non-discrimination in Programs and Activities, dated March 3, 1999.
- (9) DR 5600-002, Environmental Justice, dated December 15, 1997.
- (10) DM-4300-002-Reasonable Accommodations Procedures
- (11) DM-4300-001-EEO Complaint Processing Procedure
- (12) DR-4120-001, Annual Civil Rights Training
- (13) DR-4230-002, Special Emphasis Programs

D. NRCS Policy

- (1) eDirectives
- (2) Compliance Review Guide

4. NOTICE

This guide will be updated to conform with new legislation. Please send comments and/or suggested revisions to: USDA, NRCS, Civil Rights Division, Attn: Affirmative Employment and Compliance Branch, 5601 Sunnyside Avenue, Room 1-1123, Mailstop 5472, Beltsville, MD 20705.

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Adjudication and

- ✓ **Reports**
- ✓ **Notices**
- ✓ **Correspondence**

Document Request:

- A copy of the State's Strategic or Business Plan.
- A copy of the State's Outreach Plan.

On-Site Verification:

- Civil Rights responsibilities are in the job description.
- Measureable civil rights objectives, goals, and action items are in office operating plan.
- Complied 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.
- Documentation of meetings where civil rights-related topics are discussed.
- The 230 file folder complete and updated.
- Public meeting announcements and/or notices include availability of accommodation.

2. TRAINING

Requirements

The Departmental Regulation 4330-3, Non-discrimination in Programs and Activities, and the NRCS GM 230 Part 405, Civil Rights in Program Delivery, provide instructions on the responsibilities for providing training on Civil Rights laws and Regulations to all staff members.

Document Request:

- A copy of each employee's career training for the last three (3) years.

On-Site Verification:

- 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 Programs
- Documented staff and district employee training.
- Is civil rights training included on a statewide training plan?

3. PUBLIC NOTIFICATION

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

On-Site Verification:

- Methods used by NRCS with grassroots organizations in reaching non-traditional and under-served customers within the State.
- Examples of the State’s outreach activities for minorities, women, and persons with disabilities.
- Have the State Civil Rights Advisory Committee identified a need for bilingual staffing assistance for your office?
- Materials developed by the State to assist producers with disabilities or those with Limited English Proficiency (LEP).
- List of non-traditional and underserved potentially eligible landowners in geographic area of service.

5. COMPLAINTS OF DISCRIMINATION

Requirements

The Department of Justice Regulation 28 CFR 42.408, Complaint Procedures, the Department of Agriculture Regulation 7 CFR 15.6, Complaints, the NRCS GM 230 Part 405, Civil Rights Compliance in Program Delivery, and the “And Justice for All” poster provide instructions for customers filing complaints of discrimination in program and/or service delivery. These regulations should be on file along with the poster displayed in a prominent location.

On-Site Verification:

- Supervisors and Managers discuss the complaint procedures with staff. (See staff meeting minutes)
- How many complaints of discrimination the state has received in the past two years?
- If any, what procedures were used to resolve?

6. EVALUATION OF PROGRAM DELIVERY

Provide the number of landusers receiving USDA program payments prior fiscal year for installing conservation practices and participating in any of the following programs from prior fiscal year:

- AMA – Agricultural Management Assistance
- AWEP – Agricultural Water Enhancement Program
- CFO – Conservation Farm Option
- CPI – Conservation Partnership Initiative
- CPMC – Conservation Plant Material Center
- CRBSC – Colorado River Basin Salinity Control Program
- CSP – Conservation Security Program
- CTA – Conservation Technical Assistance
- EQIP – Environmental Quality Incentives Program
- EWP – Emergency Watershed Protection Program
- FRLPP – Farm and Ranch Land Protection Program
- GRP – Grassland Reserve Program
- CPGL – Conservation of Private Grazing Land
- HFRP – Healthy Forest Reserve Program
- RC&D – Resource Conservation & Development Program
- NCSS – National Cooperative Soil Survey Program
- SSWSF – Snow Survey & Water Supply Forecasting
- SSP – Soil Survey Programs
- WHIP – Wildlife Habitat Incentives Program
- WFPF – Watershed Protection and Flood Prevention Operations Program
- WRP – Wetland Reserve Program

