

## Conservation Programs Manual

### Part 513 – Resource Conservation and Development Subpart A – RC&D Program Administration

#### **KS513.4 RC&D Roles and Responsibilities**

##### **C. RC&D Council**

(3) The Kansas Natural Resources Conservation Service (NRCS) has developed a Memorandum of Understanding (MOU) with each approved Resource Conservation and Development Council (Council) in Kansas. This MOU defines the service and assistance each party will provide to implement the strategies, goals, and objectives listed in the Council area and annual plans of work as jointly agreed upon by the Council and NRCS.

See Subpart F – Exhibits, Section KS513.71, for the MOU template.

## Conservation Programs Manual

### Part 513 – Resource Conservation and Development Subpart C – Program Planning

#### **KS513.24 Annual Plan of Work**

##### **E. Annual Agreement for Assistance**

Resource Conservation and Development allocated funding is provided by Congress on a federal fiscal year basis (October 1 – September 30). States normally receive their fiscal year allocations shortly after October 1. As such, draft annual plans of work need to be in place and available for the State Conservationist's concurrence and signature by September 30 of each year.

Conservation Programs Manual

Part 513 – Resource Conservation and Development  
Subpart E – Operations Management

**KS513.45 Program Evaluation at the State Level**

**C. Areas to Review and Evaluate**

Kansas will use the [Management and Administrative Review Guide](#), Kansas Natural Resources Conservation Service, Resources Conservation and Development Offices, when conducting program reviews.

Conservation Programs Manual

Part 513 – Resource Conservation and Development  
Subpart F – RC&D Exhibits

**KS513.71 RC&D Memorandum of Understanding Template**

**MEMORANDUM OF UNDERSTANDING  
between the**

**RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL  
and the  
UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE**

**THIS MEMORANDUM OF UNDERSTANDING** (MOU) is between the \_\_\_\_\_ Resource Conservation and Development (RC&D) Council (hereafter referred to as the Council) and the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS). It is effective upon the authorized signatory of both parties.

Authority: Food and Agriculture Act of 1962, Public Law (P.L.) 87-703, P.L. 97-98, 95 Stat. 1213; Farm Security and Rural Investment Act of 2002, P.L. 107-171 (CFDA No. 10.901)

Purpose: The Farm Security and Rural Investment Act of 2002 authorized the Secretary of Agriculture to provide technical assistance to any council to assist in developing and implementing an area plan for a particular designated RC&D area; cooperate with other departments and agencies of the federal government, state, and local units of government; local Indian tribes; and with local non-profit organizations in conducting surveys and inventories, disseminating information, developing the area plan, and assist in carrying out an area plan approved by the Secretary for any designated area by providing technical and financial assistance to any council.

This MOU defines the service and assistance each party will provide to implement the strategies, goals, and objectives listed in the Council area plan and annual plan of work as jointly agreed upon by the Council and NRCS.

NRCS/Council Employees

The NRCS will make available the services of personnel qualified to provide technical assistance to the Council in carrying out the area plan and annual plan of work. Through the state conservationist (STC), NRCS will designate a coordinator to be the primary staff member for assisting the Council. NRCS may provide, at their sole discretion, additional technical assistance as deemed necessary by NRCS to carry out the objectives of the area plan.

## Conservation Programs Manual

### Part 513 – Resource Conservation and Development Subpart F – RC&D Exhibits

#### **KS513.71 RC&D Memorandum of Understanding Template (continued)**

Employees of NRCS shall participate in efforts under this MOU solely as representatives of the United States. To this end, they shall not participate as directors, officers, employees, or otherwise serve or hold themselves out as representatives of the Council or any member of the Council. They also shall not assist the Council or any member of the Council with efforts to lobby Congress, or to raise money through fundraising efforts. Further, NRCS employees shall report to their immediate supervisor any negotiations with the Council, or any member of the Council, concerning future employment, and shall refrain from participation in efforts regarding such until approved by NRCS.

The Council is solely responsible for advertisement, selection, compensation and benefits, management, supervision, termination, and other responsibilities consistent with a normal employee/employer relationship for all Council staff. Employees will be treated fairly in all aspects of personnel administration without regard to race, religion, color, gender, sexual orientation, national origin, ancestry, age, marital status, veteran's status, political affiliation, disability, or other non-merit factors, and with proper regard for their privacy and constitutional rights.

#### Volunteers

Council members and others may sign up as NRCS Earth Team volunteers to assist in carrying out activities in the area plan. Records will be maintained in the NRCS system according to current Earth Team policy.

#### Hiring

NRCS: Most NRCS employees are selected from a list of eligible applicants; either from a civil service register, reinstated on the basis of previous federal service, or appointed based on a Delegated Examining Unit (DEU) special hiring authorities. Employees selected for permanent positions must serve a one-year probationary period. If their work is satisfactory, they will be retained in their job. After three years of continuous service, a career-conditional appointment will be converted to a career appointment.

