



NATIONAL INSTRUCTION NO. 230-300

SUBJECT: EQ OPP CIV RITS

PART 300 - EQUAL OPPORTUNITY PROGRAM

§300.00 Purpose.

This instruction states Soil Conservation Service (SCS) policy on equal employment opportunity (EEO). 300.01(d)

§300.01 General.

(a) Executive Order 11478, the Equal Employment Act of 1972, and FPM Chapter 713 state the policy of the U.S. Government: "to provide equal employment opportunity to all persons; to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, and physical or mental handicap; and to promote the full realization of equal employment opportunity through a continuing affirmative action program in each Department and Agency."

(b) The Department of Agriculture's policy determined by Executive Order 11478, the Equal Employment Act of 1972, P.L. 93-259 - Age Discrimination, and FPM Chapter 713 is stated in Chapter 713 of the Department's Personnel Manual. It prohibits discrimination and states that the principles on which our Government is based require equal employment opportunity for all qualified persons.

(c) SCS policy is to promote EEO in every aspect of personnel policy and practice in the employment, development, advancement, and treatment of all employees. Annual action plans for progress in EEO are to be made. They are to be aimed at insuring EEO throughout SCS.

(d) Recruitment sources are to be used without discrimination to obtain the best qualified applicants for a position. Job requirements should reflect the valid considerations for effective performance in each position. Qualifications of applicants are to be evaluated without regard to race, color, religion, sex, national origin, physical or mental handicaps, and age. Employment practices, the Merit Promotion Program, the Employee Development Program, the Upward Mobility Program, and inservice placements are based on objective criteria. Impartial consideration is given to all eligible employees in order to place the best qualified candidate available in each position.

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§300.02 EEO officials.

(a) Equal Opportunity Officer. The Chief of SCS serves as the Equal Employment Opportunity Officer (EEOO) for the SCS EEO program, which includes the Federal Women's Program and the Hispanic Employment Program. The EEO Coordinator, appointed by the EEOO, provides staff assistance to the EEOO as well as service wide leadership in developing, implementing, and evaluating a comprehensive EEO program. The Deputy Chief for Administration, technical service center directors, state conservationists, and the Director of the Caribbean Area serve as deputy equal employment opportunity officers (DEEOO) for their jurisdictional areas.

(b) Federal Women's Program Managers. The National Federal Women's Program Manager, appointed by the Chief, serves as a central point of contact for advancing the program, coordinates agency activities related to employment and advancement opportunities for women, and provides leadership and guidance to field coordinators. Each DEEOO is to appoint a Federal Women's Program Manager to serve **in** an advisory or counseling role to the DEEOO on all matters related to the Federal Women's Program (FWP) FWP Managers also:

- (1) Provide information to all employees and keep the informed of FWP activities,
- (2) Provide guidance to women employees who are interested in self-development, and advise supervisors and management of the concerns of women employees,
- (3) Contribute to the development of EEO plans and progress reports, and
- (4) Serve as members of EEO committees.

(c) Hispanic Employment Program Managers. The SCS National Hispanic Employment Program Manager, appointed by the Chief, provides leadership in developing objectives and activities for the agency Hispanic Employment Program. Hispanic Employment Program Managers are to be appointed by DEEOO's, where needed, to serve in an advisory or counseling role on all matters pertaining to the program. Managers are to:

- (1) Assist in developing recruiting methods to attract Hispanics to SCS for possible employment,
- (2) Contribute to the development of the EEO plan and implementation,
- (3) Consult with Hispanic employees interested in self-development,

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(4) Serve as members of EEO committees.

(d) Equal employment opportunity counselors. Each DEEOO is to designate at least one equal employment opportunity counselor and, in those states having more than 500 employees, is to appoint an additional counselor. Counselors are to receive formal training before assuming duties.

(1) If an employee feels discriminated against because of race, color, religion, sex, national origin, age, or physical or mental handicap, and the matter is not resolved with the supervisor **or** if the employee does not wish to discuss the matter with the supervisor, he or she may then contact any USDA EEO counselor. If the SCS EEO counselor is the complainant's supervisor or if other reasons **exist** that prevent or make improper the complainant's contacting the designated counselor, the complainant may contact the EEO Coordinator, SCS, Washington, D.C., for names of other counselors to contact in resolving the complaint.

(2) Counselors are to make necessary inquiries into each complaint, seek a solution on an informal basis, and counsel the aggrieved person concerning the issues in the matter. Information and instructions for filing formal complaints are in the Personnel Handbook, chapter 713.

§300.03 Supervisory role.

(a) Supervisors play an important role in the development, training, retention, and effective use of all employees. The normal supervisory channels must always be available for discussing complaints of discrimination. Supervisors, as representatives of management, are responsible for carrying out the nondiscrimination policy in their relations with employees and must be knowledgeable of the EEO program. If an employee feels discriminated against and is willing to discuss it with his or her supervisor, the supervisor should make every effort to resolve the matter.

(b) Supervisors are to make every reasonable effort to accommodate the religious needs of employees, including those who observe the Sabbath on a day other than Sunday.. This can be accomplished by granting leave, changing the tour of duty, or other appropriate means, so long as carrying out SCS programs is not adversely affected. Supervisors are evaluated on their EEO performance.

§300.04 EEO committees.

(a) The National EEO Committee appointed by the Chief (EEOO) is to assess and advise SCS top management on agency EEO program effectiveness. Each DEEOO is to establish an EEO committee to advise on all matters related to the EEO program. EEO committee members represent all employees, including minorities and women, in various occupations and grade levels.

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Members are to serve overlapping terms, so that no more than one-third to one-half of the committee membership is turned over each year. The committee is to meet as often as necessary, but at least quarterly.

(b) Functions of EEO committees include providing the DEEOO with feedback on the performance of the EEO program, identifying areas of weakness and emerging program areas needing attention, and advising on development of EEO plans and progress reports. The committees also serve as vehicles through which employees can bring EEO matters to the attention of the DEEOO. EEO committee recommendations are to be reported in writing to the DEEOO for appropriate consideration and follow-up action.

§300.05 Formal complaints of discrimination.

(a) If a complaint cannot be resolved informally by the counselor, an employee can direct a formal complaint to any of the following:

- (1) Soil Conservation Service
 - (i) Chief
 - (ii) Deputy Equal Employment Opportunity Officer
- (2) U.S. Department of Agriculture
 - (i) Secretary of Agriculture
 - (ii) Director of Equal Employment Opportunity
 - (iii) National Federal Women's Program Manager
 - (iv) National Hispanic Employment Program Manager

(b) During any stage of complaint processing, including counseling, complainants have the right to be accompanied, represented, and advised by representatives of their choosing. Complainants or their representatives, or both, if employed by SCS, are to be granted a reasonable amount of official time to present a complaint.

§300.06 Employee rights.

All SCS employees may read USDA and SCS regulations on EEO at any SCS state or other administrative office. Each employee is free from restraint, interference, coercion, or reprisal on the part of his or her associates or supervisors in making a complaint or appeal, in serving as a representative of a complainant or appellant, in appearing as a witness, or in seeking information in accordance with these regulations and procedures. Employees should refer questions or requests for needed information to their administrative offices.