7. PARTNERSHIP RESPONSIBILITY

Requirements

USDA Regulations 7 C.F.R. Part 15.5, Compliance, DR 4330-2, Activities Receiving USDA Financial Assistance, and the NRCS GM 230 Part 405, Civil Rights in Program Delivery set forth the recipients responsibility in program delivery.

Document Request

- A copy of all Memorandums of Understandings established with Conservation Districts, RC&Ds and American Indian Tribes, as applicable.
- Business plan for all RC&D Offices in the State.

On-Site Verification (District Board Members and/or RC&D Council Members):

- Methods used to encourage eligible females and minorities to serve as board/council members.

III. EEO MANAGEMENT– EQUAL EMPLOYMENT OPPORTUNITY (TITLE VII)

1. WORKFORCE ANALYSIS

Requirements

Executive Order 11478 Equal Employment Opportunity in the Federal Government and the Equal Employment Opportunity Commission 29 C.F.R. 1614 Federal Sector Equal Employment Opportunity require that the head of each 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 EEO activities through the following:

- ✓ **Handbooks**
- ✓ **Directives**
- ✓ **Reports**
- ✓ **Notices**
- ✓ **Correspondence**

Document Request:

- Reports for the last three (3) fiscal years (basic employee list) must show race, sex, national origin, and disability (RSNOD) status.

On-Site Verification:

- Random review of vacancy announcements to ascertain how and where they are posted, and how long they are maintained on file.
- Review of actions taken to increase the employment of persons with disabilities at NRCS.

2. PROMOTIONS

Requirements

Equal Employment Opportunity Commission Regulations 29 C.F.R. Part 1614.101(b4), General Policy, 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.

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

- ✓ **NRCS Chief's Civil Rights Policy Statement**
- ✓ **USDA Secretary's Civil Rights Policy Statement**
- ✓ **USDA EEO Poster**
- ✓ **NRCS EEO Poster**
- ✓ **USDA Prevention of Sexual Harassment Poster**
- ✓ **NRCS Sexual Harassment Policy Statement & Fact Sheet**

On-Site Verification

- Determine if the following posters, notices, or statements are prominently displayed in locations where applicants, employees, and customers can easily see them:
 - a) Secretary of Agriculture Civil Rights Policy Statement;
 - b) NRCS Civil Rights Policy Statement;
 - c) "And Justice For All" Poster;
 - d) USDA "Prevention of Sexual Harassment" Poster;
 - e) NRCS Anti-Harassment Policy Statement;
 - f) NRCS EEO Counseling and Mediation Poster.
- Determine whether Managers and Supervisors discuss the following with their respective staff members:
 - a) EEO policy;
 - b) Prevention of Sexual Harassment;
 - c) Civil Rights policy.
- Determine whether the following are discussed with District Board members:
 - a) Prevention of Sexual Harassment;
 - b) Civil Rights policy;
 - c) "And Justice For All" Poster.

5. AWARDS AND RECOGNITION

Requirements

Equal Employment Opportunity Commission Regulation 29 C.F.R. 1614.102(a)(5)(10)(13) Agency Program 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**

- Ascertain whether CRAC members and SEPMs participate in the development of the state's Recruitment Plan.

7. ONLINE EMPLOYEE QUESTIONNAIRE

In an effort to perform a more effective analysis of employee awareness, and to evaluate whether the Agency is meeting its responsibility for communicating EEO policies and programs, an online employee questionnaire will be emailed to each state employee. The online employee questionnaire is attached for information and review. **(See Exhibit 2)**

The State Administrative Officer (SAO), Human Resource Specialist, and Contract Specialist are also interviewed on a one on one basis with a Compliance review team member to ensure they are maintaining the required Civil Rights records and reports and that guidance is being given in accordance with agency directives.