Applicants for positions advertised will compete with other applicants and will be evaluated according to objective standards. NRCS is completely and solely responsible for the evaluation of candidates and the final selection of an employee for any NRCS position.

## Conservation Programs Manual

### Part 513 – Resource Conservation and Development Subpart F – RC&D Exhibits

#### **KS513.71 RC&D Memorandum of Understanding Template (continued)**

Council: *Council inserts their hiring policy.* Councils may hire employees directly. As primary recipients of federal assistance, Councils must comply with applicable civil rights laws related to hiring practices.

#### Supervision

The assistant state conservationist for field operations located in the area servicing the Council will supervise the RC&D coordinator assigned to assist the Council. NRCS will designate supervisory responsibility for any additional NRCS staff assigned to assist the Council.

Council employees will be supervised by *Council will insert their supervision policy.* These employees interact with NRCS and other USDA staff. NRCS coordinators do not directly supervise Council employees. The Council supervises Council employees. The coordinator may provide day-to-day guidance regarding implementation of the Council's area plan and annual plan of work. The coordinator may provide technical guidance to Council employees to ensure that projects are carried out according to "agreed to" guidelines. NRCS employees cannot directly hire, fire, or rate the performance of a Council employee.

#### Training

Training will be provided by a variety of activities: formal, on-the-job, and self-development. The MOU parties will provide appropriate training necessary to carry out the assigned duties of the position. The Council will be responsible for all costs incurred for training Council employees. NRCS will be responsible for all costs incurred for training NRCS staff.

#### Performance

NRCS: Yearly performance appraisals are conducted in accordance with all applicable departmental and federal guidelines. NRCS supervisors have a responsibility for carrying out the appraisal process to ensure consistency, objectivity, and equity in the development of elements and standards and the subsequent appraisal based on the requirements of the employee's position. Performance of NRCS employees will be evaluated based in part, on achievement of established national, state, and Council goals.

For all NRCS employees, the appraisal period is normally 12 months beginning October 1 and ending the following September 30. The minimum amount of time for an

## Conservation Programs Manual

### Part 513 – Resource Conservation and Development Subpart F – RC&D Exhibits

#### **KS513.71 RC&D Memorandum of Understanding Template (continued)**

appraisal is 90 calendar days. The NRCS supervisor will conduct at least one progress review of standards and accomplishments during the established appraisal period.

Council: *Council will insert their policy.*

#### Equipment Use

Maintenance of Council-owned equipment, purchased for NRCS use, will be provided by the NRCS. When the annual maintenance costs exceed 50 percent of the original purchase cost, or when NRCS determines the equipment obsolete, the Council will assume maintenance costs.

NRCS purchased equipment will be maintained by NRCS.

Equipment purchased for use by, and dedicated to the Council employees and programs, shall be installed and maintained by the Council.

#### Computers

NRCS will provide computers for all assigned NRCS employees, plus one Council employee (subject to available NRCS budget) who is providing assistance in developing and/or implementing the area plan and annual plan of work. Any additional computers provided will be negotiated on a case-by-case basis.

Council-owned computer equipment/software will meet Office of the Chief Information Officer/Information Technology Service (OCIO/ITS) and NRCS standards before they can be connected to the USDA network or loaded on NRCS computers, and will be installed, operated, and maintained according to OCIO/ITS and NRCS policy.

Any costs (such as security clearance) associated with connecting a Council employee or Council volunteer to the NRCS computer system will be paid by the Council through an established system determined by NRCS.

#### Vehicles

Council members and/or employees may accompany NRCS employees in NRCS vehicles when conducting official NRCS business. Council members and/or employees may drive a NRCS vehicle on official NRCS business as long as a NRCS employee is present in the vehicle. Council members and/or employees may operate a NRCS vehicle independently, providing they are signed up as an NRCS Earth Team volunteer

## Conservation Programs Manual

### Part 513 – Resource Conservation and Development Subpart F – RC&D Exhibits

#### **KS513.71 RC&D Memorandum of Understanding Template (continued)**

and performing official NRCS business. Independent use requires pre-approval from the STC (Conservation Programs Manual (CPM), Part 513, RC&D, Section 513.48(b)).

All persons operating a NRCS vehicle must possess a valid driver's license and are required to follow all USDA and NRCS rules and regulations pertaining to use of government vehicles.

#### Postage and Supplies

The Council will supply postage and necessary supplies to conduct Council business. NRCS will supply postage and supplies to NRCS staff to carry out official NRCS business.

#### Office Space

NRCS will provide office space for the assigned NRCS staff, one volunteer, and one Council employee. Any additional space needs will be negotiated on a case-by-case basis between the STC and the Council.