Some questions are intended to verify information received in the document request. The questions for the Human Resource Specialist mock the document request and are duplicates of the charts included in the Compliance review report. Once the document request has been mailed, it is beneficial to e-mail or fax the HR specialist a copy of the HR Specialist questions. Depending on the size of the state's staff, these questions may be answered by the HR specialist or the HR Assistant/Technician.

- 9. Public Affairs Specialist**
- 10. Assistant State Conservationist for Operations**
- 11. Assistant State Conservationist for Programs**

The questionnaires for the Public Affairs Specialist, Assistant State Conservationist for Operations, and Assistant State Conservationist for Programs are to verify and support the Title VI document request. Like the HR Specialist questions, the questionnaire for the Assistant State Conservationist can be e-mailed or faxed in advance as they also include information from the document request. By supplying these questionnaires in advance, the Compliance team leader will have the information requested in the same format as in the report.

However, the on-site interview with the Public Affairs Specialist, in by far one of the most important as it gives the interviewer an opportunity to see the media list, the published materials in final format, to verify that it contains the non-discrimination statement, and that it meets requirements under Section 504 and 508 of the Rehabilitation Act. It is also an opportunity to look at what type of, or if any, program information is being distributed as outreach to Limited English Proficiency (LEP) eligible participants.

B. Field Office Interviews

- 12. District Conservationist**
- 13. RC&D Coordinator**
- 14. Landowners**
- 15. Soil and Water Conservation District Board Members**
- 16. RC&D Council Members**

Field office personnel interviews are used to verify information and support the Title VI section of the compliance review report. The purpose of these interviews is to assess how the District Conservationist is conducting outreach to promote NRCS programs to a wider, potentially eligible, non-traditional program participant. It is also an opportunity to verify if the same procedures and process are being used in other states. As well as, whether new

CIVIL RIGHTS ADVISORY COMMITTEE CHAIRPERSON

TITLE _____

Note: Obtain a copy of Position Description, Performance Work Plan, IDP, and MOU

1. How long have you been a CRAC member? How long have you been the chairperson?
2. What are your responsibilities as a chairperson of the CRAC?
3. What percentage of your time is allotted to your collateral duty?
4. Do you have a current MOU?
5. Do you have a stand-alone civil rights performance element for your collateral duty?
6. Does the CRAC assist in the development of the State's Recruitment Plan?
7. Is the CRAC provided a copy of the Recruitment Plan?
8. Have you received training pertaining to your collateral duty assignment as CRAC member?
9. To whom do you report in matters relating to your function?
10. Are you familiar with GM 230 PART 405?
11. What has the committee accomplished in the past two years? Please give examples.
12. What is the composition of the CRAC?
FEMALES _____ MALES _____ MINORITIES _____
13. What are their grade levels and job titles?
14. How are the members selected? Please Explain.
15. Are the meetings open to all employees? How do you inform employees of the CRAC meetings? How often do you meet? Where?
16. Is the meeting minutes shared to state employees? How?
17. Is the CRAC involved in selection panels for vacancies?

CIVIL RIGHTS ADVISORY COMMITTEE MEMBERS

TITLE _____

Note: Obtain a copy of Position Description, Performance Work Plan, IDP, and MOU.

1. What percent of your time is allotted to Committee activities?
2. Does the CRAC have a business plan?
3. Do you participate in the development of the State's Recruitment Plan?
4. Have you received training pertaining to your collateral duty as a CRAC member?
5. What does your Committee plan to accomplish this year? (Give examples)
6. Are Committee minutes circulated to employees? How?
7. Do you get feedback from employees? What kind?
8. Does the CRAC utilize subcommittees to accomplish large tasks or projects?
9. What is the date of the last CRAC meeting?
10. How often does the Committee meet?
11. Has the Committee identified what groups are underrepresented in Management and Leadership positions?
12. Does the CRAC participate in recruitment activities?
13. Do you feel that the SEPMs and CRAC are effective in the states? Please explain.
14. Do you think sufficient resources are allocated to civil rights and EEO?
15. Does the Committee discuss and/or evaluate program delivery efforts?
16. Does the Committee analyze the distribution of contracts in the State?

17. What kind of support do you get from your STC? Does he/she support your program financially?
18. Do you have a part in the program delivery in your state? Do you analyze the distribution of contracts (EQIP, all programs, WHIP, etc.) in your state?

PROGRAM OUTREACH COORDINATOR

TITLE _____

1. How does your partnership with grassroots organizations in your county/RC&D Area, assist NRCS in reaching non-traditional and under-served customers?
2. Please give me examples of your outreach activities for minorities, women, and persons with disabilities?
3. How are Outreach services coordinated with Field office operations?
4. Has the State Civil Rights Advisory Committee identified a need for bilingual staffing assistance for your office?
5. What materials have been developed for meeting the needs of producers with disabilities or who are bilingual?
6. Who are the non-traditional and underserved potentially eligible program participants in your service area?
7. Are you an advisor to the CRAC? If so, do you serve as a voting or non-voting member?
8. Do you attend CRAC meetings?

HUMAN RESOURCE SPECIALIST

1. Have you utilized any of the following programs during the past two years?

Program	Number of Hires	Number converted to Perm	Number of Male	Number of Female	
Career Experience					
Career Interns					
HACU					
Presidential Mgmt. Intern					
Scholarship for Service					
Student Temporary Employment					
Summer Intern					
Student Volunteer					
USDA 1890 Scholars Program					
Workforce Recruitment program for College Students with Disabilities					
Other persons with Disabilities					

2. What is the diversity of the Student hires?

Male	Female	Black Male	Black Female	AI Male	AI Female	AAPI Male	AAPI Female	Hispanic Male	Hispanic Female	White Male	White Female

3. What is the Diversity of the Conversions?

Male	Female	Black Male	Black Female	AI Male	AI Female	AAPI Male	AAPI Female	Hispanic Male	Hispanic Female	White Male	White Female

4. How many disabled employees were hired in the past 12 months?

5. How many disabled employees are currently on the staff?

6. Is there a formal written Career Enhancement plan? If so, please provide.

7. Is there a formal Recruitment plan? If so, please provide.

8. Is there a formal Mentor Program? If so, please provide.

29. What mechanisms do you use to increase the number of women, minorities, and persons with disabilities in the applicant pool?

30. Is the non-discrimination statement in all vacancy announcements?

PUBLIC AFFAIRS SPECIALIST

1. How do you inform potential and non-traditional program beneficiaries (particularly minorities, females, and persons with disabilities) about NRCS programs and activities?
2. Do you prepare news articles?
3. Do the Soil and Water Conservation Districts publish a district newsletter? If so, do you review them to ensure they contain the “non-discrimination disclaimer.”
4. Do you and your staff hold and participate in public meetings discussing USDA programs? If so, how are they announced – provide sample announcements.
5. Does your staff work with communities through grassroots organizations? If so, please provide a list of those organizations.
6. Are you using the non-discrimination statement when you disseminate program information?
7. Where can your customers find the non-discrimination statement in your district newsletter, fact sheets, and publications?
8. Over the past 12 months, how many NRCS civil rights success stories have you published in your local news outlets?
9. Where is the “And Justice for All” poster displayed? Do you provide guidance to field office on how/where to display this poster?
10. Is the poster visible to customers that receive service from your field office?
11. Do public meeting announcements or notices include availability of accommodation(s)?