When an RC&D office is located within a USDA service center, the Council may utilize the shared conference room facilities, provided the meeting relates to implementation of the area plan and an authorized NRCS employee is present.

#### Handling of Funds

NRCS employees, as federal staff, are prohibited from handling or being responsible for Council and/or committee funds, or from participating in record keeping and documentation of the use of such funds. Only authorized NRCS employees can utilize the Government Purchase Card.

#### Participation in Fundraising

NRCS employees may not participate or assist in fundraising activities for the Council. No fees may be charged for the services of an NRCS employee. NRCS equipment (faxes, phones, computers, copiers, vehicles, etc.) may not be used for Council fundraising activities.

#### Ethics

Federal employees are to conform to the high standards set for people in public service. Laws, regulations, and policies ensure the public that federal employees will not engage

## Conservation Programs Manual

### Part 513 – Resource Conservation and Development Subpart F – RC&D Exhibits

#### **KS513.71 RC&D Memorandum of Understanding Template (continued)**

in any actions that create or appear to create an impropriety. Violations of ethics laws or regulations may subject federal employees to civil and/or criminal penalties as well as removal from office. Partnership arrangements, such as those found within the RC&D Program, can also result in conflicts with the requirements of appropriation laws.

All USDA employees are required to become familiar with the information found at the USDA ethics Web site at <http://www.usda.gov/ethics/index.htm> and the NRCS ethics Web site at <http://www.nrcs.usda.gov/intranet/ethics>. RC&D coordinators are required to sign liaison letters and take the liaison training on AgLearn.

Council members are encouraged to become familiar with this information.

#### Lobbying

NRCS equipment and/or supplies may not in any circumstance be used for lobbying purposes. NRCS employees are strictly prohibited from all lobbying activities.

#### Data Sharing

NRCS information/data accessible to Council members or employees may not be shared or supplied to the public without clearance through the Freedom of Information Act (FOIA) Officer.

Privacy of personal information relating to NRCS programs will be in accordance with Section 1244, Title II, Farm Security and Rural Investment Act of 2002 (P.L. 107-171, 116 Stat. 235).

#### Public Information

The Council, as recipient, will follow the Equal Opportunity Public Notification Policy, DR4300-3, November 16, 1999, found at <http://www.ocio.usda.gov/directives/doc/DR4300-003.htm>. The Council agrees to acknowledge NRCS support on any written publication or electronic presentation, such as PowerPoint, video, etc., produced with NRCS financial support, and on any publication or presentation reporting the results of, or describing, this supported activity.

In addition, electronic presentations produced with NRCS financial support are to be Section 508 compliant. The 1998 Amendment to Section 508 of the Rehabilitation Act can be found at <http://www.section508.gov/index.cfm?FuseAction=Content&ID=3>. Alternate formats of presentations must be available if requested.

## Conservation Programs Manual

### Part 513 – Resource Conservation and Development Subpart F – RC&D Exhibits

#### **KS513.71 RC&D Memorandum of Understanding Template (continued)**

##### Files and Records

Council records and files may be stored in the NRCS office space. Council records shall be kept/filed separately from NRCS records. The NRCS filing system and disposition shall follow guidelines in the General Manual (GM) Title 120, Part 408, Subpart D. NRCS records and files are open to the public according to FOIA as stated in the GM Title 120, Part 408, Subpart C. Requests for public records will be made to the FOIA Officer, USDA-NRCS, 760 S. Broadway, Salina, Kansas 67401. The request will be in writing, citing FOIA, and listing the specific records requested.

*Council will insert their specific file and records policy.*

##### Civil Rights

The 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 Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

##### Period and Terms of MOU

The project period for this MOU shall begin on the date of the last signature and will continue indefinitely unless canceled by either party.

This MOU may be terminated by either party by written notice to the other party at least 30 days in advance of the effective date of termination.

##### Provisions

By signing this MOU, the Council assures the NRCS that the program and/or activities provided for under this MOU will be conducted in compliance with all applicable federal civil rights laws, rules, regulations, and policies.

Conservation Programs Manual

Part 513 – Resource Conservation and Development  
Subpart F – RC&D Exhibits

**KS513.71 RC&D Memorandum of Understanding Template (continued)**

Authority

The undersigned parties hereby agree to the terms and conditions specified above.

\_\_\_\_\_ RESOURCE CONSERVATION AND DEVELOPMENT  
COUNCIL

By: \_\_\_\_\_

Title: \_\_\_\_\_ President \_\_\_\_\_

Date: \_\_\_\_\_

UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE

By: \_\_\_\_\_

Title: \_\_\_\_\_ State Conservationist \_\_\_\_\_

Date: \_\_\_\_\_