ASSISTANT STATE CONSERVATIONIST (ASTC) FOR PROGRAMS

1. What type of guidance is given to field office on how to determine the number of potential eligible program beneficiaries and on-farm/off-farm customer groups?
2. What type of guidance is given to field office staff on maintenance of a list of potentially eligible program participants by Race, Sex, National Origin and Disability status?
3. Is the program participation data collected by the field offices reviewed by the ASTC for operations and programs to identify new goals and how are these goals incorporated into the state business plan and outreach plan?
4. Does the program participation data reflect participation by women, minorities and persons with disabilities?
5. Does the data collected reflect parity in program participation?
6. How long are you retaining program data after the end of a program year?
7. In findings of disparities, what actions have you taken to correct them?
8. How often is civil rights discussed with the SWCD leadership?
9. How often do you discuss civil rights with your staff?
10. Are there documentations of meetings where civil rights-related topics are discussed?

LANDOWNER

Answers from this questionnaire can be used as findings for Section Four, Title VI – Program Delivery Civil Rights Management (Public Notification and Complaints of Discrimination)

NAME: _____

FIELD OFFICE: _____

OPTIONAL Gender: Male _____ Female _____ Race/National Origin _____

1. How long have you been a Landowner?
2. Identify type of farming operation:
3. Are you familiar with USDA programs? Yes No
4. Are you participating in USDA programs or have participated in USDA programs?

List Programs:

5. Have you been denied participation in any USDA Programs?
6. Do you feel that you have been treated fair by NRCS Field Staff?
7. How often do you visit the NRCS Field Office?
8. Have you received any newsletters or literature from NRCS regarding USDA Programs?
9. Would you file a complaint if you believe that you were discriminated by NRCS Staff?
10. Do you know how and where to file a complaint? Are you familiar with the “And Justice for All” poster?
11. Are you satisfied with Field Office staff work ethics, performance, and helpfulness?
12. Are you satisfied with the services from Field Staff?

13. Does the Board participate in locally-led conservation initiatives?
14. Are you kept aware of NRCS program changes and availability by NRCS staff?
How?
15. Does the Conservation District publish a newsletter? Does it contain the non-discrimination statement?
16. Does the District have a MOU with NRCS? Is the MOU reviewed annually at a Board meeting?
17. Are you familiar with the “And Justice for All” poster?
18. Are you invited to NRCS civil rights training or any other NRCS-sponsored training?
19. Are you a landowner? If yes, refer to the Landowner questions.
20. Are you satisfied with the helpfulness and work ethics of the staff?

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15. What types of projects is the RC&D involved in? Please give examples of outstanding accomplishments of the Council.
16. How is it decided which type of projects gets funded?
17. Does the RC&D have a business plan?
18. Does the RC&D publish a newsletter? If so, what is the distribution?
19. Does the newsletter contain the non-discrimination statement?
20. Are you familiar with the “And Justice for All” poster?
21. Are you invited to NRCS-sponsored civil rights training?
22. Are you a landowner? If yes, refer to Landowner questions.
23. Are you satisfied with the helpfulness and work ethics of the staff?

- The monitoring and evaluation on the progress of the Corrective Action Plan will be conducted periodically by the Civil Rights Division.
- The Civil Rights Compliance Review will not be officially closed until the entire plan has been formally addressed and implemented.
- The Corrective Action Plan should be completed within one year of date of conclusion of the Civil Rights Compliance Review.

6. Status and Comments

- Provide comments on the progress of any actions taken.

7. Corrective Action Plan Template

- (See attached)

8. Civil Rights Compliance Review Evaluation Form

- This form is provided to the State Conservationist during the exit conference to evaluate the Compliance Review Team's performance in conducting the Civil Rights Compliance Review. **(See Exhibit 3)**

APPENDIX

- EXHIBIT 1 Sample Initial Contact Letter**
- EXHIBIT 2 Online Employee Questionnaire**
- EXHIBIT 3 Team Evaluation Form**